MEMORANDUM

TO: **GLENN MICHALOWSKI, TOWN MANAGER**

FROM: **JONATHAN R. BERRY, ESQ.**

DATE: **29 APRIL 2025**

RE.: **MAY 6 HEARING ON RENEWAL APPLICATION FOR BUSINESS LICENSE NO. 85**

A. **Timeline of Relevant Events (2025)**:

1. February 12: Lisbon Cannabis Co. (LCC) hand delivered its Medical Marijuana Establishments (Retail) Application to renew its business license (Business License No. 85).

2. March 12: The Town Clerk requested additional information from LCC, in support of itsrenewal application.

3. April 9: As requested, LCC delivered the supplemental information to Town Clerk.

4. April 10: By written agreement, Jason Smith, secured the authority to enter and manage a"Rehab Agreement" with the Town of Lisbon, to resolve two pending notices of violations, issued by the Town of Lisbon's Code Enforcement Officer, to Riverbend Investment Properties, LLC (LCC's landlord, "Riverbend").

5. April 23: Mr. Smith executed and delivered an affidavit, acknowledging the "Rehab Agreement" and integrating the obligations and deadliness detailed therein into LCC's business license renewal application.

6. May 6: A public hearing is scheduled for the Town Council to consider the renewal application for Business License No. 85.

7. May 8: Business License No. 85 is scheduled to expire

B. **Process**: The timeline above identifies issues that the Town Council may find most significant to its deliberations. If desirable, when the hearing opens, I am happy to incorporate the above-noted timeline into my remarks introducing LCC's application to renew Business License No. 85. However, I am mindful that the Town's process is largely staff driven, so I do not want to preempt Staff's responsibilities and/ or duplicate efforts that may result in confusing the issues for the Council. Any advice or recommendations to streamline the hearing process are welcome.

C. **Issue/ Solution**: The process that to "renew" Business License No. 85, contemplates the

Council's potential approval of a "conditional" business license; however, the Town's code of ordinances does not discuss conditional business licenses.

That said, LCC has consistently relied on Section 10-604, more specifically the last two sentences of Sec. 10-604, to support the suggestion that the Town's ordinances do, in fact, authorize the Town to renew Business License No. 85, subject to conditions, as an existing medical marijuana (retail) business license holder that submitted its application at least ninety (90) days prior to the expiration of its existing license:

> "Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term. Any licensee that fails to submit a renewal application by the applicable deadline shall not have authority to operate until a license is granted." *Id*.

In other words, if a licensee does not apply to renew its license at least 90 days before its license expires, there is no right to continue operating subject to conditions or otherwise, unless or until a new license is granted. Similarly, new applicants and/ or licensees that have allowed their licenses to lapse have no authority to operate, conditionally or otherwise, until a license is granted.

Here, however, the Code implicitly recognizes the authority of an existing licensee, who has filed an application for renewal of its existing license to continue its operations, subject to conditions imposed by the Town, unless or until the conditions are met and/ or the application is denied.

Should this issue arise on May 6, LCC humbly implores Town Staff to rely on this language of the Code as the basis of the Town's authority to renew Business License No. 85, subject to the conditions ("responsibilities and deadlines") outlined in the April 10 Rehab Agreement, between the Town and Riverbend, as well as the April 23 affidavit executed by Mr. Smith.