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March 7, 2025

Ms. Jessica Patterson, Director
Office of State Procurement
Arkansas Department of Transformation and Shared Services
501 Woodlane Street, Ste 220
Little Rock, AR 72201
Jessica.Patterson@arkansas.gov

RE: Metrc Protest of Award in Solicitation No. S000000361: Medical Marijuana Seed to Sale Tracking System

Dear Ms. Patterson:

Thank you for the opportunity to address the allegations listed within Metrc's documented protest on 3/6/2025. BioTrack respectfully requests that Metrc's protest be rejected promptly to prevent a delay in system implementation that could be detrimental to program licensees and Arkansas cannabis patients.

As the information that we have listed below will illustrate, Metrc acted in bad faith when it presented its cost proposal to the State of Arkansas. Metrc has a repeated history of minimizing its cost proposals during the bidding process and then holds the State's system captive until the State agrees to allow Metrc to charge licensees to access and use its system, even when that is in direct violation the State's clear mandates within the RFP. This is evidenced by multiple lawsuits in Missouri, Oklahoma, and beyond. There is not a single State contract that Metrc does force licensees to purchase their tags only, it also charges licensees to access a GUI, and is now charging third party integrators and licensees to have any access to its API. This creates a pay for play situation that violates the clear instructions set out by Arkansas. Further details and supporting documentation that were obtained by public sources is set forth below.

Support Needs

The support issues that Metrc referenced in its protest are more than 3-4 years old and are all within a 4-month period. Metrc has attempted to convolute one isolated event where some licensees addressed several system concerns. Most of those issues documented stemmed from BioTrack's commercial system and not the State Seed to Sale System so they are not pertinent to this contract. However, BioTrack acted quickly and sent several representatives to the State to hear the State and all licensees. We addressed the issues and have continued to support the Arkansas industry best. The reason that Metrc did not include any recent articles complaining about BioTrack's support is because there are none.

BioTrack's support is second to none. The State of Arkansas program has several escalation points and direct cell phone numbers of many staff - including our COO, who regularly touches base with Arkansas staff to support their needs.

BioTrack is proud to have been the vendor of record for the Arkansas State Traceability Enforcement Monitoring System since its go-live in 2017. Contrary to Metrc's false claim about BioTrack not including our experience within our proposal, our valuable experience within the State was listed on page 2 of our Experience. Screenshot is below for reference.

Claim of Expertise:	BioTrack has provided the Seed to Sale System for the State of Arkansas since go-live in 2017. BioTrack successfully designed and implemented the State of Arkansas Department of Health comprehensive medical marijuana system that includes both a seed-to-sale tracking system and an integrated patient registry. BioTrack has provided superior support and maintenance for that system since go-live.
Documented Performance:	The BioTrack Arkansas Seed to Sale System for medical sales went live in 2017. The System has been actively used by all AR industry stakeholders since go-live.

However, in sharp contrast, Metrc has been plagued by massive bugs and claims of lack of support. Some examples are below.

- Metrc data was found to be false in the State of Missouri. The State was forced to do a large and unprecedented product recall because Metrc's system lacked final product testing. That workflow is a fundamental component of BioTrack's system to ensure that only tested products end up in patients' hands.
<https://missouriindependent.com/2024/08/16/unprecedented-second-massive-missouri-cannabis-recall-leaves-some-companies-scrambling/>
- Metrc's poor quality of data related to lab testing has shut down licensees in Montana.
<https://mjbizdaily.com/montana-marijuana-lab-closes-after-compliance-software-glitch/>
- The State of California has suffered drastic downtime, with reports of up to 9 hours at times. The State program has come forward explaining that Metrc has encountered many performance issues.
<https://mjbizdaily.com/metrc-downtime-proving-costly-for-california-cannabis-companies/>
- Oklahoma's industry participants sued both Metrc and the State over concerns that Metrc was not properly supporting them with issues caused by Metrc's implementation.
 1. <https://www.news9.com/story/62e9630925ad73071fd9f6fd/growers-file-classaction-lawsuit-against-omma-cite-regulatory-procedures>
 2. <https://mjbizdaily.com/oklahoma-medical-marijuana-regulators-sued-over-seed-to-sale-tracking/>
 3. <https://okcfox.com/news/local/medical-marijuana-business-owners-sound-off-on-lawsuit-filed-against-omma>
- Oklahoma's licensees had a significantly hard time getting support from Metrc. This caused great pain and cost to their businesses, after the legal lawsuits regarding the system's possible unconstitutionality.
<https://www.oklahoman.com/story/business/2022/09/26/oklahoma-cannabis-industry-lawsuits-follow-metrc-tracking/69504170007/>
- Michigan operators suffered malfunctions when Metrc was down and could not dispense products to patients promptly.
<https://www.mlive.com/public-interest/2020/02/michigan-medical-marijuana-stores-halt-sales-due-to-computer-glitch.html?outputType=amp>

Ownership

BioTrack is willing to transparently address any concerns regarding its ownership and company leadership. On December 20, 2023, Zachary L. Venegas and Scott Ogur (CEO and CFO, respectively of BioTrack) purchased BT Assets Group Inc. from Alleaves Inc. BT Assets Group Inc. is the 100% owner of BioTrack. Since December 20, 2023, there has been no change to the corporate structure of BioTrack. The two articles shared contained drastically inaccurate information and were written without BioTrack's consent or collaboration. The men listed in those articles have never held any formal, corporate, or leadership role within BioTrack and our company is not affiliated with them.

Tags

Metrc's cost proposal submitted (*screenshot below for reference*) failed to properly document the true impact of their intent of selling their proprietary RFID tags. They only list one tag in total cost but their intention (and their entire cost model) relies on Metrc being the sole reseller of RFID tags.

Table 1 (to be used in low-cost determination)									
Description	All-Inclusive Seven Year Total Cost								
Total 7 Year Cost	\$	597,500.00	plus plant and package tracking						
Table 2 - Cost Breakdown Per Item/Activity (to be used in low-cost determination)									
Item/Activity	One-Time Cost	Year 1 Annual Cost	Year 2 Annual Cost	Year 3 Annual Cost	Year 4 Annual Cost	Year 5 Annual Cost	Year 6 Annual Cost	Year 7 Annual Cost	Total Cost
Licensing	\$ -	\$ 75,000.00	\$ 77,500.00	\$ 80,000.00	\$ 82,500.00	\$ 85,000.00	\$ 87,500.00	\$ 90,000.00	\$ 577,500.00
Hosting	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Implementation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Data Conversion	\$ 20,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000.00
Interfaces	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Testing	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Training	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Plant tracking	\$ -	0.5 per plant	0.5 per plant	0.5 per plant	0.5 per plant	0.5 per plant	0.5 per plant	0.5 per plant	0.5 per plant
Package tracking	\$ -	0.5 per package	0.5 per package	0.5 per package	0.5 per package	0.5 per package	0.5 per package	0.5 per package	0.5 per package
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Metrc's intention that they failed to properly disclose within their cost proposal is to require all licensees to purchase their tags solely from Metrc and Metrc alone, which is strictly prohibited based on the answer that the State of Arkansas provided via the Q&A in response to question number 4. Below is the screenshot of that direct answer from the State where it is clear that the price proposals submitted can not be dependent upon additional fees to be charged to licensees or third parties.

The RFP does not require RFID or Inventory tags be purchased from the Seed to Sale Vendor. All cost to meet the requirements set forth in the RFP must be included on the Official Solicitation Price Sheet. Prospective Contractor's pricing to meet the requirements must not include or be dependent upon additional fees charged to licensees or other third parties.

Metrc does not have a single state where they do not require licensees to purchase their proprietary RFID tags directly from them alone.

This is a common tactic that Metrc employs within RFPs to deceive States that do not want to require tags. Metrc does not have any State contract where it does not require licensees to purchase their tags. Within its proposal, Metrc wrote **"While physical tracking tags are outside of the scope of this RFP, they are an integral part of our proposed solution to meet the requirements set forth in the RFP. As such, and as instructed in Q&A, we have included the associated cost for tracking plants and packages (and**

associated tracking tags) in our Solicitation Price Sheet. We look forward to discussing this service and possible implementation models during negotiations.”

As clearly illustrated within Metrc’s cost proposal that is above, Metrc failed to disclose the entire cost for tags that they intended to charge (they only list 1 solitary tag yet were going to require licensees to purchase every single tag from Metrc and only Metrc and was clearly planning to ambush the State with that requirement as the company has done with previous States. For that reason alone, Metrc’s entire response should be thrown out and considered invalid.

This tactic has caused significant legal drama for several states. These legal cases create severe delays for these states’ cannabis programs and can often take years for these programs to move forward. Delays in Missouri and Oklahoma have wreaked havoc on those State industries and caused some licensees to close while they waited for resolution. These delays are costly not just to States but also patients and cultivators. Some examples of the legal troubles related to Metrc’s issues are below:

- The State of Washington initially selected Metrc (also known as Franwell at the time) and the Washington licensees vocalized their strong opposition due to their RFID tags and other associated system fees so loudly that the State reversed their selection and went with a different choice.

<https://cannabisindustryjournal.com/column/washington-changes-course-selects-mj-freeway-as-new-asv/>

- Metrc is so reliant on their RFID-tag model that Metrc sued the State of Missouri multiple times to attempt to force that State to allow them to be the sole seller of system tags. Some articles related to the legal fights over tag fees in Missouri are below. That State’s RFP clearly stated that they requested “firm, fixed pricing” and as the court ruled, Metrc failed to disclose their system’s tagging requirements. Despite the judge ruling against Metrc stating ***“It is hereby Ordered and Adjudged that judgment issued in favor of Respondents on all claims in the Petition and that, under contract No. CR191827001, Metrc is not entitled to request or receive compensation from non-state entities for the RFID tags. Each party to bear its own costs.”*** Metrc went on to appeal that ruling, where the judge reaffirmed the previous ruling that they could not charge for tags. Despite this, Metrc forced the state into purchasing tags or risk delaying their market adoption even longer.

<https://mjbizdaily.com/metrc-loses-court-fight-over-tag-fees-for-missouri-marijuana-businesses/>

<https://foleyhoag.com/news-and-insights/blogs/cannabis-and-the-law/2020/july/metrc-has-ongoing-dispute-in-missouri/>

<https://www.courts.mo.gov/cnet/cases/newHeader.do?inputVO.caseNumber=19AC-CC00426&inputVO.courtId=SMPDB0004 CT19#docket>

<https://www.courts.mo.gov/cnet/cases/newHeader.do?inputVO.caseNumber=WD83565&inputVO.courtId=SMPDB0001 WAP#docket>

- The State of Oklahoma’s rollout also stalled due to countless legal troubles related to Metrc’s tag model. Lawsuits related to anti-monopoly charges were levied against Metrc. This caused a significant delay for the State of Oklahoma and caused pain to their licensees.

<https://www.oklahoman.com/story/business/2022/02/26/oklahoma-medical-marijuana-dispensaries-seed-sale-tracking-service-ommaok/6940627001/>

Continued Legal Troubles

The State of Maine is currently investigating Metrc’s contract related to potential collusion. The leader of the State Program was connected to Metrc and negotiated their contract renewal. This is a serious oversight and will have potential impacts on the legitimacy of that State’s system and relevant data.

<https://www.mainepublic.org/2025-02-19/government-oversight-committee-orders-conflict-of-interest-investigation-involving-john-hudak>

<https://www.themainewire.com/2025/02/maine-cannabis-chief-investigated-over-potential-conflict-of-interest-with-metrc/>

Metrc Connect (Metrc V2)

Tags are not the only cost that Metrc failed to mention that the company was depending on to sustain its cost model. The cost proposal that Metrc submitted does not mention their Metrc Connect product (also known as Metrc v2).

As part of the answers during the Q&A process of the RFP, the State of Arkansas made it clear that all costs to meet the requirements outlined in the RFP must be included on the Official Solicitation Price Sheet and that pricing cannot be dependent upon additional fees charged to licensees or other third parties. Below is the State of Arkansas' explicit answers to questions 4 and 5 from the Q&A process.

The current ABC rules does not require licensees to purchase inventory tags from the state's Seed to Sale system. All cost to meet the requirements set forth in the RFP must be included on the Official Solicitation Price Sheet. Prospective Contractor's pricing to meet the requirements must not include or be dependent upon additional fees charged to licensees or other third parties.
The RFP does not require RFID or Inventory tags be purchased from the Seed to Sale Vendor. All cost to meet the requirements set forth in the RFP must be included on the Official Solicitation Price Sheet. Prospective Contractor's pricing to meet the requirements must not include or be dependent upon additional fees charged to licensees or other third parties.

Metrc Connect (also known as Metrc V2) is a product that Metrc began rolling out in 2023. Metrc Connect is an API that integrators pay to use. Although Metrc provides a very small subset of API calls for free, most third-party integrators have to pay a significant amount for all of their API calls. Oftentimes, that cost is also passed onto the industry consumer, adding a burdensome overhead that directly upholds Metrc's cost proposal. BioTrack alone pays more than \$4,500 monthly or roughly \$100 per licensee to Metrc to use this API in other States that Metrc is the vendor of record for. This represents a significant cost share that Metrc has failed to include in their cost proposal, which is a direct violation of RFP rules.

Metrc has recently deprecated their entire V1 API so that only their paid API (Metrc v2) is available for use. Within its proposal, Metrc only mentioned their Metrc Connect product (also known as Metrc V2) exactly once and never mentioned that it was a paid API. Within Metrc's proposal, the company called it their "advanced API solution" but the truth is that it is their only API solution. Below is a notification that Metrc sent out on January 8, 2025 regarding the removal and deprecation of their v1 API (which was their only free API).



Hello,

We are reaching out to inform you that your access to our V1 API will be deactivated **02/17/2025**

v1 API keys were scheduled for deactivation six months after a v1 integrators migration to Connect. However, as we've been working with our integration partners to ensure smooth transitions and minimal disruptions to services provided, some extra time has been allocated for integrators to complete the migration into Metrc Connect and begin fully utilizing the v2 endpoints.

What This Means for You:

Your current V1 API access will be disabled for **ALL STATES** you currently have access to. Following that date, all calls made to v1 endpoints will return a 401 response.

Transition to V2:

We encourage you to transition to our V2 API, which offers improved performance, additional features such as pagination, and new endpoints

Next Steps:

Review Documentation: Documentation can be found - <https://api-XX.metrc.com/Documentation/>
(Enter the corresponding state in the XX place as seen below)
(Example <https://api-nj.metrc.com/Documentation/>) to familiarize yourself with the V2 API capabilities.

Migration Assistance: Our support team is here to assist you with the migration process. Don't hesitate to reach out at api-info@metrc.com if you have any questions.

We look forward to assisting you through this transition and beyond as you begin to fully utilize our newest version of the API.

In contrast, as described within our proposal, BioTrack has never charged and does not plan to begin to charge third party integrators or licensees within the State of Arkansas to use our API.

Sincerely,

A handwritten signature in black ink, appearing to read 'Moe Afaneh', written in a cursive style.

Moe Afaneh
Chief Operating Officer



CANNABIS

'Unprecedented': Second massive Missouri cannabis recall leaves some companies scrambling

Some dispensaries and facilities are still quarantining recalled products from last year

BY: **REBECCA RIVAS** - AUGUST 16, 2024 7:00 AM



Missouri's Division of Cannabis Regulation has issued a product recall for marijuana products sold by C&C Manufacturing, LLC and NGWMO LLC (Courtesy of DHSS).

State regulators issued two cannabis recall notices last week involving 135,000 marijuana products – more than double [Missouri's first massive cannabis product recall](#) exactly one year ago.

"I've never seen recalls of this magnitude in any other state," said Nick Rinella, CEO of Hippos Cannabis. "This is kind of unprecedented."

Since the announcement, Rinella and facility owners around the state have scrambled to quarantine thousands of vapes, edibles and

pre-rolled joints in their secure vaults. Now they'll wait until state regulators tell them what to do with those products.

Problem is, some of them are still holding products from last year's recall, which centered around [Robertsville-based manufacturer Delta Extraction](#), because that recall is still being challenged. However, others opted to work with the state to [destroy those products](#).

That's where "the stress comes from," said Mark Hendren, president of Flora Farms cannabis company.

If a dispensary or facility has a small vault, he said, "and you have product that you have to quarantine, it makes it difficult space wise for you to bring in other inventory to keep the business moving."

The first recall notice came on the night of Aug. 6, stating the Division of Cannabis Regulation was working "in partnership" with Marceline-based cultivation facility NGWMO LLC to "alert to patients and consumers about a mandatory product recall."

The grow facility is run by Nature's Grace and Wellness, which founded a family-owned farm in Vermont, Ill., in 2014 after the state passed medical marijuana. Tim O'Hern, COO and general counsel of Nature's Grace, is listed as the designated contact for the facility.

This recall involves 2,650 products and has to do with the products being tested too soon in the process.

"The recalled marijuana products were not compliantly tested prior to being sold to patients and consumers," the notice states. "The recalled marijuana product was tested at the unprocessed bud/flower stage rather than being tested at the final marijuana product stage..."

The second notice came two days later for the Springfield-based manufacturing facility C&C Manufacturing LLC. Notably, it didn't include the "in partnership" language.

It lists about 133,000 products, which regulators said were not properly tracked in the state's "seed to sale" tracing system called Metrc.

"Therefore," the notice states, "DCR cannot verify compliance with health and safety requirements."

However, the division emphasized that no adverse reactions involving recalled products have been reported.

Matt Cummins, CEO of GOAT Extracts, is listed as the designated contact for the facility and a number of GOAT products are on the list.

The Independent reached out to both companies for comment and did not receive a response.

Adrienne Scales-Williams, owner of St. Louis dispensary Luxury Leaf, agreed that storage space for the recalled products is challenging. And while there's uncertainty on how long the products will need to be contained, she said she trusts the state is doing their due diligence to investigate the issue.

"We've been through this before," Scales-Williams said. "When it's not your first ride in the rodeo, you just handle it."

The impact



📷 (Rebecca Rivas/Missouri Independent)

The recall for the Springfield manufacturer is so widespread because the company specializes in making distillate, or THC concentrate that produces a high in edibles and vape pens.

Other manufacturers statewide bought the distillate and used it to make numerous brands of vapes, edibles or pre-rolled joints, including Rove, Zen and Packarillos.

The recall time frame is also quite wide. It goes back to last year when companies were trying to ramp up for recreational marijuana sales, Rinella said.

Rinella bought some of C&C's distillate in October when Hippos' own supply was low at its grow and manufacturing facilities, he said.

But he emphasized that this recall is not because of lack of testing. Once Rinella and other manufacturers got the distillate and made products with it, those were "properly tested" before they went on the shelves, he said.

"We can feel confident that those products were safe," he said. "They passed all the tests, and we have some of the most stringent tests in the country."

The division [lists the recalled products](#) in two Excel sheets. One is "product recall list," which includes the identifiers that the manufacturers use to track products. The division also posted a "consumer recall list" that includes numbers that customers are more likely to see on their products.

The division advises patients and consumers to stop using the products and return them to the dispensary. "Returned products will not count toward a patient's purchase limit," it states.

Also any adverse reactions should be reported to the [division of cannabis by email](#) or through [an online complaint form](#).

Delta Extraction

Just like C&C Manufacturing, the state's first recall on Aug. 2, 2023 centered around a distillate that was sold to numerous other manufacturers.

Also similarly, Delta Extraction's products were recalled due to the state's inability to track the ingredients to make the distillate on Metrc, which starts tracking marijuana plants from the moment they're planted in Missouri.

In that case, Delta was selling a [distillate that was mostly made up of hemp-derived THC](#), using hemp that wasn't grown in Missouri and couldn't be tracked.

Delta mixed it with a small amount of THC from marijuana grown in Missouri. It's much less expensive to make distillate from out-

state hemp than Missouri-grown marijuana, but Delta's consumers still paid marijuana prices.

[Hemp isn't a controlled substance](#) and can legally cross state lines, unlike marijuana.

The company appealed both the recall and the [revocation of their cannabis business license](#) before the Administrative Hearing Commission, challenging whether or not the state has the authority to regulate hemp products.

In March, Commissioner Carol Illes [heard three days of testimony and evidence](#) and has yet to release her decision.

Days before the two recent recalls, Gov. Mike Parson [signed an executive order](#) banning intoxicating hemp products and threatening penalties to any establishment with a Missouri liquor license or that sells food products for selling them.

According to the order, licensed cannabis dispensaries can't sell these products either because the hemp used to make them has to be grown in Missouri and tracked through Metrc. Nearly all of these products currently on the market — and the ones that Delta used — are made from hemp grown in other states.

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REBECCA RIVAS



Rebecca Rivas covers Missouri's cannabis industry. A graduate of the University of Missouri School of Journalism, she has been reporting in Missouri since 2001, including more than a decade as senior reporter and video producer at the St. Louis American, the nation's leading African-American newspaper.

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BY REBECCA RIVAS

February 26, 2025

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BY REBECCA RIVAS

February 21, 2025

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DEMOCRACY TOOLKIT



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03/11/2021

Judge/Clerk - Note

Request paid and emailed to requestor. cs

03/04/2021

Request for Records Filed

Request for records. cs

02/17/2021

Mandate from MO Ct of Appeals

Now on this day the judgment is affirmed. The Respondents Sarah Steelman, Division of Purchasing & Materials Management, Office of Administration, State of Missouri, and Karen S. Boeger shall recover against the Appellant the costs and charges herein expended, and shall have execution therefor. Opinion filed. Kimberly K. Boeding/clerk/sb

02/24/2020

Retn Serv-Reg/Cert Mail Succs

Certified mail for Craig Jacobs return successful. sb

Associated Entries: 02/13/2020 - Certification Filed +**Retn Serv-Reg/Cert Mail Succs**

Certified mail for Lowell Pearson return successful. sb

Retn Serv-Reg/Cert Mail Succs

Certified mail for R Ryan Harding return successful. sb

Retn Serv-Reg/Cert Mail Succs

Certified mail for Charles Hatfield return successful. sb

02/13/2020

Ackn Notice of Appeal Filed

WD83565

Judge/Clerk - Note

Notice of Appeal e-mailed to the Western District Court of Appeals this date. sb

Certification Filed

Certified mail for Charles Hatfield. sb

Certification Filed

Certified mail for R Ryan Harding. sb

Certification Filed

Certified mail for Lowell Pearson. sb

Certification Filed

Certified mail for Craig Jacobs. sb

Associated Entries: 02/24/2020 - Retn Serv-Reg/Cert Mail Succs +

02/12/2020

Notice of Appeal Filed

Notice of Appeal; Judgment; Electronic Filing Certificate of Service. sb

Filed By: R. RYAN HARDING**On Behalf Of:** METRC LLC

01/10/2020

Judgment Entered

It is hereby Ordered and Adjudged that judgment issued in favor of Respondents on all claims in the Petition and that, under contract No. CR191827001, Metrc is not entitled to request or receive compensation from non-state entities for the RFID tags. Each party to bear its own costs. DRG/jeb

01/02/2020

Proposed Judmt/Dec Dis Filed

Proposed Findings of Fact, Conclusions of Law, and Judgment; Electronic Filing Certificate of Service.

Filed By: CRAIG HARRISON JACOBS**On Behalf Of:** METRC LLC

12/12/2019

Tried by Court-Civil**Hearing Held****Associated Entries: 11/25/2019 - Hearing Scheduled****Scheduled For:** 12/12/2019; 2:00 PM; DANIEL RICHARD GREEN; Cole Circuit

Exhibit Filed

Joint Exhibit 8 - Part 3; Joint Exhibit 8 - Part 4; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC, SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT, BIO-TECH MEDICAL SOFTWARE, INC., d/b/a BIOTRACK THC

Exhibit Filed

Joint Exhibit 5 - Part 13; Joint Exhibit 6; Joint Exhibit 7; Joint Exhibit 8 - Part 1; Joint Exhibit 8 - Part 2; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC, SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT, BIO-TECH MEDICAL SOFTWARE, INC., d/b/a BIOTRACK THC

Exhibit Filed

Joint Exhibit 5 - Part 10; Joint Exhibit 5 - Part 11; Joint Exhibit 5 - Part 12; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC, SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT, BIO-TECH MEDICAL SOFTWARE, INC., d/b/a BIOTRACK THC

Exhibit Filed

Joint Exhibit 5 - Part 7; Joint Exhibit 5 - Part 8; Joint Exhibit 5 - Part 9; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC, SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT, BIO-TECH MEDICAL SOFTWARE, INC., d/b/a BIOTRACK THC

Exhibit Filed

Joint Exhibit 5 - Part 4; Joint Exhibit 5 - Part 5; Joint Exhibit 5 - Part 6; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC, SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT, BIO-TECH MEDICAL SOFTWARE, INC., d/b/a BIOTRACK THC

Exhibit Filed

Joint Exhibit 3; Joint Exhibit 4; Joint Exhibit 5 - Part 1; Joint Exhibit 5 - Part 2; Joint Exhibit 5 - Part 3; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC, SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT, BIO-TECH MEDICAL SOFTWARE, INC., d/b/a BIOTRACK THC

Stipulation Filed

Joint Stipulation; Joint Exhibit 1 - Part 1; Joint Exhibit 1 - Part 2; Joint Exhibit 2 - Part 1; Joint Exhibit 2 - Part 2; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC, SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT, BIO-TECH MEDICAL SOFTWARE, INC., d/b/a BIOTRACK THC

11/30/2019

Answer Filed

Answer; Exhibit A; Electronic Filing Certificate of Service.

Filed By: CRAIG HARRISON JACOBS

On Behalf Of: SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT

11/25/2019

Hearing Scheduled

Associated Entries: 12/12/2019 - Hearing Held

Scheduled For: 12/12/2019; 2:00 PM; DANIEL RICHARD GREEN; Cole Circuit

11/21/2019

Notice

Notice of Trial Setting; Electronic Filing Certificate of Service. kdh*

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC

11/12/2019

Motion Granted/Sustained

The Court orders that BioTrack's Motion to Intervene is granted. DRG/jeb

Filed By: DANIEL RICHARD GREEN

Associated Entries: 10/10/2019 - Motion to Intervene +

11/07/2019

Hearing Held

Associated Entries: 10/31/2019 - Motion Hearing Scheduled

Scheduled For: 11/07/2019; 10:30 AM; DANIEL RICHARD GREEN; Cole Circuit

Suggestions in Opposition

State Respondents Suggestions in Opposition to Bio-Tech Medical Software, Incs Motion to Intervene; Electronic Filing Certificate of Service.

Filed By: CRAIG HARRISON JACOBS

On Behalf Of: SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS
MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT

10/31/2019

Motion Hearing Scheduled

Associated Entries: 11/07/2019 - Hearing Held

Scheduled For: 11/07/2019; 10:30 AM; DANIEL RICHARD GREEN; Cole Circuit

10/29/2019

Notice of Hearing Filed

Notice of Hearing; Electronic Filing Certificate of Service.

Filed By: CHARLES WILLIAM HATFIELD

Judge Assigned

10/28/2019

Entry of Appearance Filed

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: CHARLES WILLIAM HATFIELD

10/23/2019

Motion for Extension of Time

State Defendants Motion for Extension of Time to File a Responsive Pleading; Electronic Filing Certificate of Service. kdh*

Filed By: CRAIG HARRISON JACOBS

On Behalf Of: SARAH H STEELMAN, OFFICE OF ADMINISTRATION, DIVISION OF PURCHASING & MATERIALS
MANAGEMENT DIRECTOR, DIVISION OF PURCHASING AND MATERIALS MANAGEMENT

10/21/2019

Order for Change of Judge

Case assigned to Division 2 for trial. /s/JEB/jw

Order for Change of Judge

Change of Judge granted. Case transferred to Division 1 for assignment.

Filed By: PATRICIA S JOYCE

Case Review Held

Change of Judge granted. Case transferred to Division 1 for assignment.

Associated Entries: 10/11/2019 - Motion Hearing Scheduled

Scheduled For: 10/21/2019; 1:30 PM; PATRICIA S JOYCE; Cole Circuit

10/18/2019

Suggestions in Opposition

Suggestions in Opposition to Motion to Intervene; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC

10/11/2019

Motion Hearing Scheduled

Associated Entries: 10/21/2019 - Case Review Held +

Scheduled For: 10/21/2019; 1:30 PM; PATRICIA S JOYCE; Cole Circuit

Notice of Hearing Filed

Notice of Hearing; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

On Behalf Of: METRC LLC

Application Filed

Application for Change of Judge; Electronic Filing Certificate of Service.

Filed By: R. RYAN HARDING

10/10/2019

Note to Clerk eFiling

Filed By: CHARLES WILLIAM HATFIELD

Motion to Intervene

BioTracks Verified Motion to Intervene; Exhibit A; Electronic Filing Certificate of Service.

Filed By: CHARLES WILLIAM HATFIELD

Associated Entries: 11/12/2019 - Motion Granted/Sustained +

09/27/2019

Entry of Appearance Filed

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: CRAIG HARRISON JACOBS

Entry of Appearance Filed

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: CRAIG HARRISON JACOBS

Entry of Appearance Filed

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: CRAIG HARRISON JACOBS

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Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: CRAIG HARRISON JACOBS

09/20/2019

Summons Issued-Circuit

Document ID: 19-SMCC-619, for DIVISION OF PURCHASING AND MATERIALS MANAGEMENT. Attorney to print two copies of service document created to issue for service and return. Service copy to include filings to serve, if applicable. sb

Summons Issued-Circuit

Document ID: 19-SMCC-618, for DIVISION OF PURCHASING & MATERIALS MANAGEMENT DIRECTOR. Attorney to print two copies of service document created to issue for service and return. Service copy to include filings to serve, if applicable. sb

Summons Issued-Circuit

Document ID: 19-SMCC-617, for OFFICE OF ADMINISTRATION. Attorney to print two copies of service document created to issue for service and return. Service copy to include filings to serve, if applicable. sb

Summons Issued-Circuit

Document ID: 19-SMCC-616, for STEELMAN, SARAH H. Attorney to print two copies of service document created to issue for service and return. Service copy to include filings to serve, if applicable. sb

Exhibit Filed

Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12; Exhibit 13; Exhibit 14. sb

Filed By: LOWELL D PEARSON

On Behalf Of: METRC LLC

Filing Info Sheet eFiling

Filed By: LOWELL D PEARSON

Note to Clerk eFiling

Filed By: LOWELL D PEARSON

Pet Filed in Circuit Ct

Petition for Declaratory Judgment; Petition Exhibit List; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6 - Part 1; Exhibit 6 - Part 2. sb

Filed By: LOWELL D PEARSON

On Behalf Of: METRC LLC

Confid Filing Info Sheet Filed

Confidential Case Filing Information Sheet. sb

Filed By: LOWELL D PEARSON

Judge Assigned

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To view public access documents on the Legal File or Supplemental Legal File, please go to the Circuit Court Case Docket Tab (). Click the link to review the start date for your Court ().

04/28/2021**Clerk Remark**

617 SW3d 472

02/17/2021**Case Disp- Opin & Mandate Sent****01/26/2021****Opinion- Affirmed**

**Associated Entries: 01/26/2021 - Signed Majority Opinion
Signed Majority Opinion**

Associated Entries: 01/26/2021 - Opinion- Affirmed

01/12/2021**Case Submitted**

Scheduled For: 01/12/2021; DIVISION 4; 4; WESTERN DISTRICT CT OF APPEALS

12/17/2020**Clerk Remark**

A Webex Oral Argument has been scheduled in this case on JANUARY 12, 2021 at 10:00 am. Anyone wanting to listen to the oral argument should email WDOraArgs@courts.mo.gov requesting the access information to listen to the Webex Oral Argument no later than 48 hours in advance of the scheduled argument. The request must include your email address, the telephone number you will be using to access the oral argument, the case name, the case number, and the date and time of the scheduled argument. You will be emailed the telephone number and meeting access number to listen to the oral argument by telephone over Webex.

12/10/2020**Oral Argument Scheduled**

Oral argument has been scheduled in this case on JANUARY 12TH, 2021 at 10:00 a.m. Oral argument will be conducted through WebEx, a remote web-based platform that permits attendance by computer or by telephone. ACTION REQUIRED. PLEASE READ THE ATTACHED INSTRUCTIONS WHICH MUST BE FOLLOWED AND WHICH ARE TIME SENSITIVE.

12/09/2020**Granted**

Associated Entries: 12/03/2020 - Req for Oral Argument Filed +

12/04/2020**Correspondence Sent**

letter acknowledging request for oral argument

12/03/2020**Req for Oral Argument Filed**

Appellants Motion for Oral Argument; Electronic Filing Certificate of Service.

Filed By: ROBERT RYAN HARDING**On Behalf Of: METRC, LLC****Associated Entries: 12/09/2020 - Granted****Correspondence Sent**

letter acknowledging a request for WebEx argument

12/02/2020**Req for Oral Argument Filed****Filed By: CRAIG HARRISON JACOBS**

**On Behalf Of: SARAH STEELMAN, DIVISION OF PURCHASING & MATERIALS MANAGEMENT, OFFICE OF
ADMINISTRATION, STATE OF MISSOURI, KAREN S BOEGER**

12/01/2020

Court Order Issued

regarding your January oral argument

11/23/2020

Case Docketed

for oral argument on 12-JAN-2021 before Div. 4: Martin, C.J., Presiding, Ahuja and Pfeiffer, JJ. Docket call is at 9:00 a.m.

10/08/2020

Appellant's Reply Brief

Filed By: ROBERT RYAN HARDING

On Behalf Of: METRC, LLC

09/30/2020

Sustained Until

08-OCT-2020

Associated Entries: 09/22/2020 - Mot Ext Time File Reply Brf

09/22/2020

Mot Ext Time File Reply Brf

Filed By: ROBERT RYAN HARDING

On Behalf Of: METRC, LLC

Associated Entries: 09/30/2020 - Sustained Until +

09/09/2020

Appendix Filed

Filed By: CRAIG HARRISON JACOBS

On Behalf Of: SARAH STEELMAN, DIVISION OF PURCHASING & MATERIALS MANAGEMENT, OFFICE OF ADMINISTRATION, STATE OF MISSOURI, KAREN S BOEGER

Associated Entries: 09/08/2020 - Respondent's Brief

09/08/2020

Respondent's Brief

Filed By: CRAIG HARRISON JACOBS

On Behalf Of: SARAH STEELMAN, DIVISION OF PURCHASING & MATERIALS MANAGEMENT, OFFICE OF ADMINISTRATION, STATE OF MISSOURI, KAREN S BOEGER

Associated Entries: 09/09/2020 - Appendix Filed

Clerk Remark

Respondent Bio-Tech Medical Software Did Not File A Brief

08/14/2020

Sustained Until

08-SEP-2020

Associated Entries: 08/06/2020 - Mot Ext Time to File Brief

08/06/2020

Mot Ext Time to File Brief

Filed By: CRAIG HARRISON JACOBS

On Behalf Of: SARAH STEELMAN, DIVISION OF PURCHASING & MATERIALS MANAGEMENT, OFFICE OF ADMINISTRATION, STATE OF MISSOURI, KAREN S BOEGER

Associated Entries: 08/14/2020 - Sustained Until +

07/08/2020

Appendix Filed

Filed By: ROBERT RYAN HARDING

On Behalf Of: METRC, LLC

Associated Entries: 07/08/2020 - Appellant's Brief

Appellant's Brief

Filed By: ROBERT RYAN HARDING

On Behalf Of: METRC, LLC

Associated Entries: 07/08/2020 - Appendix Filed

06/15/2020

Sustained Until

08-JUL-2020

Associated Entries: 06/05/2020 - Mot Ext Time to File Brief

06/05/2020

Mot Ext Time to File Brief

Filed By: ROBERT RYAN HARDING

On Behalf Of: METRC, LLC

Associated Entries: 06/15/2020 - Sustained Until +

04/08/2020

Record on Appeal Complete

Filed By: ROBERT RYAN HARDING

On Behalf Of: METRC, LLC

Transcript Filed

Filed By: ROBERT RYAN HARDING

On Behalf Of: METRC, LLC

Electronic LF Filed

Filed By: ROBERT RYAN HARDING

On Behalf Of: METRC, LLC

02/13/2020

NOA Filed in Appellate Court

02/12/2020

Filing Fee Paid

NOA Filed in Circuit Court



Government Oversight Committee orders conflict of interest investigation involving John Hudak

Maine Public | By [Carol Bousquet](#)

Published February 19, 2025 at 6:40 PM EST



The legislature's Government Oversight Committee has ordered a conflict of interest investigation involving John Hudak, the state's Director of the Office of Cannabis Policy. Critics say Hudak should recuse himself from negotiations with a software contractor led by a former business partner.

Republican Representative David Boyer has urged the committee to investigate why Hudak did not disclose his past working relationship with former colleague Lewis Koski who now works at Metrc.

"A lot of folks feel right then and there, he should have pumped the brakes, made some disclosure 'I cofounded Freedman and Koski. Koski's now at Metrc. It doesn't feel appropriate for me to lead the contract renegotiations,'" Boyer said.



Courtesy Of [Maine.Gov](#)

John Hudak

Boyer said Hudak negotiated a Metrc contract amendment that increased the contract to 890 thousand dollars. The contract is up for renegotiation, and Boyer said Hudak wants Maine's medical cannabis caregivers to also use the track and trace software.

"Dir. Hudak has made it his mission to push for medical track and trace. He's trying to push Metrc onto medical, where there are 1,600 caregivers versus 100 cultivators. And that represents a lot of money to be made," Boyer said.

The state said Hudak will not be involved in next year's contract renegotiations with Metrc.

A spokesperson for the Department of Administrative and Financial Services says Director Hudak has been clear and transparent about his past working relationships prior to joining OCP, and has repeatedly stated that he has neither direct, nor indirect, pecuniary interest in Metrc, in accordance with Maine law .

In February 2020, OCP entered a six-year contract with Metrc for cannabis inventory

Maine Public Radio

All Things Considered

with the statutory requirement to change from individual plant tagging to batch tracking.

On January 31, OCP released its RFP for the next cannabis inventory tracking system contract. Director Hudak did not participate in the development of the Cannabis Inventory Tracking System RFP, and he is not a member of the planned evaluation team.

The Office of Program Evaluation and Gov't Accountability will conduct the investigation.

Tags

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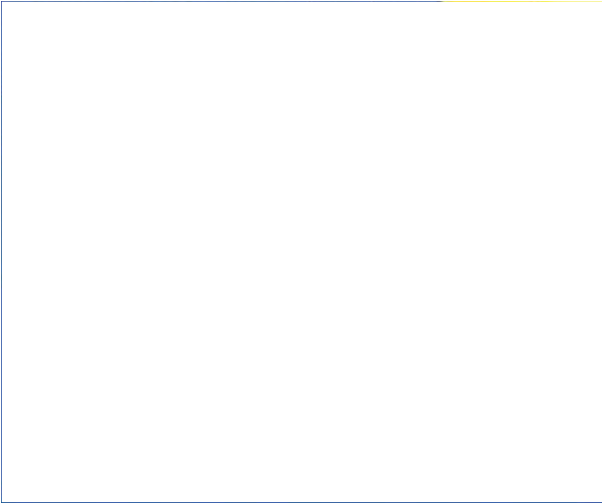
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GROWERS FILE CLASS-ACTION LAWSUIT AGAINST OMMA, CITE REGULATORY PROCEDURES

Oklahoma's cannabis industry is at odds. People on the growing, processing and selling side said the state's seed-to-sale contractor, Metric, is costing them money as testing backlogs keep product off dispensary shelves.

Tuesday, August 2nd 2022, 6:42 pm

By: Brittany Toolis

OKLAHOMA CITY -



Two attorneys who represent several growers from across the state have taken steps to hit the OMMA and Metrc with a class action lawsuit.

The lawsuit stems from their decision to contract Metrc to implement their seed-to-sale program. Those in the industry believe Metrc isn't prepared to handle the job.

Oklahoma cannabis growers, processors and dispensaries are caught in a sticky situation. New product test protocols are keeping thousands of dollars of product off dispensary shelves.

JKJ Processing has shelves filled with marijuana and gummies but aren't able to sell the product.

"We are still waiting for 15 days because there is such a backlog," said John Koumbis, HTE Owner.

Koumbis said he has about \$100,000 of product on his shelves and about \$40,000 of it is still waiting for a green light from the state.

"It's just frustrating, I mean my inbox blows up with patients [asking] 'why don't they carry your product?' [These are] products that aren't available, that they use as medicine," said Koumbis.

He's not the only cannabis processor who has to watch his products pile up. Oklahoma's industry has grown bigger than Colorado, Oregon and California combined.

"Once Metrc was implemented, the wait times went up exponentially and there were issues and there continues to be issues with the test results being available through the Metrc system," said attorney Felina Rivera with Renaissance Legal Solutions PLLC. "There were dozens of people who were on hold for three or four hours. [They] maybe got ahold of OMMA and they said you need to call Metrc, or they got ahold of Metrc and [were told] to call OMMA."



Oklahoma City based Felina Rivera and Tulsa based attorney Amber Peckio Garrett have spearheaded the class action lawsuit against OMMA and Metrc.

The crux of the lawsuit focuses on the fact that the system has been implemented inappropriately. They say there was not adequate staffing to help business owners understand, appreciate and follow the rules laid out by the OMMA. They say their clients have lost thousands of dollars.

OMMA issued a statement on the delays that applicants have faced in general:

"We find this issue most often results from licensees entering testing samples into Metrc incorrectly. When licensees don't enter testing samples correctly, Metrc puts a hold on their product. When this happens, Metrc must work with the licensee and OMMA to verify testing was done properly, which can lead to delays. As we continue to work with Metrc to resolve these issues as quickly as possible, we encourage licensees to review all user guidelines, Metrc bulletins and the searchable Metrc Implementation FAQs page on our website to ensure they are following the right processes."

"Every time we call, it's we'll submit a work ticket. We'll submit a work ticket. We're still waiting," said Koumbis.

Whether it's user error or not, Koumbis said the delays are running out the clock.

"Every day is another day that you're losing a shelf-life day."

The lawsuit is still in the process of getting class action status but Rivera says they plan to move forward with the lawsuits regardless.



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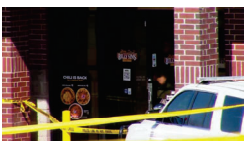
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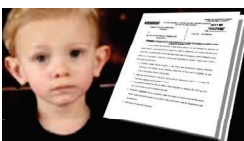
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March 7th, 2025



1 dead in officer-involved shooting at Guthrie BBQ restaurant

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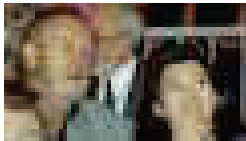


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NEWS

Maine Cannabis Chief Investigated Over Potential Conflict of Interest with METRC

BY **SEAMUS OTHOT** — FEBRUARY 19, 2025 — UPDATED: FEBRUARY 19, 2025 5 COMMENTS

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The Maine State Legislature's Government Oversight Committee voted unanimously on Friday to investigate a possible conflict of interest between Director John Hudak of the Office of Cannabis Policy (OCP) and a company that does business with the regulatory office following a request from Rep. David Boyer (R-Poland).

[RELATED: [Deputy Finance Director Admits to Withholding Data from Maine Lawmakers...](#)]

“For too long, questions have been raised about the integrity of the processes at the Office of Cannabis Policy, particularly regarding Director Hudak’s past affiliations and potential conflicts involving state-mandated partnerships. I commend the committee for taking swift action to examine these concerns,” said Rep. Boyer in a statement.

“It is imperative that all executive branch employees adhere to the highest ethical standards, and any appearance of bias or conflict undermines our trust in government,” he added.

Boyer explained the apparent conflict of interest, along with other concerns about the OCP, in a lengthy statement [presented](#) before the committee.

He outlined what he called a troubling timeline of events surrounding Hudak’s interactions with a former business partner’s company. Hudak granted an additional \$350,000 contract amendment to METRC, a company contracted by the state to provide cannabis inventory control and batch tracking.

His former business partner, Lewis Koski, currently serves as an executive for METRC, and also did at the time of the contract negotiations.

Hudak and Koski co-founded Freedman & Koski Inc., which advised the state on its marijuana legalization efforts. After advising Maine on cannabis legalization policy, Koski became Chief Operating Officer and later Chief Security Officer at METRC.

In December 2022, Hudak took over as OCP director, and just months later in April 2023, he negotiated a contract amendment with METRC, bringing their contract up to \$890,000.

Although the timeline does not conclusively prove that Hudak was engaged in misconduct, it raises concerns that he may have been intentionally granting a lucrative contract amendment to his former business partner. Boyer pointed out that under Maine

law, officials are required to refrain from activity that could create even the appearance of a conflict of interest or impropriety.

"If public confidence in government is to be maintained and enhanced, it is not enough that public officers avoid acts of misconduct. They must also scrupulously avoid acts which may create an appearance of misconduct," Boyer cited Maine law as mandating.

He asked the committee how Mainers can trust that Hudak negotiated the best deal for Maine taxpayers, impartially, with his former business partner on the other side of the negotiating table, and argued that he should have recused himself from all negotiations involving METRC.

The Oversight Committee agreed that the apparent conflict raises significant concerns and voted unanimously to investigate Hudak.

"This conflict of interest is stunning when you see it all written the way you have," said Sen. Craig Hickman (D-Kennebec).

"I expect there to be a recusal by a state official from any involvement in a contract where they have a conflict or an appearance of conflict, it's simple to address concerns, and it would appear that those simple steps were not taken," said Sen. Jill Dusenbury (D-Cumberland).

OCP has previously told the Maine Wire that Hudak "does not own any shares or interest in Metrc."

According to Boyer's testimony, Hudak's conduct was the impetus for him to raise additional concerns about the OCP's operations, though members of the Oversight Committee suggested that the other concerns may not fall within their purview.

"Stakeholder feedback indicates that the internal culture at the OCP may be contributing to inconsistent enforcement practices," said Boyer.

“There have been anecdotal reports of inspectors engaging in intimidating behavior or failing to engage in a supportive manner. I have been told by multiple operators that sometimes the inspectors would request the operator speak to them without their lawyer present,” he added.

He suggested that the conduct of OCP employees and inspectors was hindering the office’s ability to ensure compliance with state marijuana laws.

In one case Boyer highlighted, a seller was told after an investigation by the OCP that he would be allowed to continue with an event. The seller proceeded to host the annual event, but after seeing it advertised, OCP intervened, ordering the seller to cancel it, and issuing him a violation.

Boyer also expressed concern that Anya Trundy, the deputy director for legislative affairs for Maine’s Department of Administrative and Financial Services (DAFS), seemingly admitted to withholding the release of an OCP report that was statutorily required to be released in February of last year.

[RELATED: [Deputy Finance Director Admits to Withholding Data from Maine Lawmakers...](#)]

The representative’s concerns also extended to the OCP’s relations with the hundreds of illegal, Chinese-operated sites across the state. Boyer pointed to Hudak’s own admission to the Veterans and Legal Affairs Committee that OCP has issued lucrative medicinal licenses to individuals associated with organized crime.

[RELATED: [Maine Pot Czar Admits State Is Licensing Foreign Criminal Orgs to Grow Cannabis, Says Hands Tied...](#)]

Hudak claimed that OCP has no grounds to deny license applications from individuals suspected of having ties to transnational organized crime, though he said the agency does have an internal system for tracking them.

“What we are talking about here is an entirely different class of operation. There have been instances where individuals have applied to our program, our medical program I should note, they [sic] have applied to our medical program, and in some cases we have no grounds to bar them,” said Hudak.

Although the committee members did not believe these issues fell within their jurisdiction, they acknowledged that Boyer’s concerns were genuine problems.

Art

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Collins Primary Challenger Gets Some Friendly Advice

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Mainers to Decide on Voter ID Laws This November

Seamus Othot

Seamus Othot is a reporter for The Maine Wire. He grew up in New Hampshire, and graduated of The Thomas More College of Liberal Arts, where he was able to spend his time reading the great works of Western Civilization. He can be reached at seamus@themainewire.com

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This Hudak character needs to go . He’s proved himself absolutely USELESS in reining in the ILLEGAL Chinese pot growers who are poisoning people with their contaminated product . He doesn’t deserve a paycheck from Maine . Get him gone .

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By "investigate" we mean set up kickback.

**Gardiner Schneider**

🕒 16 days ago

Now why why would Hudak want to chase after the red chinese pot growers? After all, I have read here that our Governess has a lawyer Brother who has been employed by at least one of the chinese pot growers.

**Lowell**

🕒 15 days ago

I may have jumped the gun on this. "a company contracted by the state to provide cannabis inventory control and batch tracking." Well, that's a FAIL. i.e. illegal grows and chemicals used. Obviously, they don't "control inventory or track batches very well. Perhaps that is by design. Not to mention sharing information with state and local law enforcement. Maybe, the medical people are facilitating the problem as well.

**Olde Crone**

🕒 15 days ago

Make poison pot a felony.



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Medical marijuana business owners sound off on lawsuit filed OMMA

by Emily Collins
Thu, April 15th 2021 at 4:58 PM
Updated Fri, April 16th 2021 at 3:52 AM

00:00 

FILE - This Sept. 11, 2018, file photo shows blankets of frost known as trichomes on a budding marijuana flower at an artisan SLOgrown Genetics, the coastal mountain range of San Luis Obispo, Calif. Liberal California became the largest legal U.S. mar conservative Utah and Oklahoma embraced medical marijuana. (AP Photo/Richard Vogel,File)

Oklahoma Medical Marijuana Authority.

A lawsuit was filed Thursday in Okmulgee County District Court to stop the implementation of the state's medical marijuana seed-to-sell tracking program.

It's no secret that the state's medical marijuana industry has been on fire since the passage of State Question 788 in 2018. But the road since hasn't been easy to navigate.

"We deal with stuff like this every single year, every single session," said Darrell Carnes, owner of Mary Jane Dispensary in Moore.

The state's seed-to-sale tracking system is just the latest topic for debate. It's controversial because it's run through a company called Metrc and it's set to launch May 1.

"We believe that Metrc and what was being required of businesses here in the state of Oklahoma was an unlawful request," Carnes said.

But complaints to the powers that be, fell on deaf ears. Carnes said that's when they decided to take it to the courts.

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In the lawsuit filed by attorney Ron Durbin with Viridian Legal Services, eight issues are brought into question.

Among them: Whether the contract between OMMA/OSDH and Metrc constitutes a monopoly or an unlawful monopoly.

If the lawsuit is unsuccessful, business owners will be required to sign up for Metrc and buy proprietary RFID tags from Metrc and Metrc only.

"When you do compel small business to purchase these tags, you're creating a monopoly," Carnes said.

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John Koumbis, owner of JKJ Processing in Oklahoma City said the RFID tags distribution will cost growers \$.45 cents per plant and processors \$.25 cents per package.

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"We're going to have to put a \$.25 cent RFID tag on every single one of these pre-rolls," Koumbis said as he grabbed a pre-roll for a shop bin.

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Metrc also caps shipping at 5,000 tags.

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That means if a business needs 25,000 tags, they're going to have to pay shipping 25 times, and Koumbis said that can cost nearly \$200 a pop.

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"A lot of the small mom and pop companies aren't going to be able to absorb this cost from Metrc and the RFID tags," Koumbis said. "So, the small mom and pops are going to have two options: either shut down and lose their green dream or pass that money on to their patients."

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The fear then is that patients will turn to the black market for a cheaper product, and that's something neither business owners nor lawmakers want to see happen.

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FOX 25 reached out to both OMMA and Metrc for comment. Both declined to comment on pending litigation.

Durbin said during a press conference held Thursday that the first goal is to get a bill passed to agree to stop Metrc's tracking system from launching until the lawsuit sees its day.



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Metrc outages in California 'causing a lot of heartburn' for marijuana companies



By **Bart Schaneman** (<https://mjbizdaily.com/author/bart-schaneman/>), Editor
March 11, 2021 - Updated December 17, 2021

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Problems with California's seed-to-sale tracking system are causing cannabis companies to spend thousands of dollars in extra time and money to remain in compliance with state regulations.

The state pays Metrc, a Florida-based company with [contracts in 15 states](#) (<https://mjbizdaily.com/chart-dominant-player-emerging-for-state-cannabis-seed-to-sale-tracking-contracts/>) plus Washington DC, to handle the traceability system that tracks transactions and the movement of product through the commercial marijuana supply chain.

Industry officials in California, however, complain that over the past two months, Metrc has been down frequently, with outages lasting up to nine hours at a time.

The downtime prevents cannabis growers, distributors, retailers and other businesses from performing basic functions, such as invoicing and making product transfers to other companies.

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"It's definitely weighing on folks. Causing a lot of heartburn," said Colton Griffin, CEO of Flourish Software, a software company based in Los Angeles.

"It's a lot of extra hours and distraction and stress."

License holders use Flourish to manage inventory and track purchasing, among other functions.

When the system is down, cannabis companies' employees are forced to input traceability data manually – for example, a grower selling pounds of flower to an extractor.



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That requires a dedicated worker who is specifically trained in data entry for Metrc software.

Griffin estimates the impact in the thousands of dollars per company, more or less depending on the amount of business a company does.

Regulator explanations

In December, Metrc Chief Operating Officer Lewis Koski told *Marijuana Business Daily* that the issues were largely resolved (<https://mjbizdaily.com/metrc-sees-sale-tracking-opportunities-in-new-cannabis-markets/>).

However, in an emailed statement, a spokesperson for the California Department of Food and Agriculture – speaking on behalf of Metrc as well as the state – confirmed that Metrc has experienced “intermittent performance issues” since Feb. 17, with the most severe issues occurring Feb. 25 and March 1.

“However, neither Metrc nor its API were ever offline,” the CDEA noted, referring to an application programming interface.

The root of the problem is third-party software used by cannabis companies for compliance can’t communicate with Metrc’s database through the API when the tracking system experiences issues.

The CDEA blames a small number of integrators for using the API in a way that affects Metrc’s overall performance.

“Specifically, the API is being impacted by the amount, method and time of the data requests being sent by these integrators, as many of the requests are redundant,” according to the CDEA.

The repeated requests consume Metrc’s technology resources and slow performance, according to the state.

And while Metrc has upped its system resources significantly to address the increase in API traffic, the issues persist.

The state has been working with Metrc since October to add tweaks to the system – such as data optimization and rate limiting – to moderate integrator traffic and alleviate any unnecessary stress on the system.

“These policies will allow integrators to continue reporting into the system while regulating their impact on other users and overall system performance,” according to the CDEA.

Lost efficiencies

At Oakland-based Nabis, a licensed distributor, CEO Vince Ning said his team has been forced at times to manually input orders into the Metrc website rather than using software that works with the API because the Metrc side has slowed so much.

The labor costs can vary, depending on the size of the order and the amount of time needed to input the data by hand.

According to Ning, manually adding so-called certificates of analysis and line items and other data entry can cause each order to take up to 15 minutes.

That “can bubble up pretty quickly” when Ning’s company is working with thousands of orders.

“When things do fall back to the manual processes, it does strain our operations,” he added.

Although the slowdowns with Metrc haven’t cost Nabis any material business, Ning imagines some orders were delayed since companies across the state are dealing with this problem.

Jennifer Gallerani, chair of the Cannabis Distributors Association and vice president of logistics at Nevada-based marijuana software and services firm Blackbird, pointed out that the problem isn’t with Metrc’s servers but the API.

In early March she said the API wasn’t working for two to nine hours every day.

Although she said it’s difficult to put a dollar amount on the lost revenue associated with the Metrc issues, Gallerani cited the time spent for employees to switch from using the API to paper logs and make direct entries.

“You’re losing efficiencies because you’re not using the software,” she added.

Gallerani also mentioned the time lost when workers are trying to shore up the inevitable discrepancies caused by human error.

“There’s no undo button,” she said.

Proposed solutions

Gallerani would like to see the state require Metrc to report the status of the API in real time on a website available to all licensed California cannabis companies.

“So the impetus would not fall on the operators to know when it’s not working,” she added.

Flourish’s Griffin agreed, saying “if there’s an outage, everyone should be notified. That’s pretty typical for every other system on the planet.”

Right now, his team must be on the lookout for slowdowns.

“Simple communication would go a long way,” Griffin added. “Why would they want five thousand businesses to open a support ticket when they could just send an email out with an update?”

Gallerani would also like to see California provide more training to employees on how to manually enter data into the system.

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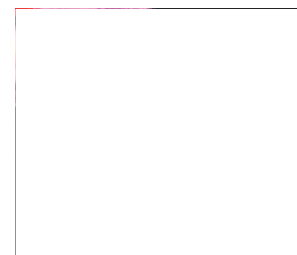
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The CDEA contends extensive training has been offered,.

“To date, Metrc has supported 750 trainings in California and continues to offer virtual training on a weekly basis,” the department said in a statement.

Each cannabis company is required to have a dedicated Metrc account manager who completes the California Cannabis Track-and-Trace Metrc system–user training within five days of receiving a license.


“We encourage these account managers to be proactive and train their staff so there is always someone available to work directly within the Metrc application,” a CDEA spokesperson said.

Bart Schaneman can be reached at bart.schaneman@mjbizdaily.com (<mailto:bart.schaneman@mjbizdaily.com>).

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MetrC loses court fight over 'tag fees' for Missouri marijuana businesses



By **MJBizDaily Staff** (<https://mjbizdaily.com/about-us/staff/>)

January 27, 2021 - Updated January 25, 2023

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Florida-based marijuana inventory tracking firm MetrC [lost an appeal](https://www.law360.com/cannabis/articles/1348850/pot-sales-tracker-metrC-loses-mo-fight-to-collect-fees) (<https://www.law360.com/cannabis/articles/1348850/pot-sales-tracker-metrC-loses-mo-fight-to-collect-fees>) in Missouri over whether the company was contractually allowed to charge licensed medical cannabis businesses extra money for state-mandated plant tags.

The court loss, according to Law360, follows an initial ruling by a district court that found the state was correct in its position that MetrC was prohibited from charging marijuana companies extra for its tags.

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Both courts agreed with state officials that the cost of the tags should have been included in MetrC's initial proposed cost for implementation when it won the state contract in 2019.

MetrC [sued the state](https://mjbizdaily.com/metrC-missouri-in-court-battle-over-medical-marijuana-fees/) (<https://mjbizdaily.com/metrC-missouri-in-court-battle-over-medical-marijuana-fees/>) that same year, arguing it should have the right to charge businesses for the tags, which it claimed weren't covered by the state contract fee of \$5 million.

According to the appellate ruling quoted by Law360, "MetrC's arguments are refuted by the plain language of the (request for proposal) which required MetrC to include in its firm, fixed price all costs MetrC intended to charge for its seed-to-sale tracking solution to function for both internal and external users."

A MetrC spokesperson told the news service that the company was disappointed in the ruling but pledged to work with the state to find a "mutually beneficial agreement" that will "support a safe medical cannabis market in Missouri."



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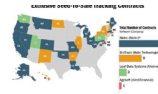
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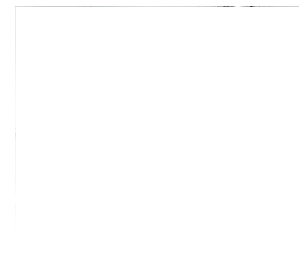
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PUBLIC INTEREST

Michigan medical marijuana stores computer glitch corrected, sales resume

Updated: Feb. 19, 2020, 9:45 a.m. | Published: Feb. 18, 2020, 11:05 p.m.



Marijuana flowers sit in containers for sale at StateLine Wellness Medical Provisioning Center. Nicole Hester/MLive.com

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Update: Marijuana Regulatory Agency spokesman Matthew Erickson at 9 a.m. Wednesday, Feb. 19, said: “The patient look up was down for a couple hours, but other functionality was not impacted. Provisioning centers are required to validate that the patient has an active card and the sale does not exceed daily and monthly purchasing limits.”

LANSING, MI -- Michigan medical marijuana dispensaries were unable to complete sales Tuesday, Feb. 18, due to a malfunction with the statewide

tracking and monitoring computer system.

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The “patient lookup is down,” Marijuana Regulatory Agency spokesman Matthew Erickson confirmed Tuesday night. “We are working with Metrc to remedy the problem.”

The problem doesn’t appear to have impacted recreational marijuana sales.

Metrc is the name of the state-mandated software program used to track marijuana products, as well as to verify registered patients and caregivers. The system also ensures the patients and caregivers don’t exceed their 2.5-ounce-per-day purchase limit. Registered patients are additionally restricted to no more than 10 ounces of marijuana purchase per month.

It’s unclear what caused the issue or when it will be corrected, but some medical patients reported receiving text notices that stores they shop at were no longer

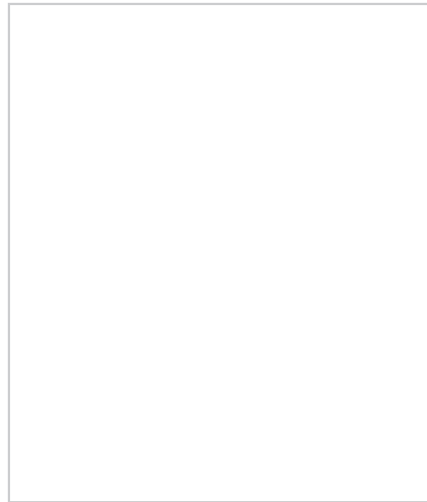
making sales until the issue is corrected.

The Marijuana Regulatory Agency said an update on the situation is likely to be available Wednesday morning.

As of Jan. 31, Michigan had 267,068 registered medical marijuana patients 36,136 caregivers.

The Michigan Licensing and Regulatory Agency pays \$35,000 per year to license Metrc software, according to the [contract available that state's website](#). The Lakeland, Florida-based company also charges each licensee \$40 per month, in addition to 45 cents per radio-frequency ID (RFID) tag for plants and 25 cents per packaging tag for products.

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There were 255,792 plants accounted for in the Metrc system in January, according to [Marijuana Regulatory Agency reports](#).

-- Gus Burns is the marijuana beat reporter for MLive. Contact him with questions, tips or comments at fburns@mlive.com or follow him on Twitter, [@GusBurns](#). Read more from MLive about [medical](#) and [recreational](#) marijuana.

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Montana marijuana lab closes over compliance-software concern

By **MJBizDaily Staff** (<https://mjbizdaily.com/about-us/staff/>)
September 27, 2023 - Updated September 28, 2023

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Owners of a marijuana testing lab in Montana said they've shut down out of concern (<https://dailymontan.com/2023/09/24/seeing-green-some-question-whether-state-is-too-focused-on-pot-money-less-worried-about-testing/>) that regulators are more focused on tax revenue and less on a concern that the state's compliance software could lead to untested cannabis.

Ron and Kristine Brost of Stillwater Labs in Olney said large batches of cannabis aren't being tested because of an issue with Metrc, the state's cannabis compliance tracking software, according to the Daily Montanan.

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Kristan Barbour, division administrator of the state's Cannabis Control Division, told the newspaper that the agency is focused on public health and that taxes are administrated by the Business and Income Taxes Division.

As for Metrc and lab-testing standards, Barbour acknowledged that the software could allow for larger batches to be approved without being properly tested.

Barbour said the division is hiring more staff to investigate issues with retail operators and working with Metrc to solve the issue.

"Harvest test lots identified in the report where tested lot quantities exceeded the 5-pound lot requirement, and greater than 5 pounds of flower sourced from a test lot. Lots were sold at licensed dispensaries are being considered for further investigation and possible enforcement action," Barbour told the Daily Montanan.

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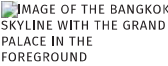
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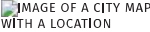
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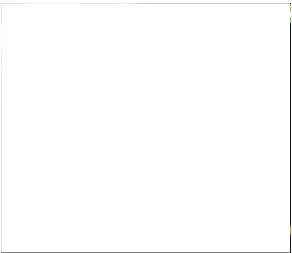
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BUSINESS

Thousands in medical marijuana industry facing fines for seed-to-sale noncompliance



Dale Denwalt

Oklahoman

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Oklahoma's medical marijuana industry is grappling with seismic changes following the state's implementation of a "seed-to-sale" tracking system, leaving thousands of licensees facing fines and the Oklahoma Medical Marijuana Authority locked in multiple lawsuits over the matter.

The legal challenges and frustrated licensees are just the latest hindrance to the state's efforts to use a statewide tracking system to crack down on black market sales and improve quality control.

Seed-to-sale tracking with Metrc software was initially delayed for nearly a year because of a [lawsuit challenging its constitutionality](#). Plaintiffs in that case reached a partial agreement with the Oklahoma Medical Marijuana Authority in May to let the tracking finally begin.

Despite assurances that the marijuana authority and Metrc would help businesses set up their accounts and troubleshoot problems, some owners have complained about confusing policies and hard-to-reach support staff that left businesses fined for noncompliance.

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More than 2,400 of the roughly 11,600 licensed cannabis businesses at the time received fines this year for allegedly not complying with the state's seed-to-sale tracking program. The \$500 penalties were assigned in late May when Metrc, the software used for the tracking system, went live. Fines were sent to licensees who did not have a corresponding Metrc account.

Some business owners, however, have complained the penalty was unfairly assessed.

Oklahoma City attorney Felina Rivera represented several licensed cannabis businesses who received a Notice of Monetary Penalty letter from the Oklahoma Medical Marijuana Authority for not having a Metrc account, even though they weren't yet operational and were still in the process of setting up their business. The controversy, she said, was that her clients didn't have any cannabis to track.

"It just doesn't stand to reason why these people would be fined if they're not operating yet," Rivera told The Oklahoman.

Rivera asked the agency to dismiss the fines and planned to attend a hearing on the matter Friday, but an administrative law judge handling the case denied the motions before the hearing could take place, she said. To avoid losing their license or filing a costly appeal to district court, her clients decided to just pay the fines.

When responding to an Open Records Act request for a list of businesses that received a fine, the marijuana authority told The Oklahoman that the agency sent the notices in good faith, believing the recipients were in violation of the law.

"However, the mere fact that a commercial licensee appears on this list does not necessarily mean the business was not compliant. The list was created using the best information available at the time and that information originated from outside sources," spokeswoman Porsha Riley said.

Licensees were able to ask for a hearing about whether the fine was justified. Failing to pay the fine could eventually result in the state's marijuana authority revoking licenses.

The Oklahoman asked how many fines have been paid or waived since tracking went into effect May 26, but the marijuana authority has not yet provided an answer to that request. As of Sept. 9, there were about 11,300 licensed cannabis businesses, roughly 300 fewer than when the fines were issued.

Oklahoma continues to have more dispensaries than any other state in the country, including ones with legalized recreational marijuana. There were 2,374 dispensaries as of September, more than twice the number in California; and more than Oregon, Colorado and Washington combined.

The agency has declined to comment any further about Metrc, citing ongoing litigation.

Marijuana business owners struggling to incorporate seed-to-sale tracking

Metrc implementation affected a wide variety of license holders, from those who weren't yet in operation to those who already have a significant presence in Oklahoma's cannabis industry.

Native Harvest, a Norman-based vertically integrated cannabis business with a grow operation and several dispensaries, received fines associated with three licenses held by the business. Owner Buzz Banfield acknowledged he was at fault for not linking those licenses with a Metrc account, but said confusion about implementation was a contributing factor. Banfield said he considered protesting, but decided that it would have cost more than just paying the fines.

"I welcome something like Metrc, but I just wish it had been rolled out a little more efficiently," he said.

Another well-established business, The Nirvana Group, was hit with a \$500 penalty. Nirvana operates a vertically integrated business and has dispensaries in Tulsa and Oklahoma City.

"The listing was the result of a clerical error that was later corrected by The Nirvana Group," owner Arshad Lasi told The Oklahoman. "In addition, The Nirvana Group opted to dissolve the entity that holds the license in 2022. Our current dispensaries remain in compliant with state regulations."

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It's likely that many of the license holders who failed to comply with Metrc tracking [were essentially non-operational](#). Before this year, a person could file for and receive a license without doing any kind of business.

Metrc accused of botching normal business operations

Amber Peckio Garrett, an attorney based in Tulsa, filed a separate lawsuit this month on behalf of a business that claims the marijuana authority and Metrc botched the implementation so badly that it has disrupted normal business operations. According to the lawsuit, licensees sometimes have to wait weeks for a solution that can get them back up and running.

"They apparently are unable or unwilling to effect any of these changes in their system software for the seed to sale or even fix the bugs," Garrett said.

The errors and lack of customer service described in the lawsuit can lock up a business' ability to transfer product throughout the industry, and even between different components of a vertically integrated business, she said.

"The stories that you hear are egregious, from (licensees) having over \$400,000 to half a million dollars in product locked up because it's unable to move, it's unable to

transfer; you can't do anything with it," said Garrett, "then all the way to people being run out of business because they have been locked out."

Garrett has requested her lawsuit be given class-action status, saying she's received hundreds of responses to a website she set up to look for potential plaintiffs.

She has also criticized an updated version of Metrc's user license agreement. A popup notification that appeared in the tracking program this month warns that Metrc would not be liable for damages related to the inability to use the software.

Metrc hasn't responded to Garrett's lawsuit in court but provided a statement to The Oklahoman:

"Metrc's software license agreement, which all licensees agree to prior to using the system, includes standard (user license agreement) language. Recently, Metrc updated its ULA language (which is a regular practice for companies who provide software services). The newest version incorporates similar language as previous agreements. Any user who logged into the Metrc system in the past would have had to agree to a ULA of similar language," the company said in a statement emailed to The Oklahoman. "The ULA does contain a disclaimer of certain warranties, which is typical of any ULA of this type, and these disclaimers were in the previous version."

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Oklahoma medical marijuana regulators sued over seed-to-sale tracking



By [MJBizDaily Staff \(https://mjbizdaily.com/about-us/staff/\)](https://mjbizdaily.com/about-us/staff/)

April 16, 2021 - Updated January 6, 2022



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An Oklahoma medical marijuana operator [filed a lawsuit](https://okcfox.com/news/local/medical-marijuana-business-owners-sound-off-on-lawsuit-filed-against-omma)

[\(https://okcfox.com/news/local/medical-marijuana-business-owners-sound-off-on-lawsuit-filed-against-omma\)](https://okcfox.com/news/local/medical-marijuana-business-owners-sound-off-on-lawsuit-filed-against-omma) seeking to halt the April 30 implementation of a seed-to-sale tracking program in the state, raising the question of its legality.

The suit by DR Z Leaf of Tulsa, which seeks class action status, questions whether the Oklahoma State Department of Health exceeded its legal authority in implementing a seed-to-sale program and requiring more than 10,000 MMJ licensees to pay for the program.

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The suit, [filed in Okmulgee County District Court \(https://mjbizdaily.com/wp-content/uploads/2021/04/Oklahoma-medical-marijuana-lawsuit.pdf\)](https://mjbizdaily.com/wp-content/uploads/2021/04/Oklahoma-medical-marijuana-lawsuit.pdf), this week, also questions whether the contract between the state and Florida-based Metrc “constitutes the creation of an unlawful monopoly.”

The legal challenge reflects the tension between some Oklahoma medical marijuana businesses and the state over increasing regulations and the cost of complying with those standards.

As of March 2, Oklahoma had 10,587 active medical marijuana business licenses, according to the state.

[Oklahoma lawmakers took a wide-open medical cannabis market in 2018, but additional regulations have since been put in place \(https://mjbizdaily.com/oklahoma-medical-cannabis-businesses-prepare-rules/\)](https://mjbizdaily.com/oklahoma-medical-marijuana-regulators-sued-over-seed-to-sale-tracking/) in large part to conform with industry best practices.

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Terri Watkins, spokeswoman for the Oklahoma Medical Marijuana Authority (OMMA), told *Marijuana Business Daily* on Friday that the state doesn't comment on pending litigation.

Metrc spokeswoman Bronwyn Flores also declined comment on the suit, which lists only the state and OMMA as defendants.

KOKH, a Fox TV affiliate in Oklahoma City, quoted several MMJ operators complaining about the tracking program including the prices charged by Metrc.

RFID tags cost 45 cents per plant for growers and 25 cents per package for wholesalers.

Flores told *MJBizDaily* that Metrc's software and plant-tag fees are standard across the 16 markets it serves.

Metrc has [seed-to-sale contracts in 15 states \(https://mjbizdaily.com/metrc-sees-sale-tracking-opportunities-in-new-cannabis-markets/\)](https://mjbizdaily.com/metrc-sees-sale-tracking-opportunities-in-new-cannabis-markets/), including Oklahoma, and in Washington DC.

Seed-to-sale tracking systems in state-legal marijuana markets are served by one software provider so there is a centralized system for inventory tracking. The contract for the provider is awarded after a competitive bidding process.

The Metrc system replaces mandatory monthly reports that Oklahoma medical marijuana businesses were sending to OMMA.

Many businesses were doing those reports on paper, so transitioning to an electronic system has been a costly adjustment for some. Metrc has been providing training on its system.

"There's always challenges coming into a market that's already been established with a lot of questions from (businesses), and rightfully so," Flores said.

But from Metrc's viewpoint, she said, the implementation has been going well.

— Jeff Smith

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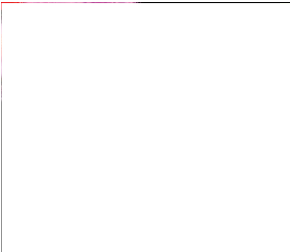
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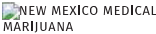


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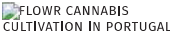


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Washington Changes Course, Selects MJ Freeway as New ASV


By Aaron G. Biros


3 Comments (<https://cannabisindustryjournal.com/column/washington-changes-course-selects-mj-freeway-as-new-asv/#comments>)




Washington changes the apparent successful vendor (ASV) from Franwell to MJ Freeway for the state's traceability system due to a misunderstanding in the RFP.

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Two weeks ago, we reported on the State of Washington choosing Franwell as their apparent successful vendor (ASV) (http://www.cannabisindustryjournal.com/news_article/washington-selects-franwells-metric-for-traceability-program/) for their seed-to-sale traceability system contract. Late last week, the Washington State Liquor and Cannabis Board (WSLCB) sent out an email explaining that they are no longer going with Franwell and the new ASV is MJ Freeway.



(<http://www.cannabisindustryjournal.com/wp-content/uploads/2017/06/Washington-Letter.png>) The email (left) consisted of a letter sent by Peter Antolin, Deputy Director of the WSLCB, to licensees "who had written to the Board and staff regarding the marijuana traceability Apparent Successful Vendor and RFID tags." Apparently, the reason behind switching the ASV to

MJ Freeway is because Franwell's system requires only one method for tagging plants- RFID tags. According to the letter, Deputy Director Antolin says the initial request for proposal (RFP) stated that the traceability system needs to support a variety of tagging methods, including bar codes and RFID. "The RFP requirements did not allow a vendor to make any assumptions regarding use

of a single tagging methodology or allow vendors to include any such costs affecting the state or our licensees in their proposal,” says Antolin. As they made clear in the previous press release, the ASV is not the official contract winner until they complete negotiations and sign the contract.

On June 7th, Franwell withdrew their proposal for the state’s traceability system, thus Washington went with the second highest scoring vendor, MJ Freeway. Deputy Director Antolin says they submitted a strong bid, but there are still many questions left unanswered. How could such a glaring mistake be overlooked when the state named Franwell the highest scoring bidder? Is MJ Freeway’s system robust enough and capable of handling the state’s cannabis licensees’ traceability requirements even though they were not the highest scoring bidder? The deadline for the new system to be in place is October 31, 2017, which is quickly approaching for such a massive systems overhaul.

(<http://www.cannabisindustryjournal.com/wp-content/uploads/2017/05/liquor-board-logo.jpg>)The WSLCB’s oversight highlights a few inadequacies with the state’s regulatory agency, particularly their indecision and lack of foresight. So much of the concept behind seed-to-sale traceability rests on Cole Memo compliance. A big reason why some states seek to implement a robust tracking system is to remain compliant with the Cole Memo; preventing diversion to crime organizations with regulatory oversight is a key tool that states use to tell the federal government they are complying with their directive and intend to protect their state’s legal cannabis operations from federal prosecution. Without a proper system in place, the state runs the risk of exposing their entire cannabis market to threats of federal enforcement, a scenario that seems unlikely but could be disastrous to cannabis businesses and the local economy.



The WSLCB needs to get their act together fast.

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About The Author



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Aaron G. Biros joined Innovative Publishing, Inc. full-time after graduating with a B.A. in Environmental Studies from Tulane University in 2015. For eight years now, *Cannabis Industry Journal* has been led by Aaron, where he has overseen the development of all editorial content, virtual events and conferences. Aaron is the editor and publisher of *Cannabis Industry Journal*.

Comments



Jeremy Krun

June 12, 2017 at 2:25 pm

(<https://cannabisindustryjournal.com/column/washington-changes-course-selects-mj-freeway-as-new-asv/#comment-263>)

It's about time someone highlighted the actual agency on this whole ordeal! This whole thing is absurd. Yeah, the free system the state currently offers could use a nice upgrade seeing as our state is always minimal, but if you use a 3rd party system for your business needs like us, it works great. Wasteful government spending and worst of all is that it's going to fail. I can't speak to MJ Freeway as a govt. system provider, but we used their 3rd party system and it was enough to make me want to get out of the industry even after spending countless hours, blood, sweat, tears and over a million dollars, but that was then and we're still here somehow. WA state needs to step back and address the real problems like the labs and fee structures instead of wasting our money on something we don't need. Hopefully, MJ Freeway is monumentally better at the state systems than their other systems and support. Thanks.

Reply ↓



James Welk (<https://pammjwatch.wordpress.com/>)

June 12, 2017 at 4:27 pm

(<https://cannabisindustryjournal.com/column/washington-changes-course-selects-mj-freeway-as-new-asv/#comment-264>)

"Yeah, so we went through the trouble of scoring these vendors on a point system and Franwell won. Unfortunately, the Traceability Advisory Group told us that we should pick MJ Freeway, so we're going to go with them."

Aside from the fact that the TAG is most likely = National Cannabis Industry Association (whose founders are invested in MJ Freeway) this is just plain scummy. I don't know why they even pretend to make these things look fair and impartial, they are already swarming with lobbyists.

This just happened in Pennsylvania. Biotrack wins on the technical, MJ Freeway scoops up the contract in the end on some kind of technicality. Shady.

<https://pammjwatch.wordpress.com/2017/05/19/pa-software-contract-goes-to-the-infinitely-cheaper-mj-freeway/> (<https://pammjwatch.wordpress.com/2017/05/19/pa-software-contract-goes-to-the-infinitely-cheaper-mj-freeway/>)

PS. Mj Freeway was "hacked" just 5 months ago! How else are they getting these contracts??

Reply ↓



Victor Cortese

June 18, 2017 at 3:08 pm

(<https://cannabisindustryjournal.com/column/washington-changes-course-selects-mj-freeway-as-new-asv/#comment-270>)

It looks like MJFreeway is actually trying to get ahead of all the haters complaining about there transparency.

https://www.reddit.com/r/weedbiz/comments/6hyhzs/mjfreeway_goes_open_source/
(https://www.reddit.com/r/weedbiz/comments/6hyhzs/mjfreeway_goes_open_source/)

Go MJF!

Reply ↓

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