



State of New Jersey
CANNABIS REGULATORY COMMISSION

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December 7, 2021

VIA ELECTRONIC MAIL to: katielynch02@gmail.com

Catherine Gorman
Sunrise Organic Wellness NJ LLC
145 Landsdowne Avenue
Haddonfield, New Jersey 08033

Re: **FINAL AGENCY DECISION**

Disqualification of Application for a Permit to Operate an Alternative Treatment Center ("ATC") Pursuant to the 2019 Request for Application ("RFA") Process for Failure to Submit a Complete and Timely Application

Dear Ms. Gorman:

The New Jersey Cannabis Regulatory Commission ("CRC") has received and reviewed your partial application for a dispensary permit endorsement, submitted by August 21, 2019, to operate an Alternative Treatment Center ("ATC") pursuant to N.J.S.A. 24:6I-1 *et seq.* For the reasons stated below, the CRC has disqualified your application for a dispensary endorsement.

The application for Sunrise Organic Wellness NJ LLC ("Sunrise") included an attached Operating Agreement naming Alixandra Batoff Morgan as Manager of the business and affairs of Sunrise. In addition to other listed responsibilities and powers, Ms. Morgan is charged with the responsibility of "signing, on behalf of Sunrise, all deeds, mortgages, bonds, contracts, or other financing instruments and documents, and, in general, the power to perform any & all duties pertaining to the conduct of the business of the Company." See Operating Agreement, Article 3, Section 3.1 "Management by Manager". In the event of Ms. Morgan's resignation or demise, her immediate successor is Keith A Morgan. Despite the considerable power and responsibility Ms. Morgan and her successor hold over the company, neither is listed in Part A of Sunrise's application. Specifically, Sunrise failed to disclose Ms. Morgan or her successor in Section 20 of Part A where Sunrise was required to provide record of owners, principals, partners, investors, members, board members, directors, trustees & officers, or in Section 21 of Part A where Sunrise was required to disclose all managers, staff, and other personnel. Sunrise also failed to provide a completed Personal History Disclosure form for Ms. Morgan or her successor.

Pursuant to the 2019 Request for Application ("2019 RFA" or "RFA"), all applicants were required to submit a list of all persons or business entities having direct or indirect authority over the management or policies of the ATC. See 2019 RFA, Section VI, Subsection Part A, Number 4 of "Mandatory Information". The 2019 RFA specified that any application may be rejected if the applicant fails to include

required information or fails to include sufficient information to determine whether an RFA requirement has been satisfied, or if an applicant provides misleading or inaccurate answers. See 2019 RFA, Section IX, Numbers 5 and 7 of “Rejection of Applications”.

By way of background, on July 1, 2019, the Department of Health (“Department”) posted a RFA to operate up to twenty-four ATCs, with the opportunity to open eight such centers in the Northern and Central regions of the State, and up to seven in the Southern region of the State, with the option to issue approval for one “at-large” ATC, the region where it would be sited to be determined at the time of award. The RFA sought to award permits for up to fifteen dispensaries, five cultivation sites, and four Vertically Integrated ATCs (granting the ability to dispense, cultivate, and manufacture cannabis products). On August 2, 2019, the RFA was updated to clarify provisions related to the application fees required for vertically integrated permit applicants.

Applications for dispensary endorsements were due to the Department no later than August 21, 2019, at 3:00 PM. Applications for cultivation endorsements were due to the Department no later than August 22, 2019, at 3:00 PM. Applicants had the choice of whether to submit the application online and only submit signed coversheets and checks in person, or to submit the whole application in hard copy/paper form.

The Department received a total of 198 applications, including 40 applications for cultivation permits, 109 applications for dispensary permits, and 49 applications for vertically integrated permits. An initial completeness review of all 198 applications was conducted by the Department. Of the 198 applications, 2 were submitted as incomplete applications.

During review by the CRC, the following application submitted was found to be incomplete:

Applicant Name: Sunrise Organic Wellness NJ LLC

Applicant Control Number: 19-0040

Region: South

The application submitted was found to be incomplete due to the applicant’s failure to submit the following mandatory document(s):

- Personal History Disclosure Form for Company Manager Alixandra Batoff Morgan
- Inclusion of Company Manager Alixandra Batoff Morgan in Part A of the application

Accordingly, the listed application was not released to the selection committee for review and has been disqualified for being non-responsive to one or more mandatory requirements. As stated in the RFA, failure to comply with the mandatory requirements for the application would result in disqualification from the selection process.

You have the right to appeal this decision to the Superior Court of New Jersey, Appellate Division, within 45 days of the date of this letter in accordance with the Rules Governing the Courts of the State of New Jersey. All appeals should be directed to:

Superior Court of New Jersey
Appellate Division
Attn: Court Clerk
P.O. Box 006
Trenton, New Jersey 08625

Any applicant with questions regarding the 2019 RFA process and methodology, and any unsuccessful applicant that wishes to file a grievance with the Commission, may do so by submitting their question or grievance in writing to crc.licensing@crc.nj.gov by 5:00 p.m. Eastern Time on Wednesday, December 15, 2021. Multiple questions/grievances can be submitted together but must be numbered. Responses to submissions deemed relevant to the 2019 RFA process and methodology will be provided by 5:00 p.m. Eastern Time on Friday, January 14, 2022. The question and grievance period should only be used for the purpose of addressing questions and complaints related to the 2019 RFA process and methodology. All other questions should be submitted through the Commission website and will be answered in the regular course of business.

Thank you for your interest in operating an ATC.

Sincerely,



Jeff Brown
Executive Director
New Jersey Cannabis Regulatory Commission