

IN THE MATTER OF

*

BEFORE THE MARYLAND

WILSON EARMAN,

*

MEDICAL CANNABIS COMMISSION

Respondent

*

Case No.: 20-00230

*

* * * * *

FINAL ORDER OF REVOCATION OF CAREGIVER REGISTRATION

The Maryland Medical Cannabis Commission (the "Commission") previously notified Wilson Earman (the "Respondent") of its intent to revoke his caregiver registration, no. CG03-9794-71DE-E9B4, pursuant to its authority to regulate medical cannabis under Md. Code Ann., Health-Gen. § 13-3301, *et seq.* (2015 Repl. Vol. and 2018 Supp.), which states:

§13-3313. Distribution, possession, manufacture, or use of diverted marijuana prohibited

(b)(1) A person may not distribute, possess, manufacture, or use cannabis that has been diverted from a qualifying patient, a caregiver, an academic research representative, a licensed grower, or a licensed dispensary.

(2) A person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

(3) The penalty under this subsection is in addition to any penalties that a person may be subject to for manufacture, possession, or distribution of marijuana under the Criminal Law Article.

§ 13- 3316. Regulations

The Commission shall adopt regulations to implement the provisions of this subtitle.

Furthermore, the applicable regulations in the Code of Maryland Regulations (COMAR) (August 2019) states as follows:

10.62.06.05. Circumstances Requiring Return of Identification Card to Commission.

...

B. A caregiver shall return his or her identification card with respect to a qualifying patient to the Commission within 5 business days if:

(1) A certifying provider terminates or fails to renew a written certification of a qualifying patient; or

(2) A caregiver is no longer assisting a qualifying patient.

10.62.34.01 Operational Failure Risking Diversion or Endangering Health.

A. A licensee, registrant, agent, or employee may not divert or contaminate medical cannabis, or otherwise risk the health of a patient or any other individual.

...

C. In accordance with the hearing provisions of Regulation .05 of this chapter, the Commission may deny, suspend, or revoke the license or registration of a licensee, registrant, agent, or employee who violates §A of this regulation.

The Commission's notice to the Respondent also informed him that unless he requested a hearing in writing within thirty (30) days of receipt of said notice, the Commission would sign this Final Order, a copy of which was enclosed with the notice. More than thirty (30) days have elapsed, and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

FINDINGS OF FACT

The Commission finds the following facts:

1. The Respondent is registered with the Commission as a caregiver. Accordingly, the Respondent was authorized to purchase and administer medical cannabis to a Maryland resident registered as a patient with the Commission ("Registered Patient"). The

Respondent's registration as a caregiver does not authorize him to purchase medical cannabis on behalf of any person other than the Registered Patient.

2. According to a death certificate provided by Maryland Department of Health Division of Vital Records, the Registered Patient died on February 7, 2020.
3. As evidenced by receipts of purchase and security camera footage, the Respondent continued to purchase medical cannabis after the Registered Patient's death on at least five occasions from late February 2020 to early May 2020.
4. After receiving information that the Registered Patient was deceased and verifying the Registered Patient's death, the Commission staff changed his patient status to "inactive."

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Commission concludes that the Respondent, contrary to the requirements of Health-Gen. § 13-3313 and COMAR 10.62.34.01, possessed cannabis that had been diverted from a qualifying patient. The Commission further finds that the Respondent failed to return his caregiver identification card within 5 days after the Registered Patient's death, in violation of COMAR 10.62.06.05.

Based on the foregoing facts, the Commission now intends to revoke the Respondent's caregiver registration pursuant to COMAR 10.62.06.05 and 10.62.34.01.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th
day of October 2020, by a majority of a quorum of the Commission hereby


ORDERED that the Respondent's caregiver registration in the State of Maryland is
hereby **REVOKED**; and it is further

ORDERED that the Respondent shall return to the Commission his caregiver
identification card within five (5) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the
Commission; and it is further

ORDERED that this document constitutes a formal disciplinary action of the
Commission and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov.
§§ 4-101 *et seq.* (2014 Vol., 2018 Supp.).

10/15/20
Date


Brian Lopez, Chairman
Maryland Medical Cannabis Commission