



State of New Jersey
CANNABIS REGULATORY COMMISSION

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CHARLES BARKER, *Commissioner*
JEFF BROWN, *Executive Director*

RESOLUTION 2023-161
IMPOSITION OF SANCTIONS AGAINST COLUMBIA CARE NEW JERSEY LLC

WHEREAS, pursuant to N.J.S.A. 24:6I-35(a)(15), the Commission shall adopt rules and regulations, which shall include civil penalties for the failure to comply with regulations adopted pursuant to this section; and

WHEREAS, pursuant to N.J.A.C. 17:30-20.4(a), during an onsite assessment, a review of financial records, or other Commission review of the license holder and its operations, if the Commission identifies a violation of the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L.2021, c. 16, N.J.S.A. 24:6I-31 et seq., (the "Act") or the implementing Personal-Use Cannabis Rules (the "Personal-Use Regulations"), the Commission shall provide notice of the violation, including an official written report of the findings and the nature of the violation, to the cannabis business or testing laboratory within seven business days following the onsite assessment or other identification of the violation; and

WHEREAS, pursuant to N.J.A.C. 17:30-20.4(b), unless otherwise specified by the Commission, within 20 business days of receipt of the notice of violation, the cannabis business or testing laboratory shall correct the violation(s) and notify the Commission, in writing, of any corrective actions taken to correct the violations, and the date of implementation of such corrective actions; and

WHEREAS, N.J.A.C. 17:30-9.4(g), as well as N.J.S.A. 24:6I-7(g), -7.2(e), and -36(c), requires the maintenance of a labor peace agreement with a bona fide labor organization by a licensed cannabis business, including an expanded ATC, as an ongoing material condition of the cannabis business's license; and

WHEREAS, pursuant to N.J.A.C. 17:30-9.4(h), where a majority of the employees of a cannabis business, including an expanded ATC, have voted to join a bona fide labor organization, failure to enter into a collective bargaining agreement within 200 days of the opening of such licensed cannabis business, may result in a referral to the National Labor Relations Board; and

WHEREAS, on June 30, 2023, the executed labor peace agreement between Columbia Care New Jersey LLC and a bona fide labor organization expired;

WHEREAS, no other labor peace agreement with Columbia Care New Jersey LLC had been executed by June 30, 2023, to ensure compliance with N.J.A.C. 17:30-9.4(g);

WHEREAS, on July 13, 2023, Columbia Care New Jersey LLC, entered into a labor peace agreement with Teamsters Local 863 that will expire three (3) years from the date of the agreement; and

WHEREAS, on July 14, 2023, a Notice of Violation was issued to Columbia Care New Jersey LLC, NOV-04-2023, evidencing one violation related to the entity's failure to maintain a Labor Peace Agreement for its Cultivation facility at 51 West Park Avenue in Vineland, New Jersey for the period of July 1, 2023 - July 13, 2023; and

WHEREAS, on July 16, 2023, Columbia Care New Jersey LLC responded to the Notice of Violation and provided a corrective action plan within 20 days of receipt of the Notice of Violation. In the corrective action plan, Columbia Care New Jersey LLC stated it has implemented new process controls that will enable it to better track its labor peace agreement, as well as other agreements, to ensure that the agreements do not lapse in the future; and

WHEREAS, pursuant to 17:30-20.5(a), 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; and

WHEREAS, pursuant to N.J.A.C. 17:30-20.6(b), a monetary penalty imposed by the Commission on a license holder pursuant to this subchapter may not exceed \$500,000 per major violation or \$50,000 per any other license violation; and

WHEREAS, pursuant to N.J.A.C. 17:30-20.6(c), a violation by each entity or person per day shall constitute a separate incident for purposes of calculating the number of violations; and

WHEREAS, pursuant to N.J.A.C. 17:30-20.6(d), the Commission may impose greater penalties for successive violations up to the maximum amounts; and

WHEREAS, pursuant to N.J.A.C. 17:30-20.6(f), the Commission may, in the Commission's sole discretion, consider additional factors in determining the penalty for each violation. Such factors may include, but are not limited to:

1. Any prior violations that the license holder has admitted to or was found to have engaged in;
2. Good faith measures by the license holder to self-report or prevent the violation;
3. The license holder's record of compliance with the laws and rules pertaining to personal use cannabis;
4. Corrective action(s) taken by the license holder related to the current violation or prior violations;
5. Willfulness and deliberateness of the violation;
6. Likelihood of reoccurrence of the violation; and

7. Violations involving damage or danger to the life, health, welfare, safety, or property of any person;

WHEREAS, pursuant to N.J.A.C. 17:30-20.7(a), violations shall be categorized as follows:

1. Category I, which is the exhibition of a pattern and practice of violating the requirements of the rules, posing a serious risk of harm to the health, safety, or welfare of consumers or personnel;
2. Category II, which is the failure to comply with administrative requirements, such that the licensee or permittee poses an immediate and serious risk of harm or actual harm to the health, safety, or welfare of consumers, personnel, or the general public, including, but not limited to, transfer of cannabis to a person under 21 years of age;
3. Category III, which is the submission of fraudulent, false, or misleading information, as to a material fact, to the Commission, or falsifying or concealing any record required to be maintained by the license holder;
4. Category IV, which is the failure of any owner, principal, management services contractor, employee, or volunteer of a cannabis business license holder or testing laboratory to register with the Commission and be issued a Cannabis Business Identification Card; or failure to complete training course, or failure to be in physical possession of their Cannabis Business Identification Card while acting in the course of their duties; and
5. Category V, which shall consist of other violations of the Commission's rules, or violations of valid ordinances established by municipalities that do not constitute a major violation; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Cannabis Regulatory Commission that Columbia Care New Jersey LLC has failed to comply with N.J.A.C. 17:30-9.4(g) by failing to renew or enter into a new Labor Peace Agreement by July 1, 2023. Columbia Care New Jersey LLC was out of compliance with that portion of the regulation for 13 days before entering into a labor peace agreement with Teamsters Local 863 and, as a result of the violation, is subject to the imposition of sanctions. The Commission further finds that the violation did not pose an immediate and serious risk of harm or actual harm to the health, safety, or welfare of consumers, personnel, or the general public.

The Commission has determined to impose and a penalty of **\$50,000.00** against Columbia Care New Jersey LLC pursuant to N.J.A.C. 17:30-20.6 and -20.7. A Notice of Enforcement Action shall be provided to the license holder in accordance with this Resolution and the Commission's regulations.

Pursuant to 17:30-20.6(i), the license holder may request an adjudicatory hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., to contest the Commission's imposition of a civil monetary penalty for any license violation within 14 days of receipt of the notice of enforcement action.

Submitted by:



Dianna Houenou, Chair

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution adopted by the Cannabis Regulatory Commission at its meeting held on the 8th day of September 2023.



Christopher Riggs, Chief Counsel

Vote on the Approval of This Resolution	Motion	Second	Yes	No	Abstain	Absent
Commissioner Barker		X	X			
Commissioner Del Cid-Kosso						X
Vice Chair Delgado				X		
Chairwoman Houenou			X			
Commissioner Nash	X		X			