

**MEMORANDUM OF AGREEMENT BETWEEN
THE CONNECTICUT DEPARTMENT OF CONSUMER PROTECTION
AND THE SOCIAL EQUITY COUNCIL**

WHEREAS, the Connecticut Department of Consumer Protection (“DCP”) has the sole authority to issue, expand, and regulate licenses for the cultivation, transport, manufacture, packaging, and sale of adult-use cannabis and cannabis products in the State of Connecticut pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act, P.A. 21-1 (“RERACA”); and

WHEREAS, the Social Equity Council (the “SEC”) has sole authority under Section 35 of RERACA to establish eligibility criteria for social equity status and for social equity and workforce development plans; to review and determine whether social equity applicants meet such eligibility criteria; and to review and determine whether such social equity and workforce development plans are approved;

WHEREAS, General Statutes § 4-8 provides that the commissioner of DCP may enter into such contractual agreements, in accordance with established procedures, as may be necessary for the discharge of DCP’s duties;

WHEREAS, Section 22(e)(2) of RERACA provides that the SEC may enter into contracts to carry out the purposes of the council;

WHEREAS, Section 35 of RERACA requires DCP to provide to the SEC the documentation received by DCP which the SEC determines is required for a determination of social equity status;

WHEREAS, Section 35 of RERACA prohibits the SEC from receiving identifying information from an application beyond what is necessary to establish social equity status;

WHEREAS, Section 35 of RERACA requires that for each license type, the SEC shall identify to DCP the applications that qualify as social equity applications for the purpose of awarding provisional licenses;

WHEREAS, Section 35 of RERACA provides that a social equity application is not subject to further review by DCP as a social equity applicant if the SEC determines that the applicant does not meet the eligibility criteria for social equity applications; and

WHEREAS, DCP cannot issue a provisional license designated for social equity applicants to an applicant that the SEC determined did not qualify as a social equity applicant; and

WHEREAS, Section 35 of RERACA provides that social equity applicants who are denied a license may appeal such denial to the Superior Court; and

WHEREAS, DCP and the SEC desire to set forth a procedure for standardizing and documenting the SEC social equity review process and transmitting such documentation to DCP before any further action by DCP;

NOW THEREFORE, DCP and the SEC agree as follows:

- A. For each social equity application selected through the lottery that is reviewed and either approved or rejected by the SEC, the SEC shall complete and submit to DCP the form provided as the attached Schedule A, which sets forth its decision and lists documents or materials reviewed and/or relied upon. For each provisional license application for a cultivation facility located in disproportionately impacted area (“DIA cultivator application”), social equity plan, equity joint venture or workforce development plan reviewed and either approved or rejected by the SEC, the Executive Director of the SEC shall provide email notice to the DCP Commissioner regarding its approval or denial simultaneously with the notice provided to the applicant pursuant to paragraph B herein;
- B. For each social equity application, DIA cultivator application, social equity plan, equity joint venture, or workforce development plan reviewed by the SEC and either approved or rejected by the SEC, the SEC shall provide written notification to each applicant regarding its approval or denial;
- C. In instances where DCP is named in a lawsuit filed in court, the SEC shall make available upon reasonable notice its staff attorney or other suitable designee with actual knowledge to consult with DCP and its attorneys at the Office of the Attorney General concerning the SEC’s decision as to any application;
- D. In instances where DCP is named in an appeal filed under the Uniform Administrative Procedure Act, and to the extent it has not already been provided by subsection (A) above, the SEC will provide all materials relied upon to review an applicant, review and approve a social equity plan or workforce development plan, make a determination of qualification as a social equity applicant or equity joint venture, and any other materials required to complete an administrative record per statute. Such administrative record may consist of, but is not limited to, the following items: (1) written notices related to the case; (2) all petitions, pleadings, motions and intermediate rulings; (3) evidence received or considered; (4) questions and offers of proof, objections and rulings thereon; (5) the official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceedings; (6) proposed final decisions and exceptions thereto; and (7) the final decision;
- E. In instances where SEC is named in any lawsuit, the DCP will provide upon request all materials in its possession related to the legal action to enable the SEC to defend itself. The DCP shall also make available upon reasonable notice to the SEC an official, employee, or agent employed by the DCP that has knowledge or information related to the matter at issue to assist the SEC and its attorneys at the Office of the Attorney General in the legal proceedings;
- F. This Agreement shall become effective upon the signature of both parties. This Agreement may be terminated upon thirty (30) days’ notice at any time by either party. Unless

specifically provided by law, this Agreement shall not automatically terminate or be reformed upon any amendment to RERACA or other relevant legislation. This Agreement may be amended by agreement of DCP and the SEC at any time.

DEPARTMENT OF CONSUMER PROTECTION

SOCIAL EQUITY COUNCIL

Michelle Seagull
Signature


Signature

Michelle Seagull
Printed Name

Ginne-Rae Clay
Printed Name

Commissioner
Title

Executive Director
Title

June 9, 2022
Date

June 8, 2022
Date