

IN THE MATTER OF

\*

BEFORE A HEARING OFFICER

JG AND ND, LLC

\*

OF THE MARYLAND

Petitioner

\*

CANNABIS ADMINISTRATION

\*

Application No. 23-3554358

\*

MCA Case No.: 24-00447

\* \* \* \* \*

**FINAL ORDER**

STATEMENT OF THE CASE  
ISSUES  
SUMMARY OF THE EVIDENCE  
UNDISPUTED MATERIAL FACTS  
DISCUSSION  
CONCLUSIONS OF LAW  
ORDER

**STATEMENT OF THE CASE**

On October 17, 2024, the Maryland Cannabis Administration (“MCA”) denied the application for a standard cannabis dispensary license submitted by Petitioner JG and ND, LLC (“JGND”)<sup>1</sup>. The denial letter set forth the following provisions of the Maryland Cannabis Reform Act at Md. Code Ann., Alc. Bev. § 36-101, et seq. (2023) and Code of Maryland Regulations (COMAR) 14.17.01 , *et seq.* (2024) as bases for its denial as follows:

**§ 36-1103 Straw ownership**

\* \* \*

(b) A person may not apply for or hold a cannabis license or registration under this title if an ownership interest in the license or registration is:

(1) nominal or without the benefits and risks of genuine ownership or control; and

---

<sup>1</sup> In the February 28, 2025, filing, JGND mistakenly refers to itself as “Respondent”; however, as the party bringing the action and in this matter and bearing the burden of establishing its entitlement to a conditional license, JGND is the Petitioner. *See* COMAR 14.17.22.09D(3).

(2) for the limited purpose of satisfying the requirements under this title for cannabis licensees or registrants, including requirements for social equity licensees or registrants.

#### **14.17.05.03 Application Notification, Submission, and Review.**

\* \* \*

##### **E. Application Review.**

(1) The burden of proving an applicant's qualifications rests on the applicant.

(2) The Administration may:

(a) Deny an application that:

- (i) Is not complete in every material detail;
- (ii) Contains a material misstatement, omission, misrepresentation, or untruth;
- (iii) Does not meet the minimum qualifications for the lottery; or
- (iv) Is not submitted by the established deadline;

#### **14.17.05.04 Lottery Award and Conditional License.**

##### **A. Lottery.**

\* \* \*

(5) The Administration may deny issuing a conditional license to an applicant selected in the lottery if:

- (a) The applicant fails to provide any additional information or supporting documentation requested pursuant to § A(4) of this regulation within 10 calendar days;
- (b) Any additional information or supporting documentation submitted by the applicant demonstrates the applicant is not eligible for a license under this subtitle or Alcoholic Beverages and Cannabis Article, Title 36, Annotated Code of Maryland; or
- (c) The Administration determines that the applicant violated Regulation .02D of this chapter.

On December 11, 2024, I held a remote prehearing conference. Morgan Clipp, Assistant Attorney General, appeared on behalf of the State, and Edward Tolchin appeared on behalf of Petitioner. The Prehearing Conference Report included a scheduling order for the filing of motions and responses. On February 28, 2025, the parties filed cross Motions for Summary Judgment, which I interpret as Motions for Summary Decision pursuant to COMAR 28.02.01.12.D (2020). Both parties also filed Responses to the other's Motions on March 14, 2025.

On March 28, 2025, I held a remote hearing on the parties' Motions. On May 6, 2025, the parties filed Joint Stipulations, restated herein. Hearing authority has been granted to me pursuant to Md. Code Ann., Alc. Bev. § 36-202 (2023) and COMAR 14.17.22 (2024).

Procedure in this case is governed by the contested case provisions of the Administrative Procedure Act, the Hearing Procedures for MCA Hearings, and the Rules of Procedure of the Office of Administrative Hearings ("OAH"). Md. Code Ann., State Gov't §§ 10-201 through 10226 (2021 & Supp. 2024), COMAR 14.17.22, *et seq.* (2024); and COMAR 28.02.01 (2020).

## **ISSUES**

1. Has Petitioner demonstrated that it is entitled to summary decision because there is no genuine dispute of material fact, and its application satisfies the legal requirements of the Cannabis Reform Act such that Petitioner is entitled to a conditional license as a matter of law regardless of its change in ownership after its receipt of Selected Applicant status?
2. Is the State entitled to order of summary decision in its favor because there is no genuine dispute of material fact that Petitioner's application violated COMAR 14.17.05.03E(2)(a)(i) and (ii); and COMAR 14.17.05.04A(5)(a) and (b) such that the State is entitled to judgment as a matter of law?

## **SUMMARY OF THE EVIDENCE<sup>2</sup>**

### Exhibits

The State submitted the following exhibits in support of its Motion for Summary

Decision:

State's Ex. 1: Communication from April, 2024 showing contemplated sale

State's Ex. 2: Guidance document

State's Ex. 3: August, 2024 sale notification

State's Ex. 4: June, 2024 JGND and Pure Vida Co. ("Pure Vida") Memorandum of Understanding

State's Ex. 5: August 16, 2024 MCA letter

State's Ex. 6: September 14, 2024 MCA letter

State's Ex. 7: October 9, 2024 Tolchin letter

State's Ex. 8: October 17, 2024 denial letter

State's Ex. 9: JGND main application

State's Ex. 10: JGND capitalization table

State's Ex. 11: JGND Business Plan

State's Ex. 12: Application instructions

State's Ex. 13: March 18, 2024 MCA letter to JGND

State's Ex. 14: MCA correspondence to Dicken about attestation

State's Ex. 15: July 2, 2024 request for attestation

State's Ex. 16: July 8, 2024 request for attestation

---

<sup>2</sup> All evidence referenced herein was submitted in documentary form only; there was no sworn testimony taken during the parties's motions hearing.

State's Ex. 17: July 30, 2024 request for attestation

State's Ex. 18: Grover affidavit

Petitioner submitted the following exhibits in support of its Motion for Summary Decision:

Pet. Ex. 1: Articles of Organization for JG and ND, LLC

Pet. Ex. 2: Excerpts from transcript of August 29, 2024 hearing before the Circuit Court for Montgomery County, Maryland in JG and ND LLC v. Maryland Cannabis Administration, Case No. C-15-CV-24-004574

Pet. Ex. 3: Correspondence from neildicken8@gmail.com to "lindamdicken", March 13, 2024

Pet. Ex. 4: MCA's Guidance, April 17, 2024

Pet. Ex. 5: Correspondence from Jason Klein to Kathleen George, Anthony Grover, and Reporting MCA, August 12, 2024

Pet. Ex. 6: MCA Correspondence to Neil Dicken, JG and ND, LLC, August 16, 2024

Pet. Ex. 7: Verified Complaint for Declaratory Judgment and Injunction in Case No. C-15-CV-24-004574

Pet. Ex. 8: Order Granting Request for Temporary Restraining Order in Case No. C-15-CV-24-004574

Pet. Ex. 9: Opinion and Order in Case No. C-15-CV-24-004574

Pet. Ex. 10: MCA correspondence to Neil Dicken, JG and ND, LLC, October 17, 2024

Pet. Ex. 11: MCA Attestation form

Following the Motions hearing, I invited the parties to submit the following documents referenced therein. The State submitted a link for a Maryland Senate floor debate, March 29, 2023, which I will list as State's. Ex. 19. Petitioner submitted trial transcripts from *JG and ND*,

*LLC v. Maryland Cannabis Administration* in the Circuit Court for Montgomery County, August 22, 2024 and August 29, 2024. I will list the August 22, 2024 trial transcript as Pet. Ex. 12 and the August 29, 2024 trial transcript as Pet. Ex. 13.

The parties further submitted the following exhibits as attachments to their Joint Stipulations:

Joint Ex. 1: Instructions for the cannabis license application

Joint Ex. 2: JGND's application for a dispensary license in Montgomery County, December 2023

Joint Ex. 3: MCA's correspondence to all Selected Applicants

Joint Ex. 4: MCA's Guidance, April 17, 2024

Joint Ex. 5: MCA's requests for JGND to sign an attestation, June 10, July 2, 8 and 30, 2024

Joint Ex. 6: MCA's attestation

Joint Ex. 7: MCA correspondence to JGND, August 16, 2024

Joint Ex. 8: MCA's Notice of Intent to Deny JGND's application for a conditional license, September 14, 2024

Joint Ex. 9: MCA's Denial of JGND's application for a conditional license, October 17, 2024

Joint Ex. 10: JGND's Request for a Hearing

## **UNDISPUTED MATERIAL FACTS**

On May 5, 2025, the parties filed the following Joint Stipulations with the joint exhibits<sup>3</sup> referenced above:

1. The MCA developed an application for cannabis licensure. The instructions for the application are attached as Exhibit 1 hereto.
2. JGND timely submitted its application for a dispensary license in Montgomery County in December 2023.
3. A copy of JGND's application is Exhibit 2 hereto.
4. Neil Dicken, the 65% owner of JGND in December 2023, is a designated Social Equity Applicant.
5. Based on the information presented in its application submitted in December 2023, the MCA determined that JGND met the minimum qualifications to be entered into the lottery.
6. JGND was selected in the lottery conducted on March 14, 2024, making it a "Selected Applicant."
7. A "Selected Applicant" remains in that status until the MCA either awards the Selected Applicant a conditional license, in which case the Selected Applicant becomes a Conditional Licensee, or the MCA denies the Selected Applicant a conditional license.
8. On March 18, 2024, the MCA sent correspondence to all Selected Applicants, a copy of which is Exhibit 3 hereto.
9. On April 17, 2024, the MCA published a guidance on transfers during pre-approval and conditional licensure (the "Guidance"), a copy of which is Exhibit 4 hereto.

---

<sup>3</sup> Although the Joint Stipulations reference the exhibits agreed upon and submitted by the parties as attachments to the Joint Stipulations, they are omitted here, and any reference to them is merely for the sake of accurately restating the Joint Stipulations.

10. On June 10, July 2, 8 and 30, the MCA requested that JGND sign and return an attestation. The requests are attached as Exhibit 5 hereto, and the attestation is attached as Exhibit 6 hereto.
11. JGND did not sign and return the attestation.
12. JGND found a buyer, Pure Vida, and JGND's members sold 100% of their membership interests to Pure Vida on August 7, 2024.
13. JGND [notified MCA] on August 12, 2024, of the Pure Vida acquisition.
14. Pure Vida is 65% owned by Matt Hersh, who was verified by the MCA's third-party contractor as a Social Equity Applicant.
15. On August 16, 2024, MCA sent a letter to JGND, a copy of which is Exhibit 7 hereto.
16. On September 14, 2024, the MCA issued a notice of intent to deny JGND's application for a conditional license, a copy of which is attached as Exhibit 8.
17. On October 17, 2024, the MCA denied JGND's request for a conditional license, a copy of which is attached as Exhibit 9.
18. JGND noted a timely appeal of the denial, a copy of which is Exhibit 10.

## **DISCUSSION**

### **Standard of Review**

Summary judgment, or summary decision in an administrative case, is appropriate when the moving party "(i) clearly demonstrate[s] the absence of any genuine issue of material fact, and (ii) demonstrate(s) that it is entitled to judgment as a matter of law." *Nerenberg v. RICA of Southern Maryland*, 131 Md. App. 646, 660 (2000); Maryland Rule 2-501(f).

A motion for summary decision is the administrative hearing equivalent to a motion for



summary judgment in a civil proceeding. When ruling on a motion for summary decision, a hearing officer may consider admissions, exhibits, affidavits, and sworn testimony for the purpose of determining whether a hearing on the merits is necessary. *See Davis v. DiPino*, 337 Md. 642, 648 (1995) (comparison of motions to dismiss and for summary judgment), vacated in part on other grounds, 354 Md. 18 (1999).

The OAH regulation governing motions for summary decision provides:

D. Motion for Summary Decision.

- (1) A party may file a motion for summary decision on all or part of an action on the ground that there is no genuine dispute as to any material fact and the party is entitled to judgment as a matter of law.
- (2) A motion for summary decision shall be supported by one or more of the following:
  - (a) An affidavit;
  - (b) Testimony given under oath;
  - (c) A self-authenticating document; or
  - (d) A document authenticated by affidavit.
- (5) The ALJ may issue a proposed or final decision in favor of or against the moving party if the motion and response show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law.

COMAR 28.02.01.12D.

The purpose of the summary decision procedure is not to try the case or to decide the factual disputes, but to decide whether there is an issue of fact, which is sufficiently material to be tried. *See Goodwich v. Sinai Hosp. of Balt., Inc.*, 343 Md. 185, 205-06 (1996); *Coffey v. Derby Steel Co.*, 291 Md. 241, 247 (1981); *Berkey v. Delia*, 287 Md. 302, 304 (1980).

## Motions for Summary Decision

### The Parties' Arguments

Having stipulated to the material facts in this case, both parties assert that they are entitled to summary decision based upon their respective legal interpretations of the Cannabis Reform Act and its corresponding regulations.

The State asserts that the MCA's denial of JGND's conditional license is based on its failure to submit an application that was "complete in every material detail" and which "[c]ontains a material misstatement, omission, misrepresentation, or untruth," in violation of COMAR 14.17.05.03E(2)(a), because the owners of JGND listed in the application itself, as well as the Business Plan statutorily required under Md. Code Ann., Alc. Bev. § 36-404(d)(2)(ii) submitted with the application, were Neil Dicken and Jaskinder Singh Gill, but Messrs. Dicken and Gill sold 100% of their interests in the entity *after* it was awarded Selected Applicant status in the lottery. The MCA also alleges that JGND violated COMAR 14.17.05.04A(5) by failing to submit an attestation requested by the MCA, which included the ownership of the applicant entity.

JGND asserts that it has not violated COMAR 14.17.05.03E(2)(a) because it informed the MCA that it had been sold to another entity and the application *at the time of submission* was accurate. JGND asserts that the Cannabis Reform Act does not prohibit Messrs. Dicken and Gill from having sold their interests in the entity before conditional licensure because amendments to applications are not expressly prohibited. JGND also asserts that the MCA's request for it to complete certain attestations about the business, pursuant to COMAR 14.17.05.04A(5), were made under the guise of the MCA's reliance on its April 17, 2024 Guidance as a basis for denial of the conditional license and thus prohibited by a preliminary injunction ruling issued by the

Circuit Court for Montgomery County on September 16, 2024, which precluded the MCA from relying on its Guidance as the *sole* basis for denial of a license.

### Analysis

The MCA is entitled to summary decision as a matter of law.

**I. JGND’s application “[c]ontains a material misstatement, omission, misrepresentation, or untruth,” in violation of COMAR 14.17.05.03E(2)(a) regarding its ownership information and Business Plan.**

The MCA has been given broad authority by the General Assembly to create an application process for Social Equity Applicants (“SEA”). Md. Code Ann., Alc. Bev. §§ 36-202(a)(4), 36-404(c). An application by its very nature is a request for review of its components in seeking eligibility and selection for a certain benefit. Here, per Alc. Bev. § 36-404(d)(2)(ii), the MCA is statutorily required to evaluate the applicant’s business ability and experience to determine qualification for the lottery. As Petitioner is a new entity, business ability and experience must be evaluated on the part of its new owners. Any eligibility determinations previously made would no longer be valid upon any change of ownership, and certainly upon a complete change of ownership. The time for evaluation of an applicant’s eligibility for the lottery has passed, just as the submission deadline set by the MCA according to its statutory authority has passed. The process requires verification of ownership in order to qualify for entry into the lottery, making ownership of the applicant entity a *material fact* and inextricably relevant to the application and its due date for submission (*i.e.*, December 2023). Indeed, a SEA is defined as an applicant that has at least 65% of its ownership interests held by one or more individuals who meet the SEA criteria. Md. Code Ann., Alc. Bev. § 36-101(ff); COMAR 14.17.01.01B(45).

There is no dispute that JGND listed Neil Dicken and Jaskinder Singh Gill as the owners of JGND on its December 2023 application and accompanying capitalization table. In addition, Mr. Dicken was listed as the principal officer on its Business Plan. Questions 5 and 6 of the Business Plan required applicants to provide information about their roles and responsibilities, as well as information regarding factors for success. Question 7 asked applicants for information regarding ability and experience to operate a cannabis business, and again Mr. Dicken was listed as JGND's CEO. However, once JGND was sold in its entirety, the application and the Business Plan submitted with the application became false. Mr. Dicken testified on August 29, 2024, before the Circuit Court for Montgomery County, that he will no longer be the CEO of JGND nor oversee the business operations and that there were no plans for him to offer assistance to the new owners of JGND. Pet. Ex. 13.

Although the undisputed facts do not lead me to conclude that the application contained a misrepresentation akin to fraud or a violation of Alc. Bev. § 36-1103<sup>4</sup>, the application nonetheless contained material misstatements given JGND's subsequent sale of the entity after award of Selected Applicant status following the lottery. Petitioner acknowledges that its ownership has changed, but stresses that the application was accurate at the time of submission. There is no language in COMAR 14.17.05.03E(2)(a) that states that the material misstatements, omissions, misrepresentations, or untruths must have occurred at the time of submission. In fact, the regulation is written in present tense under the subtitle "Application Review."

---

<sup>4</sup> The MCA's denial letter cites, albeit briefly, to Alc. Bev. § 36-1103(b)(2), which prohibits application for, or holding of, a cannabis license or registration if done "for the limited purpose of satisfying the requirements under this title for cannabis licensees or registrants, including requirements for social equity licensees or registrants." There are simply not enough facts alleged nor briefed for me to properly consider this potential violation; nor have the parties agreed upon any stipulated facts which address the elements of this provision. However, because the undisputed material facts lead me to an ample legal basis for denial on other grounds, there is no need for a more thorough analysis of the straw ownership statute.

Since the MCA made its determinations about the award of conditional licenses based upon the information set forth in the application at the time of submission, statements regarding ownership of JGND in its application became misstatements or untruths. Indeed, Petitioner's access to the lottery, which was not guaranteed, was based upon the veracity of those statements in the application *at the time of its submission*. An application cannot be a moving target allowed to change at any moment, or the MCA could be precluded from making a timely determination on an application based upon its contents. The MCA's published due date for applications was the date by which an application became finalized for consideration; otherwise, a due date would be rendered pointless. Although not required to do so, the MCA later provided Petitioner with an opportunity to unwind its transaction in order to maintain the truthfulness of its application. Joint Ex. 7 – 8. Petitioner refused to do so. State's Ex. 7.

Petitioner's application was what the MCA had to rely upon in order to grant Petitioner an entry to the lottery and subsequently award it Selected Applicant status, but Petitioner unilaterally changed a material term of its application when it later sold 100% of the entity to new owners. It would be nonsensical for the MCA to create a system where ownership is a *material part of the application* and the basis for entry into the lottery, only to then allow a change to that material portion of the application *after* an applicant is awarded Selected Applicant status. To do so would undermine the integrity and fairness of the entire social equity application process, which the MCA was statutorily bound to create. To borrow Petitioner's words, the MCA cannot expect "clairvoyance" on Petitioner's part about a future sale of the entity (though it should be noted that the sale was a voluntary decision and not an unavoidable circumstance), but more importantly, the MCA could not have clairvoyantly known that Petitioner would completely change all or part of its ownership structure *after* submitting its

application and whether or not the replacement owner(s) would have qualified for the lottery. It would be unreasonable to force the MCA to either allow the equivalent of a completely new, unvetted entity to seek a cannabis license or to repeat a vetting process after the lottery that was intended to determine eligibility for the lottery. In fact, COMAR 14.17.05.04A(4)(d) allows the MCA to request that a Selected Applicant *verify* aspects of the application, including ownership of the applicant.

Petitioner suggests that because there is no explicit language in the statute or regulations prohibiting the amendment of an application, amendment at any time is permitted. However, a more logical interpretation would imply the opposite; if there is no procedure outlined for a particular process, there is no avenue by which to accomplish it. If the lack of prohibition of a certain process implies it is permitted, how would any applicant know how to complete that process? Here, this interpretation would lend itself to an untenable situation with applicants following whatever procedure they chose to amend an application and would lead to inequitable results. It would be illogical and contrary to public policy and due process considerations to allow amendment of material elements after the application's due date, if at all, because the MCA provided a strict deadline for all applicants so that it could timely complete its mandated review processes to determine eligibility for the lottery.

In addition, the General Assembly has made it clear in both the language of the statute and in its March 29, 2023 Senate floor discussion on the Cannabis Reform Act that it wanted to place limits on the transfer of cannabis licenses. As Senator Griffith stated, this was because 1) the licensing process would “require an investment from the State in terms of the commission’s interaction with these entities” via the application and verification processes; and 2) the bill’s sponsoring committee felt that five years was “reasonable for those businesses to stand up, get

operating or continue operating, and establish the market.” State’s Ex. 19. Senator Griffith went on to make it clear that consolidation with other entities was disfavored, stating, “But we don’t want too much market consolidation to happen, so we’re implementing a bill that we think levels the playing field.” *Id.*

The five-year period referenced by Senator Griffith made it into the final version of the Cannabis Reform Act at Md. Code Ann., Alc. Bev. § 36-503(c) and provides that:

- (1) A cannabis licensee, including a cannabis licensee whose license was converted in accordance with § 36-401 of this title, may not transfer ownership or control of the license for a period of at least 5 years following licensure.
- (2) The 5-year period specified in paragraph (1) of this subsection does not include the time period that a business considered by the Administration to be in a preapproved licensure status.

Alc. Bev. § 36-503(c). Thus, the Legislature’s intent is crystal clear. It sought a prohibition on transfers of ownership so that *original* applicants could have the opportunity to get their businesses off the ground before the market had the opportunity to become narrowed by larger entities. Given this obvious intent, it would be illogical to assume that the Legislature would have endorsed a transfer of ownership after selection in the licensing lottery and before license issuance. Further, JGND’s reliance on Alc. Bev. § 36-503(c)(2) as a vehicle permitting the pre-licensure transfer of an ownership interest is misplaced. This provision is simply and clearly a tolling a provision that makes it clear that the five-year period referenced in Alc. Bev. § 36-503(c)(1) does not begin to accrue until the license is awarded.

The Legislature’s intent is also apparent in Alc. Bev. § 36-1103(b) as that provision prohibits straw ownership, *i.e.*, whereby an entity would only have a nominal interest in the license for the limited purpose of satisfying the SEA requirements. Otherwise, the provision would be meaningless.

In sum, Petitioner seeks an inequitable outcome. Allowing Petitioner to receive a conditional license in a way completely inconsistent with the statutory scheme created by the legislature would prevent the MCA from fulfilling its mandate as set forth in Alc. Bev. § 36-404(d). I can think of no scenario where an applicant for any kind of license would be permitted to substitute the potential ownership holder of the license prior to the license being granted. When one applies for a driver's license and completes the necessary form to do so stating their name, etc. and taking the examination, one cannot then send their friend (qualified or not) to the Maryland Motor Vehicle Administration to obtain the physical license and utilize it. A person cannot apply for a mortgage on one date, submitting all of the required financial and personal documentation, and then on the date of closing substitute their family member as the owner of the home. It is simply illogical for the MCA to permit such a scenario here.

While it is unfortunate that JGND and Pure Vida did not collaborate to complete the transfer prior to the December 12, 2023 application deadline, the MCA cannot be expected to now alter the system that was in place for all 1,717 SEAs by allowing Petitioner to be granted a dispensary license when its application contained a material misstatement. The MCA's decision to deny JGND's application must be affirmed.

**II. The MCA is enjoined from denying JGND's application to the extent its determination relies on the MCA's April 17, 2024 Guidance.**

The MCA also denied JGND's application because it failed to return a requested attestation as contemplated by COMAR 14.17.05.04A. It is undisputed that the MCA asked JGND to submit the attestation on multiple occasions and that JGND refused to do so.

JGND argues the MCA is prohibited from relying on its refusal to submit the signed attestation because it contains language referencing the MCA's April 17, 2024 Guidance



document and the Circuit Court from Montgomery County prohibited the MCA from relying on its April 17, 2024 Guidance as a sole basis for license denial.

Although it was reasonable and within the MCA's authority to request that Petitioner submit additional documentation to verify the accuracy of its application, the MCA's attestation went a step too far by asking Petitioner to confirm that it would "abide by ownership and control restrictions . . . outlined in the [April 17, 2024] guidance issued by the Administration . . . ." I agree with Petitioner that it would have been difficult to extricate the Guidance of April 17, 2024 from the attestation in question and do not believe that I could utilize Petitioner's failure to return the attestation as a basis for denial without running afoul of the Circuit Court's order.

### **CONCLUSIONS OF LAW**

I conclude as a matter of law that the State is entitled to summary decision, pursuant to COMAR 28.02.01.12D, because there are no material facts in dispute, and it is a matter of law that JGND's application contained material misstatements, omissions, misrepresentations or untruths, in violation of COMAR 14.17.05.03E(2)(a)(i) and (ii).

### **ORDER**

It is hereby **ORDERED** that Petitioner's Motion for Summary Decision is **DENIED**, and it is further

**ORDERED** that the State's Motion for Summary Decision is **GRANTED**; and it is further

**ORDERED** that is Final Order is a public document pursuant to Md. Code Ann., Gen. Prov. § 4-401, *et seq* (2019 Repl. Vol. and 2021 Supp.).

/s/ Sarah Choi  
Sarah Choi  
MCA Hearing Officer

### **Appeal Rights**

This Final Order is the final agency determination for purposes of judicial review. COMAR 14.17.22.10. A party may appeal the final determination of the Administration to a Maryland circuit court if done so within 30 days of receipt of this Final Order. COMAR 14.17.22.12. For purposes of an appeal, venue in the Circuit Court of Anne Arundel County shall be proper as that is where the Administration resides and carries on its regular business in Anne Arundel County. *Id.*