

# ADMINISTRATIVE HEARINGS DIVISION

October 19, 2023

## STIPULATED SETTLEMENT AGREEMENT FOR MARIJUANA VIOLATION CASES

1. Astral Markets, Inc.  
Christian Yance, President/Sec/Dir  
dba **ASTRAL MARKETS**  
4560 Commercial Street SE  
Salem, OR 97302

(Retailer)

ORS 475C.213 and OAR 845-025-8520(1) - On or about December 15, 2022, Licensee Christian Yance sold, delivered, transferred, or made available a marijuana item to a minor decoy, a person under 21 years of age who did not hold a valid OMMP patient or caregiver card.

(1<sup>st</sup> Level Category II(b))

Note: Licensee was charged with this violation by Notice dated August 15, 2023. The total proposed sanction was a 33-day suspension or a \$5,445.00 civil penalty. Licensee requested a hearing and now wishes to enter into this settlement agreement.

### **AGGRAVATED**

Staff added three days of aggravation because the violation was personally committed by Licensee Christian Yance

### **TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violation as set out in the Notice. This was Licensee's first Category II(b) violation within two years. Any subsequent Category II(b) violations within the same two years will be charged starting at the second level. The violation will become a permanent part of each licensee's Commission file and may be considered in any future application for any license or permit by that licensee.
2. Commission staff originally proposed the standard sanction of a 30-day suspension or a civil penalty of \$4,950.00. Commission staff added three days of aggravation because the violation was personally committed by Licensee Christian Yance. The total proposed sanction was a 33-day suspension or a \$5,445.00 civil penalty.
3. The Commission will reduce the sanction for the violation by nine days.
4. Licensee will either pay a \$3,960.00 civil penalty before 5:00 PM on November 15, 2023, OR serve a 24-day license suspension beginning at 12:00 PM (noon) on November 22, 2023, and ending at 12:00 PM (noon) on December 16, 2023.
5. Licensee withdraws the request for hearing.
6. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the charge, the licensee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of the licensee's Commission file and may be considered in any future application for any license or permit by the licensee.

**(ASTRAL MARKETS)**

7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their October 2023 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensee's hearing rights, if any, will be restored. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.

2. SG Farms, LLC  
Amy Templeton, Member  
dba **STONE GIRL**

(Producer)

OAR 845-025-7500(1)(b) - From about June 15, 2021, to about April 10, 2022, Licensee Amy Templeton failed to have a METRC Cannabis Tracking System (CTS) account activated and functional within three business days of being licensed, when Licensee's Producer license was granted effective June 10, 2021, and Licensee was not credentialed in CTS until April 11, 2022.

(1<sup>st</sup> Level Category III)

OAR 845-025-1175(1), (2), (6) - On or before about April 11, 2022, Licensee Amy Templeton made a material or substantial change to the plans originally approved by the Commission when they subleased the security building designated "limited access area" without notifying the Commission or obtaining Commission approval.

(1<sup>st</sup> Level Category III)

OAR 845-025-1160(1)(c) - On or after about June 20, 2021, Licensee Amy Templeton failed to notify the Commission within 10 calendar days of the temporary closure of licensed recreational Marijuana Producer No. 10117859436, when this license was activated June 20, 2021 but no marijuana producer business was conducted in 2021 or in 2022 until at least December 7, 2022.

(1<sup>st</sup> Level Category III)

OAR 845-025-1430(1), (2) On or before about December 7, 2022, Licensee Amy Templeton failed to have a fully operational video surveillance recording system, when there was no video surveillance recording system at the licensed premises.

(1<sup>st</sup> Level Category III)

Note: Licensee was charged with these violations by Notice dated August 8, 2023. The total proposed penalty was a 44-day license suspension or a civil penalty of \$11,000.00. Licensee requested a hearing and now wishes to enter into this settlement agreement.

**AGGRAVATED**

Staff added 4 days of aggravation because these violations were personally committed by Licensee Amy Templeton.

**SYNOPSIS:** This marijuana producer was licensed June 10, 2021, but according to the licensee they have not grown any marijuana. Nonetheless, so long as they are licensed to grow marijuana they are required to have a functional METRC CTS account for tracking marijuana, and certain security measures in place, including a surveillance system with recording capabilities (unless they were to provide a proper closure notice, which they have not done).

(continue **STONE GIRL**)

Furthermore, they are required to have changes to the licensed premises approved before the changes are made. Inspectors have spent a fair amount of time trying to educate Licensee to these requirements, but Licensee has been noncompliant as stated in the charges.

### **TERMS OF AGREEMENT**

1. Licensee accepts responsibility for the violations as set out in the Notice. These were Licensee's first through fourth Category III violations within two years, charged at the first level. Any subsequent Category III violation within the same two years will be charged starting at the second level. These violations will become a permanent part of each licensee's Commission file, and may be considered in any future application for any license or permit by that licensee.
2. The standard sanction for each of these violations is a 10-day suspension or a \$2,500.00 civil penalty. It is an aggravating circumstance that a violation is personally committed by a licensee. *P-Mart*, OLCC-92-V-098, April 1993. These violations were personally committed by Licensee Amy Templeton. The total proposed penalty was a 44-day license suspension or a civil penalty of \$11,000.00.
3. The Commission will reduce the sanction for each violation by three days.
4. Licensee will either pay an \$8,000.00 civil penalty before 5:00 PM on November 15, 2023 **OR** serve a 32-day license suspension beginning at 12:00 PM (noon) on November 22, 2023 and ending at 12:00 PM (noon) on December 24, 2023.
5. Licensee withdraws the request for hearing.
6. If a licensee's interest in the license expires or is transferred before the Commission issues a final order on the charge, the licensee agrees to accept a Letter of Reprimand for the violation. This reprimand will become a permanent part of the licensee's Commission file and may be considered in any future application for any license or permit by the licensee.
7. This agreement is conditioned upon final approval of the Commission and will be reviewed by the Commissioners at their October 2023 Commission Meeting. If the agreement is not accepted and approved in its entirety by the Commission it is deemed null and void and Licensee's hearing rights, if any, will be restored. If the agreement is accepted and approved in its entirety by the Commission, Licensee waives any and all rights to a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and to judicial review, or to otherwise challenge this agreement and the final order.