



AlaFile E-Notice

03-CV-2023-000231.00

Judge: JAMES H ANDERSON

To: WILLIAM GLASSELL SOMERVILLE III
wsomerville@bakerdonelson.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ALABAMA ALWAYS, LLC V. STATE OF ALABAMA MEDICAL CANNABIS COMMISSION
03-CV-2023-000231.00

The following matter was FILED on 8/15/2023 3:31:01 PM

C001 ALABAMA ALWAYS LLC
MOTION FOR PRELIMINARY INJUNCTION
[Filer: SOMERVILLE WILLIAM GLASSE]

Notice Date: 8/15/2023 3:31:01 PM

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MONTGOMERY, AL, 36104

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STATE OF ALABAMA

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 Circuit Court

CV2

 ALABAMA ALWAYS, LLC V. STATE OF ALABAMA
MEDICAL CANNABIS COMMISSION
CIVIL MOTION COVER SHEET

Name of Filing Party: C001 - ALABAMA ALWAYS LLC

Name, Address, and Telephone No. of Attorney or Party. If Not Represented.

 WILLIAM GLASSELL SOMERVILLE III
1901 Sixth Avenue North, Suite 2600
BIRMINGHAM, AL 35203
Attorney Bar No.: SOM005

 Oral Arguments Requested
TYPE OF MOTION**Motions Requiring Fee**

- Default Judgment (\$50.00)
Joinder in Other Party's Dispositive Motion
(i.e. Summary Judgment, Judgment on the Pleadings,
or other Dispositive Motion not pursuant to Rule 12(b))
(\$50.00)
- Judgment on the Pleadings (\$50.00)
- Motion to Dismiss, or in the Alternative
Summary Judgment (\$50.00)
Renewed Dispositive Motion (Summary
Judgment, Judgment on the Pleadings, or other
Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- Summary Judgment pursuant to Rule 56 (\$50.00)
- Motion to Intervene (\$297.00)
- Other _____
pursuant to Rule _____ (\$50.00)

*Motion fees are enumerated in §12-19-71(a). Fees
pursuant to Local Act are not included. Please contact the
Clerk of the Court regarding applicable local fees.

 Local Court Costs \$ 0 _____
Motions Not Requiring Fee

- Add Party
- Amend
- Change of Venue/Transfer
- Compel
- Consolidation
- Continue
- Deposition
- Designate a Mediator
- Judgment as a Matter of Law (during Trial)
- Disburse Funds
- Extension of Time
- In Limine
- Joinder
- More Definite Statement
- Motion to Dismiss pursuant to Rule 12(b)
- New Trial
- Objection of Exemptions Claimed
- Pendente Lite
- Plaintiff's Motion to Dismiss
- Preliminary Injunction
- Protective Order
- Quash
- Release from Stay of Execution
- Sanctions
- Sever
- Special Practice in Alabama
- Stay
- Strike
- Supplement to Pending Motion
- Vacate or Modify
- Withdraw
- Other _____
pursuant to Rule _____ (Subject to Filing Fee)

Check here if you have filed or are filing contemporaneously
with this motion an Affidavit of Substantial Hardship or if you
are filing on behalf of an agency or department of the State,
county, or municipal government. (Pursuant to §6-5-1 Code
of Alabama (1975), governmental entities are exempt from
prepayment of filing fees)

 Date:
8/15/2023 3:26:45 PM

 Signature of Attorney or Party
/s/ WILLIAM GLASSELL SOMERVILLE III

*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

**Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

HORNET MEDICINALS, LLC,)
)
 Plaintiff,)
)
 v.)
)
 ALABAMA MEDICAL CANNABIS)
 COMMISSION,)
)
 Defendant.)

Case Number: CV-2023-000232

ALABAMA ALWAYS, LLC,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF ALABAMA MEDICAL)
 CANNABIS COMMISSION,)
)
 Defendant.)

Case Number: CV-2023-000231

MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION FOR VIOLATION OF THE ALABAMA OPEN MEETINGS ACT

In accordance with Alabama Rule of Civil Procedure 65, Plaintiff Alabama Always, LLC (Alabama Always) moves the Court for a temporary restraining order and preliminary injunction against Defendant State of Alabama Medical Cannabis Commission (the Commission) in the form attached as **Exhibit A** to this motion for the Commission’s continued violations of Alabama’s Open Meetings Act (OMA). In further support, Alabama Always states the following:

Introduction

A primary motivation for Alabama Always’s filing of this lawsuit is the Commission’s penchant for conducting its business in secret, engaging in, among other things, repeated violations of the OMA. As Alabama Always’s original complaint in this case stated, “On Monday, June 12, the Commission emerged from an hours-long executive session meeting

and voted with no debate to accept a slate of applicants to be granted licenses.” (See Doc. 1 at 1.) Most recently, Alabama Always filed a motion for a temporary restraining order to challenge the Commission’s declared intention to discuss medical cannabis license applications in executive session in violation of the OMA. (See Doc. 107.) During the hearing on Alabama Always’s motion for TRO, the Commission assured the Court that it would follow the law and comply with the OMA.

It is painfully clear now that the Commission continues to believe that it can conduct its business in private and observe the OMA only by violating it. Despite the Commission’s assurances on August 7 that it would abide by the OMA,¹ on August 10 the Commission retreated into executive session, only to emerge three and a half hours later and ratify a slate of applicants that it had voted on during executive session. In addition to illegally voting, the Commission engaged in other violations of the OMA including, at a minimum, engaging in illegal voting, holding illegal deliberations, and utilizing improper parliamentary procedures, all during executive session.

Alabama Always therefore moves the Court for a temporary restraining order, in the form attached as Exhibit A to this motion, and a preliminary injunction to prevent the licenses awarded during the August 10 meeting of the Commission from being issued, as well as to stay the licensure process generally, including the deadlines for filing appeals and requests for investigative hearings under the Commission’s regulations. In addition, Alabama Always asks the Court to permit it to engage in expedited discovery, including depositions and written discovery to determine what happened during the executive session

¹ Specifically, at the hearing on Alabama Always’s motion of temporary restraining order, the Court asked, “Do y’all plan on following the law?” and the Commission’s counsel assured the Court, “Yes, Your Honor, we do.” (See the transcript of this Court’s August 7 hearing, attached as **Exhibit B**, at 4.)

of the August 10 meeting, including but not limited to those discovery requests already proposed by Alabama Always.

Factual Background

1. The Commission made clear at the outset of the August 10 meeting that it intended to skirt the mandates of the OMA, *see* Ala. Code § 36-25A-1, *et seq.* Newly-elected chair Rex Vaughn stated that he read an article saying that “it would be perfectly fine for the Commission to discuss publicly our applications and . . . the information contained therein. And it may be okay for the Commission; it would not be okay for the applicants.” (*See* transcript of the Commission’s August 10 meeting, attached as **Exhibit C**, at 12.)

2. Following that, the Commission’s counsel outlined the plan for executive session. Counsel stated that the executive session would involve a secret ballot procedure: each commissioner would be given a form to be kept secret from the other commissioners, and each commissioner would then write down his or her “nominations” for each category of license. (*Id.* at 12.) For each category of license (*i.e.*, integrated facilities, cultivators, dispensaries, processors, etc.), each commissioner would “nominate” as many applicants as the Commission intended to issue licenses. Thus, for example, in the integrated facilities category, for which there were five available licenses, each commissioner would nominate five applicants. (*Id.*) The “nominations” would then be submitted to the Commission’s communications director. (*Id.*)²

3. It is evident from the transcript that the Commission believed that the OMA’s prohibitions against secret voting and voting in executive session could be skirted by calling the votes “nominations” rather than “votes.” For example, the Commission’s counsel

² Commissioners attending via Zoom used a different process: they were told to email or contact the Commission’s communications director with their “nominations.” (Ex. C at 13.) This separate process for remote attendees is, obviously, no longer anonymous as intended by the Commission and inconsistent with the stated process for those commissioners present at the meeting.

occasionally slipped up and called them “votes” and had to correct himself. “None of these will be shared upstairs [in executive session]. They will not be voting upstairs [in executive session]. The votes will be brought down -- the nominations will be brought down on those pieces of paper and handed to Ms. Peters.” (*Id.* at 13.) And again: “Those of you who are listening and – and acting on – Zoom call today, if you will email or call Ms. Peters and let her know at that time your vote at our – I’m sorry – nomination at that time, all of those will be collated.” (*Id.*)

4. At the conclusion of the executive session and the resumption of the open session, the Commission chair announced that the “members of the Commission have independently nominated applicants in each license category.” (*Id.* at 21.) The Commission’s communications director counted the votes from the secret nomination process and then posted the results in descending order. The applicant receiving the most executive session secret ballot votes was ranked first, the applicant receiving the second-most votes was ranked second, and so on. Notably, even after the executive session, the Commission’s counsel had to correct the chair for referring to the executive session votes as “votes” rather than “nominations”: “Mr. Chair said votes a minute ago. These are nominations.” (*Id.* at 36.) Duly chastened, the chair responded, “I’m sorry. Thank you for that.” (*Id.*)

5. The Commission then voted to award licenses in open session. But the only integrated applicants who were considered in the open-session voting were the top five applicants from the secret balloting. In fact, each of the top five received a license. Thus, the secret ballot held in executive session determined which applicants received licenses. Interestingly, despite the Commission’s contention that the secret ballots taken in executive session were “nominations,” the Commission felt the need to renominate the applicants before voting in public session. So, for example, for Flowerwood Medical Cannabis, chairman Vaughn stated, “The next applicant will be Flowerwood Medical Cannabis. Is there a motion

to nominate?” Commissioner Hatchett responded, “So made,” and the vote followed. Clearly, since actual nominations occurred during public voting, the only purpose served by the double secret executive session nomination process was to establish the order in which the applicants would be considered. This effectively meant that applicants who did not receive enough secret votes to be placed in the top five would not be considered.

6. Although counsel for the Commission denied that the commissioners would deliberate during executive session, he publicly acknowledged that there would be “information sharing.” (*Id.* at 12.) He further acknowledged that the “information sharing” would include information concerning applicants and other matters. (*Id.*) “There will not be deliberations upstairs as we go into executive session. There will be information sharing relating to the applicants and *some other things* that I’ll discuss in just a few moments.” (*Id.* (emphasis added).) But “information sharing” necessarily entails deliberation. Indeed, “deliberation” is defined in the OMA to include “[a]n exchange of information.”³ Moreover, upon information and belief, part of the “information sharing” included the attendance by members of the University of South Alabama to explain details of their scoring process and for members of the Commission staff to debate one or more applicants.

Argument

During the August 10 meeting, the Commission committed at least five violations of the OMA:

³ The OMA defines deliberation as, “*An exchange of information* or ideas among a quorum of members of a subcommittee, committee, or full governmental body intended to arrive at or influence a decision as to how any members of the subcommittee, committee, or full governmental body should vote on a specific matter that, at the time of the exchange, the participating members expect to come before the subcommittee, committee, or full body immediately following the discussion or at a later time.” Ala. Code § 36-25A-2 (emphasis added).

First, the Commission members voted during executive session by filling out sealed ballots that affected or determined the outcome of the licensure process, in violation of Alabama Code § 36-25A-5(b), which expressly prohibits voting during executive session.

Second, Alabama law expressly prohibits votes taken by secret ballot. *Id.*

Third, even assuming *arguendo* that the OMA permitted nominations by secret ballot, it does not permit such secret balloting or nominating to be done in executive session.

Fourth, the remarks by the Commission chair and Commission's counsel show that the Commission intended to discuss impermissible subjects during executive session.

Fifth, the presence of University of South Alabama personnel in executive session, during which these persons fielded questions from commissioners regarding the scoring process, constituted "deliberation" within the meaning of the OMA, and thus violated the provisions of the OMA preventing deliberation during executive session.

As further explained below, the Court should enter the requested relief as a result of the Commission's violations of the OMA.

1. The Commission improperly voted during executive session.

The Commission's counsel clearly outlined the plan for the Commission to cast secret ballots during executive session. Although counsel and the Commission referred to these votes as "nominations" rather than "votes," there is no basis in the OMA for such a distinction. To the contrary, the OMA requires the Commission to follow its own rules of parliamentary procedure, and in its inaugural meeting on August 12, 2021, the Commission adopted Robert's Rules of Order. *See* Ala. Code § 36-25A-5. Under Robert's Rules, "nominations" are used for filling positions, not for the awarding of statewide licenses. *See* Robert's Rules § 66 ("Before proceeding to an election to fill an office it is customary to *nominate* one or more candidates." (emphasis added)).

The OMA clearly and unequivocally prohibits voting during executive session: “Unless permitted by this chapter, existing statute, or constitutional amendment, *no votes shall be taken in executive sessions.*” Ala. Code § 36-25A-5(b) (emphasis added). The Commission violated the OMA by voting in executive session.

2. The Commission improperly took a secret vote.

The OMA also prohibits secret voting: “Unless otherwise directed by provisions in the Constitution of Alabama of 1901, or other existing state law applicable to a governmental body, *a governmental body may not vote by secret ballot.*” Ala. Code § 36-25A-5 (emphasis added).

One can only speculate as to the Commission’s motivation for holding its secret ballot in executive session, although it might be surmised that it was an effort to avoid being accused of “deliberating” in executive session. But this ignores the OMA’s fundamental directive that all votes be in public: “all votes on matters before a governmental body . . . *shall be made during the open or public portion of a meeting for which notice has been provided pursuant to this chapter.*” Ala. Code § 36-25A-5 (emphasis added). And the Commission’s entire scheme to essentially deliberate and make the licensure decisions in private meetings makes a mockery of the State’s overriding public policy of open meetings and debate: “It is the policy of this state that the deliberative process of governmental bodies shall be open to the public during meetings.” Ala. Code § 36-25A-1.

3. “Nominating” and balloting are not permitted during executive session.

Apart from § 36-25A-5’s absolute prohibition against secret ballots and voting during executive session, and even if one were to credit the Commission’s apparent argument that the secret ballots were not votes but “nominations,” § 36-25A-7 would still prohibit these matters from being addressed in executive session in any event. Alabama Code § 36-25A-7

begins with the general admonition that “[e]xecutive sessions are not required by this chapter but may be held by a governmental body only for [certain] purposes.” Ala. Code § 36-25A-7. The statute then lists several specific purposes for which executive sessions are permitted, but nowhere in those enumerated purposes appears anything remotely related to taking anonymous votes, ballots, or even “nominations.” *See id.*

Nor did the Commission’s counsel say anything during the public portion of the August 10 meeting suggesting that he believed that secret balloting was a permissible activity during executive session. To the contrary, he justified the executive session by invoking two exceptions: (1) § 36-25A-7(a)(1), to discuss the “general reputation, character, and professional competence of individuals,” and (2) § 36-25A-7(a)(3), to discuss “legal ramifications and legal options.” (Ex. C at 14–15.) But not even the most creative reading of these statutory exceptions to the general prohibition against executive sessions can justify the use of the executive session to manufacture the Commission’s secret balloting scheme.

4. The remarks by the Commission chair and Commission’s counsel show that the Commission intended to discuss impermissible subjects during executive session.

In addition to the Commission chair’s statement that applicants would not like the Commission to discuss applications in public, remarks by the Commission’s counsel to justify the retreat into executive session show that the Commission likely discussed impermissible subjects during executive session. Before the Commission went into executive session, Commission counsel stated that, in executive session, the Commission would be discussing the general competence of individuals working for medical cannabis licensees to operate a cannabis business within the requirements of the Commission and applicable law:

So their professional competence, *their ability to handle the obligations of a licensee of medical cannabis in this state* absolutely can and should be discussed by the Commission and should be done upstairs in the privacy so that people’s good name, reputation, and competence --

(*Id.* at 17 (emphasis added).)

But the OMA’s professional competence exception does not refer to an individual’s ability to handle the obligations of a licensee of medical cannabis, or to run a business, or to comply with regulatory requirements. Instead, it refers to the ability of a person licensed as a professional (such as a physician, lawyer, or accountant) by an Alabama state licensing board (such as the Alabama State Bar or the Board of Medical Examiners) to perform his or her profession:

PROFESSIONAL COMPETENCE. The ability of an individual to practice a profession within the profession’s acceptable standards of care and responsibility. A profession is a vocation requiring certification by the State of Alabama or passage of a state licensing examination that may only be granted to or taken by persons who have completed at least three years of college-level education and obtained at least a college-level degree.

Ala. Code § 36-25A-2(8).

There is nothing in Commission counsel’s comments that remotely suggests that the Commission went into executive session for the purpose of discussing the ability of a professional to practice his or her profession within a state-sanctioned profession’s “standards of care and responsibility.” There is every indication, however, that the purpose of going into executive session was to discuss, in private, outside of public scrutiny, against the clear policy of the State of Alabama, the ability of applicants for medical cannabis licenses to comply with the requirements of the Darren Wesley ‘Ato’ Hall Compassion Act. The Commission’s intent to violate the OMA could not be clearer.

It is also questionable whether the Commission properly understood the exception for the reputation and character of individuals. For example, Commission counsel was asked for clarification of the propriety of relying on the exception “when it is a company and entity as opposed to the individuals.” (Ex. C at 16.) Commission counsel responded that “Companies are made of individuals. *Many of the background checks*, the criminal histories relating to these companies come, obviously, from the individuals that are involved . . .” (*Id.* (emphasis

added).) There was no discussion of any issues relating to any applicants in public, and it is noteworthy that Commission counsel stated that “many of the background checks,” not all of the background checks, come from individuals. The use of the term “many” as opposed to “all” is an indication that not all issues discussed in executive session related to individuals as opposed to business entities. Therefore, the Commission had no applicable exception under which it could rely to go into executive session at the August 10 meeting.

5. The question-and-answer session involving the University of South Alabama personnel constituted improper “deliberation” in executive session.

On information and belief, the first portion of the August 10 executive session consisted of the University of South Alabama personnel responsible for supervising the application scoring process having a question-and-answer session with the commissioners and Commission staff. This meeting is problematic for several reasons, and illustrates why depositions and other discovery on this issue will be necessary.

The executive session lasted for well over three hours, from approximately 10:15 a.m. to 1:30 p.m. By contrast, the public meeting lasted only about fifteen minutes in the morning, and couple of hours in the afternoon. It is nearly inconceivable that this expanse of time was spent exclusively on discussing legal advice and the “general reputation, character, and professional competence of individuals.”

Whenever a quorum of a governmental body is present, and the members engage in discussion regarding a matter that is likely to be voted on or acted on by the body, “deliberation” occurs. *See Swindle v. Remington*, 291 So. 3d 439, 446 (Ala. 2019) (board members’ questions during a closed “training session” constituted deliberation). Assuming Commission members discussed, among themselves or with the South Alabama representatives, issues relating to Commission counsel’s broad definition of professional competence, or issues relating to Commission counsel’s understanding of non-individual

applicants' character and reputation, a deliberation occurred that was not protected by the exceptions to the general prohibition against executive sessions under the OMA.

Request For Injunctive Relief

Because of the Commission's OMA violations, Alabama Always seeks injunctive relief. Without the issuance of a temporary restraining order and preliminary injunction, Alabama Always will suffer immediate and irreparable harm for which there is no adequate remedy at law—denying Alabama Always and the citizens of Alabama the right to full and open view of the deliberations of the Commission.

In deciding whether to issue a temporary restraining order and a preliminary injunction, Alabama Always must satisfy the Court (1) that without the injunction Alabama Always will suffer immediate and irreparable injury; (2) that Alabama Always has no adequate remedy at law; (3) that Alabama Always is likely to succeed on the merits of the case; and (4) that the hardship imposed upon the Commission by the injunction would not unreasonably outweigh the benefit to Alabama Always. *See State v. Two White Hook Wreckers*, 337 So. 3d 735, 737 (Ala. 2020); *see also White v. John*, 164 So. 3d 1106, 1116 (Ala. 2014). Alabama Always meets each here.

First, without the requested injunction, Alabama Always (along with all other applicants and the public of Alabama) will suffer immediate and irreparable harm. By holding all discussion and deliberation in executive sessions, the Commission has denied, and has publicly stated its intention to continue to deny, Alabama Always and others their rights to observe the deliberations for this licensing process. Allowing the Commission to continue to operate in secrecy and award licenses in violation of the OMA will result in irreparable harm to Alabama Always. As an applicant, Alabama Always will suffer harm from the violations of the OMA to an extent greater than the public at large.

Second, the harm that Alabama Always faces is irreparable because it is not

susceptible of being compensated with money damages. As noted, harm to Alabama Always would result in damage to Alabama Always's reputation and ability to supply medical cannabis, resulting in injury that cannot be calculated or reduced to money damages, thereby demonstrating that Alabama Always has no adequate remedy at law. *See Triple J Cattle, Inc. v. Chambers*, 551 So. 2d 280 282 (Ala. 1989) (noting that "irreparable injury" means that it cannot be remedied through money damages in a court of law). In addition, the issuance of licenses by the Commission will make any other relief pointless. If the Commission is allowed to issue the five integrated facility licenses prior to resolution of these issues, the Commission will be without authority to grant relief to a successful appellant, and Alabama Always will not have any remedy.

Third, Alabama Always has a substantial likelihood of success on the merits of its claims. The Commission's violations of the OMA are sufficient evidence of the likelihood of success on the merits.

Fourth, the threatened injury to Alabama Always far outweighs the threatened harm an injunction may do to the Commission. There is simply no harm to the Commission if it follows the OMA.

Fifth, Alabama law recognizes that, in determining whether to grant injunctive relief, courts should consider whether the injunction will be in the public interest. *See, e.g., Shelby Cnty. Treatment Ctr. v. Edmondson*, 945 So. 2d 1048, 1056 (Ala. Civ. App. 2005) (permanent injunction must not disserve the public interest). In this case, an injunction will serve to further the clear public interest in open deliberations under the OMA.

The undersigned certifies that he or his co-counsel has notified the Commission via this Court's electronic filing system on August 14, 2023 that Alabama Always is filing this motion.

Conclusion

For these reasons, Alabama Always therefore moves for a temporary restraining order and preliminary injunction in the form attached as **Exhibit A** to this motion and such other relief as may be reasonable and appropriate.

Respectfully submitted,

/s/ William G. Somerville
WILLIAM G. SOMERVILLE
MICHAEL A. CATALANO
JADE E. SIPES

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that this has been served electronically via this Court's electronic filing system on the following on August 15, 2023:

/s/ Jade E. Sipes
Of Counsel

EXHIBIT A

EXHIBIT A

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ALABAMA ALWAYS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. CV-2023-000232
)	
STATE OF ALABAMA MEDICAL)	
CANNABIS COMMISSION,)	
)	
Defendant.)	

TEMPORARY RESTRAINING ORDER

Based upon Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction, and upon the evidence before the Court, this Court finds that, absent the issuance of a temporary injunction, Plaintiff is in imminent danger of suffering irreparable harm in the form of injury to the public’s interest in having the state’s business conducted in public, interference with its business, damage to its reputation, loss of business opportunities, and the lack of any other viable remedy if the Commission issues the five integrated facility licenses, for all of which there is no adequate remedy at law.

This Court specifically finds that the requirements for granting a temporary restraining order have been established by Plaintiff. Plaintiff has demonstrated that has a substantial likelihood of success on the merits on several of its claims. First, Plaintiff has shown that the Commission held inappropriate deliberations, an inappropriate voting process, and other violations of the Open Meetings Act.

Without issuance of a temporary restraining order, Plaintiff will suffer immediate and irreparable harm for which there is no adequate remedy at law. The public policy of the State of Alabama requires that the State’s business be conducted in public, with very few exceptions for executive session. It is well-settled that the violation of this public policy is a

public injury that is remediable under the Open Meetings Act. *See Miglionico v. Birmingham News Co.*, 378 So. 2d 677 (Ala. 1979). In addition, if the Commission issues the five integrated licenses, Alabama Always will have no remedy.

Moreover, the Court finds that Defendant will suffer no hardship if the temporary restraining order is granted. To the contrary, it appears that the Commission has no legal justification for discussing the State's business in executive session.

Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED** by the Court as follows:

(1) That the actions of the Commission on August 10, 2023, are stayed due to likely violations of the Open Meetings Act by the Commission.

(2) The Commission, its officers, agents, servants, employees, and attorneys and other persons acting in active concert or participation with them who receive notice of this order by service or otherwise refrain from discussing Commission business in executive session, unless specifically permitted by an exception to the Open Meetings Act.

(3) Plaintiff's request for expedited discovery is hereby **GRANTED**.

(4) The Commission and its process for awarding or issuing licenses is hereby stayed until further order of this Court.

It is further **ORDERED, ADJUDGED, and DECREED** that this order is binding on the Commission, its officers, agents, servants, employees, and attorneys and other persons acting in active concert or participation with them who receive notice of this order by service or otherwise.

This order is conditioned on Plaintiff posting security in the amount of \$100.00 with the Clerk of Court in a form satisfactory to the Clerk.

Finally, a hearing on Plaintiff's Motion for Preliminary Injunction is hereby set for

_____, 2023, at ____ .M. This order was entered at __:__ .M. on __, 2023, and will expire on its own terms at the conclusion of the hearing on Plaintiff's Motion for Preliminary Injunction or __:__ .M. on _____, 2023, whichever is earlier.

DONE AND ENTERED this _____ day of _____ 2023.

CIRCUIT COURT JUDGE

EXHIBIT B

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**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY
MONTGOMERY, ALABAMA
FIFTEENTH JUDICIAL CIRCUIT**

**ALABAMA ALWAYS, LLC,
Plaintiff,**

V. CV-2023-231

**STATE OF ALABAMA MEDICAL
CANNABIS COMMISSION,
Defendant.**

**HORNET MEDICINALS, LLC.,
Plaintiff,**

V. CV-2023-232

**STATE OF ALABAMA MEDICAL
CANNABIS COMMISSION,
Defendant.**

*** * * * ***

**PROCEEDINGS, held before James H.
Anderson, Circuit Judge, on August 7, 2023.**

*** * * * ***

**Mary R. King, RMR, CCR-387
Official Court Reporter**

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APPEARANCES

FOR THE PLAINTIFF ALABAMA ALWAYS, LLC:

William G. Somerville, Esq.

Michael A. Catalano, Esq.

FOR THE PLAINTIFF HORNET MEDICINALS, LLC:

Royal C. Dumas, Esq.

FOR THE DEFENDANT AMCC:

William H. Webster, Esq.

* * * * *

(The following occurred
in open court:)

THE COURT: All right. We have a
potpourri of things today. I want everybody
to know I got another intervention from --
what group?

LAW CLERK: Green Hornets.

THE COURT: Green Hornets.

MS. KNOWLES: Green Phoenix, Your
Honor.

THE COURT: Y'all are in whether
you want to be or not. So if anybody else
wants to get in, it's a good time to do it.

Now, first up, I believe we had a quo

1 warranto that is now moot?

2 MR. SOMERVILLE: Yes, Your Honor.

3 THE COURT: And so it's due to be
4 dismissed.

5 Now I have some -- I said I'd take up
6 some other motions. And I've received, also,
7 today, two filings of new temporary
8 restraining orders that, you know, we haven't
9 set, but the temporary restraining orders ask
10 the commission to follow the law? Is that
11 kind of like a restraining order to say when
12 you're driving, obey the traffic --

13 MR. SOMERVILLE: Your Honor, I
14 think it goes a little bit beyond that because
15 it's --

16 THE COURT: Well, I know. I know
17 it's pointing out issues. But my thoughts on
18 that are that you've got a TRO saying don't go
19 in executive session if you're not supposed
20 to, and I think they know that. I think y'all
21 are on notice about that. And then, if they
22 do, there's relief in the Open Meetings Act
23 that can be taken.

1 MR. SOMERVILLE: Your Honor, we
2 did cite a case, the --

3 THE COURT: Yes, from Birmingham,
4 where they told them to follow the rules. And
5 so I think --

6 Do y'all plan on following the law?

7 MR. WEBSTER: Yes, Your Honor, we
8 do.

9 THE COURT: Well, the
10 representation was that they were.

11 MR. SOMERVILLE: Their prepared --
12 their notice says they're going to talk about
13 the applications.

14 THE COURT: Well, they can say
15 what they want to in the notice, but what they
16 actually do when the executive session comes
17 is what they've got to do. And they might --
18 you might can infer different things.

19 I saw what you put in the notice, but
20 I think there's things that -- and you point
21 it out to them -- and the statute is there,
22 and they have learned counsel. And I think
23 they're going to -- you know, until they do

1 something, there is a remedy, but I think it's
2 premature. So I'm not going to set that.

3 Mr. Dumas, do you want to say
4 something?

5 MR. DUMAS: Well, it's just the
6 issue, I think, with all of this in what we
7 see in this room, and with the commission,
8 with the applicants and with the general
9 public is that we're getting further and
10 further behind on this.

11 And I know when we were here at the
12 first trial, we were doing everything to try
13 to keep everything on the rails to go forward.
14 There is a remedy, but that remedy doesn't
15 make everyone whole to the extent that we are
16 losing time.

17 And the remedy would be to invalidate
18 what they did, and then we would have to come
19 back the next month.

20 THE COURT: Well, they put a hold
21 on everything. And they're going to have a
22 meeting on the 10th?

23 MR. WEBSTER: That's correct, Your

1 Honor.

2 THE COURT: And that may --
3 whatever happens or doesn't happen on the 10th
4 may bring us something else. But right now, I
5 think I've got an order in place that there's
6 no licenses awarded until they take action.
7 And I'm going to allow them to take action on
8 their time, but we wanted to work with them.

9 Mainly -- and I want to say on the
10 record -- I entered the order simply to
11 protect someone's rights on any type of an
12 appellate process if there was something that
13 they wanted to challenge at the awarding of
14 the licenses so that it's clear that if
15 somebody -- there is an administrative remedy
16 that needs to be tried if there's a problem
17 with a license award, that they weren't --
18 none of your clients were waiving any of that
19 time, that the time is not going to start
20 running until the new award date, and we would
21 just kind of go back in time until June as far
22 as that goes.

23 MR. WEBSTER: Yes, sir.

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THE COURT: So I see that.

I also -- in trying to be light-hearted about it, the temporary restraining order to follow, I understand your concerns. The parties are all here, even the staff is here. The legal counsel is here. I think they're on notice that you expect them to obey the Open Meetings Act or there would be another remedy sought. And if there's --

Yes, Mr. Mills.

MR. MILLS: Judge, I'm here for Specialty Medical. We filed one of those, too, and adopted Alabama Always. And I think what Mr. Dumas is getting at is that because of the statutory requirements, once they award a license, whether they do it in an opening meeting or not an opening meeting, legal or otherwise, they're statutorily required to issue a license within fourteen days if the fee is paid.

All right. And the statute limits them to five initial licenses for the integrated license, at least. So -- and they

1 can't -- statutorily, they may not have a
2 basis to pull any of those licenses back once
3 they're issued.

4 So, if they go through -- even if we
5 invalidate after the fact -- okay -- if the
6 meeting they have violates the Open Meetings
7 Act and we invalidate it, I don't know that we
8 get a redress for that grievance. I don't
9 know that there is anything they can do at
10 that point to fix it, and that's why we went
11 ahead and filed that now.

12 THE COURT: Well, as the Court
13 understands it, there's been no licenses
14 awarded. All that was suspended and that this
15 new meeting -- we anticipate on the 10th that
16 there will be new licenses.

17 Yes, sir.

18 MR. WEBSTER: Your Honor, may I
19 respond to Mr. Mills real quickly?

20 He did say that it was fourteen days
21 for us to issue the licenses. That's not
22 completely correct. There's twenty-eight
23 days. The first fourteen are to get your

1 request in for an investigative hearing and
2 twenty-eight days to issue the license.

3 During that time period prior to the
4 time that licenses are issued, the commission
5 has the power to stay their own proceedings
6 and not issue licenses pending the outcome of
7 the investigative proceedings.

8 So there are some -- there's some
9 infrastructure in place to allow there to be a
10 fair and final determination on any number of
11 things, including whether people think that
12 the commission has --

13 THE COURT: And I'm going to say
14 the courts are open for grievances to be
15 filed. I just think some of those may not be
16 ripe yet, like -- that leads me into this
17 expedited discovery that I kept saying it's --
18 and I'm not dismissing that, but I think
19 it's -- unless there's something that's
20 changed that I don't know about to change my
21 mind, I'm not going to address it.

22 MR. SOMERVILLE: Your Honor, after
23 we asked for this to be set -- that to be set,

1 we got an affidavit from Brittany Peters
2 saying she hasn't destroyed anything, so we're
3 fine with that.

4 THE COURT: Okay. That's good.
5 That's good.

6 Now, we get down to the First
7 Amendment rights. And I'm all for the First
8 Amendment, so this Court is on record
9 recognizing the First Amendment. I like all
10 the amendments.

11 Now, it's my understanding that the
12 Bar has addressed this and that was attached
13 in the pleadings. It's a unique situation
14 that you have public officials in a public
15 office, but -- and everyone has a right to
16 address those public officials and contact
17 them. They can or cannot respond to you.
18 That's up to them.

19 I think the only limitations that I
20 would think might be is asking questions of
21 those public officials about privileged --
22 something between their lawyers. That would
23 be -- that's their privilege, too. They don't

1 have to talk to you.

2 I think if there's, you know -- so I'm
3 not sure, jurisdictionally, as far as lawyer
4 discipline, I think that goes through the Bar,
5 and think it's been addressed by a Bar
6 opinion. And I checked with the Bar this
7 morning; that opinion is still in effect.

8 So there's nothing coming that I see
9 -- and you're asking for clarification.
10 Because these people are a public board
11 official, they can be contacted, but that
12 doesn't mean they have to talk to you. That's
13 up to the individual people that are in the
14 office.

15 So if there's something that has come
16 up that somebody thinks is -- somebody has
17 gone against the rules of professional
18 conduct, that's something that needs to be
19 taken up with the Bar.

20 I think this Court recognizes your
21 First Amendment right to contact a public
22 official even if you're in litigation with
23 them. However, I will make it clear, whatever

1 the Bar said, I'll defer to the opinion of the
2 Alabama Bar Association.

3 MR. SOMERVILLE: Thank you, Your
4 Honor.

5 MR. WEBSTER: Judge, not to
6 belabor any of this, but I would just say that
7 as we pointed out in the response that we have
8 to the First Amendment motion that they -- and
9 I apologize it came so late. We were trying
10 to get that out this morning and there was a
11 miscommunication, and it didn't come as
12 quickly as we thought it would -- but I did
13 want to point out that the rules and
14 regulations of the Alabama Medical Cannabis
15 Commission do specify that applicants
16 throughout the application process -- and that
17 goes all the way until the issuance of
18 licenses -- are not supposed to approach and
19 talk with the commission members, the staff or
20 their counsel without going through the
21 portal, which is the process.

22 THE COURT: That's the preferred
23 way.

1 MR. WEBSTER: The preferred way to
2 do that.

3 THE COURT: However, I think they
4 have a right to approach the -- I think if
5 that's the -- it would be contrary to the way
6 the Bar has ruled, their interpretation of
7 someone's First Amendment right.

8 MR. SOMERVILLE: And, Your Honor,
9 the rule, even if it did apply, A, it's been
10 stayed -- or the application process has been
11 stayed. The rule actually says you can't talk
12 to anybody about your application during the
13 application process, which has been stayed.

14 THE COURT: And I think they --

15 MR. SOMERVILLE: And I don't think
16 people are going to be talking about
17 applications.

18 THE COURT: In the previous
19 hearing, I think it was clear, to communicate
20 with the commission, they were always referred
21 to the portal. And there was some people that
22 didn't like that, but that's the way it was.
23 And that's how it was set up in the

1 application process.

2 So, like I said, you can -- as far as
3 the commissioners themselves approaching them
4 from a political standpoint, my reading of the
5 Bar's opinion is you have a right to do that.
6 Now, that doesn't mean that they're going to
7 talk to you.

8 MR. SOMERVILLE: Yes, sir. I
9 understand, Your Honor. Thank you.

10 THE COURT: Have we got anything
11 else that I need to mess up and we can take
12 up?

13 Mr. Mendelsohn, have I covered all of
14 your questions?

15 MR. MENDELSON: You've covered
16 mine, Your Honor.

17 THE COURT: Okay. Anybody?

18 Right now, we're still -- the public
19 is curious, I'm sure -- still having a meeting
20 on the 10th?

21 MR. WEBSTER: Yes, Judge, we're
22 still having a meeting on the 10th. And all
23 of the information that was supposed to have

1 been provided has now been provided to the
2 commission, so -- and all that's been
3 disseminated to each one of them so that
4 they're aware of all of that and have time to
5 consider it prior to meeting on the 10th.

6 THE COURT: And just for purposes
7 of our getting together and everybody that's
8 in this lawsuit, my orders staying will be
9 lifted when the commission decides to award or
10 issue -- I get the two --

11 MR. ADAY: Award.

12 THE COURT: -- award the licenses
13 before the issuance.

14 MR. WEBSTER: So that then we can
15 continue on with the investigative process
16 to --

17 THE COURT: Right.

18 MR. WEBSTER: -- the extent that
19 someone who's disappointed wants to challenge
20 that?

21 THE COURT: If they want to
22 challenge, they can have their administrative
23 remedies. And as I said before, this Court is

1 always open.

2 Yes, sir.

3 MR. MCKNIGHT: Judge, David
4 McKnight for Sustainable Alabama.

5 You just clarified it, I think, but
6 those terms award and issuance have been
7 thrown around. The licenses were awarded back
8 in June, but they haven't been issued.

9 THE COURT: Right.

10 MR. MCKNIGHT: I just wanted to
11 clarify that.

12 THE COURT: They stayed that.

13 MR. MCKNIGHT: Yes, sir. Thank
14 you.

15 THE COURT: I ruled the commission
16 could do that; but, in an abundance of
17 caution, I wanted to protect it on the record,
18 I think, like several of you did. I wanted to
19 make sure you weren't waiving any time.

20 Yes, sir.

21 MR. SOMERVILLE: My recollection
22 is there's going to be another order after the
23 issuance after the award of the licenses to

1 remove the stay?

2 THE COURT: I'll do that if y'all
3 -- as soon as you let me know. Mr. Webster,
4 let me know, and I'll just say the order is --
5 the temporary restraining order is no longer
6 in effect.

7 MR. SOMERVILLE: I'll probably try
8 to file something before that.

9 THE COURT: You can. That way,
10 we'll know that the Court is not holding up
11 what the commission wants to do.

12 My intent is to have this moved and
13 get done. And I think that's everybody's
14 intent, but some of you want to have it done
15 Chocolate and some want Vanilla, so that's
16 where we are. There's Strawberry and
17 Neopolitian, there's -- it looks like Rocky
18 Road in this courtroom.

19 (Off-the-record discussion)

20 THE COURT: Anybody else?

21 Yes, sir, have you got something,
22 Mr. McNeill?

23 MR. MCNEILL: No, sir.

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THE COURT: Anybody?

Thank you.

(Court adjourned)

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CERTIFICATE

STATE OF ALABAMA

COUNTY OF MONTGOMERY

I, Mary R. King, Official Court Reporter and Registered Merit Reporter for the 15th Judicial Circuit for the State of Alabama, Montgomery, Alabama, do hereby certify that I reported in machine shorthand the foregoing proceedings as stated in the caption hereof; that my shorthand notes were later transcribed by me or under my supervision, and that the foregoing pages contain a full, true and correct transcript of said proceedings and testimony set out herein; that I am neither kin nor of counsel to any parties in this proceeding, nor in any way interested in the results thereof.

Dated the 8th day of August,
2023.

/s/ MARY R. KING, CCR, RMR
OFFICIAL COURT REPORTER
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mary.king@alacourt.gov

EXHIBIT C

In The Matter Of:
Audio Transcription

Commissioner Meeting

August 10, 2023

Bain & Associates Court Reporting Services, Inc.
505 20th Street North
Suite 1250
Birmingham, AL 35203
Toll Free 1.888.326.0594

Audio Transcription

Commissioner Meeting
8/10/2023

1 ALABAMA MEDICAL CANNABIS COMMISSION
2 MEETING
3
4 The above-entitled matter came to be heard
5 on the 10th day of August, 2023, at the RSA
6 Dexter Avenue Building, Room 208, 445 Dexter
7 Avenue, Montgomery, Alabama 36104, commencing at
8 approximately 10:00 a.m. CDT.
9
10 COMMISSION MEMBERS: DR. SAM BLAKEMORE, DWIGHT
11 GAMBLE, JAMES HARWELL (appearing via
12 videoconference), TAYLOR HATCHETT, DR. ERIC
13 JENSEN, DR. ANGELA MARTIN, CHARLES PRICE, DION
14 ROBINSON, DR. WILLIAM SALISKI, JR., LOREE
15 SKELTON, DR. JERZY SZAFIARSKI, REX VAUGHN
16
17 ALABAMA MEDICAL CANNABIS COMMISSION STAFF
18 MEMBERS: JOHN MCMILLAN (Director), BRITTANY
19 PETERS (Communications)
20
21 Transcript prepared by: Jason Kobielus, RPR,
22 Alabama CCR, and Alana Blalock, CCR
23
24 ***
25

Page 1

1 P R O C E E D I N G S
2 MR. VAUGHN: If our guests won't
3 mind, we'll go ahead and call our Alabama
4 Medical Cannabis Commission meeting to order
5 today for the August 10th, 2023, meeting.
6 Before we get going any further, I'll ask Justin
7 Aday for a word of invocation. Justin.
8 MR. ADAY: Father, we thank you for
9 this day and we thank you for this opportunity
10 that we have to service the citizens of your
11 state through this Commission meeting.
12 (unintelligible) process (unintelligible).
13 Amen.
14 MR. VAUGHN: Thank you so much,
15 Justin. As you can see, I'm not Dr. Stokes. He
16 has resigned over the past two weeks, and I'll
17 make another comment or two about him in just a
18 few minutes.
19 Before we move any further, I'll ask
20 our director, John McMillan, to have a roll
21 call, Mr. McMillan.
22 MR. MCMILLAN: Mr. Vaughn?
23 MR. VAUGHN: Here.
24 MR. MCMILLAN: Dr. Saliski?
25 DR. SALISKI: Here.

Page 3

1 A P P E A R A N C E S
2
3 ON BEHALF OF THE ALABAMA MEDICAL CANNABIS
4 COMMISSION:
5 WILLIAM H. WEBSTER
6 Attorney at Law
7 Webster, Henry, Bradwell, Cohan, Speagle
8 & DeShazo, P.C.
9 105 Tallapoosa Street
10 Suite 101
11 Montgomery, Alabama 36104
12 will@websterhenry.com
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Page 2

1 MR. MCMILLAN: Dr. Blakemore?
2 DR. BLAKEMORE: Present.
3 MR. MCMILLAN: Mr. Gamble?
4 MR. GAMBLE: Here.
5 MR. MCMILLAN: Dr. Martin?
6 DR. MARTIN: Here.
7 MR. MCMILLAN: Dr. Jensen?
8 DR. JENSEN: Here.
9 MR. MCMILLAN: Ms. Skelton?
10 MS. SKELTON: Here.
11 MR. MCMILLAN: Judge Price.
12 JUDGE PRICE: Here.
13 MR. MCMILLAN: Ms. Hatchett?
14 MS. HATCHETT: Here.
15 MR. MCMILLAN: Mr. Harwell?
16 MR. HARWELL: Here.
17 MR. MCMILLAN: Dr. Szaflarski?
18 DR. SZAFIARSKI: Present.
19 MR. MCMILLAN: Mr. Robinson?
20 MR. ROBINSON: Here.
21 MR. VAUGHN: Thank you,
22 Mr. McMillan. We will move forward. Before we
23 take up any other business, we need to -- I
24 assume all of you got a copy of the minutes of
25 the last meeting. We do need a motion if you're

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Audio Transcription

Commissioner Meeting
8/10/2023

<p>1 in favor of supporting the minutes as printed. 2 DR. BLAKEMORE: So moved. 3 MR. VAUGHN: We've got a motion from 4 Dr. Blakemore. 5 DR. JENSEN: Second. 6 MR. VAUGHN: A second from 7 Dr. Jensen. 8 Any other discussion on the minutes? 9 All in favor of approving those minutes, say 10 aye. 11 COMMISSION MEMBERS: Aye. 12 MR. VAUGHN: Any opposed? 13 The motion passes. 14 One thing I will make mention of, as 15 I said, Dr. Stokes decided he would resign based 16 on our current situation, and I will say 17 Dr. Stokes will be sorely missed. You know, his 18 insight and his intimate involvement with 19 medical cannabis has been instrumental in 20 getting us to this point. His leadership and 21 guidance as our former vice chairman has been 22 tremendous. I can't say enough about his 23 efforts. He's had a lot of eagerness. And his 24 insight into providing medical cannabis to his 25 patients in Florida has been instrumental in him Page 5</p>	<p>1 know, his insights, as I've mentioned, on 2 medical cannabis and his ability to prescribe it 3 to his patients has really given him a lot of 4 insight and has helped us get to this point. 5 And he is still excited about our process, you 6 know, even though he's not here. He did not 7 want to be a distraction to the Commission. 8 So, Dr. Stokes, we wish you well, 9 and we will move on to further items. 10 And I'm going to turn over the 11 election of officers to our director, Mr. John 12 McMillan. 13 MR. MCMILLAN: Okay. We have today 14 a decision to make on electing a chairman and a 15 vice chairman for the Commission. And at this 16 time, I'll open the floor to nominations for 17 chairman. 18 COMMISSION MEMBER: Director 19 McMillan, I nominate Rex Vaughn as chairman of 20 the Alabama Medical Cannabis Commission. 21 MR. MCMILLAN: Okay. Is there a 22 second to that nomination? 23 COMMISSION MEMBER: Second. 24 MR. MCMILLAN: Motion and second. 25 Are there other nominations? Seeing none, I Page 7</p>
<p>1 knowing and understanding a product that we're 2 trying to bring to Alabamians. 3 So Dr. Stokes, we will miss him, but 4 I think his input and his legacy will be with us 5 for a long time. 6 So, Dr. Blakemore, anything you'd 7 like to say in reference to Dr. Stokes? 8 DR. BLAKEMORE: Yes, sir. I have a 9 statement. We are grateful for the hard work 10 and effort put forth by Dr. Steven Stokes. He 11 served this Commission with character, dignity 12 and leadership. He served our state to the best 13 of his abilities, and we all have gratitude for 14 his efforts as commission member and as the 15 first chairman of the Alabama Medical Cannabis 16 Commission. 17 Dr. Stokes is a military veteran. 18 He's an oncologist, and he's a leader in his 19 community. He should be commended for his 20 efforts and not torn into shreds. Without his 21 leadership, we wouldn't be sitting here today. 22 Thank you. 23 MR. VAUGHN: Thank you, 24 Dr. Blakemore. 25 I agree with Sam 100 percent. You Page 6</p>	<p>1 call for a voice vote. All in favor of electing 2 Rex Vaughn as chairman, signify by saying aye. 3 COMMISSION MEMBERS: Aye. 4 MR. MCMILLAN: Any opposed, like 5 sign. 6 Okay. Thanks. Now we will open the 7 floor for election of vice chairman. 8 COMMISSION MEMBER: Director 9 McMillan, I nominate Sam Blakemore as vice 10 chairman of the Alabama Medical Cannabis 11 Commission. 12 MR. MCMILLAN: Is there a second? 13 COMMISSION MEMBER: I second that. 14 MR. MCMILLAN: Okay. We have a 15 motion and a second. Are there other 16 nominations? Hearing none, all in favor of 17 election of Mr. -- of Dr. Blakemore as vice 18 chairman of the Commission, signify by saying 19 aye. 20 COMMISSION MEMBERS: Aye. 21 MR. MCMILLAN: Any opposed, like 22 sign. 23 Okay. Congratulations, 24 Mr. chairman. I'll turn it back over to you. 25 MR. VAUGHN: I don't know if Page 8</p>

Audio Transcription

Commissioner Meeting
8/10/2023

<p>1 congratulations are in order. But, anyway, I'm 2 glad I've got a partner in Dr. Blakemore, 3 another individual who has tremendous knowledge 4 and a background in where we are with medicinal 5 cannabis. I appreciate Sam and his study and 6 his eagerness to help us get to the point that 7 we are and hope that we can move forward. 8 So without any further ado, we will 9 move on to a decision item we need to discuss 10 today and we will have a vote. The first item 11 to discuss and have a motion and a second when I 12 -- after I've read the motion. This is the 13 decision item to lift the Commission's 14 previously-imposed stay that the Commission 15 self-imposed. This Commission affirmed this 16 stay at our last meeting. The Court has lifted 17 its stay so that this meeting could go forward. 18 So now we need to do the same thing as a 19 Commission. 20 So do I have a motion from the 21 Commission to lift the stay? 22 JUDGE PRICE: So moved. 23 MR. VAUGHN: The motion from Judge 24 Price. Do I have a second? 25 DR. JENSEN: Second.</p>	<p>1 certain that the voting on licenses is supported 2 by accurate data, we need to void the previous 3 licenses awarded and consider that information 4 in re-awarding new licenses. 5 Do I have a motion to void the 6 previous licenses awarded? 7 DR. JENSEN: So moved. 8 MR. VAUGHN: A motion from 9 Dr. Jensen, second from Dr. Saliski. Any other 10 discussion on that item? 11 All in favor, say aye. Any opposed? 12 MR. HARWELL: Aye. 13 COMMISSION MEMBER: -- being very 14 negative today. 15 MR. VAUGHN: -- anyway, James is on 16 board. Good to have him with us. Is he on a 17 cruise ship, John? 18 MR. HARWELL: I would think it is 19 hard about the Internet. 20 MR. VAUGHN: He is having a little 21 more fun than we are -- might be hungover. 22 Anyway, we'll move on to this last 23 item. And I'm going to ask Will Webster to make 24 a comment or two. Before we recess into 25 executive session, we will have to have a vote</p>
<p>Page 9</p> <p>1 MR. VAUGHN: A second from 2 Dr. Jensen. Any other discussion on removing 3 the current stay? 4 All in favor, say aye. Any opposed? 5 MR. HARWELL: Aye. 6 MR. VAUGHN: Is that James? 7 MS. PETERS: Mr. Harwell, was that 8 for in favor? 9 MR. VAUGHN: James, were you voting 10 in favor of lifting the stay or opposing? 11 MS. PETERS: I think he -- muted. 12 MR. VAUGHN: We'll clear that motion 13 up later. Anyway, the motion passes. 14 The next item we need to discuss -- 15 we should void the license awards from our June 16 12th Commission meeting. This will be a 17 decision -- to void the license awards from June 18 12th. 19 As you are aware, the following -- 20 following the June 12th meeting, the 21 inconsistencies that were found in the 22 tabulation and calculation of scores caused us 23 to put a stay on our processes. 24 We now have received corrected and 25 verified calculations. And in an effort to be</p>	<p>Page 11</p> <p>1 to do so. 2 The last few days, an article I read 3 said that it would -- it would be perfectly fine 4 for the Commission to discuss publicly our 5 applications and the -- and the information 6 contained therein. And it may be okay for the 7 Commission; it would not be okay for the 8 applicants. 9 So let's keep that in mind when 10 we're listening to Mr. Will discuss why we go 11 into executive session -- meeting. So, Will. 12 MR. WEBSTER: Thank you. For the 13 benefit of the public, I want to talk to you a 14 little bit, first, about the -- the process that 15 we intend to perform today. 16 What we will do is we -- there will 17 not be deliberations upstairs as we go into 18 executive session. There will be information 19 sharing relating to the applicants and some 20 other things that I'll discuss in just a few 21 moments. 22 But each individual commissioner 23 will be given a form that will be kept secret 24 from the others. And during those discussions 25 of the information upstairs, each commissioner</p>

<p>1 will write down their nominations for each 2 individual category.</p> <p>3 So, for instance, with dispensaries, 4 there is four dispensary licenses to be had.</p> <p>5 Each individual commission member can write down 6 on their ballot and nominate each of four 7 different dispensary applicants. That will be 8 done in each category.</p> <p>9 None of those will be shared 10 upstairs. They will not be voting upstairs.</p> <p>11 Those votes will be brought down -- the 12 nominations will be brought down on those pieces 13 of paper and handed to Ms. Peters.</p> <p>14 Those of you who are listening and 15 -- and acting on -- on Zoom call today, if you 16 will e-mail or contact Ms. Peters and let her 17 know at that time your vote at our -- I'm 18 sorry -- nomination at that time, all of those 19 will be collated. Those will be placed, 20 category by category, on the list to be 21 discussed by the Commission.</p> <p>22 We'll start with the ones that are 23 unanimous, and that should have very little 24 discussion since everyone on the Commission 25 agrees. If that is the case, then those can be</p> <p style="text-align: right;">Page 13</p>	<p>1 sessions under Section 36-25A-7(a)(1), Code of 2 Alabama, 1975.</p> <p>3 Number Two -- in the context of 4 reviewing information gathered as to particular 5 applications and its own internal processes, 6 hearing -- the Commission will hear comments 7 from individual commissioners and others on 8 information reviewed in preparation for the 9 upcoming votes by the Commission, a discussion 10 of matters involving the general reputation, 11 character, and professional competence of 12 individuals.</p> <p>13 This subject matter also meets the 14 requirements for executive sessions under 15 Section 36-25A-7(a)(1), Code of Alabama, 1975.</p> <p>16 And, three, in the context of the 17 ongoing and imminently likely litigation and its 18 upcoming votes, discussion with their attorneys, 19 the legal ramifications of and legal options 20 available and expected based on various courses 21 of action -- this discussion meets the 22 requirements for executive sessions under 23 Section 36-25A-7(a)(3), Code of Alabama, 1975.</p> <p>24 Thank you.</p> <p>25 MR. VAUGHN: Thank you, Will. Do</p> <p style="text-align: right;">Page 15</p>
<p>1 quickly vetted through. And that will leave us, 2 then, with the number of licenses that will need 3 to be discussed based on the nominations that 4 have been made. We will only be discussing 5 those who have been nominated by a commissioner.</p> <p>6 And at that time, then, we will go 7 through those. There can be the deliberation 8 that -- that needs to happen, but it will happen 9 down here in -- in front of all of you.</p> <p>10 Now, that said, there are some 11 things that we will be discussing that are of a 12 sensitive nature, and those are things that are 13 covered in the executive sessions portion of the 14 Alabama Open Meetings Act. And I'm talking 15 specifically about 36-25A-7(a). So, with that 16 said, I will give you my declaration.</p> <p>17 In executive session, the Commission 18 is expected to -- to discuss three items. One 19 -- in the context of reviewing the processes and 20 events that have been -- that have necessitated 21 the voiding and re-award of licenses, there will 22 be a discussion of matters involving the general 23 reputation, character, and professional 24 competence of individuals. This discussion 25 meets the requirements for the executive</p> <p style="text-align: right;">Page 14</p>	<p>1 any commissioners have any questions for -- for 2 Will Webster? Yes, Ms. Skelton.</p> <p>3 MS. SKELTON: If I could get a 4 little bit of clarification from the section 5 that you referenced, the -- regarding the 6 ability to discuss the character and reputation 7 of individuals -- in my reading of this statute, 8 it specifies individuals. But it is my 9 understanding that what we're reviewing are 10 companies and entities here.</p> <p>11 So can you please give me some 12 clarification how that meets within that 13 definition when it is a company and entity as 14 opposed to the individuals?</p> <p>15 MR. WEBSTER: Yes, I can. Companies 16 are made up of individuals. Many of the 17 background checks, the criminal histories 18 relating to these companies come, obviously, 19 from the individuals that are involved in those.</p> <p>20 That is not the only thing that -- 21 that those involve. But those -- those things 22 are of a character, reputation, and professional 23 competence. The experience and training that 24 each one of the members that we've been provided 25 notice of can be discussed in -- in that</p> <p style="text-align: right;">Page 16</p>

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<p>1 meeting.</p> <p>2 So their professional competence,</p> <p>3 their ability to handle the obligations of a</p> <p>4 licensee of medical cannabis in this</p> <p>5 state absolutely will be matters that can and</p> <p>6 should be discussed by the Commission and should</p> <p>7 be done upstairs in the privacy so that people's</p> <p>8 good name, reputation, and competence --</p> <p>9 JUDGE PRICE: Are you recommending</p> <p>10 that in the executive session -- that we should</p> <p>11 vote to approve going in the executive session,</p> <p>12 that we will be discussing individual names of</p> <p>13 the applicants that have filed for a license?</p> <p>14 MR. WEBSTER: Those can be</p> <p>15 discussed, certainly.</p> <p>16 JUDGE PRICE: Not can be -- will we</p> <p>17 be discussing those?</p> <p>18 Well, you're the legal advisor.</p> <p>19 You're giving us direction. Will we be</p> <p>20 discussing the names of individuals listed as</p> <p>21 investors or however they are listed on the</p> <p>22 application?</p> <p>23 Will we be discussing -- not</p> <p>24 specific names, but -- I'm not asking for that.</p> <p>25 But will we be discussing names so we will know</p> <p style="text-align: right;">Page 17</p>	<p>1 And to the extent that those</p> <p>2 combine, then, to create the entities -- that is</p> <p>3 all part of it, yes, sir.</p> <p>4 MR. VAUGHN: Any more questions for</p> <p>5 Will Webster pertaining to executive session</p> <p>6 before we have a roll call vote?</p> <p>7 As Will mentioned, we will not have</p> <p>8 a deliberation with votes in executive session.</p> <p>9 That will be done back down here this afternoon.</p> <p>10 Now, I do need a motion to move into</p> <p>11 executive session from the -- the Commission.</p> <p>12 DR. JENSEN: I move.</p> <p>13 MR. VAUGHN: A motion from</p> <p>14 Dr. Jensen. Do I have a second?</p> <p>15 DR. BLAKEMORE: Second.</p> <p>16 MR. VAUGHN: Dr. Blakemore with a</p> <p>17 second. Any other discussion?</p> <p>18 I'll ask Mr. John McMillan to have a</p> <p>19 roll call vote. If you vote in favor of</p> <p>20 executive session, say aye. If you don't, say</p> <p>21 no.</p> <p>22 MR. MCMILLAN: Mr. Vaughn.</p> <p>23 MR. VAUGHN: Aye.</p> <p>24 MR. MCMILLAN: Dr. Saliski.</p> <p>25 DR. SALISKI: Aye.</p> <p style="text-align: right;">Page 19</p>
<p>1 how to get around this executive session matter?</p> <p>2 MR. WEBSTER: Yes, sir, Your Honor,</p> <p>3 we will. Obviously, I'm not a Commission</p> <p>4 member, so I can't tell you what you will and</p> <p>5 won't discuss. That will have to be done by the</p> <p>6 Commission members themselves. I wouldn't</p> <p>7 presume to -- to do that.</p> <p>8 But all of that is -- is information</p> <p>9 that will be shared upstairs, yes, sir.</p> <p>10 JUDGE PRICE: Well --</p> <p>11 MR. WEBSTER: And discussed.</p> <p>12 JUDGE PRICE: Going in an executive</p> <p>13 session, as Ms. Skelton said, you have to be</p> <p>14 discussing the good name of individuals, et</p> <p>15 cetera.</p> <p>16 MR. WEBSTER: That is correct.</p> <p>17 JUDGE PRICE: So are you saying that</p> <p>18 is what we'll be doing as a --</p> <p>19 MR. WEBSTER: Yes, sir. As I've</p> <p>20 just discussed, that is exactly what we decided</p> <p>21 to do --</p> <p>22 JUDGE PRICE: That is all I want --</p> <p>23 MR. WEBSTER: And, also, the</p> <p>24 professional competence of those -- of those</p> <p>25 individuals.</p> <p style="text-align: right;">Page 18</p>	<p>1 MR. MCMILLAN: Dr. Blakemore.</p> <p>2 DR. BLAKEMORE: Aye.</p> <p>3 MR. MCMILLAN: Mr. Gamble.</p> <p>4 MR. GAMBLE: Aye.</p> <p>5 MR. MCMILLAN: Dr. Martin.</p> <p>6 Dr. Jensen.</p> <p>7 DR. JENSEN: Aye.</p> <p>8 MR. MCMILLAN: Ms. Skelton.</p> <p>9 MS. SKELTON: Based on the</p> <p>10 representations made by legal counsel, aye.</p> <p>11 MR. MCMILLAN: Judge Price.</p> <p>12 JUDGE PRICE: Aye.</p> <p>13 MR. MCMILLAN: Ms. Hatchett.</p> <p>14 Mr. Harwell.</p> <p>15 MR. HARWELL: Aye.</p> <p>16 MR. MCMILLAN: Dr. Szaflarski.</p> <p>17 DR. SZAFIARSKI: Aye.</p> <p>18 MR. MCMILLAN: Mr. Robinson.</p> <p>19 MR. ROBINSON: -- voting.</p> <p>20 MR. VAUGHN: The motion carries.</p> <p>21 Thank you, John.</p> <p>22 That motion now passed, meet at 1:30</p> <p>23 or 2:00 o'clock, Brittany? 1:30 would be okay?</p> <p>24 We have lot of business to take care of in the</p> <p>25 next couple of hours. But thank you for your --</p> <p style="text-align: right;">Page 20</p>

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<p>1 your vote on that motion. 2 We will now -- I'm guessing it is 3 about 10:15 or 10:17. We will adjourn into 4 executive session. We will return about 1:30 5 back in this same room. And for those joining 6 virtually, there will be a new Zoom link to 7 catch up with us. It will not be the same one 8 being used right now. We will now be -- 9 (Recess taken.) 10 MR. VAUGHN: -- waiting around on 11 us. It took us little longer than normal 12 through lunchtime, but we worked diligently to 13 this point. 14 As I explained earlier, and 15 Mr. Webster mentioned before we entered the 16 executive session, the members of the Commission 17 have independently nominated applicants in each 18 license category for consideration in receiving 19 a license award. The members of the Commission 20 will now submit a single nomination to the 21 staff, who will compile the nominations and 22 report the complied results back to the 23 Commission for consideration. 24 So, Commission Members, if you have 25 finished your tabulations as you see fit on the Page 21</p>	<p>1 factors as the Commission has discretion and in 2 accordance with the law may deem appropriate. 3 Therefore, all named applications and deemed so 4 entered by the Commission are under 5 consideration by the commission members in 6 making their nominations. 7 We'll take up some time while we're 8 waiting on the results of our tabulators. We've 9 got some guests with us today, and I'm going to 10 introduce our guests for today you might hear 11 from. To begin with, I'll introduce Ms. Lynn 12 Chronister. She is the vice president of 13 research and economic development at USA, 14 University of South Alabama. With her also is 15 Kristen Roberts, financial officer at University 16 of South Alabama. Those two ladies will give a 17 presentation on how the University of South 18 Alabama operated in the evaluating process. 19 We also have with us from KPMG, our 20 expert outside auditor, Mr. Keith Segel, who is 21 a partner at KPMG. Also, we have Brittney 22 McAllister. 23 Y'all raise your hand when I'm 24 calling your name. Thank you, Brittney. 25 Brittney is hiding in the corner. Page 23</p>
<p>1 ballot, please submit to Mr. McMillan. 2 Ms. Peters will retire and take 3 Agent Dion Robinson with her, and they'll be 4 going over the process of the applicants' 5 nominations. They have been dispatched to do 6 the overview and tabulate. 7 I'd like to remind all of us, 8 members of the Commission had full access to all 9 applications since late March and had access to 10 the recalculated scores, evaluator 11 qualifications, passed/failed matters, 12 background checks and the other information that 13 is deemed appropriate in the award of licenses. 14 Our rules are clear that the 15 Commission remains the primary decisionmaker 16 with regard to the licensing and has authority 17 to act independently of any third-party 18 evaluation and their recommendation. This means 19 that the Commission has discretion to act 20 consistently with such evaluation and 21 recommendations, to differently weigh the 22 factors and evaluate in such evaluation and 23 recommendations, or to apply different factors 24 and issue licenses based on reasons not 25 considered by the third party, but on such other Page 22</p>	<p>1 Brittney McAllister, she is the 2 director of financial compliance at USA. 3 Kristen Dukes, general counsel for the 4 University of South Alabama also sitting over 5 here in the corner. And Dr. Misty Sabol, 6 assistant professor of statistics at the 7 University of South Alabama. Thank you. So 8 we've got University of South Alabama 9 represented well today, and they have done a ton 10 of work for the Commission. 11 I'm going to turn it over to 12 Ms. Lynn Chronister to give a brief overview of 13 how USA operated. So if you'll turn your 14 attention to her. Thank you for coming. 15 MS. CHRONISTER: Thank you for that 16 introduction. 17 Good afternoon. Yes, I am Lynn 18 Chronister, and I do serve the University of 19 South Alabama as vice president for research and 20 economic development. Do you have a slide -- 21 MR. VAUGHN: Scott, do we have a 22 slide? 23 MS. CHRONISTER: Wonderful. Thank 24 you so much. 25 And so today we've been asked and Page 24</p>

1 are very pleased to provide you some information
 2 first on the process for selection and -- of the
 3 actual evaluators and, secondly, information on
 4 the internal and case -- thank you. Thank you.
 5 KP --
 6 MR. VAUGHN: He's getting you some
 7 slack.
 8 MS. CHRONISTER: Okay. That's his.
 9 COMMISSION MEMBER: That's my mic.
 10 It's fine. We was just trying to steal it from
 11 her. We've got a mic in hand. Is there a mic
 12 in here?
 13 MS. CHRONISTER: It was a wonderful
 14 idea, but thank you. So, yes, I'll come over
 15 here. Because I do want to say I've got a very
 16 soft voice and carry a big stick. Thank you.
 17 No, I'll stand. Thank you.
 18 So today I am here to provide you
 19 some information on the selection of the
 20 evaluators. And my colleague, Kristin Roberts,
 21 who is your chief financial officer, will be
 22 providing you with additional information on the
 23 internal and KPMG audit that we carried out.
 24 First, I want to mention that we had
 25 over 15,000 calculations of 10,700 data points
 Page 25

1 that we gathered. In the process of ranking the
 2 license applications out of those 15,000
 3 calculations, human errors were made. Those
 4 errors resulted in one impact -- the impact on
 5 one of the previously awarded licenses, and
 6 Kristen will go into that in more details.
 7 Do you have -- thank you. So --
 8 next. Thank you.
 9 So the first step that USA took was
 10 to widely disseminate a request for evaluators.
 11 And once we got the requests for the evaluators,
 12 once those started coming in, we received 200
 13 statements of interest. Of those 200, we
 14 received back 113 completed applications. Those
 15 are a two-step process.
 16 Those 130 potential evaluators were
 17 required to provide to us a conflict of interest
 18 statement saying that they did not have a
 19 conflict of interest in evaluating these license
 20 agreements; secondly, a nondisclosure agreement
 21 that they would not talk about it to anyone at
 22 any time outside of the individuals involved in
 23 the process. We requested a document of
 24 qualifying information and also a resume.
 25 So, to summarize, we had extensive
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1 biographical information on each of the
 2 applicants. We had demographic information on
 3 each of the applicants, including residency,
 4 gender, race and other additional information.
 5 And at the same time, we asked each of the
 6 potential evaluators what they felt qualified to
 7 review and what they were willing to review.
 8 And so at that -- at this next step
 9 of the evaluation, the evaluator information was
 10 placed into a grid. And I was in charge of that
 11 particular part of the process.
 12 We completed the grid and also went
 13 back to others at the University of South
 14 Alabama who were involved in it, and we
 15 double-checked to make sure that we felt
 16 comfortable with the evaluators. We had 64
 17 evaluators at the end of the process out of that
 18 113 who had applied. So we were very careful
 19 about who we chose as evaluators and who we
 20 recommended as evaluators.
 21 So once the University of South
 22 Alabama had completed that grid, we made those
 23 recommendations to the AMCC staff. The staff
 24 had additional information that we did not have,
 25 and they did the final approval.
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1 The selected evaluators were then
 2 put through two live trainings and provided with
 3 an extensive handbook.
 4 A little bit of information on the
 5 qualifications of the evaluators that were
 6 chosen. More than half of the evaluators had
 7 master's degrees or higher; 14 had doctoral
 8 degrees, 4 had JDs and one had an MD. All of
 9 the evaluators had more than five years of
 10 relevant experience, and most had more than 15
 11 to 20 years, many with 30 to 40 years of
 12 experience. So we felt comfortable that the
 13 evaluators who were selected were extremely well
 14 qualified.
 15 Now, our second point is there were
 16 human errors made, and Kristin Roberts is going
 17 to walk you through the process that we used to
 18 identify and rectify those. Thank you.
 19 MS. ROBERTS: Hey there.
 20 COMMISSION MEMBER: Hey.
 21 MS. ROBERTS: All right. So next
 22 slide please.
 23 Okay. I'm going to speak to the
 24 procedures that we performed at the University
 25 of South Alabama along with our work that we
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<p>1 engaged KPMG with.</p> <p>2 So, first of all, just to kind of</p> <p>3 outline the timeline. USA was notified of the</p> <p>4 score calculation variance in June 2023. We</p> <p>5 have two high level accounts in USA finance</p> <p>6 administration -- I talk with my hands --</p> <p>7 completely independent of one another that</p> <p>8 recalculated all 90 applicants' scores. I want</p> <p>9 to emphasize that these accounts were completely</p> <p>10 independent of the project themselves and they</p> <p>11 worked completely independent of one another.</p> <p>12 Further to that point, 90 applicants</p> <p>13 is a lot of score, but I want to emphasize the</p> <p>14 two bullet points under that. We had almost</p> <p>15 11,000 data points to assess and to organize and</p> <p>16 almost 15,000 calculations to determine the</p> <p>17 final score that went with those rankings.</p> <p>18 The recalculated scores were</p> <p>19 compared then to the scores that were initially</p> <p>20 submitted to the Commission. Variances were</p> <p>21 noted and reviewed. Simultaneously to our two</p> <p>22 accountants internal to USA doing their</p> <p>23 analysis, we engaged with KPMG to perform</p> <p>24 agreed-upon procedures to validate our</p> <p>25 recalculated scores.</p> <p style="text-align: right;">Page 29</p>	<p>1 (unintelligible) --</p> <p>2 MS. ROBERTS: Someone is on the</p> <p>3 phone. Okay.</p> <p>4 As of this language you will see on</p> <p>5 the slide, we did not review any of the</p> <p>6 evaluator selection qualifications or bases for</p> <p>7 how the evaluators determined those scores were</p> <p>8 submitted. That meaning that we did not rescore</p> <p>9 anything. We retabulated the scores that the</p> <p>10 evaluators initially submitted.</p> <p>11 To go over the results that we</p> <p>12 found, variances between the recalculated score</p> <p>13 and the initial scores provided the Commission</p> <p>14 were noted. While there were variances that did</p> <p>15 affect applicant scores, only some affected</p> <p>16 applicant rankings.</p> <p>17 The first area that was found was</p> <p>18 the initial error, which we called the</p> <p>19 offsetting error. This was an initial variance</p> <p>20 in the integrated facility panel pack where one</p> <p>21 evaluator duplicated their score by entering</p> <p>22 that score card twice. The additional score</p> <p>23 caused what we are calling a trickle-down effect</p> <p>24 in the calculation of the averages of all scores</p> <p>25 below that on the spreadsheet. And I know</p> <p style="text-align: right;">Page 31</p>
<p>1 Through the scoping phase that KPMG</p> <p>2 did in those agreed-upon procedures, it was then</p> <p>3 that both KPMG and both internal recalculations</p> <p>4 applied the same variances. So I want to</p> <p>5 emphasize that. We looked -- we had two</p> <p>6 independent CPAs at the University of Alabama</p> <p>7 and KPMG in their scoping of that found the</p> <p>8 exact same variance. So we feel very confident</p> <p>9 we have identified all errors.</p> <p>10 The findings, internal procedures</p> <p>11 and recalculated scores, the rankings and</p> <p>12 identified discrepancies were all presented to</p> <p>13 our project lead, who then reviewed the</p> <p>14 information and confirmed the revised dataset to</p> <p>15 be accurate. That revised dataset was then</p> <p>16 provided to KPMG to perform their agreed-upon</p> <p>17 procedures, which included another independent</p> <p>18 recalculation of the scores.</p> <p>19 KPMG performed their agreed-upon</p> <p>20 procedures noting no variances, no exceptions</p> <p>21 from the two independent recalculations</p> <p>22 performed by the University of South Alabama.</p> <p>23 I want to take a minute --</p> <p>24 COMMISSION MEMBER: You</p> <p>25 (unintelligible) and he called and told me that</p> <p style="text-align: right;">Page 30</p>	<p>1 that's kind of hard to not visually see, but we</p> <p>2 had one evaluator hit that button to submit the</p> <p>3 score card twice. So then the wrong -- from</p> <p>4 that point on in the spreadsheet as we were</p> <p>5 summing and averaging those applicant scores, it</p> <p>6 was picking up the wrong two numbers.</p> <p>7 The second error is an incorrect</p> <p>8 weight that was applied to the raw scores. This</p> <p>9 did not affect rankings as it was consistently</p> <p>10 applied to all applicant scores. In the</p> <p>11 processor and dispensary categories, that was an</p> <p>12 issue where we used the incorrect weight of 3</p> <p>13 instead of 2 as we were multiplying out the</p> <p>14 weighted scores for each category type for each</p> <p>15 applicant. And the secure transporter panel</p> <p>16 type, that was an issue where there was a sum of</p> <p>17 a plus 3 instead of a multiplicative of a 3.</p> <p>18 Again, all of that was consistently</p> <p>19 applied to all applicant scores, so that did not</p> <p>20 affect rankings.</p> <p>21 Another error that was found was</p> <p>22 that as we pulled down the data for the</p> <p>23 processor license panel, it was exported by</p> <p>24 evaluator ID rather than the application ID. So</p> <p>25 this caused scores for different applicants</p> <p style="text-align: right;">Page 32</p>

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<p>1 rather than different evaluators to be together. 2 An example of that is you'll see this had an 3 Applicant 1 Evaluator A was averaged with 4 Applicant 2 Evaluator A where it should have 5 been Applicant 1 Evaluator A and Applicant 1 6 Evaluator B. 7 Another error that was found were 8 miskeys by the evaluators themselves. And a 9 good example of this is a misalignment of a 10 qualitative and quantitative score that was 11 given. So an example would be, and this is 12 extreme, but if I gave you a score of 100 but I 13 gave you an unacceptable qualitative score, that 14 would be a misalignment. And so we identified 15 all of those that were inconsistent. Additional 16 contact was made with those evaluators to 17 clarify which one was correct or if that was, in 18 fact, how they intended to submit their score 19 card. Ultimately, we received feedback from all 20 evaluators except for one evaluator on two 21 applications and one exhibit for each 22 application. 23 And then finally data entry errors, 24 and this is just, to be quite frank, human error 25 because of some of the initial miskeys that some Page 33</p>	<p>1 an example that professionals can make mistakes. 2 MR. VAUGHN: Absolutely. Matter of 3 fact, that was why they was-- that is why they 4 were brought in today to try to bring clarity 5 and bring the art of the evaluation process and 6 things like that (unintelligible). And we are 7 on better footing now than we were a few weeks 8 ago. 9 All right. In fact, we're going to 10 have our tabulated numbers back from Brittney 11 and Dion, and we are going to go into a quick 12 recess of the Commission. It should not be 13 long. We can wait and have the numbers back. 14 We don't know how they make it -- just sit tight 15 and we will reconvene shortly. We are adjourned 16 temporarily. 17 COMMISSION MEMBER: Recessed. 18 MR. VAUGHN: Recessed, that's right. 19 (A short recess was taken.) 20 MR. VAUGHN: We will go ahead and 21 reconvene our Commission meeting. I think right 22 now we have got -- we are around 3:40. 23 Before we move forward with 24 Ms. Peters delivering of the ballots, I would 25 like to say first that I hope all of you got a Page 35</p>
<p>1 of these evaluators had. They e-mailed 2 corrections. And in those 15,000 pieces of data 3 that were combined to get the correct scoring, 4 some of their received data that was input into 5 the scoring spreadsheet was simply applied to 6 the incorrect applicant and/or evaluator. So it 7 could have been typed into Row 10 instead of Row 8 9 as it was being entered. 9 I want to emphasize that all of 10 these variances were corrected by the University 11 of South Alabama and have been independently 12 verified by KPMG, and we have full confidence in 13 the dataset that has been provided to the 14 Commission. 15 Thank you. 16 MR. VAUGHN: Thank you, Kristin. 17 MS. ROBERTS: Thank you. 18 MR. VAUGHN: Lynn, we appreciate you 19 being here today. I know that was 20 (unintelligible). 21 MS. CHRONISTER: Thank you. 22 MR. VAUGHN: A lot of questions were 23 answered in the process. 24 COMMISSION MEMBER: Chairman, I 25 would like to make one comment. It's received Page 34</p>	<p>1 better explanation from the University of South 2 Alabama today in their effort to explain where 3 we were and how we got to this point. We did 4 not give you the (unintelligible) so you could 5 better understand our process and set straight 6 and address tabulation errors that were 7 identified after our June 12th meeting. 8 Our Commission members received the 9 recalculated scores over a week ago and have had 10 the opportunity in our executive session to 11 discuss and ask questions and assess the 12 remainder that did not -- not in the public 13 consumption for the way this professional 14 services provided by University of South 15 Alabama. 16 I now recognize Ms. Brittany Peters, 17 if you want to deliver our results and we will 18 start taking up our votes. Go ahead and tell 19 all of you who is in the process. 20 MR. WEBSTER: Mr. Chair said votes a 21 minute ago; these are nominations. 22 MR. VAUGHN: I'm sorry. Thank you 23 for that. 24 MR. WEBSTER: No problem. 25 MR. VAUGHN: This will be a process Page 36</p>

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<p>1 of nominations, and then we will have a roll 2 call based on these copies. 3 We're going to again award and deny 4 the cultivation licenses, and these are the 5 nominees. An unanimous nomination of Gulf Shore 6 Remedies, LLC, has been put forth. Do we have a 7 motion and second of that nomination? 8 MS. HATCHETT: Motion. 9 MR. VAUGHN: A motion from 10 Ms. Hatchett. 11 MR. SZAFIARSKI: I second. 12 MR. VAUGHN: A second from 13 Mr. Szaflarski. 14 Any further discussion on Gulf 15 Shores? I'm going to ask Mr. John McMillan to 16 have a roll call vote. 17 MR. MCMILLAN: Mr. Vaughn. 18 MR. VAUGHN: Yes. 19 MR. MCMILLAN: Dr. Saliski. 20 DR. SALISKI: Yes. 21 MR. MCMILLAN: Dr. Blakemore. 22 DR. BLAKEMORE: Yes. 23 MR. MCMILLAN: Mr. Gamble. 24 MR. GAMBLE: Yes. 25 MR. MCMILLAN: Dr. Martin.</p>	<p>1 MR. VAUGHN: A second from 2 Dr. Blakemore. 3 Is there any other discussion? 4 Mr. John McMillan will call roll. 5 MR. MCMILLAN: Mr. Vaughn. 6 MR. VAUGHN: Yes. 7 MR. MCMILLAN: Dr. Saliski. 8 DR. SALISKI: Yes. 9 MR. MCMILLAN: Dr. Blakemore. 10 DR. BLAKEMORE: Yes. 11 MR. MCMILLAN: Mr. Gamble. 12 MR. GAMBLE: Yes. 13 MR. MCMILLAN: Dr. Martin. 14 DR. MARTIN: No. 15 MR. MCMILLAN: Dr. Jensen. 16 DR. JENSEN: Yes. 17 MR. MCMILLAN: Ms. Skelton. 18 MS. SKELTON: Yes. 19 MR. MCMILLAN: Judge Price. 20 JUDGE PRICE: Yes. 21 MR. MCMILLAN: Ms. Hatchett. 22 MS. HATCHETT: Yes. 23 MR. MCMILLAN: Mr. Harwell. 24 MR. HARWELL: Yes. 25 MR. MCMILLAN: Dr. Szaflarski.</p>
<p>1 DR. MARTIN: She -- Dr. Martin 2 didn't hear you (unintelligible)-- 3 MR. MCMILLAN: What did she say? 4 DR. MARTIN: Yes. 5 MR. MCMILLAN: All right. 6 Dr. Jensen? 7 DR. JENSEN: Yes. 8 MR. MCMILLAN: Ms. Skelton. 9 MS. SKELTON: Yes. 10 MR. MCMILLAN: Judge Price? 11 JUDGE PRICE: Yes. 12 MR. MCMILLAN: Ms. Hatchett. 13 MS. HATCHETT: Yes. 14 MR. MCMILLAN: Mr. Harwell? 15 MR. HARWELL: Yes. 16 MR. MCMILLAN: Dr. Szaflarski. 17 DR. SZAFIARSKI: Yes. 18 MR. VAUGHN: We have a unanimous 19 vote on that license. 20 On the second one, Pure by Sirmon 21 Farms, LLC. Do we have a motion to nominate? 22 MR. SZAFIARSKI: Motion. 23 MR. VAUGHN: A motion from Mr. Herzy 24 Szaflarski. A second? 25 DR. BLAKEMORE: Second.</p>	<p>1 DR. SZAFIARSKI: Yes. 2 MR. VAUGHN: Thank you, John. 3 I will now take that as a positive 4 vote for Pure by Sirmon Farms and they will be 5 awarded a license. 6 And next item will be Blackberry 7 Farms, LLC. Is there a motion to nominate? 8 MR. GAMBLE: So made. 9 DR. JENSEN: Second. 10 MR. VAUGHN: Motion from Mr. Dwight 11 Gamble, and second from Dr. Jensen. 12 Any other discussion on that 13 nominee? Mr. John will have roll call, please. 14 MR. MCMILLAN: Mr. Vaughn. 15 MR. VAUGHN: Yes. 16 MR. MCMILLAN: Dr. Saliski. 17 DR. SALISKI: Yes. 18 MR. MCMILLAN: Dr. Blakemore. 19 DR. BLAKEMORE: Yes. 20 MR. MCMILLAN: Mr. Gamble. 21 MR. GAMBLE: Yes. 22 MR. MCMILLAN: Dr. Martin. 23 DR. MARTIN: Yes. 24 MR. MCMILLAN: Dr. Jensen. 25 DR. JENSEN: Yes.</p>

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1	MR. MCMILLAN: Ms. Skelton.	1	MR. MCMILLAN: Mr. Harwell.
2	MS. SKELTON: Yes.	2	MR. HARWELL: Yes.
3	MR. MCMILLAN: Judge Price.	3	MR. MCMILLAN: Dr. Szaflarski.
4	JUDGE PRICE: Yes.	4	DR. SZAFIARSKI: Yes.
5	MR. MCMILLAN: Ms. Hatchett.	5	MR. VAUGHN: Twisted Herb
6	MS. HATCHETT: Yes.	6	Cultivation will receive the license.
7	MR. MCMILLAN: Mr. Harwell.	7	Is there a nomination for I AM FARMS
8	MR. HARWELL: Yes.	8	on the floor?
9	MR. MCMILLAN: Dr. Szaflarski.	9	DR. JENSEN: I nominate.
10	DR. SZAFIARSKI: Yes.	10	MR. VAUGHN: A nomination from
11	MR. VAUGHN: Again, our vote will	11	Dr. Jensen. Is there a second?
12	pass.	12	DR. BLAKEMORE: Second.
13	And (unintelligible) will allow	13	MR. VAUGHN: A second from
14	Twisted Herb Cultivation. Are there other	14	Dr. Blakemore.
15	nominations from the floor?	15	Mr. John with the roll call.
16	Any nomination for I AM FARMS? Is	16	MR. MCMILLAN: Mr. Vaughn.
17	there a nomination?	17	MR. VAUGHN: Yes.
18	COMMISSION MEMBER: You skipped one.	18	MR. MCMILLAN: Dr. Saliski.
19	COMMISSION MEMBER: You skipped one.	19	DR. SALISKI: Yes.
20	COMMISSION MEMBER: You skipped one.	20	MR. MCMILLAN: Dr. Blakemore.
21	MR. VAUGHN: I'm sorry. Twisted	21	DR. BLAKEMORE: Yes.
22	Herb Cultivation, that will be (unintelligible)	22	MR. MCMILLAN: Mr. Gamble.
23	-- is there a nomination for Twisted Herb	23	MR. GAMBLE: Yes.
24	Cultivation?	24	MR. MCMILLAN: Dr. Martin.
25	DR. JENSEN: So made.	25	DR. MARTIN: Yes.
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1	MR. VAUGHN: We've got a motion from	1	MR. MCMILLAN: Dr. Jensen.
2	Dr. Jensen. Got a second?	2	DR. JENSEN: Yes.
3	DR. SALISKI: Second.	3	MR. MCMILLAN: Ms. Skelton.
4	MR. VAUGHN: Second from	4	MS. SKELTON: Yes.
5	Dr. Saliski.	5	MR. MCMILLAN: Judge Price.
6	Any other discussion on that	6	JUDGE PRICE: Yes.
7	nominee? All in favor; Mr. John, the roll call.	7	MR. MCMILLAN: Ms. Hatchett.
8	MR. MCMILLAN: Mr. Vaughn.	8	MS. HATCHETT: Yes.
9	MR. VAUGHN: Yes.	9	MR. MCMILLAN: Mr. Harwell.
10	MR. MCMILLAN: Dr. Saliski.	10	MR. HARWELL: Yes.
11	DR. SALISKI: Yes.	11	MR. MCMILLAN: Dr. Szaflarski.
12	MR. MCMILLAN: Dr. Blakemore.	12	DR. SZAFIARSKI: Yes.
13	DR. BLAKEMORE: Yes.	13	MR. VAUGHN: The motion carries.
14	MR. MCMILLAN: Mr. Gamble.	14	The next item, is there a nomination
15	MR. GAMBLE: Yes.	15	for Greenway Botanicals on the floor?
16	MR. MCMILLAN: Dr. Martin.	16	DR. JENSEN: I nominate.
17	DR. MARTIN: Yes.	17	MR. VAUGHN: A nomination from
18	MR. MCMILLAN: Dr. Jensen.	18	Dr. Jensen. Is there a second?
19	DR. JENSEN: Yes.	19	DR. SZAFIARSKI: Second.
20	MR. MCMILLAN: Ms. Skelton.	20	MR. VAUGHN: A second from Herzy
21	MS. SKELTON: No.	21	Szaflarski.
22	MR. MCMILLAN: Judge Price.	22	All -- Mr. John, go ahead with the
23	JUDGE PRICE: Yes.	23	votes and the roll call.
24	MR. MCMILLAN: Ms. Hatchett.	24	MR. MCMILLAN: Mr. Vaughn.
25	MS. HATCHETT: Yes.	25	MR. VAUGHN: Yes.
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1	MR. MCMILLAN: Dr. Saliski.	1	MR. MCMILLAN: Mr. Harwell.
2	DR. SALISKI: No.	2	MR. HARWELL: Yes.
3	MR. MCMILLAN: Dr. Blakemore.	3	MR. MCMILLAN: Dr. Szaflarski.
4	DR. BLAKEMORE: Yes.	4	DR. SZAFIARSKI: Yes.
5	MR. MCMILLAN: Mr. Gamble.	5	MR. VAUGHN: The motion carries.
6	MR. GAMBLE: Yes.	6	The last item before us is James
7	MR. MCMILLAN: Dr. Martin.	7	Gang Dispensary. Is there a motion to nominate?
8	DR. MARTIN: Yes.	8	DR. MARTIN: I nominate.
9	MR. MCMILLAN: Dr. Jensen.	9	MR. VAUGHN: We have Dr. Martin with
10	DR. JENSEN: Yes.	10	a nomination. Is there a second?
11	MR. MCMILLAN: Ms. Skelton.	11	Well, without a second, the motion
12	MS. SKELTON: Yes.	12	will go.
13	MR. MCMILLAN: Judge Price.	13	We are ready to go on with the
14	JUDGE PRICE: Yes.	14	processors. We have to take up motions. That's
15	MR. MCMILLAN: Ms. Hatchett.	15	what happens. The processor first will be
16	MS. HATCHETT: Yes.	16	Enchanted Green. She's got the new
17	MR. MCMILLAN: Mr. Harwell.	17	(unintelligible). Is there a motion?
18	MR. HARWELL: Yes.	18	COMMISSION MEMBER: Motion.
19	MR. MCMILLAN: Dr. Szaflarski.	19	DR. JENSEN: Second.
20	DR. SZAFIARSKI: Yes.	20	MR. VAUGHN: Got the motion from
21	MR. VAUGHN: The motion carries.	21	(unintelligible) and second from Dr. Jensen.
22	Greenway Botanicals will have a license.	22	Any other discussion? Roll call,
23	Is there a motion to nominate CRC of	23	Mr. John.
24	Alabama?	24	MR. MCMILLAN: Mr. Vaughn.
25	DR. BLAKEMORE: So made.	25	MR. VAUGHN: Yes.
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1	MR. VAUGHN: Got a motion from	1	MR. MCMILLAN: Dr. Saliski.
2	Dr. Blakemore.	2	DR. SALISKI: Yes.
3	DR. SALISKI: Second.	3	MR. MCMILLAN: Dr. Blakemore.
4	MR. VAUGHN: And a second from	4	DR. BLAKEMORE: Yes.
5	Dr. Saliski.	5	MR. MCMILLAN: Mr. Gamble.
6	Is there any discussion?	6	MR. GAMBLE: Yes.
7	Mr. McMillan with the roll call.	7	MR. MCMILLAN: Dr. Martin.
8	MR. MCMILLAN: Mr. Vaughn.	8	DR. MARTIN: Yes.
9	MR. VAUGHN: No.	9	MR. MCMILLAN: Dr. Jensen.
10	MR. MCMILLAN: Dr. Saliski.	10	DR. JENSEN: Yes.
11	DR. SALISKI: Yes.	11	MR. MCMILLAN: Ms. Skelton.
12	MR. MCMILLAN: Dr. Blakemore.	12	MS. SKELTON: Yes.
13	DR. BLAKEMORE: Yes.	13	MR. MCMILLAN: Judge Price.
14	MR. MCMILLAN: Mr. Gamble.	14	JUDGE PRICE: Yes.
15	MR. GAMBLE: Yes.	15	MR. MCMILLAN: Ms. Hatchett.
16	MR. MCMILLAN: Dr. Martin.	16	MS. HATCHETT: Yes.
17	DR. MARTIN: Yes.	17	MR. MCMILLAN: Mr. Harwell.
18	MR. MCMILLAN: Dr. Jensen.	18	MR. HARWELL: Yes.
19	DR. JENSEN: Yes.	19	MR. MCMILLAN: Dr. Szaflarski.
20	MR. MCMILLAN: Ms. Skelton.	20	DR. SZAFIARSKI: Yes.
21	MS. SKELTON: I'm sorry. No.	21	MR. VAUGHN: Motion carries.
22	MR. MCMILLAN: Judge Price.	22	Enchanted Green got the license.
23	JUDGE PRICE: Yes.	23	The next item is 1819 Lab for a
24	MR. MCMILLAN: Ms. Hatchett.	24	processor. Is there a motion to nominate?
25	MS. HATCHETT: Yes.	25	DR. SALISKI: Motion.
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1	MR. VAUGHN: Motion from	1	MR. MCMILLAN: Dr. Jensen.
2	Dr. Saliski. Is there a second?	2	DR. JENSEN: Yes.
3	DR. SZAFIARSKI: Second.	3	MR. MCMILLAN: Ms. Skelton.
4	MR. VAUGHN: Second from	4	MS. SKELTON: Yes.
5	Dr. Szaflarski.	5	MR. MCMILLAN: Judge Price.
6	Any discussion? Mr. John for roll	6	JUDGE PRICE: Yes.
7	call.	7	MR. MCMILLAN: Ms. Hatchett.
8	MR. MCMILLAN: Mr. Vaughn.	8	MS. HATCHETT: Yes.
9	MR. VAUGHN: Yes.	9	MR. MCMILLAN: Mr. Harwell.
10	MR. MCMILLAN: Dr. Saliski.	10	MR. HARWELL: Yes.
11	DR. SALISKI: Yes.	11	MR. MCMILLAN: Dr. Szaflarski.
12	MR. MCMILLAN: Dr. Blakemore.	12	DR. SZAFIARSKI: Yes.
13	DR. BLAKEMORE: Yes.	13	MR. VAUGHN: The motion carries.
14	MR. MCMILLAN: Mr. Gamble.	14	Organic Harvest will receive a license.
15	MR. GAMBLE: Yes.	15	This could be the last item, so let
16	MR. MCMILLAN: Dr. Martin.	16	me remind you you're in the fourth processor; is
17	DR. MARTIN: Yes.	17	that right? This could be the final vote for
18	MR. MCMILLAN: Dr. Jensen.	18	the processors, so keep that in mind. If this
19	DR. JENSEN: Yes.	19	one passes, we will stop at that point.
20	MR. MCMILLAN: Ms. Skelton.	20	Is there a motion to nominate Jasper
21	MS. SKELTON: Yes.	21	Development Group?
22	MR. MCMILLAN: Judge Price.	22	MR. GAMBLE: So made.
23	JUDGE PRICE: Yes.	23	MR. VAUGHN: We've got a motion from
24	MR. MCMILLAN: Ms. Hatchett.	24	Mr. Dwight Gamble.
25	MS. HATCHETT: Yes.	25	DR. JENSEN: Second.
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1	MR. MCMILLAN: Mr. Harwell.	1	MR. VAUGHN: A second from
2	MR. HARWELL: Yes.	2	Dr. Jensen.
3	MR. MCMILLAN: Dr. Szaflarski.	3	Any other discussion? Okay. John
4	DR. SZAFIARSKI: Yes.	4	for roll call.
5	MR. VAUGHN: The motion passes.	5	MR. MCMILLAN: Mr. Vaughn.
6	The third item, Organic Harvest. Is	6	MR. VAUGHN: Yes.
7	there a motion to nominate?	7	MR. MCMILLAN: Dr. Saliski.
8	MS. HATCHETT: I make a motion.	8	DR. SALISKI: Yes.
9	MR. VAUGHN: Got a motion from	9	MR. MCMILLAN: Dr. Blakemore.
10	Ms. Hatchett.	10	DR. BLAKEMORE: Yes.
11	DR. BLAKEMORE: Second.	11	MR. MCMILLAN: Mr. Gamble.
12	MR. VAUGHN: Second from	12	MR. GAMBLE: Yes.
13	Dr. Blakemore.	13	MR. MCMILLAN: Dr. Martin.
14	Any other discussions? John for	14	DR. MARTIN: Yes.
15	roll call, please.	15	MR. MCMILLAN: Dr. Jensen.
16	MR. MCMILLAN: Mr. Vaughn.	16	DR. JENSEN: Yes.
17	MR. VAUGHN: Yes.	17	MR. MCMILLAN: Ms. Skelton.
18	MR. MCMILLAN: Dr. Saliski.	18	MS. SKELTON: Yes.
19	DR. SALISKI: Yes.	19	MR. MCMILLAN: Judge Price.
20	MR. MCMILLAN: Dr. Blakemore.	20	JUDGE PRICE: Yes.
21	DR. BLAKEMORE: Yes.	21	MR. MCMILLAN: Ms. Hatchett.
22	MR. MCMILLAN: Mr. Gamble.	22	MS. HATCHETT: Yes.
23	MR. GAMBLE: Yes.	23	MR. MCMILLAN: Mr. Harwell.
24	MR. MCMILLAN: Dr. Martin.	24	MR. HARWELL: Yes.
25	DR. MARTIN: Yes.	25	MR. MCMILLAN: Dr. Szaflarski.
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1	DR. SZAFIARSKI: Yes.	1	MR. VAUGHN: Okay. Who made that?
2	MR. VAUGHN: The motion passes.	2	MR. GAMBLE: Dwight.
3	We've got the fourth. The motion for --	3	MR. VAUGHN: Dwight Gamble made the
4	(unintelligible) processor (unintelligible).	4	4 motion.
5	The bill will reflect (unintelligible).	5	MR. SZAFIARSKI: Second.
6	We now receive nominations made for	6	MR. VAUGHN: Second from Herzy
7	the dispensary license. We will award up to	7	7 Szaflarski.
8	four licenses in this category. We are not	8	Any other discussion? Mr. John,
9	required to award all four.	9	9 have the roll call.
10	Do I have a motion to start off with	10	MR. MCMILLAN: Mr. Vaughn.
11	the dispensaries, which is the Yellowhammer	11	MR. VAUGHN: Yes.
12	Medical Dispensaries, LLC? Is there a motion to	12	MR. MCMILLAN: Dr. Saliski.
13	nominate?	13	DR. SALISKI: Yes.
14	DR. JENSEN: So made.	14	MR. MCMILLAN: Dr. Blakemore.
15	MR. VAUGHN: I've got a motion from	15	DR. BLAKEMORE: Yes.
16	Dr. Jensen.	16	MR. MCMILLAN: Mr. Gamble.
17	DR. BLAKEMORE: Second.	17	MR. GAMBLE: Yes.
18	MR. VAUGHN: A second from	18	MR. MCMILLAN: Dr. Martin.
19	Dr. Blakemore.	19	DR. MARTIN: Yes.
20	Any discussion? We will have the	20	MR. MCMILLAN: Dr. Jensen.
21	roll call.	21	DR. JENSEN: Yes.
22	MR. MCMILLAN: Mr. Vaughn.	22	MR. MCMILLAN: Ms. Skelton.
23	MR. VAUGHN: Yes.	23	MS. SKELTON: Yes.
24	MR. MCMILLAN: Dr. Saliski.	24	MR. MCMILLAN: Judge Price.
25	DR. SALISKI: Yes.	25	JUDGE PRICE: Yes.
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1	MR. MCMILLAN: Dr. Blakemore.	1	MR. MCMILLAN: Ms. Hatchett.
2	DR. BLAKEMORE: Yes.	2	MS. HATCHETT: Yes.
3	MR. MCMILLAN: Mr. Gamble.	3	MR. MCMILLAN: Mr. Harwell.
4	MR. GAMBLE: Yes.	4	MR. HARWELL: Yes.
5	MR. MCMILLAN: Dr. Martin.	5	MR. MCMILLAN: Dr. Szaflarski.
6	DR. MARTIN: Yes.	6	DR. SZAFIARSKI: Yes.
7	MR. MCMILLAN: Dr. Jensen.	7	MR. VAUGHN: The motion passes.
8	DR. JENSEN: Yes.	8	We will now take up possibly the
9	MR. MCMILLAN: Ms. Skelton.	9	9 last vote just by the passing -- you have the
10	MS. SKELTON: Yes.	10	10 third vote on the award. Okay. RJK Holdings of
11	MR. MCMILLAN: Judge Price.	11	11 Alabama, LLC, is there a motion to nominate?
12	JUDGE PRICE: Yes.	12	DR. MARTIN: I nominate.
13	MR. MCMILLAN: Ms. Hatchett.	13	MR. VAUGHN: Dr. Martin nominates
14	MS. HATCHETT: Yes.	14	14 RJK Holdings. Is there a second?
15	MR. MCMILLAN: Mr. Harwell.	15	DR. SALISKI: I second.
16	MR. HARWELL: Yes.	16	MR. VAUGHN: A second from
17	MR. MCMILLAN: Dr. Szaflarski.	17	17 Dr. Saliski.
18	DR. SZAFIARSKI: Yes.	18	Any other discussion? Mr. McMillan,
19	MR. VAUGHN: The motion passes.	19	19 you can do the roll call.
20	The second item on the dispensary	20	MR. MCMILLAN: Mr. Vaughn.
21	aspect is CCS of Alabama, Application Item	21	MR. VAUGHN: Yes.
22	Number 1611, general acknowledge made. That's	22	MR. MCMILLAN: Dr. Saliski.
23	the numbers. Is there a motion to nominate CCS	23	DR. SALISKI: Yes.
24	of Alabama?	24	MR. MCMILLAN: Dr. Blakemore.
25	MR. GAMBLE: So made.	25	DR. BLAKEMORE: Yes.
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1 MR. MCMILLAN: Mr. Gamble.
 2 MR. GAMBLE: Yes.
 3 MR. MCMILLAN: Dr. Martin.
 4 DR. MARTIN: Yes.
 5 MR. MCMILLAN: Dr. Jensen.
 6 DR. JENSEN: Yes.
 7 MR. MCMILLAN: Ms. Skelton.
 8 MS. SKELTON: Yes.
 9 MR. MCMILLAN: Judge Price.
 10 JUDGE PRICE: Yes.
 11 MR. MCMILLAN: Ms. Hatchett.
 12 MS. HATCHETT: Yes.
 13 MR. MCMILLAN: Mr. Harwell.
 14 MR. HARWELL: Yes.
 15 MR. MCMILLAN: Dr. Szaflarski.
 16 DR. SZAFIARSKI: Yes.
 17 MR. VAUGHN: The motion passes.
 18 The fourth applicant on the list
 19 will be Statewide Property Holdings, LLC. Is
 20 there a motion to nominate?
 21 MR. GAMBLE: So made.
 22 DR. JENSEN: Second.
 23 DR. MARTIN: I nominate them.
 24 MR. VAUGHN: A motion from
 25 Mr. Dwight Gamble; a second from Dr. Jensen.
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1 Okay. That does close our
 2 nomination on dispensaries. We are -- we are at
 3 full capacity at four, which is what the statute
 4 allows. I turn it to Dr. Blakemore who will
 5 make comment for the Commission.
 6 DR. BLAKEMORE: So as chair of the
 7 subcommittee for medical cannabis dispensaries,
 8 I'd like to make a quick statement. The
 9 dispensary applicants involved that were
 10 licensed today all have pharmacists involved.
 11 Pharmacists' involvement has always been
 12 important to me. Pharmacists are the drug
 13 experts and they can ensure the appropriate
 14 workflow for medical cannabis dispensaries.
 15 Good workflow prevents drug errors. Good
 16 workflow ensures appropriate operational
 17 management to ensure patient safety.
 18 At our very core, we must ensure the
 19 safety of the citizens of Alabama. Everyone
 20 keeps talking about making money, but we will be
 21 unable to sustain business development of these
 22 facilities if we hurt people. Pharmacists'
 23 involvement ensures safety comes first. While
 24 pharmacists' involvement was not mandatory, it
 25 certainly makes me feel better to see my
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1 Any other discussion? Mr. John, do
 2 the roll call.
 3 MR. MCMILLAN: Mr. Vaughn.
 4 MR. VAUGHN: Yes.
 5 MR. MCMILLAN: Dr. Saliski.
 6 DR. SALISKI: Yes.
 7 MR. MCMILLAN: Dr. Blakemore.
 8 DR. BLAKEMORE: Yes.
 9 MR. MCMILLAN: Mr. Gamble.
 10 MR. GAMBLE: Yes.
 11 MR. MCMILLAN: Dr. Martin.
 12 DR. MARTIN: Yes.
 13 MR. MCMILLAN: Dr. Jensen.
 14 DR. JENSEN: Yes.
 15 MR. MCMILLAN: Ms. Skelton.
 16 MS. SKELTON: No.
 17 MR. MCMILLAN: Judge Price.
 18 JUDGE PRICE: Yes.
 19 MR. MCMILLAN: Ms. Hatchett.
 20 MS. HATCHETT: Yes.
 21 MR. MCMILLAN: Mr. Harwell.
 22 MR. HARWELL: Yes.
 23 MR. MCMILLAN: Dr. Szaflarski.
 24 DR. SZAFIARSKI: Yes.
 25 MR. VAUGHN: The motion passes.
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1 profession step up to the plate.
 2 MR. VAUGHN: Thanks, Dr. Blakemore.
 3 Anybody got any questions for
 4 Dr. Blakemore about the dispensaries before we
 5 move on to the next category?
 6 We will now consider nominations
 7 made for secure transport licenses. I will
 8 remind you there is no statutory limit for
 9 secure transports. We are not required to award
 10 any particular number of license.
 11 I will entertain a motion to begin
 12 the first applicant listed here from Tyler Van
 13 Lines. Is there a motion to nominate Tyler Van
 14 Lines?
 15 DR. JENSEN: So made.
 16 MR. VAUGHN: A motion from
 17 Dr. Jensen.
 18 MS. HATCHETT: Second.
 19 MR. VAUGHN: Second from
 20 Ms. Hatchett.
 21 Any other discussion? John for roll
 22 call.
 23 MR. MCMILLAN: Mr. Vaughn.
 24 MR. VAUGHN: Yes.
 25 MR. MCMILLAN: Dr. Saliski.
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1	DR. SALISKI: Yes.	1	MR. MCMILLAN: Mr. Harwell.
2	MR. MCMILLAN: Dr. Blakemore.	2	MR. HARWELL: Yes.
3	DR. BLAKEMORE: Yes.	3	MR. MCMILLAN: Dr. Szaflarski.
4	MR. MCMILLAN: Mr. Gamble.	4	DR. SZAFIARSKI: Yes.
5	MR. GAMBLE: Yes.	5	MR. VAUGHN: The motion passes.
6	MR. MCMILLAN: Dr. Martin.	6	The third applicant will be XLCR.
7	DR. MARTIN: Yes.	7	Is there a motion to nominate XLCR for secure
8	MR. MCMILLAN: Dr. Jensen.	8	transport?
9	DR. JENSEN: Yes.	9	MR. SZAFIARSKI: Motion.
10	MR. MCMILLAN: Ms. Skelton.	10	MR. VAUGHN: Motion from
11	MS. SKELTON: Yes.	11	Dr. Szaflarski. Is there a second?
12	MR. MCMILLAN: Judge Price.	12	DR. JENSEN: Second.
13	JUDGE PRICE: Yes.	13	MR. VAUGHN: A second from
14	MR. MCMILLAN: Ms. Hatchett.	14	Dr. Jensen.
15	MS. HATCHETT: Yes.	15	Any other discussion? John will
16	MR. MCMILLAN: Mr. Harwell.	16	have the roll call vote.
17	MR. HARWELL: Yes.	17	MR. MCMILLAN: Mr. Vaughn.
18	MR. MCMILLAN: Dr. Szaflarski.	18	MR. VAUGHN: Yes.
19	DR. SZAFIARSKI: Yes.	19	MR. MCMILLAN: Dr. Saliski.
20	MR. VAUGHN: The motion passes on	20	DR. SALISKI: No.
21	your vote.	21	MR. MCMILLAN: Dr. Blakemore.
22	The next item for secure transport	22	DR. BLAKEMORE: Yes.
23	license is International Communication, LLC. Is	23	MR. MCMILLAN: Mr. Gamble.
24	there a motion to nominate?	24	MR. GAMBLE: Yes.
25	MS. HATCHETT: Motion.	25	MR. MCMILLAN: Dr. Martin.
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1	MR. VAUGHN: A motion from	1	DR. MARTIN: Yes.
2	Ms. Hatchett.	2	MR. MCMILLAN: Dr. Jensen.
3	MR. GAMBLE: Second.	3	DR. JENSEN: Yes.
4	MR. VAUGHN: A second from	4	MR. MCMILLAN: Ms. Skelton.
5	Mr. Dwight Gamble.	5	MS. SKELTON: Yes.
6	Any other discussion? Mr. John with	6	MR. MCMILLAN: Judge Price.
7	the roll call.	7	JUDGE PRICE: No.
8	MR. MCMILLAN: Mr. Vaughn.	8	MR. MCMILLAN: Ms. Hatchett.
9	MR. VAUGHN: Yes.	9	MS. HATCHETT: Yes.
10	MR. MCMILLAN: Dr. Saliski.	10	MR. MCMILLAN: Mr. Harwell.
11	DR. SALISKI: Yes.	11	MR. HARWELL: Yes.
12	MR. MCMILLAN: Dr. Blakemore.	12	MR. MCMILLAN: Dr. Szaflarski.
13	DR. BLAKEMORE: Yes.	13	DR. SZAFIARSKI: Yes.
14	MR. MCMILLAN: Mr. Gamble.	14	MR. VAUGHN: The motion passes.
15	MR. GAMBLE: Yes.	15	The last particular nominee will be
16	MR. MCMILLAN: Dr. Martin.	16	Alabama Secure Transport.
17	DR. MARTIN: Yes.	17	COMMISSION MEMBER:
18	MR. MCMILLAN: Dr. Jensen.	18	(unintelligible.)
19	DR. JENSEN: Yes.	19	MR. VAUGHN: That's who?
20	MR. MCMILLAN: Ms. Skelton.	20	COMMISSION MEMBER: Two more.
21	MS. SKELTON: Yes.	21	MR. VAUGHN: Okay. Alabama Secure
22	MR. MCMILLAN: Judge Price.	22	Transport, LLC, is there a motion to nominate?
23	JUDGE PRICE: Yes.	23	DR. SZAFIARSKI: Motion.
24	MR. MCMILLAN: Ms. Hatchett.	24	MR. VAUGHN: A motion from Dr. Herzy
25	MS. HATCHETT: Yes.	25	Szaflarski. Is there a second?
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1 MS. SKELTON: Second.	1 Ms. Hatchett.
2 MR. VAUGHN: A second from	2 Any other discussion? Mr. John have
3 Ms. Skelton.	3 the roll call vote.
4 Any other discussion? John will	4 MR. MCMILLAN: Mr. Vaughn.
5 have the roll call vote.	5 MR. VAUGHN: Yes.
6 MR. MCMILLAN: Mr. Vaughn.	6 MR. MCMILLAN: Dr. Saliski.
7 MR. VAUGHN: No.	7 DR. SALISKI: No.
8 MR. MCMILLAN: Dr. Saliski.	8 MR. MCMILLAN: Dr. Blakemore.
9 DR. SALISKI: No.	9 DR. BLAKEMORE: Yes.
10 MR. MCMILLAN: Dr. Blakemore.	10 MR. MCMILLAN: Mr. Gamble.
11 DR. BLAKEMORE: No.	11 MR. GAMBLE: Yes.
12 MR. MCMILLAN: Mr. Gamble.	12 MR. MCMILLAN: Dr. Martin.
13 MR. GAMBLE: No.	13 DR. MARTIN: Yes.
14 MR. MCMILLAN: Dr. Martin.	14 MR. MCMILLAN: Dr. Jensen.
15 DR. MARTIN: No.	15 DR. JENSEN: Yes.
16 MR. MCMILLAN: Dr. Jensen.	16 MR. MCMILLAN: Ms. Skelton.
17 DR. JENSEN: No.	17 MS. SKELTON: Yes.
18 MR. MCMILLAN: Ms. Skelton.	18 MR. MCMILLAN: Judge Price.
19 MS. SKELTON: Yes.	19 JUDGE PRICE: Yes.
20 MR. MCMILLAN: Judge Price.	20 MR. MCMILLAN: Ms. Hatchett.
21 JUDGE PRICE: No.	21 MS. HATCHETT: Yes.
22 MR. MCMILLAN: Ms. Hatchett.	22 MR. MCMILLAN: Mr. Harwell.
23 MS. HATCHETT: No.	23 MR. HARWELL: Yes.
24 MR. MCMILLAN: Mr. Harwell.	24 MR. MCMILLAN: Dr. Szaflarski.
25 MR. HARWELL: No.	25 DR. SZAFIARSKI: Yes.
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1 MR. MCMILLAN: Dr. Szaflarski.	1 MR. VAUGHN: The motion passes.
2 DR. SZAFIARSKI: Yes.	2 That verifies service for that employer for a
3 MR. VAUGHN: The applicant fails.	3 license.
4 The last applicant here will not	4 The next -- the only other applicant
5 qualify based on past held items.	5 will be ALA Labs. Is there a motion to
6 COMMISSION MEMBER: We nominate.	6 nominate? Hearing none, we will move on to the
7 MR. VAUGHN: You'll nominate. Okay.	7 final category of integrated facilities.
8 Somebody still makes nomination to Pick Up My	8 The considered nominations made for
9 Things. No nomination from the floor. We will	9 our integrated facility license, as a matter I
10 move on to the next section of items.	10 will tell all of us we can award up to five
11 Is there a nomination for the state	11 licenses in this category. We are not required
12 testing laboratories licenses? (unintelligible)	12 to award any particular number. No number
13 nine for these other licenses. We are not	13 required.
14 required to award a particular number of	14 Anybody make a motion for any --
15 licenses. We will entertain a motion for any	15 there were none unanimously nominated, so we
16 applicant that is unanimously -- had a unanimous	16 will start us off.
17 nomination.	17 Is there a motion to nominate Insa
18 And I'll start off by Certus	18 Alabama, LLC?
19 Laboratories, the first one on the list. Is	19 MS. SKELTON: So made.
20 there a nomination?	20 MR. VAUGHN: Got a motion from
21 DR. BLAKEMORE: So made.	21 Ms. Skelton. Is there a second?
22 MR. VAUGHN: I've got a motion from	22 DR. BLAKEMORE: Second.
23 Dr. Blakemore.	23 MR. VAUGHN: Dr. Blakemore with the
24 MS. HATCHETT: Second.	24 second.
25 MR. VAUGHN: Got a second from	25 Any other discussion? Mr. John will
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1 have the roll call.	1 MS. SKELTON: No.
2 MR. MCMILLAN: Mr. Vaughn.	2 MR. MCMILLAN: Judge Price.
3 MR. VAUGHN: Yes.	3 JUDGE PRICE: No.
4 MR. MCMILLAN: Dr. Saliski.	4 MR. MCMILLAN: Ms. Hatchett.
5 DR. SALISKI: Yes.	5 MS. HATCHETT: Yes.
6 MR. MCMILLAN: Dr. Blakemore.	6 MR. MCMILLAN: Mr. Harwell.
7 DR. BLAKEMORE: Yes.	7 Dr. Szaflarski.
8 MR. MCMILLAN: Mr. Gamble.	8 DR. SZAFIARSKI: I abstain.
9 MR. GAMBLE: Yes.	9 MR. VAUGHN: The motion passes like
10 MR. MCMILLAN: Dr. Martin.	10 all of them.
11 DR. MARTIN: Yes.	11 The next applicant to be considered
12 MR. MCMILLAN: Dr. Jensen.	12 will be Southeast Cannabis Company, LLC. Is
13 DR. JENSEN: Yes.	13 there a motion to nominate?
14 MR. MCMILLAN: Ms. Skelton.	14 MR. GAMBLE: Motion.
15 MS. SKELTON: Yes.	15 MR. VAUGHN: Motion from Mr. Dwight
16 MR. MCMILLAN: Judge Price.	16 Gamble. Is there a second?
17 JUDGE PRICE: Yes.	17 MS. HATCHETT: Second.
18 MR. MCMILLAN: Ms. Hatchett.	18 MR. VAUGHN: A second from
19 MS. HATCHETT: Yes.	19 Ms. Hatchett.
20 MR. MCMILLAN: Mr. Harwell.	20 Any other discussion? Mr. John will
21 MR. HARWELL: Yes.	21 have the roll call vote.
22 MR. MCMILLAN: Dr. Szaflarski.	22 MR. MCMILLAN: Mr. Vaughn.
23 DR. SZAFIARSKI: I will abstain.	23 MR. VAUGHN: Yes.
24 MR. VAUGHN: The motion passes.	24 MR. MCMILLAN: Dr. Saliski.
25 Insa Alabama will receive a license.	25 DR. SALISKI: Yes.
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1 The next applicant will be	1 MR. MCMILLAN: Dr. Blakemore.
2 Flowerwood Medical Cannabis, LLC. Is there a	2 DR. BLAKEMORE: Yes.
3 motion to nominate?	3 MR. MCMILLAN: Mr. Gamble.
4 MS. HATCHETT: So made.	4 MR. GAMBLE: Yes.
5 MR. VAUGHN: A motion from	5 MR. MCMILLAN: Dr. Martin.
6 Ms. Hatchett.	6 DR. MARTIN: Yes.
7 DR. BLAKEMORE: Second.	7 MR. MCMILLAN: Dr. Jensen.
8 MR. VAUGHN: A second from	8 DR. JENSEN: Yes.
9 Dr. Blakemore.	9 MR. MCMILLAN: Ms. Skelton.
10 Any other discussion on the	10 MS. SKELTON: No.
11 applicant? Mr. John will have the roll call	11 MR. MCMILLAN: Judge Price.
12 vote.	12 JUDGE PRICE: Yes.
13 MR. MCMILLAN: Mr. Vaughn.	13 MR. MCMILLAN: Ms. Hatchett.
14 MR. VAUGHN: Yes.	14 MS. HATCHETT: Yes.
15 MR. MCMILLAN: Dr. Saliski.	15 MR. MCMILLAN: Mr. Harwell.
16 DR. SALISKI: Yes.	16 MR. HARWELL: Yes.
17 MR. MCMILLAN: Dr. Blakemore.	17 MR. MCMILLAN: Dr. Szaflarski.
18 DR. BLAKEMORE: Yes.	18 DR. SZAFIARSKI: I abstain.
19 MR. MCMILLAN: Mr. Gamble.	19 MR. VAUGHN: The motion passes.
20 MR. GAMBLE: Yes.	20 The next applicant under
21 MR. MCMILLAN: Dr. Martin.	21 consideration is Sustainable Alabama, LLC. Is
22 DR. MARTIN: Yes.	22 there a nomination for Sustainable Alabama
23 MR. MCMILLAN: Dr. Jensen.	23 moving forward?
24 DR. JENSEN: Yes.	24 JUDGE PRICE: So made.
25 MR. MCMILLAN: Ms. Skelton.	25 MR. VAUGHN: Got a motion from Judge
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<p>1 Price. 2 MS. SKELTON: Second. 3 MR. VAUGHN: A second from 4 Ms. Skelton. 5 Any other discussion? Mr. John will 6 have the roll call vote. 7 MR. MCMILLAN: Mr. Vaughn. 8 MR. VAUGHN: Yes. 9 MR. MCMILLAN: Dr. Saliski. 10 DR. SALISKI: Yes. 11 MR. MCMILLAN: Dr. Blakemore. 12 DR. BLAKEMORE: Yes. 13 MR. MCMILLAN: Mr. Gamble. 14 MR. GAMBLE: Yes. 15 MR. MCMILLAN: Dr. Martin. 16 DR. MARTIN: Yes. 17 MR. MCMILLAN: Dr. Jensen. 18 DR. JENSEN: No. 19 MR. MCMILLAN: Ms. Skelton. 20 MS. SKELTON: Yes. 21 MR. MCMILLAN: Judge Price. 22 JUDGE PRICE: Yes. 23 MR. MCMILLAN: Ms. Hatchett. 24 MS. HATCHETT: Yes. 25 MR. MCMILLAN: Mr. Harwell.</p> <p style="text-align: right;">Page 73</p>	<p>1 MS. SKELTON: No. 2 MR. MCMILLAN: Judge Price. 3 JUDGE PRICE: No. 4 MR. MCMILLAN: Ms. Hatchett. 5 MS. HATCHETT: Yes. 6 MR. MCMILLAN: Mr. Harwell. 7 MR. HARWELL: Yes. 8 MR. MCMILLAN: Dr. Szaflarski. 9 DR. SZAFIARSKI: Abstain. 10 MR. VAUGHN: The motion passes. 11 That will be our limit on integrated 12 facilities at this time. We have reached our 13 limit and capacity (unintelligible). In a 14 particular area of recess while staff tabulates 15 and makes sure that we've accurately awarded the 16 licenses and -- (unintelligible). 17 (A short recess was taken.) 18 MR. VAUGHN: I apologize for our 19 recess. It was necessary for our staff to 20 retabulate where our dispensaries will be 21 located across the state and make sure we are 22 accurately supplied and also the office staff 23 has to make sure that we have (unintelligible) 24 in order (unintelligible). 25 In a minute, I will ask Mr. Justin</p> <p style="text-align: right;">Page 75</p>
<p>1 Dr. Szaflarski. 2 DR. SZAFIARSKI: Abstain. 3 MR. VAUGHN: The motion passes. 4 The fifth applicant to be considered 5 is TheraTrue Alabama. Is there a motion on the 6 floor to nominate TheraTrue? 7 DR. SALISKI: I nominate. 8 DR. JENSEN: Second. 9 MR. VAUGHN: Got a motion from 10 Dr. Saliski and a second from Dr. Jensen. 11 Any other discussion on that one? 12 John have the roll call vote. 13 MR. MCMILLAN: Mr. Vaughn. 14 MR. VAUGHN: Yes. 15 MR. MCMILLAN: Dr. Saliski. 16 DR. SALISKI: Yes. 17 MR. MCMILLAN: Dr. Blakemore. 18 DR. BLAKEMORE: No. 19 MR. MCMILLAN: Mr. Gamble. 20 MR. GAMBLE: Yes. 21 MR. MCMILLAN: Dr. Martin. 22 DR. MARTIN: Yes. 23 MR. MCMILLAN: Dr. Jensen. 24 DR. JENSEN: Yes. 25 MR. MCMILLAN: Ms. Skelton.</p> <p style="text-align: right;">Page 74</p>	<p>1 Aday to give us a brief description of moving 2 forward. I do need a motion at this point in 3 time for our Commission to deny applications 4 that were not pretoday. Is there a motion in 5 favor we have got to do that? 6 MR. GAMBLE: So made. 7 MR. VAUGHN: A motion from 8 Mr. Gamble. 9 DR. MARTIN: Second. 10 MR. VAUGHN: A second from 11 Dr. Martin. The motion is that we deny all 12 other applicants a license after today. 13 Any other discussion on that motion? 14 We'll have a voice vote on this motion. All in 15 favor say aye. 16 COMMISSION MEMBERS: Aye. 17 MR. VAUGHN: Any opposed? Thank 18 you. The motion passes. 19 We don't have -- (unintelligible.) 20 I'll remind you we have an August 31st meeting 21 at one o'clock back here. That will be the next 22 meeting after today. 23 I also want to make a comment that 24 we (unintelligible) taking application down the 25 road. Once we see where we are with current</p> <p style="text-align: right;">Page 76</p>

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<p>1 prices, we will re-evaluate and go through the 2 investigative process and see where we are. So 3 those of you who have not obtained a license 4 today, don't lose heart. There may be another 5 day. So Justin will give our timeline of what 6 we expect to do going forward.</p> <p>7 MR. ADAY: So the timeline or the 8 time frame will be consistent with where it was 9 originally. So in the next 14 days, applicants 10 who were awarded a license will be invoiced and 11 need to pay the license fee. And then also in 12 that 14-day period, those applicants who were 13 denied a license will have the opportunity to 14 request an investigative query. And so that 15 deadline will be four o'clock p.m. on August 16 24th.</p> <p>17 And then pursuant to our rules, 14 18 days after that date, licenses will issue to 19 those who they were awarded to who paid their 20 license fee unless in the intervening time this 21 Commission places a stay on some or all of the 22 licenses therefore awarded.</p> <p>23 For those that previously were 24 awarded a license and have already paid the 25 invoice, we will reconcile those records or for</p> <p style="text-align: right;">Page 77</p>	<p>1 o'clock.</p> <p>2 DR. JENSEN: Second.</p> <p>3 MR. VAUGHN: The second from 4 Dr. Jensen.</p> <p>5 All in favor of adjourning, say aye. 6 COMMISSION MEMBERS: Aye.</p> <p>7 MR. VAUGHN: So noted. We stand 8 adjourned.</p> <p>9 (End of the proceedings.)</p> <p>10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">Page 79</p>
<p>1 any other changes with payments that have 2 already been made, we will handle that through 3 the staff at the office.</p> <p>4 MR. VAUGHN: Any commissioner have 5 questions for Justin or Will or David or Scott? 6 I'd like to thank all of them and 7 our director, Mr. McMillan, and Ms. Peters and 8 those who have generated a tremendous amount of 9 data for us to evaluate the last few weeks. It 10 is really amazing what we have been able to look 11 at. So I thank all of you for your hard work 12 and for those who have provided information, you 13 provided (unintelligible).</p> <p>14 Remember, our next meeting and next 15 issue date for the Alabama Medical Cannabis 16 Commission is scheduled for August 31st, and 17 we'll have some more information I'm sure to 18 share with you then and moving forward.</p> <p>19 Any other old business or new 20 business for the Commission? I need a motion to 21 adjourn.</p> <p>22 JUDGE PRICE: So moved.</p> <p>23 MR. VAUGHN: I have a motion from 24 Judge Price. That was fast, Judge Price.</p> <p>25 JUDGE PRICE: It is after two</p> <p style="text-align: right;">Page 78</p>	

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

ALABAMA ALWAYS LLC,)
CAPITOL MEDICAL, LLC,)
FFD ALABAMA HOLDINGS, LLC,)
FFD ALABAMA HOLDINGS, LLC ET AL,)
Plaintiffs,)
)
V.)
)
STATE OF ALABAMA MEDICAL CANNABIS)
COMMISSION,)
Defendant.)

Case No.: CV-2023-000231.00

TEMPORARY RESTRAINING ORDER

Based upon Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction, and upon the evidence before the Court, this Court finds that, absent the issuance of a temporary injunction, Plaintiff is in imminent danger of suffering irreparable harm in the form of injury to the public’s interest in having the state’s business conducted in public, interference with its business, damage to its reputation, loss of business opportunities, and the lack of any other viable remedy if the Commission issues the five integrated facility licenses, for all of which there is no adequate remedy at law.

This Court specifically finds that the requirements for granting a temporary restraining order have been established by Plaintiff.

Without issuance of a temporary restraining order, Plaintiff will suffer immediate and irreparable harm for which there is no adequate remedy at law. The public policy of the State of Alabama requires that the State’s business be conducted in public, with very few exceptions for executive session. It is well-settled that the violation of this public policy is a public injury that is remediable under the Open Meetings Act. *See Miglionico v. Birmingham News Co.*, 378 So. 2d

677 (Ala. 1979). In addition, if the Commission issues the five integrated licenses, Alabama Always will have no remedy.

Moreover, the Court finds that Defendant will suffer no hardship if the temporary restraining order is granted. To the contrary, it appears that the Commission has no legal justification for discussing the State's business in executive session.

Accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED** by the Court as follows:

(1) That the actions of the Commission on August 10, 2023, are stayed due to likely violations of the Open Meetings Act by the Commission.

(2) The Commission, its officers, agents, servants, employees, and attorneys and other persons acting in active concert or participation with them who receive notice of this order by service or otherwise refrain from discussing Commission business in executive session, unless specifically permitted by an exception to the Open Meetings Act.

(3) Plaintiff's request for expedited discovery is hereby **GRANTED**.

(4) The Commission and its process for awarding or issuing licenses is hereby stayed until further order of this Court.

It is further **ORDERED, ADJUDGED, and DECREED** that this order is binding on the Commission, its officers, agents, servants, employees, and attorneys and other persons acting in active concert or participation with them who receive notice of this order by service or otherwise.

This order is conditioned on Plaintiff posting security in the amount of \$100.00 with the Clerk of Court in a form satisfactory to the Clerk.

Finally, a hearing on Plaintiff's Motion for Preliminary Injunction is hereby set for _____, 2023, at _____.M. This order was entered at _____.M. on ___, 2023, and will expire on its own terms at the conclusion of the hearing on Plaintiff's Motion for Preliminary Injunction or _____.M. on _____, 2023, whichever is earlier.

DONE this[To be filled by the Judge].

/s/[To be filled by the Judge]
CIRCUIT JUDGE

PROPOSED ORDER