



## Dual-Use Conversion Application Applicant Attestation

I, \_\_\_\_\_ am a representative of \_\_\_\_\_ (“Licensee”), license number MMCP\_\_\_\_\_ and I am authorized to certify on behalf of Licensee the following in furtherance of its application to convert its current medical cannabis license to a dual-use license (“Application”) with the Ohio Department of Commerce, Division of Cannabis Control (“Division”), as defined by Ohio Admin. Code 1301:18-1-01.

1. Licensee reviewed all applicable provisions of chapters 3780 and 3796 of the Ohio Revised Code and the rules promulgated pursuant to chapters 3780 and 3796 of the Ohio Revised Code pertaining to the requirements for licensure with the Division.
2. Licensee is in compliance with all applicable requirements for licensure with the Division pursuant to chapters 3780 and 3796 of the Ohio Revised Code and the rules promulgated pursuant to chapters 3780 and 3796 of the Ohio Revised Code.

### 3. Facility Requirements

- a. Licensee reviewed sections 3780.07 and 3796.30 of the Ohio Revised Code. Unless otherwise authorized by the Division, Licensee is not located within five hundred feet of the end boundaries of a parcel of real estate situated on it a prohibited facility, as defined by section 3796.30 of the Ohio Revised Code.

### 4. Ownership:

- a. Licensee reviewed all provisions of the Ohio Revised Code and Ohio Administrative Code relating to the requirements of and restrictions on ownership interest in the medical marijuana licenses administered by the Ohio Division of Cannabis Control, including, but not limited, to the definitions in Ohio Administrative Code 3796:1-1-01 and 3796:6-2-03, and the provisions prohibiting ownership of, or a financial interest in, more than one cultivator license or one processor license as referenced in Ohio Administrative Code 3796:2-1-04(D) and 3796:3-1-04(D), or five dispensary licenses as referenced in Ohio Admin. Code 3796:6-2-04.
- b. On or before June 1, 2024, Licensee provided true, accurate, and complete documentation evidencing the following to the Division:
  - i. Licensee’s current organizational chart showing all owners, officers, and board members of the dispensary, regardless of ownership interest.
  - ii. Licensee’s current ownership list and capitalization table.
  - iii. Documentation of any other Person who has financial interest in, or exercises influence or control over, your dispensary that is not identified in the organizational chart your entity provided in paragraph (4)(b)(i) of this Attestation.
  - iv. A list of all People with a direct or indirect financial interest or control of or influence over Licensee.
  - v. A copy of any pending or executed merger, sale, option to purchase, letter of intent (LOI), consulting, management, support, administrative services, or other similar agreements between Licensee and any other person or entity or any of that entity’s affiliates.

- vi. A copy of any pending or executed merger, sale, option to purchase, letter of intent (LOI), consulting, management, support, administrative services, or other similar agreements with any other Person.
  - vii. If applicable, License's current Operating Agreement, if applicable.
  - viii. Any other document that evidences the ownership, influence, or control of Licensee by any person other than the people provided in the documentation outlined in paragraphs (4)(b)(i) through (4)(b)(vii) of this Attestation.
- c. Licensee provided the names of all individuals that have a 10% or greater ownership interest in Licensee.
  - d. Licensee provided the names and specifically identified all officers, board members and any other individuals and entities that have significant influence or control over Licensee, regardless of their ownership interest.
  - e. No person who is not specifically identified in the documents submitted to the Division has significant influence or control over Licensee.
  - f. Licensee is not aware of any person listed as an owner of in the documents submitted to the Division that has an ownership interest in more one cultivator license or one processor license as referenced in Ohio Administrative Code 2-1-04(D) and 3-1-04(D), or five dispensary licenses as referenced in Ohio Admin. Code 3796:6-2-04.
  - g. Licensee does not have an ownership or investment interest, or compensation arrangement with either of the following:
    - i. A testing laboratory licensed pursuant to chapter 3796 of the Revised Code; or
    - ii. An applicant for a license to conduct laboratory testing pursuant to chapter 3796 of the Revised Code.
  - h. Licensee does not share any corporate officers or employees with either of the following:
    - i. A testing laboratory licensed pursuant to chapter 3796 of the Revised Code; or
    - ii. An applicant for a license to conduct laboratory testing pursuant to chapter 3796 of the Revised Code.

#### **5. Employee Badging**

- a. Licensee reviewed all requirements of and restrictions on employee badges, including, but not limited to, the definitions in Ohio Admin. Code 3796:1-1-01 and the requirements and preclusions outlined under division 3796:5-2 of the Ohio Administrative Code.
- b. Pursuant to Ohio Admin. Code 3796:5-2-01, all of the following individuals maintain an active, valid employee badge:
  - i. Any owner, officer, and board member, of Licensee;
  - ii. Any person who significantly influences or controls the activities of Licensee;
  - iii. Any administrator or individual responsible for the daily operation of Licensee's facility; and
  - iv. Any employee or agent of Licensee.
- c. Licensee reviewed Ohio Admin. Code 3796:5-2-01(G), which requires all employees and licensees to notify the Division if an employee has been arrested for activities which, if convicted, would constitute a disqualifying offense, and understand I have an ongoing duty to report any such arrest.

**6. Security and Surveillance**

- a. Licensee reviewed all applicable security and surveillance requirements including, but not limited to, the standards issued by the Division on February 9, 2024 and March 6, 2024, Ohio Admin. Code 3796:2-2-05, 3796:3-2-05, 3796:4-2-07, and 3796:6-3-16 which requires all licensees to have a security system that is operational at all times and uses commercial-grade equipment to prevent and detect diversion, theft, or loss of cannabis, including the use of cameras in all outlined areas.

**7. State of Ohio Conflicts**

- a. None of the following people associated with Licensee are employed by a regulatory agency or governmental entity within the state of Ohio that within that role may significantly influence or control entities licensed under chapters 3796 or 3780 of the Revised Code:
  - i. Any owner, officer, and board member, of Licensee;
  - ii. Any person who significantly influences or controls the activities of Licensee;
  - iii. Any administrator or individual responsible for the daily operation of Licensee's facility; and
  - iv. Any employee or agent of Licensee.

**8. Financial Responsibility**

- a. Licensee reviewed all financial responsibility requirements outlined under Ohio Admin. Code 3796:2-1-05, 3-1-05, 4-1-05, or 6-2-11.
- b. Licensee's current medical cannabis license is in compliance with all applicable financial responsibility requirements pursuant to Ohio Admin. Code 3796:2-1-05, 3-1-05, 4-1-05, or 6-2-11 and as follows:
  - i. Licensee maintains adequate general liability and products liability insurance coverage through an insurance company authorized in the state of Ohio pursuant Title XXXIX of the Ohio Revised Code.
  - ii. Unless otherwise authorized by the Division, Licensee maintains a bond or escrow through an insurance company authorized in the state of Ohio pursuant to Title XXXIX of the Ohio Revised Code.

**9. Tax Compliance**

- a. Licensee reviewed section 3780.22 of the Ohio Revised Code and understands its ongoing duty to comply with all applicable adult-use sales tax requirements.
- b. Licensee, and all owners, officers, board members, and any person who has significant influence or control of Licensee, are in compliance with all applicable federal, state, and local taxes.
- c. Licensee reviewed and accurately completed the required tax waiver and submitted the waiver contemporaneously with this Attestation.

10. Licensee understands that the present Attestation does not outline all requirements for Licensee to obtain a certificate of operation for a dual-use license.

**11. Waiver of Claims**

- a. The present Application constitutes a true, accurate, and complete representation of all information, documentation, and attestations of Licensee as of the date of execution of this Attestation.
- b. Licensee understands that it has a duty to immediately notify the Division in writing of any changes or modifications of the information provided in this Application.
- c. Licensee understands that the event that any information, documentation, or attestation, is incomplete, inaccurate, or untruthful, and as determined by the

Division, the Licensee will be required within ten business to cure all deficiencies by submitting a complete Application.

- d. Licensee understands that the Division's approval of this Application is based upon the documents and attestations submitted to the Division. Division approval of this Application does not constitute a waiver of any violations of the Ohio Administrative Code, and that the Division reserves the right to take any enforcement action authorized under Chapter 3796 of the Ohio Administrative Code in the event that a violation is discovered.
- 12. No representations or promises have been made by the Division regarding the issuance or non-issuance of additional licenses.
- 13. Licensee obtained legal counsel where necessary to review the present Attestation in furtherance of Applicant's application to convert my chapter 3796 medical license to a dual-use license as defined by Ohio Admin. Code. 1301:18-1-01.

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Signature of Applicant

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Date