

State of New Jersey  
CANNABIS REGULATORY COMMISSION

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June 18, 2024

VIA CERTIFIED AND ELECTRONIC MAIL to: [boteranj@gmail.com](mailto:boteranj@gmail.com)

Jenish Patel, President  
Botera Union  
2290 Route 22 E  
Union, New Jersey 07083

Re: NOTICE OF VIOLATION – BOTERA UNION LLC; INV 125 24

Dear Jenish Patel,

This letter is a Notice of Violation, issued by the New Jersey Cannabis Regulatory Commission ("NJ-CRC") in accordance with N.J.A.C. 17:30-20.4 to Botera Union LLC ("Botera"). The investigation commenced on June 18, 2024, and remains on-going as of the date of this correspondence, during which time Botera was found to have committed the following regulatory violations:

1. **Violation 1:** N.J.A.C. 17:30-9.9 –

(a) A cannabis business may establish, implement, and adhere to any of the following policies governing conduct of personnel while performing work for the cannabis business: 1. A written smoke-free workplace policy; 2. A written policy prohibiting cannabis business personnel from possessing, consuming, or being under the influence of an illicit controlled dangerous substance or alcohol; or 3. A written policy prohibiting cannabis business personnel from consuming or being under the influence of cannabis at the workplace, provided that no cannabis business shall infringe upon the rights of qualifying patients [under] pursuant to P.L. 2019, c. 153 (N.J.S.A. 24:6I-5.1 et seq.).

2. **Violation 2:** N.J.A.C. 17:30-9.5 –

(a) A license holder shall not allow any cannabis item or alcohol to be consumed on the premises or administrative offices of the cannabis business, or in public areas in the vicinity of such premises or administrative offices.

An anonymous complaint was filed with the Office of Compliance and Investigations raising concerns about the vaping of products within the confines of a licensed cannabis establishment. The investigation

commenced with the review of social media posts by @boteranj showing individuals in what appeared to be the licensed retail facility utilizing vapes while participating in a paint class. Additional social media posts were

reviewed advertising a 21+ only “Puff n’ Paint” class hosted by Botera and an entity named Garden State of Mind. The post by Botera advertised for attendees to “Feel free to bring your favorite product to enhance your creative experience. Enjoy a relaxed atmosphere where you can unwind, socialize, and let your creativity flow.” Staff then contacted Botera and the management informed the NJ-CRC that they were unaware of any consumption occurring on their licensed premises. Staff requested access to the surveillance footage from the date in question and received the requisite access. The surveillance footage showed three attendees vaping on the premises and an additional two attendees smoking on the sidewalk out front of the licensed premises. The consumption of cannabis and cannabis products on the licensed premises or in the vicinity of such premises is in direct violation of the adult use regulations. Further, the smoking and vaping of tobacco/nicotine products is expressly prohibited by Botera Union’s Smoke-Free Workplace Policy, a policy that was reviewed and approved as part of Botera’s application for licensure.

Within 20 business days of the receipt of the Notice of Violation, Botera shall (1) Correct the violations; (2) Notify the Commission, in writing, with a postmark date that is within 20 business days of the date of receipt of the Notice of Violation, of any corrective actions taken to correct the violations, and the date of implementation of such corrective actions.

This Notice of Violation satisfies the NJ-CRC's responsibility to provide five-day notice before any enforcement action shall be taken, as required by N.J.A.C. 17:30-20.5. Botera is notified that the above-referenced violations may result in the imposition of civil monetary penalties in accordance with the schedule set forth at N.J.A.C. 17:30-20.7.

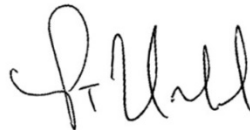
N.J.A.C. 17:30-20.5(a) establishes that: “In response to a violation of any provision of the Act or this chapter, the Commission is authorized to take enforcement action or impose sanctions upon a license holder. Sanctions may include, but are not limited to, civil monetary penalties; suspension, revocation, non-renewal, or denial of a license; referral to State or local law enforcement, pursuant to N.J.A.C. 17:30-20.6, 20.7, and 20.8; or any combination thereof.” Corrective action taken by Botera does not preclude the NJ-CRC from imposing penalties but may be taken into consideration when considering the penalty to be imposed for each violation. N.J.A.C. 17:30-20.6(f)(4).

Botera has acted in violation of the adult use regulations and the purpose and intent of the CREAMM Act by allowing the consumption of cannabis and/or tobacco/nicotine products on and in the vicinity of their licensed premises.

**The NJ-CRC hereby orders Botera to immediately conform its operations for conduct within and in the vicinity of its licensed premises with the adult use regulations and the Standard Operating Procedures on file with the Commission. The NJ-CRC reserves the right to impose sanctions for this regulatory violation.**

The NJ-CRC appreciates your expeditious cooperation in this matter. Any questions regarding this correspondence can be sent via e-mail to your assigned Field Monitor.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Urbish", written in a cursive style.

Paul Thomas Urbish, Esq.  
Director  
Office of Compliance and Investigations  
New Jersey Cannabis Regulatory Commission