

IN THE MATTER OF
GREGORY MYERS

Respondent

Agent Registration No.: D-004538

* BEFORE THE
* MARYLAND
* CANNABIS ADMINISTRATION
*
*
* Case No. 21-00263

* * * * *

CONSENT ORDER

The Maryland Cannabis Administration (the "Administration" or "MCA") and Respondent **Gregory Myers** (the "Respondent"), agent registration number **D-004538**, pursuant to the Cannabis Reform Act found at Md. Code Ann. Alcoholic Beverages & Cannabis §36-503 and the Natalie LaPrade Medical Cannabis Commission Act (the "Act"), formerly codified at Md. Code Ann., Health-Gen. ("Health Gen.") § 13-3301 et seq. (2019 Repl. Vol. and 2021 Supp.)¹ as well as Code of Maryland Code of Maryland Regulations (COMAR) 10.26, hereby enter into this Consent Order in order to resolve violations of the Act in order to resolve the Charges Under the Medical Cannabis Act issued on April 4, 2022.

The pertinent provisions of the Act and corresponding Code of Maryland Regulations ("COMAR") are as follows:

Health Gen. § 13-3313.1 Advertisements

.....
(b) An advertisement for a grower, a processor, a dispensary, an independent testing laboratory, a certifying provider, or a third-party vendor may not:
.....

¹ Although the Cannabis Reform Act, codified at Alcoholic Beverages and Cannabis Article, §36-501, Annotated Code of Maryland and effective May 3, 2023, established the Maryland Cannabis Administration, this document references the Natalie LaPrade Medical Cannabis Commission Act as it was the governing statute at the time of the allegations set forth herein.

- (2) Contain a design, an illustration, a picture, or a representation that:
 - (i) Encourages or represents the recreational use of cannabis;
 - (ii) Targets or is attractive to minors, including a cartoon character, a mascot, or any other depiction that is commonly used to market products to minors;
 - (iii) Displays the use of cannabis, including the consumption, smoking, or vaping of cannabis;
 - (iv) Encourages or promotes cannabis for use as an intoxicant

COMAR 10.62.34.03. Violation of Requirements.

- A. A licensee, registrant, agent, or employee may not violate a requirement of this subtitle or Health-General Article, §§13-3301—13-3316, Annotated Code of Maryland.
- B. A licensee, registrant, agent, or employee who violates §A of this regulation is subject to a fine of up to \$5,000 per violation. The licensee, registrant, agent, or employee may:
 - (1) Elect to pay the imposed fine; or
 - (2) Request a hearing not later than 30 days after receipt of notice of the fine.
- 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.

Although this matter had been referred to the Office of Administrative Hearings for an evidentiary hearing the parties have agreed to enter into this Consent Order in lieu of the same.

INVESTIGATIVE FINDINGS

The parties agree upon the following findings of fact:

I. The Complaint

1. At all times relevant, Respondent was a registered dispensary agent authorized to dispense medical cannabis in the State of Maryland under registration number D-004538.
2. Respondent currently works at another Maryland licensed dispensary that is not involved in this matter.

3. On April 29, 2021, the Maryland Medical Cannabis Commission (the "Commission") received an emailed complaint (the "Complaint") related to Respondent's conduct at Culta, LLC's grow facility in Cambridge, Maryland.

4. The Complaint alleges various potential allegations of the Act related to Respondent's commercial production of a music video filmed at Culta's grow facility under the Respondent's pseudonym, "Double G."

5. According to the Complaint,

Culta, LLC markets its medicinal cannabis as recreational marijuana and promotes a recreational marijuana culture to Maryland youth as a core part of its business model, mocking the medical character of their MMCC-authorized activities. Actions by Culta, LLC endanger public health, hurt medical patients by limiting patient access to quality cannabis medicine, and undermine the Maryland medical cannabis program.

6. The Complaint further alleges Respondent's advertisement video promotes recreational marijuana culture and targets youth. The Complaint asserts that "The MMCC licensed and regulated Culta cultivation facility, dispensary, and products are prominently featured in the Culta-sponsored music video for the artist's party song."

7. The Complaint also alleges that, "The song echoes Culta's 'Sweet Paradise' 'Roll One, Light One, Smoke One' campaign, shows a youth-oriented beer-pong drinking party, [and] shows youthful looking people smoking....."

8. Upon review of the Complaint, the Commission initiated an investigation into the allegations.

II. Commission Investigation

9. The Commission's investigator found the commercial advertisement on YouTube, as alleged, and was titled "Roll One."² Its description stated:

The second single off Double G's new album which is scheduled for release in the summer, "Roll One" is the universal cannabis party track the world has longed for. It's the perfect track to roll one, light up, and smoke one too ! Over an extremely fun, upbeat, pop-rock instrumental by Balloon Beats, "Roll One" is sure to make you MOVE... even if you don't enjoy cannabis. Give this video a thumbs up, drop a comment, make sure to subscribe, and most importantly, share this video with a friend!

****Medical marijuana is for qualifying patients only. Must be 18+ to view****

Big shoutout to Culta for sponsoring this song/video. They bring some of the highest quality medicine that's available on the Maryland medical market. Their Dosidos 22-22 is a MUST TRY if you are an MMCC patient. Give them a follow on Instagram: @CultaIG. **The video was sponsored/paid for by Culta, LLC[.]**

Emphasis added.

10. Investigation revealed that Respondent's video was filmed at Culta's licensed grow facility on March 10, 2021 as a paid commercial advertisement for Culta.

11. The advertisement video and its lyrics were posted on YouTube and contain language conveying that medical cannabis, specifically the Culta's Cookies brand, should be shared and/or used recreationally. For instance, the ad states: "Tonight we getting stoned. Roll one and pass it around. And don't no one let it hit the ground...."

12. In essence, the Commission has determined that Respondent's advertisement video focuses on the use of cannabis for recreational purposes.

13. Respondent asserts that those seen smoking in the video are smoking tobacco and not medical cannabis.

14. Respondent's advertisement video also displays:

- a) Posters in the background containing identifiable logos of Maryland Medical Cannabis licensees, to include MPX (license no. P-17-0009); Curio (license no. D-18-00012); and Culta (license no. D-18-00019);

² The video was located and viewed at: <https://www.youtube.com/watch?v=INKKWKyewY8> on March 1, 2022.

- b) The logo of a recreational cannabis facility in Denver, Colorado;
- c) Various Cultra brand packages, including Cultra Cookies brand, Georgia Pie, London Pound Cake, Cheetah Piss, Snow Man, and Cereal Milk; and
- d) "Sponsored by Cultra" at the end of the advertisement along with its Cookies brand logo; "Stoner Zone"; and a cannabis leaf.

15. Further, there are additional YouTube music videos, such as the Double G "Roll One Studio Session x Music Video (Behind The Scenes)," wherein Respondent is shown at a recording studio and while filming the advertisement video at Cultra's grow facility in Cambridge, Maryland.

16. Review of video surveillance footage from Cultra's grow facility confirms the date the commercial was recorded and reveals Respondent was in one of Cultra's grow rooms.

17. The advertisement video was available on YouTube, but following issuance of the Charges in this matter, Respondent removed the original commercial as well as the behind-the-scenes video from YouTube's platform.

CONCLUSIONS OF LAW

18. Respondent's music video promoting the recreational use of medical cannabis, to include the display of video games and other items attractive to minors, as set forth herein, are violations of Health Gen. §§ 13-3313.1(b)(2)(i) - 13-3313.1(b)(2)(iii).

19. Respondent also violated Health Gen. §§ 13-3313.1(b)(2)(iv) by encouraging and/or promoting cannabis for use as an intoxicant in the commercial he produced for Cultra and published online.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, by the Maryland Cannabis Administration, it is hereby

ORDERED that Respondent shall:

1. pay a penalty to the Administration's Compassionate Use Fund in the amount of \$500.00 pursuant to COMAR 10.62.34.08(B)(1)(a) within 30 days;
2. shall provide an attestation to the Administration that he has ensured removal of the videos from YouTube or other online platforms to which he personally has posted them,;
3. shall provide an attestation to the Administration that he has removed the single "Roll One" from each audio platform to which the single was distributed, including, but not limited to, Spotify, Apple Music, and iTunes; and it is further

ORDERED that Respondent's agent registration is hereby REPRIMANDED; and it is further


ORDERED that any violation of this Consent Order shall be deemed grounds for disciplinary action and shall result in an administrative hearing; and it is further

ORDERED that Respondent shall be responsible for the costs associated with complying with this Order; and it is further

ORDERED that this Consent Order is a PUBLIC DOCUMENT pursuant to Md. Code Ann., Gen. Prov. §§ 4-401 et seq. (2014).

06/15/2023

Date



William Tilburg, Director
Maryland Cannabis Administration

CONSENT

I, Gregory Myers, (hereinafter "Respondent"). Respondent acknowledges that he has had the opportunity to seek advice of counsel in this matter. By this Consent, Respondent agrees and accepts to be bound by this Consent Order and its conditions and restrictions. Respondent waives any rights it may have had to contest the Findings of Fact and Conclusions of Law.

Respondent acknowledges the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which the Respondent would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on its own behalf, and to all other substantive and procedural protections as provided by law. Respondent acknowledges the legal authority and the jurisdiction of the Administration to initiate these proceedings and to issue and enforce this Consent Order. Respondent also affirms that it is waiving its right to appeal any adverse ruling of the Administration that might have followed any such hearing.

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

5/31/23

Date



Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF: Baltimore

I HEREBY CERTIFY that on this 31st day of May 2023,
before me, a Notary Public of the State and County aforesaid, personally appeared
Gregory Myers, on behalf of
_____, and gave oath in due form of law
that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

WINDELL D OWENS
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires Oct. 26, 2024

My commission expires: Oct. 26, 2024

4866-5624-5862, v. 1

