

Mr. Jonathan W. Sears
880 Papertown Road
Warfordsburg, PA 17267
Grower-Agent License No. G-17-00003

Date: 6/15/20

Mr. Brian Lopez, Chairman
Maryland Medical Cannabis Commission
849 International Drive, 4th Floor
Linthicum, MD 21090

Re: Surrender of grower's permit
Grower-Agent License No. G-17-00003
Case No. 19-00177

Mr. Lopez and Commissioners:

I agree to voluntarily **SURRENDER** the Grower-Agent License, no. **G-17-00003**, previously issued to me by the Maryland Medical Cannabis Commission ("Commission"). I understand that as a result of this voluntary surrender of my Grower-Agent License I am no longer permitted to work as a grower-agent for any grower or in any medical cannabis growing facility, with or without compensation, as it is defined in the Maryland Medical Cannabis Commission Act ("Act"), Md. Code Ann., Health – General Article § 13-3301 *et seq.*, and the Commission's regulations, Code Regs. Md. ("COMAR") § 10.62.01 *et seq.* In other words, as of the effective date of this Letter of Surrender, I understand that I am in the same position as a person who is not registered by Commission as a grower-agent.

I understand that this Letter of Surrender shall become a **PUBLIC** document and shall become effective on the date of the Commission's acceptance of this Letter of Surrender as a **FINAL ORDER** by the Commission. I agree that this letter may be released or published by the Commission as a final decision and order under the Public Information Act, Md. Code Ann., Gen. Prov., §§ 4-101, *et seq.* (2014, 2018 Supp.).

My decision to surrender my Grower-Agent License has been prompted by the Commission's investigation of an incident in which my former employer, a cannabis grow facility in the state of Maryland, terminated my employment after local police cited me for consuming cannabis in public. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. I acknowledge that if this matter had proceeded to an administrative hearing, the Office of the Attorney General would present legally sufficient evidence to prove by a preponderance of the evidence that I violated the provisions of the Act and corresponding regulations, based on the following facts:

On or about May 16, 2019, a Washington County sheriff's deputy approached Jonathan W. Sears while he was consuming cannabis in a public park. Upon searching Sears, the deputy found a quantity of cannabis on Sears's person. The

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deputy stated that Sears stated to him that Sears had taken this cannabis from Sears's workplace. Sears had not purchased this cannabis as a certified patient and his employer had not given him permission to take this quantity of cannabis. The deputy issued Sears a citation as a result of this encounter.

On May 17, 2019, the grow facility at which Sears worked terminated his employment.

Sears had taken small amounts of cannabis from his employer's facility on at least three occasions prior to this incident. This behavior is considered diversion of medical cannabis under applicable regulations.

I, Jonathan W. Sears, understand that based on the evidence collected, including the statement of the deputy who issued the citation, I would have faced administrative charges pursuant to the following regulation, which was in force at the time of the incident described above:

10.62.34.01 Operational Failure Risking Diversion or Endangering Health [2019].

In the event the Commission finds there is a reasonable likelihood of diversion, ... after written notice and a hearing in accordance with the State Government Article, §§10-201—10-226, Annotated Code of Maryland, the Commission may:

...

D. Revoke the license, licensee, agent, employee, registration or registrant.

I further understand that by executing this Letter of Surrender I am waiving any right to contest any charges that may have issued from the Commission's investigative findings and may have been prosecuted in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal.

I understand that in response to any inquiry, the Commission will advise that I surrendered my Grower-Agent License in lieu of disciplinary action under applicable provisions of the Act and COMAR as a resolution of the matters pending against me. I also understand that, in the event that I apply for licensure in any form in any other state or jurisdiction, that this Letter of Surrender, and all underlying documents, may be released or published by the Commission to the same extent as a Final Order that would result from disciplinary action pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2014 Repl. Vol., 2018 Supp.). Finally, I understand that this Letter of Surrender is considered a disciplinary action by the Commission.

Furthermore, I affirm that I no longer possess my Grower-Agent identification badge or renewal certificates or any copies or duplicates of such.

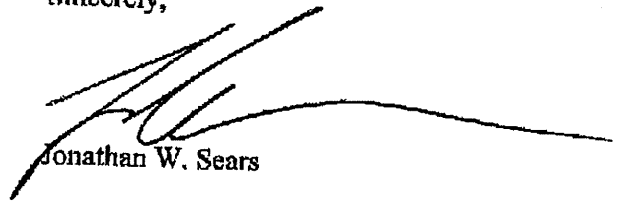
In the event that I apply for reinstatement of my Grower-Agent License, I understand that the Commission is not required to grant reinstatement. Should the Commission ever grant

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reinstatement, it may impose any terms and conditions the Commission considers appropriate. I understand that should I apply for reinstatement, I will approach the Commission in the same posture as one whose grower agent license has been revoked. I also understand that if I apply for reinstatement, I bear the burden of demonstrating that I meet the qualifications for licensure to the satisfaction of the Commission.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have had the opportunity to consult an attorney before signing this Letter of Surrender. I fully understand both the nature of the Commission's actions and this Letter of Surrender. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Sincerely,

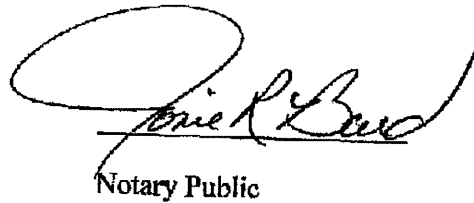


Jonathan W. Sears

NOTARY SEAL

STATE OF Pennsylvania
CITY/COUNTY: Fulton

I HEREBY CERTIFY that on this 15th day of June 2020, before me, a Notary Public of the State and City/County aforesaid personally appeared Jonathan W. Sears and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was his voluntary act and deed.



Notary Public

Commonwealth of Pennsylvania - Notary Seal
Jonie R. Bard, Notary Public
Fulton County
My commission expires December 21, 2022
Commission number 1006625
Member, Pennsylvania Association of Notaries

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ACCEPTANCE

On behalf of the Maryland Medical Cannabis Commission, on this 27 day of August, 2020, I accept Jonathan W. Sears' **PUBLIC SURRENDER** of his Grower-Agent License.



Brian Lopez, Chairman
Maryland Medical Cannabis Commission