
From: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Sent: Friday, May 26, 2023 3:39 PM

To: Dave Silberman <dave.silberman@gmail.com>

Cc: Fitch, Olga <Olga.Fitch@vermont.gov>; Marvel, Nellie <Nellie.Marvel@vermont.gov>

Subject: Re: Records Requests - Complaints Via Form

Dave,

When I wrote you yesterday, I reported difficulty accessing dates of submitted complaints. A colleague helped me access those today, and they are as follows.

Thanks, and enjoy the weekend.

-Gabe

Date & Time of Submission
6/15/2022 21:40
6/16/2022 17:23
6/20/2022 10:33
6/24/2022 11:28
6/28/2022 11:15
7/5/2022 16:37
7/7/2022 8:39
7/7/2022 8:42
7/7/2022 13:21
7/8/2022 12:06
7/18/2022 7:54
7/18/2022 11:11
7/18/2022 11:48
7/19/2022 8:06
7/19/2022 16:34
7/19/2022 16:36



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7/20/2022 10:37
7/21/2022 7:51
7/31/2022 12:26
8/1/2022 11:44
8/3/2022 9:19
8/11/2022 12:08
8/13/2022 7:09
8/15/2022 15:50
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10/27/2022 11:53
11/4/2022 7:26
11/4/2022 10:46
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2/3/2023 7:59
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5/17/2023 14:44
5/20/2023 12:55
5/21/2023 14:22
5/23/2023 10:06

5/23/2023 15:22
5/24/2023 10:45
5/24/2023 13:07

From: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Sent: Thursday, May 25, 2023 4:51 PM

To: Dave Silberman <dave.silberman@gmail.com>

Cc: Fitch, Olga <Olga.Fitch@vermont.gov>; Marvel, Nellie <Nellie.Marvel@vermont.gov>

Subject: Re: Records Requests - Complaints Via Form

Dave,

Many thanks for your courtesy in allowing me an extra day to get back to you.

Taking your questions in turn:

- Number of complaints submitted via the form

We have received 145 form submittals.

- Dates of such submitted complaints

I regret that our automated compiling tool does not generate records with dates. This is a surprise to me, and I will see if the limitation can be overcome. In a literal sense, the agency does not have custody of a discrete record that answers your question. I will continue to try to create one, and I appreciate your patience in that regard. I am hopeful this will be fixed in a matter of days.

- Categorization of such complaints (in whatever categories are used by the CCB)

The CCB has not assigned received complaint forms to particular categories of its own creation. I can offer a list of the nature of received complaints. To avoid confidential identifying information, the characterizations are my own. Because some complaint fields are blank or unintelligible, you will notice that there are fewer than 145 "nature" descriptions bulleted below.

- dispensary refused to recognize non-driver ID
- CCB looking the other way on unregistered flower sale
- Flower purchaser unable to find COA for product
- Complainant dislikes location of retail establishment near public park
- Lighting from cultivation site bothersome
- Cultivator appears to be growing more than tier permits
- Ambiguous statement appears to complain about email from CCB looking like spam
- "Possession of Marij"
- Question about when to expect license issuance, not in the nature of a complaint
- Retailer selling flower and paraphernalia to children
- Host of cannabis competition did not use samples provided as intended
- Part owner of establishment selling out of residence, car, backpack, baggies, in the manner of an illicit dealer
- Clarifying the name of a subject already complained about
- Question about licensure not in the nature of a complaint

- Selling via Instagram; unfair commercial conduct
- Inversion
- Sign violation
- CCB violating the law by delaying opening of the retail market
- captcha issue not in the nature of a complaint
- Illegal residential grow
- Calls regulation "stupid idea"; associates CCB with fascism
- Showing children handling cannabis
- Over-limit concentrates for sale
- "vaporizer"
- Unlicensed retailing out of a residence
- Medical patient complains CCB hard to reach, not in the nature of a complaint about a licensee
- Neighbors concerned about cultivation
- Neighbors suspicious cultivation operation larger than permitted
- Medical patient with questions, not in the nature of a complaint
- Unlawful advertising
- Adverse product reaction
- Complaint about statutory cap; concerns policy, not the conduct of any person
- Objects to product labeling
- Illegal giveaway promotion
- Advertising delta-8 products
- Question about licensing, not in the nature of a complaint
- Licensee obscures contact information and purchaser has questions
- Question about licensing, not in the nature of a complaint
- Same
- Illegal sale at a fair
- Charging sales tax on a shirt
- Product not labeled weight
- Follow-up suggestion about how to enforce accurate weight labeling
- Selling at festival prior to opening of adult-use market
- Illegal product giveaway
- Same
- Racist statements without coherent complaint about any licensee
- Violating HIPAA
- Statement of interest in cultivating, not in the nature of a complaint
- Advertising violation
- Illegal cannabis parties
- Adverse reaction to product
- Refusal to refund adulterated product
- Adverse reaction to product
- Suggestion that bank statements be collected re: prior complaint
- Complaint about child custody matter related to cannabis
- Violation of one-license rule
- Disapproves of radio ads
- Says products cheaper in MA
- Illegal signage
- Question about medical program not in the nature of a complaint
- Employees not allowed to keep tips
- Alleges social equity program discriminates against white males
- Illegal grow

- Complains about government landowner's prohibition on personal cultivation
- Neighbor concerned about cultivation site
- Cultivator showing/posting pics of others plants
- Unlicensed activity
- Question not in the nature of a complaint
- Complaint about ID card not in the nature of a conduct complaint
- Objection to statutory THC caps
- Legislator interested in aiding constituent in application process; not in the nature of a complaint
- Illegal residential sales; possession of exotic pets
- Adulterated product
- Implausibly mature plants
- Illegal grow
- "drug dealers" trying to legitimate selves
- Complaint about CCB processing speed
- Selling paraphernalia to minors
- Selling THC products as CBD products
- Illegal grow; use of toxins; water pollution
- Suspicion of inversion
- Illegal grow
- Retailing at unlicensed site
- CBD store selling THC products
- Diversion
- CBD store giving away THC products with sale
- Growing beyond tier
- Failure to comply with local zoning
- Employee's w/o ID cards; failure to distribute health warning; confiscation of tips; employee mistreatment
- Prohibited giveaway promotion
- Underweight product
- Cultivator illegally retailing
- Failure to ID
- Objects to neighbors smoking cannabis, not in the nature of a complaint vs. any licensee
- Same
- Adverse reaction to product
- Use of pesticides
- Prohibited giveaway
- Failure to ID
- Employees openly consuming at work
- Advertising
- Inversion
- Diversion
- Diversion
- Packaging not child-resistant
- Selling cocaine
- Advertising to minors
- On-site consumption by employees
- Same
- Advertising
- Advertising / prohibited giveaway
- False advertising
- Failure to ID

- Advertising
- Complaint about CCB website
- Inversion
- Illegal "hemp-derived" THC product for sale from out-of-state mfr.
- Use of light by Tier 1 outdoor cultivator
- Failure to ID, comply with regs generally
- Labeling unclear; free beer offered
- Complaint about CCB policy
- Concern that permits are not in place
- On-site consumption

- If any person or organization has submitted more than one complaint, a list of the number of complaints submitted by any such person or entity.

Sorting by surname, I find that:

5 individual submitted 2 complaints

1 individual submitted 3 complaints

1 individual submitted 4 complaints

2 complaints appear to have been submitted by one married couple

50 complaints were submitted anonymously, with blank name fields; in addition, 2 complaints listed the name "anonymous," and 1 listed "John Doe."

- To the extent not protected from disclosure by law, the name of any such person or entity who has submitted more than one complaint.

It is my opinion that the identities of recent complainants are shielded from public disclosure by common law doctrines recognized by the courts of this State, including without limitation the informant privilege and the investigatory files privilege; consequently those identities are exempt from production pursuant to 1 V.S.A. 317(c)(4). Additionally, complainant identities are records relevant to pending or probable administrative litigation, inasmuch as each complainant is a witness or potential witness to a matter that could become a contested case. To the extent the privileges and exemptions in question are ambiguous—particularly when a complaint clearly will proceed no further—that ambiguity has been resolved by the Legislature with transmission of H.270 to the Governor on the twelfth of this month. Section 9 of the bill adds to Title 7 a new section 901a, which designates as confidential "records related to complaints, investigations, or proceedings" except those specifically designated as public.

Because I have denied part of your request, I am due to recite that I am the person who decided that the records in question should be withheld, that my title is as it appears in the signature line below, and that you are entitled to appeal my decision to the Board's Executive Director, Brynn Hare, Esq.

Don't hesitate to call if you have questions.

Yours,

Gabe



CANNABIS CONTROL BOARD

89 Main Street Montpelier, VT 05602 | ccb.vermont.gov

From: Dave Silberman <dave.silberman@gmail.com>

Sent: Monday, May 22, 2023 8:54 AM

To: Gilman, Gabriel <Gabriel.Gilman@vermont.gov>

Subject: Records Requests - Complaints Via Form

Dear Gabe,

I write to request the following information related to the "Adult Use Program Complaint Form" on the CCB website:

- Number of complaints submitted via the form
- Dates of such submitted complaints
- Categorization of such complaints (in whatever categories are used by the CCB)
- If any person or organization has submitted more than one complaint, a list of the number of complaints submitted by any such person or entity.
- To the extent not protected from disclosure by law, the name of any such person or entity who has submitted more than one complaint.

Please let me know if you would like to discuss this request -- my intent is for this to be a narrow request, and I'd be happy to tailor it further to avoid causing you to incur significant work responding.

Thanks!

Dave

