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June 20, 2024

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Re: Dragan Vicentic, et al vs. Arkansas Alcohol
Beverage Control Board
Garland Circuit 26CV-2024-702-IV

Counsel:

This matter was presented to the Court June 19, 2024, on the Petitioner's Request for Stay. The Court has considered the pleadings, testimony and exhibits received.

Green Springs Medical, LLC was provided a list of expired QA tests and explicitly told by the ABC Board not to sell these products, but proceeded to sell the products anyway. ABC went back to Green Springs Medical, LLC approximately one and a half months later and the appellant denied making those sales. Subsequently, ABC sent an undercover agent to Green Springs Medical, LLC where it was determined that the sales were still being made.

The appellant has provided no evidence to rebut that the products had expired QA tests and were sold anyway.

The record of sales are Green Springs Medical, LLC's records that prove that the violations occurred. The evidence provided to the court is that the appellant has willfully committed violations and has continued to do so despite sanctions. There was substantial evidence of failure to comply with a valid directive of the ABC Commission and noncompliance with ABC agents and this noncompliance has continued to this day. The appellant has not shown a strong or substantial likelihood or probability of success on the merits.

The medical marijuana licenses are issued by the Medical Marijuana Commission. The Medical Marijuana Commission is not a party before this court. The renewal of the license is not an issue before the court. The only issue before this court is the license revocation by the ABC Board.

Green Springs Medical, LLC has shown a complete disregard for the rules and regulations of the Department of Health as well as continuous noncompliance with the ABC Commission. Green Springs Medical, LLC has sold products that were represented to be a wholly different product. Green Springs Medical, LLC has missing product. Green Springs Medical, LLC has repeatedly sold expired products despite sanctions. The public has an interest in quality assurance. This court cannot issue a stay when the appellant continues to willfully sell expired products and the wrong products to the public with total disregard of the regulations.

Appellant's Petition for Stay is denied.

Sincerely,



Kara A. Petro
Circuit Judge

KAP:jh