

IN THE MATTER OF

\*

BEFORE THE NATALIE M.

COURTNEY CARROLL

\*

LAPRADE MEDICAL

Respondent

\*

CANNABIS COMMISSION

Registered Agent No. G-000012

\*

Case No. 18-00013

\*

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**Background**

On or about July 2, 2018, the Natalie M. LaPrade Medical Cannabis Commission (“Commission”) received a complaint (“Complaint”) alleging that Courtney Carroll (“Respondent”) was involved in the use of certain unauthorized crop protection agents during her employment at ForwardGro, LLC, (“ForwardGro”) a licensed medical cannabis grower.

At all times material to the Complaint, the unauthorized crop protection agents that were used at ForwardGro were prohibited under applicable statutes and regulations. The Commission’s investigation found that Respondent was involved in the use of these prohibited agents.

The pertinent provisions of COMAR state as follows:

**10.62.34.01. Operational Failure Risking Diversion or Endangering Health.**

In the event the Commission finds there is a reasonable likelihood of diversion, contamination of medical cannabis, or any risk to the health of a patient or any other individual, after written notice and a hearing in accordance with the State Government Article, §§10-201—10-226, Annotated Code of Maryland, the Commission may:

- ...
- C. Suspend the license, licensee, agent, employee, registration or registrant;
- or
- D. Revoke the licenses, licensee, agent, employee, registration or registrant.

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On May 23, 2019, the Commission conducted a case resolution conference (“CRC”) with Respondent in an attempt to resolve these matters prior to the issuance of formal charges. As a result of this CRC and additional negotiations between counsel, the Commission and Respondent have agreed to resolve this matter as set forth in this Consent Order in lieu of instituting formal proceedings against Respondent in accordance with the Md. Code Ann., Health-Gen. § 13-3301 *et. seq.* (2014 Repl. Vol.) and agree to the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

The Commission finds that:

1. At all times relevant hereto, Respondent was a registered grower agent licensed to grow medical cannabis in the State of Maryland. Respondent obtained her Maryland medical cannabis grower’s registration on or about July 6, 2017 under license number G-000012.
2. ForwardGro employed Respondent as a grow agent beginning sometime around May 2017. Respondent did not have any significant working experience in horticulture prior to her employment with ForwardGro. Respondent assumed greater responsibilities over time and eventually worked with other grow agents as a de facto team leader at ForwardGro.
3. On or about July 2, 2018, the Commission received a Complaint, including affidavits from three former ForwardGro grower-agents, alleging that ForwardGro used certain unauthorized crop protection agents on medical cannabis plants. Based on the Complaint, the Commission initiated an investigation of ForwardGro’s growing facilities, which consisted, in part, of seventeen (17) witness interviews, including former and current employees, managers, and

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owners of ForwardGro. The Commission's investigation ultimately revealed several compliance violations.

4. The Commission conducted two inspections (July 3, 2018 and July 9, 2018) at ForwardGro's facility (the "Facility"), procured random samples from various locations at the Facility to test for the presence of unauthorized crop protection agents, obtained Standard Operating Procedures ("SOPs") relevant to cultivation processes, and procured documents and other items related to the purchase and use of unauthorized crop protection agents.

5. The investigation revealed that powdery mildew and unwanted insects were persistent problems at the Facility, where Respondent worked. The investigation further revealed that ForwardGro's SOPs included an Integrated Pest Management system to deal with unwanted pests, but those SOPs did not address the use of any chemical pesticides or other unauthorized crop protection agents.

### **A. Use of Unauthorized Crop Protection Agents**

6. The investigation revealed the use of certain unauthorized crop protection agents to treat medical cannabis plants at the Facility.

7. During her employment at ForwardGro, Respondent received ForwardGro SOPs and was aware of ForwardGro SOPs. As of July 7, 2018, the Maryland Department of Agriculture ("MDA") began permitting the use of some, but not all, of the crop protection agents used at ForwardGro's facility. Beginning in 2017, Respondent's supervisors, the Chief Executive Officer and Head Grower, both of whom were terminated by ForwardGro in 2018, used and directed the use of unauthorized crop protection agents to medical cannabis plants. Respondent, while under their direction and supervision, also used unauthorized crop protection agents on ForwardGro's

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medical cannabis crops and, as de facto team leader, directed other grower-agents to do so. In February 2018, Respondent, at the direction of a superior, also conducted an experiment applying Zerotel 2.0, an unauthorized crop protection agent at the relevant time, to medical cannabis clones, although those clones were never put into production or released to the market. MDA later approved the use of Zerotel 2.0 on medical cannabis plants.

8. Additionally, Respondent was directed to use and used several essential oils on medical cannabis plants prior to the MDA's release of an approved list of crop protection agents.

**MITIGATING CIRCUMSTANCES**

9. Commission investigators report that Respondent, in her current capacity leading grow teams at the Facility, has contributed significantly to increased compliance among grower-agents. Investigators further report that, in part due to Respondent's contributions and leadership, the quality and quantity of medical cannabis grown at the Facility has increased.

10. ForwardGro no longer used unauthorized crop protection agents by April 2018, when ForwardGro removed the Head Grower from inside the Facility. ForwardGro later terminated his employment with the company.

11. ForwardGro has had nine unannounced inspections by the Commission since December 2018. Those inspections have found that the Company no longer has powdery mildew or pest issues. The inspections have also found that the cannabis quality and quantity have improved and that ForwardGro has generally adhered to its SOPs and to applicable regulations. ForwardGro today, with Respondent's active contribution, demonstrates increased compliance.

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**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Commission concludes that Respondent was directed to use and used unauthorized crop protection agents on medical cannabis plants being cultivated at ForwardGro's facilities and did not comply with relevant laws, regulations, and standard operating procedures prohibiting the use of such unauthorized crop protection agents in violation of Md. Code Ann., Health-Gen. § 13-3301 *et. seq.* (the "Act") (2014 Repl. Vol.), and COMAR 10.62.34.01.

**ORDER**

The Commission acknowledges that in the months preceding this order, and prior to the ForwardGro Consent Order of December 18, 2018, Respondent has made significant efforts to improve her professional conduct and has fully complied with all applicable laws and regulations. The Commission further acknowledges Respondent's contributions to a culture of compliance among ForwardGro's grower-agents. Based upon these acknowledgments and the foregoing Findings of Fact and Conclusions of Law by the Commission, it is hereby:

**ORDERED** that Courtney Carroll shall not accept any appointment to work as the Head Grower at ForwardGro for at least **TWELVE** (12) months from the date of this Order; and be it further **ORDERED** that Ms. Carroll's grower registration is hereby **SUSPENDED** for **TWELVE MONTHS** and that this suspension shall be **STAYED**; and be it further

**ORDERED** that should Ms. Carroll violate any applicable law, regulation, or term of this Consent Order during the period of stayed suspension, the stay shall be **SUMMARILY LIFTED** and the suspension shall be **FULLY IMPOSED**, subject to a show-cause hearing; and be it further

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**ORDERED** that following the period of stayed suspension, Ms. Carroll's grower registration shall be placed on **PROBATION** for a period of **TWELVE MONTHS**, during which time Ms. Carroll shall comply with:

1. ForwardGro's established three-party approval process for:
  - a. the ordering of any crop protection agents, or any substance that is subject to regulation by the MDA, for use on ForwardGro's medical cannabis plants; and
  - b. the distribution of instructions relating to the application of any crop protection agents, or any substance that is subject to regulation by the MDA, to the grower team;
2. ForwardGro's use of a three-party approval process regarding the ordering, distribution and dissemination of instructions relating to the application of crop protection agents, or any substance that is subject to regulation by the MDA, to the grower team shall be available for review upon the Commission's compliance inspections, conducted pursuant to its Consent Order with ForwardGro; and it is further

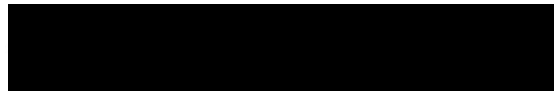
**ORDERED** that beginning six-months into her probation period or at the termination of ForwardGro's probation under ForwardGro's Consent Order with the Commission, whichever is sooner, Ms. Carroll may submit a written petition to the Commission requesting termination of probation. After consideration of the petition, the Commission or a group of Commissioners meeting as a committee or a Case Resolution Conference panel may terminate the Respondent's probation through an order if the Respondent has fully and satisfactorily complied with all of the terms and conditions of probation and this Consent Order; and it is further

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**ORDERED** that if Ms. Carroll violates any of the terms and conditions of this Consent Order or her letter of September 18, 2019, the Commission, in its discretion, after notice and an opportunity for an evidentiary hearing before the Commission, may impose any other disciplinary sanction which the Commission may have imposed in this case under Md. Code Ann., Health-Gen. § 13-3301 *et. seq.*, including an additional probation, suspension, revocation, and/or monetary fine, said violation to be proven by a preponderance of the evidence; and be it further

**ORDERED** that this Consent Order is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov., §§ 4-101, *et seq.* (2014).

9-26-19  
Date




Brian Lopez, Chairman  
Natalie M. LaPrade Maryland  
Medical Cannabis Commission

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**CONSENT**

By this Consent, I, Courtney Carroll, acknowledge that I have read this Consent Order in its entirety, and I accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which Courtney Carroll would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses, to introduce testimony and evidence on her behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Md. Code Ann., State Gov't § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

  
\_\_\_\_\_  
**Courtney Carroll**



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**NOTARIZATION**

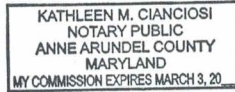
STATE: Maryland

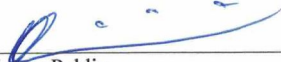
CITY/COUNTY: Anne Arundel County

**I HEREBY CERTIFY** that on this 24<sup>th</sup> day of September, 2019, before me, Notary Public of the State and City/County aforesaid, Courtney Carroll personally appeared, and made oath in due form of law that signing the foregoing Consent Order was the voluntary act and deed of **Courtney Carroll**.

**AS WITNESSETH** my hand and notarial seal.

SEAL



  
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Notary Public

My Commission Expires: 3/3/2021