

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

all individuals with a direct or indirect ownership interest in a medical marijuana establishment be disclosed and be subject to the requirements of this Ordinance.

"Paraphernalia" has the meaning ascribed to it in NRS 453A.125.

"Registration certificate" means a certificate issued pursuant to NRS 453A.322 by the State regulating authority. In accordance with subsection 3 of NRS 453A.326, any registration certificate issued by the State regulating authority is provisional until such time as the establishment is in compliance with all applicable City ordinances and rules, and the City has issued a business license for the operation of the establishment.

"Registry identification card" has the meaning ascribed to it in NRS 453A.140.

"State regulating authority" means The Division of Public and Behavioral Health of the Department of Health and Human Services of the State of Nevada and/or any other agency assigned to administer NRS 453A.

### **6.95.030 Unlawful Acts.**

- A. It shall be unlawful for any person to operate any marijuana establishment in the City without a valid registration certificate duly issued by the State regulating authority, and a license issued pursuant to this Ordinance and operating in compliance with any and all applicable state laws and the Las Vegas Municipal Code.
- B. It shall be unlawful for any person to provide marijuana, edible marijuana products or marijuana infused products to a medical marijuana establishment within the City without a registration certification duly issued by the State regulating authority and a license issued by the City.
- C. Except for sales pursuant to NRS 453A.352(5), it shall be unlawful for any licensed medical marijuana establishment located within the City to accept for sale any marijuana, edible marijuana products or any marijuana infused products from any person who has not obtained a registration certificate from the State regulating authority, or who is not duly licensed under this Ordinance for the provision of such products.
- D. It shall be unlawful for a person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, transportation or consumption of marijuana other than those forms of businesses and commerce that are expressly contemplated by NRS 453A and any administrative rules duly adopted by the State regulating authority.
- E. It shall be unlawful for any person to sell medical marijuana at a licensed medical marijuana dispensary at any time other than between the hours of 6:00 a.m. and 10:00 p.m. daily.
- F. It shall be unlawful for any medical marijuana dispensary to sell medical marijuana without complying with State requirements concerning use of the electronic verification system maintained by the State regulating authority,

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including authenticating the validity of the medical marijuana registry identification card with the State electronic verification system.

### **6.95.040 Medical Marijuana Compliance Permit Required.**

- A. A medical marijuana compliance permit issued by the City Council is required prior to the Director accepting a license application for a medical marijuana establishment.
- B. The City Council may consider proposals for a medical marijuana compliance permit from any business or individual applying to the State regulating authority for a registration certificate for a medical marijuana establishment located within the City.

### **6.95.050 Permit Application.**

Upon determination to accept medical marijuana compliance permit applications for medical marijuana establishments, the Director shall issue a request for permit applications specifying the types of medical marijuana establishments for which medical marijuana compliance permit applications may be accepted, which request shall also establish the deadline to submit medical marijuana compliance permit applications. The Director shall:

- A. Post on the website of the Department at least 10 days prior to the acceptance period for such submittals the type of medical marijuana establishment permits that will be accepted.
- B. Provide a permit application period within which all applications must be submitted, which period shall be not more than 10 days, with a 3:00 p.m. Pacific Time deadline for all submitted applications on the final day.
- C. Return to the entity that submitted an application, any application received at a time other than the time set forth in this subsection, and consistent with the notice posted on the website.
- D. Not allow the modification of any application once the deadline for complete applications has passed.
- E. Reject and not process any applications that are incomplete.
- F. Reject and not process any application for which any person or entity with an ownership interest in the applicant has been previously issued a license pursuant to this Ordinance, or has had an ownership interest in another previous licensee, and such license has been revoked for non-payment of fees within the last five years.
- G. Reject and not process any application for which any person or entity with an ownership interest in the applicant has been previously issued a license pursuant to this Ordinance, or has had an ownership interest in another previous licensee,

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and such license has been revoked for disciplinary action within the last ten years.

- H. Reject and not process any applications that are submitted by applicants where one or more individuals or entities with an ownership interest has been found unsuitable to hold a privilege license within the city or been subject to disciplinary action in any jurisdiction;

### **6.95.060 Permit Application Contents**

A separate application must be submitted for each license for a medical marijuana establishment. The application for each medical marijuana compliance permit must include:

- A. A complete application per LVMC Chapter 6.06 for the applicant and each person with an ownership interest in the proposed medical marijuana establishment.
- B. A detailed personal and business financial history per LVMC 6.06.030(B) for each person with an ownership interest in the proposed medical marijuana establishment.
- C. A one-time, nonrefundable permit application fee of \$5,000.00.
- D. A complete Special Use Permit application, all applicable fees pursuant to LVMC Chapters 19.12 and 19.16, and all required accompanying documents.
- E. A medical marijuana compliance permit application on forms prescribed by the Director.
- F. A complete description of the products and services to be produced or sold by the medical marijuana establishment.
- G. A complete and accurate copy of the application and all accompanying documents to be filed pursuant to NRS 453A.322 including, but not limited to:
  - 1. All proposals for operations, business plans, attestations, financial documentation, and required tax reports;
  - 2. All documents detailing proposed organizational structure, all narratives, and resumes;
  - 3. All documentation required concerning the adequacy of the proposed building and construction plans with supporting details in the form specified by the City Building Official and the payment of all required review and inspection fees;
  - 4. All testing, transportation, policy and operations manuals, financial plan, and an environmental plan.

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- H. A security plan, including a depiction of the location and configuration of security cameras, indicating how the applicant intends to comply with the requirements related to monitoring and securing the licensed premises as required by this Ordinance.
- I. An accounting plan that includes how sales and inventory will be tracked on a daily, weekly, and monthly basis, and how this information will be stored and safeguarded.
- J. A sign and advertising plan, including all proposed interior signage.
- K. A copy of all contracts, proposed contracts for consulting, management, renting or leasing the premises for the proposed medical marijuana establishment, including written documentation stating that the property owner of the proposed location for the establishment is fully aware of the property's intended use or a copy of the deed to such property showing ownership vested in the applicant;
- L. A written statement acknowledging that the applicant understands applicable federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of Nevada and the laws and regulations of the City applicable thereto concerning the operation of a medical marijuana establishment. The written statement shall also acknowledge that any violation of any laws or regulations of the State of Nevada or of the City, or any activity in violation of any guidance or directives issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of any legal proceeding relating to such medical marijuana establishment by federal authorities, may render the permit and such license subject to immediate suspension or revocation.
- M. A written statement to the Director that the applicant will hold harmless, indemnify, and defend the City against all claims and litigation arising from the issuance of a permit and/or license, including any claims and litigation arising from the establishment, operation, or ownership of the medical marijuana establishment, and that a bond to secure such obligation in the amount of \$250,000 will be provided prior to the issuance of any license.
- N. An acknowledgement that the applicant is seeking a privilege under LVMC Chapter 6.06 and understands that each person with an ownership interest must be found suitable to hold such license by the City Council prior to the issuance of any license; that the applicant understands and acknowledges that the burden of proving qualifications to receive such a permit or license is at all times on the applicant; that the granting of a medical marijuana compliance permit and/or license is at the discretion of the City Council; and that the applicant agrees to abide by the decision.

### **6.95.070 Director Review.**

- A. The Director shall complete a preliminary review of all submitted applications for a medical marijuana compliance permit to determine whether the application is complete. An application shall be deemed complete by the Director only when

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an application filed prior to the close of the noticed application period contains each of the following:

1. Each application, narrative, plan, rendering, contract and other document required in this section;
  2. Proof of compliance with all submittal requirements of NRS 453A and any other regulation or requirement of the State regulating authority;
  3. Proof that the proposed location for the medical marijuana establishment is consistent with the requirements of LVMC Title 19;
  4. All fees have been paid;
  5. All waivers, acknowledgements, and statements are properly signed and acknowledged by the applicant and every principal and person with an ownership interest; and
  6. Each person with an ownership interest has filed complete applications per LVMC Chapter 6.06 and each individual has submitted to fingerprinting and photographing per LVMC Chapter 6.06.
- B. The Director shall reject and return to the applicant any application that is incomplete or otherwise fails to meet the criteria established in this Ordinance, in NRS 453A, or the regulations of the State regulating authority. Permit application fees are non-refundable, and shall not be refunded in the event of rejection of an application.
- C. The Director shall review all complete medical marijuana compliance permit applications that satisfy the applicable criteria, and may refer such applications in part, or in whole, to other City departments or Metro for investigation, review and comment, as the Director deems appropriate.
- D. The Director shall prepare a report on the merits of each complete medical marijuana compliance permit application, the potential suitability of any and all principals and the application's compliance with the provisions of this Ordinance and LVMC Title 19, and the application demonstrates the required financial, technical or educational ability or experience to perform the activity for which approval is sought. In recommending the granting or denying of such medical marijuana compliance permit, the Director shall give particular consideration to the identity, character, and background of the applicant, capacity, capitalization, past business practices of the applicant, operational plan, organizational structure, environmental sustainability and mitigation plans, interior floor plans of the buildings, odor control systems and suitability of the building for the use proposed, site plan as to parking, traffic movement and aesthetics; impact on the surrounding neighborhood; the type and degree of security personnel and facilities and any other factors that in his or her discretion deems necessary to the safety, peace, order and welfare of the public.
- E. The Director may inspect or cause to be inspected each proposed location for a medical marijuana establishment and may call for and conduct interviews. Prior

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to approval of a medical marijuana compliance permit, the Director shall require an inspection by the Fire and Building Departments. Applicants shall pay all inspection fees that may be required in connection therewith.

- F. Following the Director's review, the Director shall forward a report on the merits of each complete application with recommendations to the City Council for consideration.

### **6.95.080 Council Action on Permits.**

- A. The City Council will review all applications for medical marijuana compliance permits that have been deemed complete by the Director. Such review shall occur simultaneously with the review of the applicant's Special Use Permit application for the proposed medical marijuana establishment.
- B. The City Council may approve, deny or take such other action with respect to the Director's recommendations on applications for medical marijuana compliance permits as it considers appropriate. The burden of showing the qualifications, acceptability or fitness for such permit and the location is upon the applicant.
- C. The City Council shall deny any permit if the permit will not be in the best interest of the welfare, health, or safety of the City; or if the application or location is determined by the Council to not be suitable under this Ordinance or the requirements of LVMC Title 19. In considering whether to approve or deny a medical marijuana compliance permit, the City Council shall consider the identity, character, and background of the applicant, capacity, capitalization, past business practices of the applicant, operational plan, organizational structure, environmental sustainability and mitigation plans, interior floor plans of the buildings, odor control systems and suitability of the building for the use proposed, site plan as to parking, traffic movement and aesthetics; impact on the surrounding neighborhood; the type and degree of security personnel and facilities and any other factors that in his or her discretion deems necessary to the safety, peace, order and welfare of the public.
- D. Upon approval of a medical marijuana compliance permit, the Director shall prepare a notice to the State regulating authority pursuant to NRS 453A.322.3(a)(5), outlining that the proposed location has been found in conformance with land use and zoning restrictions and that the applicant is eligible to be considered for a medical marijuana establishment business license. Issuance of such a notice does not preclude the City from conducting further review of an applicant's proposed medical marijuana establishment for compliance with land use, zoning and building requirements, in the context of evaluation of an application for a medical marijuana establishment business license pursuant to LVMC Chapter 6.06 and this Ordinance.
- E. If the City Council denies a medical marijuana compliance permit application, or the State regulating authority fails to rank the application presented within limits of the number of medical marijuana establishments allowed within the City, as established by state law, the applicant may reapply for a medical marijuana

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compliance permit no sooner than one year from the date of the application period in which the application was filed.

- F. Any medical marijuana compliance permit is considered surrendered by the applicant if a business license has not been granted within 12 months of the issuance of a registration certificate issued by the State regulating authority.

### **6.95.090 Medical Marijuana Establishment – Licenses.**

- A. Following action by the State regulating authority issuing a provisional medical marijuana establishment registration certificate, the City Council shall evaluate whether to grant any proposed medical marijuana establishment that received a medical marijuana compliance permit a medical marijuana business license.
- B. The City Council may issue licenses for the following types of medical marijuana establishments:
  - 1. **Medical Marijuana Dispensary.** A medical marijuana dispensary license allows the licensee to acquire, possess, supply and sell or dispense usable marijuana, edible marijuana products, marijuana infused products, and marijuana paraphernalia exclusively to State regulating authority-designated medical marijuana registry card holders.
  - 2. **Cultivation Facility.** A cultivation facility license allows the licensee to acquire, possess, cultivate, package, label, deliver, transfer, transport, supply and sell wholesale marijuana and related supplies to a medical marijuana dispensary, medical marijuana production facility, or to other cultivation facilities only.
  - 3. **Independent Testing Laboratory.** An independent testing laboratory license allows the licensee to independently test marijuana, edible marijuana products and marijuana-infused products that are to be sold at medical marijuana establishments operating in accordance with the requirements of NRS 453A.
  - 4. **Medical Marijuana Production Facility.** A medical marijuana production facility license allows the licensee to acquire, process, manufacture, deliver, transfer, transport, package, and label usable marijuana and marijuana-infused products for sale at wholesale to marijuana dispensaries only.
- C. A medical marijuana establishment license applicant may not exercise any of the privileges of a medical marijuana establishment license until the City Council approves the license and suitability of each person with an ownership interest in the medical marijuana establishment, and final pre-operational inspections have been conducted and all applicable inspection and license fees are paid.
- D. Prior to issuance of a license, the licensee must designate one principal, all key employees and all management personnel to demonstrate competence in local

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regulations as evidenced by a written demonstration administered by the Director.

- E. Licenses shall expire two years from the date of issuance and a licensee must apply for biennial review pursuant to LVMC 6.95.170.
- F. A medical marijuana establishment licensee shall provide and maintain at all times and at its own expense a certificate of insurance at amounts and terms approved by the City Attorney prior to issuance or renewal of a license. Any failure to maintain insurance or provide proof of insurance is ground for the Director to suspend the license.
  - 1. The minimum amount which may be required by the City Attorney shall be \$1,000,000 per occurrence, \$2,000,000 general aggregate for bodily injury and property damage arising out of licensed activities and \$1,000,000 products and completed operations aggregate, Commercial Automobile Coverage in a minimum of \$1,000,000 and excess liability in a minimum of \$3,000,000.
  - 2. Additional insured: The City shall be named as an additional insured on all general liability, umbrella, and excess insurance policies as City, its elected officials, officers, agents, employees and volunteers are included as additional insured. All policies shall be primary over any other valid and collectible insurance.
- G. Prior to issuance or renewal of a license, medical marijuana establishment licensees shall provide a surety bond as set forth in this section. The bond must be at the licensee's own expense and remain in force throughout the term of the license. The bond must cover licensee's obligation, for itself and its agents, employees, subcontractors, and the agents and employees of any subcontractors, to indemnify, defend, and hold harmless the City, and any of its elected or appointed officers, agents, or employees, from any and all claims, demands, actions, damages, decrees, judgments, attorney fees, costs, and expenses which the City, or such elected or appointed officers or employees, may suffer, or which may be recovered from, or obtainable against the City, or such elected or appointed officers or employees, as a result of, by reason of, or arising out of the use of the license, or the exercise by the licensee of any or all of the rights, privileges, permission, and authority conferred herein, or as a result of any alleged act or omission on the part of the licensee in performing or failing to perform any of its obligations. Such surety bond shall be in the amount of \$250,000.
- H. Prior to the issuance or renewal of a license, medical marijuana establishment licensees shall file, and must maintain, a bond from a surety company qualified and authorized to do surety business in the State of Nevada in the penal sum of \$50,000. Such bond must be conditioned to be paid to the City for all license fees and penalties owing against such license.
- I. Upon approval by the City Council of a medical marijuana compliance permit and the issuance of a provisional medical marijuana registration certificate by the State regulating authority, the Director shall process a license application



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pursuant to LVMC Chapter 6.06: The Director shall not issue a temporary license for a medical marijuana establishment.

### **6.95.100 Facilities Not Located Within the City of Las Vegas.**

A medical marijuana cultivation facility, an independent testing laboratory or a medical marijuana production facility which has obtained a business license in a jurisdiction within Nevada other than the City may apply to the Director for a license to provide testing, medical marijuana, edible marijuana products and/or marijuana infused products, if an adequate supply does not exist, to licensed medical marijuana establishments within the City. All applications for such licenses will be processed pursuant to LVMC Chapter 6.06 and shall be required to pay all license fees applicable to medical marijuana establishments located within the City. Medical marijuana establishments located outside of the City shall not be required to comply with the permit process set forth in LVMC 6.95.040.

### **6.95.110 Medical Marijuana Establishments – General Requirements and Restrictions.**

- A. Each medical marijuana establishment licensee shall operate only in compliance with all State regulations, all City regulations, and the plans, procedures and policies submitted with the permit and approved by the Director, and any restrictions imposed in connection with issuance of the license.
- B. At least one qualified person shall be on the premises of a medical marijuana dispensary at all times during the hours of operation. For purposes of the preceding sentence, a "qualified person" means a principal who has been approved for suitability pursuant to LVMC 6.06.06 or a key employee who has been approved for suitability pursuant to that Section.
- C. A medical marijuana establishment may not allow the use, smoking, ingestion or consumption of any marijuana, edible marijuana, or marijuana-infused product on the licensed premises.
- D. Any person or premises licensed as a medical marijuana establishment shall comply with all City ordinances regulating signs and advertising. All signs and advertisements must comply with all requirements of the State regulating authority.
- E. Material that is misleading, deceptive, or false, as evidenced either by the content of the advertising material or by the medium or the manner, in which the advertising is disseminated, is designed to appeal to minors or promote the use of marijuana is prohibited.
- F. With respect to issues regarding signs and advertising that are not governed by LVMC Title 19, each medical marijuana establishment shall conform to the approved sign and advertising plan as a condition of the license. The Director shall not recommend for approval any sign and advertising plan that:

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1. Has not been approved by the State regulating authority and does not comply with all the requirements of the State regulating authority;
  2. Promotes the use of marijuana, or is appealing to minors;
  3. Provides advertising visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media:
    - a. A sign mounted on a vehicle;
    - b. Any hand-held, human signage or other portable sign; or
    - c. Any handbill, leaflet or flier directly handed to any person, deposited, fastened, thrown, scattered, cast, or placed in a public place, left upon a motor vehicle, or any handbill, leaflet or flier posted upon any public or private property without the consent of the property owner;
  4. Provides advertising by means of any video, print, online media, newspaper, magazine, other periodical of general circulation, radio or broadcast medium which is generally or specifically marketed to minors.
- G. The presence of minors on the premises of a medical marijuana establishment is prohibited unless the minor is a qualified patient on the premises of a dispensary and is accompanied by his or her parent or legal guardian. No licensee shall cause, permit or allow, either by act or by failure to act, the violation of this subsection.
- H. Medical marijuana, edible marijuana products and/or marijuana infused products may only be transported in accordance with the requirements of this Chapter, and only by a licensed medical marijuana establishment. No other person shall transport medical marijuana, edible marijuana products and/or marijuana infused products on behalf of a licensed medical marijuana establishment. Transportation must meet all requirements of the State regulating authority. Product must be placed in unmarked, non-transparent transportation containers.
1. All required transportation logs must be in the vehicle and made available to law enforcement at any time the log is inspected. Upon being stopped by a law enforcement officer within the City, each driver must identify to the officer that the product contained within the vehicle is medical marijuana, edible marijuana products or marijuana-infused products, as the case may be, from a licensed medical marijuana establishment and must present a state agent registration card, the route the vehicle was authorized to travel and the actual travel log for inspection.
- I. Each licensee is responsible to obtain a biennial building inspection from the Building Official prior to renewal of any license.

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- J. Any closure either temporary or permanent must be noticed in writing to the Director 15 days prior to such closure, unless an emergency requires the closure of such facility which must be reported to the Director within 24 hours of such closure.
- K. Each licensee must meet the accounting and auditing procedures established by the Department to track and record all sales for audit purposes. The Department must have access to such records as provided for under LVMC 6.02.020.
  - 1. If an annual audit is required by the State regulating authority, the licensee shall submit the audit report to the City within 90 days of the completion of the audit. All reports or evaluations submitted hereunder shall be confidential and shall not be available for public inspection, except as may be required under State or federal law.
  - 2. In compliance with all State and Federal privacy laws the licensee shall allow the Director or a designee unrestricted access to all financial documents, books, records, facilities, and all audio and video surveillance pertaining to the facilities. Any information obtained pursuant to this section or any statement filed by the licensee shall be deemed confidential in character and shall not be subject to public inspection or as determined by State and Federal privacy laws.

### **6.95.120 Security Requirements.**

Each medical marijuana establishment must submit, maintain and follow a security plan approved by the Director. Any proposed modification to an approved security plan must be submitted to the Director for approval. Any security plan must meet all the criteria established by the State regulating authority and the following minimum requirements:

- A. Each licensed premises must have a security system which monitors all perimeter entry points, windows, and controlled areas by a centrally monitored alarm company properly licensed with the City, and whose agents are properly licensed and registered under applicable laws.
- B. A 24 hour surveillance system is required to monitor the interior and exterior of a medical marijuana establishment, a live feed of which must be accessible to authorized law enforcement at all times, and in real-time.
  - 1. All recorded images must clearly and accurately display the time and date. Time is to be measured in accordance with U.S. National Institute of Standards and Technology standards.
  - 2. The surveillance system's data storage device must be secured on-site in a lock box, cabinet, closet, or secured in another manner to protect from employee or third-party tampering or criminal theft.
  - 3. A sign must be posted in any customer areas that the customer is under video surveillance.

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- C. The establishment shall be responsible for ensuring compliance with all local and state regulations regarding the facility and must monitor parking areas and outdoor areas of the licensed premises for loitering, unlawful sale of medical marijuana by customers, and consumption of medical marijuana.
- D. Any theft of items containing marijuana or the observance of any unauthorized transactions of medical marijuana on the licensed premises must be reported to Metro and the Department in written communication within 24 hours of occurrence.
- E. A sign shall be posted at the entrance to the location containing the name and functioning telephone number of a 24-hour on-call member engaged in the management of a medical marijuana establishment who shall receive, log, and respond to complaints and other inquiries.
- F. In addition to complying with all requirements set by the State regulating authority, any licensed cultivation facility shall:
  - 1. Secure the cultivation facility with full video surveillance capable of clearly identifying any activities occurring within twenty (20) feet of the exterior of the building and any parking, fenced, or loading areas. A motion detection lighting system may be employed to illuminate the gate area in low light conditions.
  - 2. Must provide on-site security between the hours of 10:00 p.m. and 6:00 a.m.
- G. In addition to complying with all requirements set by the State regulating authority, any licensed medical marijuana production facility shall ensure all production, transport, delivery, shipping, labeling and packaging areas have fixed camera coverage capable of identifying activity occurring within a minimum of twenty feet.
- H. In addition to complying with all requirements set by the State regulating authority, any licensed medical marijuana dispensary shall contain the following areas, separated and segregated, and consistent with the following specific criteria:
  - 1. Waiting area containing only one entrance for the public, which is visible immediately from one fixed staffed security station. The entire waiting area must also be monitored by surveillance cameras.
  - 2. Consultation room where medical marijuana products are viewed for purchase, which must be:
    - a. Separated and segregated from any waiting area;
    - b. Any windows or viewing areas must be obscured from the public right of way or waiting area;

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- c. Any customer allowed to enter any room where medical marijuana, edible marijuana products, or marijuana infused products are viewed for purchase is required to be accompanied by an employee of the establishment;
  - d. Only sample products may be viewed for purchase in such a room; samples may be shown to customers outside of nontransparent packaging.
  - e. Customers may not remove any medical marijuana, edible marijuana products, or marijuana infused products from the consultation room.
- 3. All medical marijuana, edible marijuana products, or marijuana infused products, during non-business hours, must be stored in a separated and secured area.
  - a. The area must meet the Building Official's standards for odor control.
  - b. The area must be under surveillance by the camera system at all times.
  - c. One area may store both product and legal tender, however separate storage devices must be maintained and both must be under video surveillance.
- 4. All medical marijuana, edible marijuana products, or marijuana infused products must be placed in an opaque bag or cover that does not allow the product to be visible from outside of the bag or cover and closed by the attendant of the dispensary prior to transfer to a customer.

### **6.95.130 Cultivation Facility.**

- A. A cultivation facility must meet all odor control regulations established by the building department. Within 24-hours of any complaints concerning odors, a cultivation facility shall respond to the complaints and file with the Director and the Building Official all action taken to address odor complaints. The Building Official, upon determination of the existence of detectable odor from any cultivation facility, may require additional measures by the facility to control such odor and a timeframe for the implementation of such measures at any cultivation facility. Failure to complete required improvements within the timeframe specified by the Building Official is grounds for suspension of the license by the Director.
- B. Any medical marijuana that is transported to a medical marijuana dispensary must be packaged for retail sale in tamper evident containers of not more than two and one-half ounces and placed in unmarked, non-transparent transportation containers.

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- C. Any medical marijuana that is transported to a medical marijuana production facility must meet all State regulating authority standards.
- D. Applicants must designate on their permit application the size of the area proposed to be under cultivation on the premises. The cultivation area will be limited to the square footage granted on the license. Other floor space of the facility may be used for walkways, ventilation, storage or any other purposes required by the State regulating authority or the licensee for operations of the business. Allocated square footage of cultivation area may be requested to be increased upon petition to the Director prior to the renewal of the license.
- E. The Council may reduce the square footage of any applicant or licensee if the Council determines the size of the proposed facility is not in the interest of the surrounding community;
- F. Prior to accepting any plant materials into the cultivation facility for the first time, the cultivation facility shall notify the Department to conduct a pre-operational inspection and shall pay all related inspection fees.

### **6.95.140 Independent Testing Laboratories.**

In addition to any other requirement set forth herein, Independent Testing Laboratories must submit a registration certificate from the State regulating authority, must maintain all state laboratory licenses required to test substances such as medical marijuana, and provide a copy of such licenses and approvals at the time of licensing.

### **6.95.150 Medical Marijuana Production Facility.**

- A. Inspections. The Department will conduct a pre-operational inspection at all medical marijuana production facilities to determine whether the facilities, methods, practices and controls used in the manufacture, processing, or holding of edible marijuana products or marijuana-infused products conform to or are operated or administered within the requirements of this Ordinance. The licensee is responsible for the costs of all inspections.
- B. Products and Labeling. Products sold at City-licensed medical marijuana dispensaries must meet the following:
  - 1. No infused products may contain alcoholic beverages as defined and regulated by LVMC Chapter 6.50;
  - 2. No product shall have the appearance or packaging of candies, characters, shapes or other like products which are commonly marketed to children;
  - 3. No infused water or beverages may be produced or bottled for drinking as a beverage;

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4. Packaging must be opaque. Products must not be visible from or depicted on the packaging;
5. Labels must be simple in appearance without pictures or depictions of objects, such as toys, characters, pictures of children, or cartoon characters or any other depiction which are commonly marketed to children;
6. Labels must not have the appearance of similar labels found in a grocery store;
7. The City may create a logo that must be placed on the packaging for all edible marijuana products and marijuana-infused products. If such a logo is created, it shall be applied to all such products;
8. Any edible marijuana products or marijuana infused products that are transported to a licensed medical marijuana dispensary must be packaged for retail sale in tamper evident containers and placed in unmarked, non-transparent transportation containers; and
9. The maximum number of servings in any one single unit of marijuana-infused product meant to be eaten or swallowed is ten servings of no more than ten milligrams of active THC per serving. THC is defined in NRS 453A.155. A single unit of marijuana-infused extract for inhalation cannot exceed one gram.

### **6.95.160 Medical Marijuana Dispensary – Requirements and Limitations.**

Each licensed medical marijuana dispensary shall comply with the following requirements:

- A. Prices for all products shall be prominently posted in the waiting area in a location and manner readily visible to prospective and actual clients. Prices shall not be posted on the exterior of the licensed premises.
- B. All edible marijuana products and marijuana infused products offered for sale at licensed dispensaries shall meet the requirements, restrictions and labeling of edible marijuana products and marijuana infused products in accordance with LVMC 6.95.150(B). (see Medical Marijuana Production Facility)
- C. Any dispensary that sells edible marijuana products or marijuana infused products must display a placard that states the following:
  1. Edible Marijuana and Marijuana Infused Products: There may be health risks associated with consumption of edible marijuana products or marijuana infused products.
  2. Edible products and marijuana infused products contain marijuana or active compounds of marijuana.

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3. Should not be used by women who are pregnant or breast feeding.
4. When eaten or swallowed, the intoxicating effects of this product can be delayed two or more hours.
5. Follow all recommended dosage and serving guidelines and recommendations.
6. "KEEP OUT OF REACH OF CHILDREN"

The placard shall be no smaller than 8 inches tall by 12 inches wide, with font size letters no smaller than 48. The placard shall be clearly visible and readable by customers and shall be written in English.

- D. A medical marijuana dispensary is not allowed to sell gifts, novelties or participate in ancillary business sales activity within a medical marijuana dispensary with the exception of the following:
1. Paraphernalia as defined by NRS453A.125, the sale of which is limited to the consultation room and only to a display area of 10 square feet of gross retail space in the room.
  2. Ancillary services which are services approved in the educational plan by the State regulating authority, and which also must be approved for an ancillary license by the City.
- E. A dispensary may locate one automatic teller machine for access to patients only for the dispensing of money if the person operating the machine has been approved by the Director under LVMC 6.06.125 and the business is licensed to operate such by the City. Money and legal tender may not be stored onsite except as detailed in the approved security plan.
- F. The following activities to promote the use of marijuana are prohibited:
1. The giving of free samples or free product to any person, employee or customer;
  2. No employee shall be paid for services in the form of marijuana product;
  3. Reward programs, customer loyalty programs, promotional activities;
  4. No novelty merchandise may be produced or allowed to have any approved logo or business name to be used on such merchandise; and
  5. The display of any product in any manner visible to the general public from the right of way or outside of the facility.
- H. The following activities are prohibited for all licensed medical marijuana dispensaries:



## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

1. Off-site transportation or sale of medical marijuana, edible marijuana products or marijuana infused products, except to another licensed medical marijuana establishment or the location of the residence of a registry card holder and only to a residential address specified on the registration card. All sales and distribution of medical marijuana, edible marijuana products or marijuana infused products by a licensed medical marijuana dispensary shall occur only upon the licensed premise, and the licensee shall be strictly prohibited from transporting or selling medical marijuana to any person at any other location.
2. A drive-thru or walk-up window for transactions or product transfer.
3. Except as otherwise permitted by Paragraph (1) of this Subsection (H):
  - a. A dispensary shall not dispense or distribute, sell, transfer or in any other way provide marijuana, edible marijuana products or marijuana infused products other than by direct, face-to face, in-person transaction with the holder of a registry identification card or designated primary caregiver at the licensed facility; and
  - b. Marijuana shall not be provided by any other means of delivery including, without limitation:
    - i. Internet sales.
    - ii. The transport, mail or private delivery of product.
- I. Dispensaries must inform each customer either by signage, written receipt or on product labeling that it is illegal to re-sell medical marijuana, edible marijuana products or marijuana infused products to any person.
- J. The Dispensary shall provide the Director, Metro and all neighbors located within fifty (50) feet of the premises with the name, phone number, and facsimile number of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the Dispensary.
- K. No advertising, materials or postings within the waiting areas may advertise locations, devices or activities promoting the consumption of marijuana or other facilities selling or purporting to provide locations for the private or public consumption of marijuana.
- L. Medical marijuana, edible marijuana products and/or marijuana infused products shall be obtained from licensed medical marijuana establishments within Clark County if an adequate supply is available from licensed medical marijuana establishments located within Clark County.
- M. A medical marijuana dispensary must maintain an electronic verification system in accordance with the requirements of the State regulating authority, which must be used to record data required by the State regulating authority and to validate each registry identification card presented and the allowed amount of medical marijuana to be dispensed.

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

- N. A medical marijuana dispensary's hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m.

### **6.95.170 Biennial Review of License.**

- A. Every two years from the date of issuance each licensee must submit to a review of the issued license.
- B. Documentation required for the biennial review must be submitted at least 60 days prior to the expiration of the license.
- C. Documentation for the biennial review must be provided on a form approved by the Director and accompanied by:
1. A new license application per LVMC Chapter 6.06;
  2. A nonrefundable application renewal fee of \$1,000.00;
  3. List of all ownership or affidavit testifying that no changes have occurred;
  4. Signed affidavits from each principal attesting to the fact that there have not been any arrests or convictions of a crime in any jurisdiction and they have not had disciplinary action taken against them or an associated business where a business license is held;
  5. If changes are requested, a detailed proposal for changes to any of the plans or documents approved with the initial license or previous renewal, including the sign plan, security plan, environmental plan, operational plan, or building plans;
  6. A copy of all current and proposed contracts for consulting, management, renting or leasing;
  7. A copy of all contracts with any other medical marijuana establishments; and
  8. A statement certifying and attesting that no changes have occurred in the ownership, operations or original application with the exception of those specifically noted in the renewal application.
- D. The Director may approve the review and approve a renewal of the license based on a determination that no material changes have been made to the original application or refer the review with noted requested changes to the Council for consideration. The City Council may approve, approve with conditions, deny or take such other action as it deems appropriate. All changes in ownership or location must be referred to the City Council as a new permit application during a posted request for medical marijuana compliance permits.

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

- E. The Director may deny renewal of a license based on the failure or refusal of a licensee to carry out the policies and procedures or comply with the plans and statements provided to the Department with the application for the license.
- F. The Director may deny renewal of a license if the establishment is not in compliance with this Ordinance or has any unpaid fees.

### **6.95.180 Closure or Bankruptcy of a Medical Marijuana Establishment.**

- A. Prior to the issuance of a license or the renewal of a license, each applicant must file with the Director a plan for the disposal, maintenance or transfer of all plant material, products and usable medical marijuana for implementation due to any of the following conditions:
  - 1. Closure of the medical marijuana establishment, revocation or nonrenewal of the registration certificate issued by the State regulating authority, or revocation or nonrenewal of a license granted pursuant to this Ordinance.
  - 2. The appointment of an administrator, receiver, trustee, or assignee in the event of the receivership, bankruptcy, or assignment for benefit of creditors of any licensee.
- B. The plan must include:
  - 1. The Director must be notified within ten (10) days of such appointment to act pursuant to Paragraph (2) of Subsection (A) above.
  - 2. That business must cease all sales of medical marijuana products including wholesale, edible or infused products and dispensary sales until such time as a new certificate has been issued by the State regulating authority and a license has been granted by the City.
  - 3. An inspection prior to the transfer of any materials to be disposed of or transferred to another licensed medical marijuana establishment.
  - 4. The plan must be executable within ten (10) days and approved by the Director.
- C. When the matter is resolved, the true party(ies) of interest may apply for a license once certified by the State regulating authority.

### **6.95.190 Disposal of Medical Marijuana.**

Medical marijuana and any waste including wastewater must be stored, secured and managed in accordance with applicable state statutes and regulations and LVMC Title 14 and state approved disposal plan. A medical marijuana establishment must dispose of medical marijuana that is not usable marijuana within ten (10) calendar days

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

of expiration of use. Medical marijuana waste must be made unusable prior to leaving a licensed medical marijuana facility.

- A. Wastes that must be rendered unusable prior to disposal include, but are not limited to:
  - 1. Marijuana plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent.
  - 2. Solid marijuana sample plant waste possessed by third-party laboratories certified by the State regulating authority for quality assurance that must be disposed of.
- B. The allowable method to render marijuana plant waste unusable is by grinding and incorporating the marijuana plant waste with non-consumable solid waste or other ground materials so the resulting mixture is at least fifty percent non-marijuana waste by volume. Other methods to render marijuana waste unusable must be approved by the State regulating authority and the Director before implementing.
- C. Marijuana waste rendered unusable following an approved method in the facility disposal plan may be delivered to a franchised or licensed solid waste facility for final disposition.
- D. Disposal cannot include medical marijuana product including plant material entering the City wastewater collection system, storm drain system or any unsecure rubbish disposal system.
- E. A medical marijuana establishment shall not transfer, share, give, sell or deliver any unused medical marijuana in the establishment's possession to any other person, regardless of whether they are licensed as a medical marijuana establishment.
- F. A medical marijuana establishment shall not dispose of medical marijuana in any manner other than permitted under this Ordinance.

### **6.95.200 Work Card and Agent Registration Card Requirements.**

Each employee, whether a full- or part-time employee, independent contractor, or volunteer who works in a medical marijuana establishment business or facility shall obtain prior to the commencement of work and keep in force during the term of employment, a work card issued pursuant to LVMC Chapter 6.86. A complete and accurate list of all employees and volunteers, each of whom must have a valid medical marijuana establishment agent registration card and work card issued pursuant to LVMC Chapter 6.86, must be kept onsite and available for inspection at all times. The list must contain the current employment status, position and title of each employee and volunteer, and work shift.

It shall be a condition of the license to inform the City of any change in the employment status of a registered employee or volunteer who serves in a management

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

position or as a key employee within ten (10) days of the effective date of the change in employment status. A change of employment status includes termination, leave of absence, and promotion to a management position or key employee.

### **6.95.210 Confidential Information.**

The confidentiality of records regarding medical marijuana establishments shall be in accordance with Federal and State law. The duty to disclose any particular record as a public record shall be in accordance with State law.

### **6.95.220 Disciplinary Actions, Suspension and Revocation of Licenses.**

All licenses authorized and issued under the provisions of this Ordinance may be subject to immediate suspension by the Director, if the Director finds that:

- A. A licensee has violated, or permitted, allowed or caused a violation of any provision of this Ordinance, any regulation issued pursuant to this Ordinance, any condition of approval imposed upon the issuance of the permit or license, or any State law or regulation relating to the operation;
- B. If the State registration certificate has been surrendered, suspended or revoked;
- C. Based on ascertainable facts, the operation substantially aggravates the crime problems in the City, makes law enforcement unduly difficult, or is detrimental to the public health, safety or welfare of the City;
- D. A licensee has made any fraudulent statements as to a material fact on an application form, as to any other information presented as part of the application process, or in connection with any other information required to be submitted to the Director pursuant to this Ordinance;
- E. A licensee knowingly commits any act which would have constituted grounds for denial of an application for a license;
- F. Licensee has failed either to file the required reports or biennial review documentation or to furnish such information as may be reasonably required by the Director under the authority vested in the Director by the terms of the provisions relating to the specific license;
- G. Any fact or condition exists which, if it had existed or been known to exist at the time of the application for such compliance permit or license, would have warranted the Director to recommend denial of the permit or license;
- H. The licensee has failed to maintain the premises in compliance with the requirements of the building official or the fire chief or any environmental or health department.

Any act or omission committed by any employee, agent, or independent contractor that occurs in the course of his or her employment, agency, or contract with

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

the licensee shall be imputed to the licensee for the purposing of imposing any civil penalty, suspension, or revocation on the licensee.

In lieu of any license suspension, the director may assess a civil penalty against the licensee per LVMC Chapter 6.02.

In the event of any condition that justifies suspension of a license, the Director shall have the discretion to recommend to the City Council that the license be revoked, or other penalty imposed.

In the event of the suspension of any license, the Director shall provide written notice by certified mail addressed to the licensee and the building owner at the addresses of record. Notice shall also be sent to the state regulating authority.

Failure to immediately suspend all business operations to the public or other medical marijuana establishments shall require the Director to post the property as closed by order of the Director, and shall be grounds for revocation of a license. Staff of a licensed cultivation facility is permitted to be onsite during the appeal process to maintain the needs of the plants for a cultivation facility.

A licensee may appeal any suspension, nonrenewal or other penalty to the City Council. Any suspension or other penalty shall be effective pending completion of any appeal. All appeals will be processed per LVMC Chapter 6.06.

### **6.95.230 Fees.**

#### **A. Annual License Fee:**

1. Each annual fee is due in advance on July 1st of each year. Applicants who receive license approval on a date other than such due date shall have their license fees prorated on a monthly basis. License fees paid pursuant to the code are not refundable.
2. Any annual fee which is not received by the Department on or before the due date shall be assessed a late-payment penalty amount equal to ten percent of the amount of such annual fee.
3. If the annual fee and penalty is not received by the Department within fifteen days after the due date, an additional penalty in an amount equal to twenty-five percent of such annual fee shall be assessed.
4. If the annual fee and all penalties are not received by the Department within sixty days after the due date, the license shall be automatically revoked.

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

5. Each licensee shall pay to the Department in advance, the annual fees set forth in the following schedule:

<b>License Category</b>	<b>Annual License Fee (Dollars)</b>
Medical Marijuana Cultivation Facility	\$20,000 for 1st 5,000 square feet of approved cultivation area and \$10,000 for each additional 5,000 square feet, or portion thereof, of approved cultivation area
Medical Marijuana Production Facility	\$25,000
Medical Marijuana Dispensary	\$75,000
Independent Testing Laboratory fees per LVMC 6.04	\$10,000

**B. Semi-Annual Gross Revenue Fee for Medical Marijuana Dispensary:**

1. Gross revenue fees shall be administered in accordance with LVMC 6.02.160 through 6.02.220, LVMC 6.02.240 through LVMC 6.02.260.
2. If the semi-annual fee and all penalties are not received by the Department within sixty days after the due date, the license shall be automatically revoked.
3. A semi-annual license fee based on the gross sales of the medical marijuana dispensary facility according to the following schedule:
  - a. All medical marijuana products received directly from the medical marijuana cultivation facility for sale shall be calculated on 5% of gross sales.
  - b. All medical marijuana products received directly from the medical marijuana production facility for sale shall be calculated at 7% of gross sales.
  - c. Sales other than medical marijuana shall be calculated pursuant to LVMC 6.04.005.

**6.95.240 Cultivation Limit.**

The Council may enter into agreements with other local governments to restrict cultivation to a regional location or a regional limit based on square feet of building space that may be licensed for the cultivation of medical marijuana to supply licensed dispensaries within the City.

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

### **6.95.250 Construction**

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in NRS 453A and NAC 453A. In the event of any conflict between the provisions of this Ordinance and the provisions of NRS 453A and NAC 453A, or any other applicable State or local law, the more restrictive provision shall control.

**SECTION 2:** Title 6, Chapter 2, Section 250, of the Municipal Code of the City, Nevada, 1983 Edition, is hereby amended to read as follows:

### **6.02.250 Delinquency – Expiration – Reinstatement.**

- (A) All license fees other than gaming, alcoholic beverage and medical marijuana license fees shall become delinquent if not received within fifteen days after the due date. If full payment is not made within fifteen days after the due date, fifteen percent of the entire license fee shall be assessed as a penalty, payable in addition to the license fee; provided, however, if the fifteenth day following the due date is a day that the principal offices of the City are not open to the public, the penalty must not be assessed if the license fee is received before midnight of the next day on which the principal offices of the City are open to the public.
- (B) Except as otherwise provided in Subsection (E) with respect to ice cream truck and medical marijuana establishment licenses, all licenses for which fees and assessed penalty charges have not been paid within sixty days after the license fee due date are deemed expired and shall not be reinstated until the license fees, assessed penalty charges and a reinstatement fee of fifty dollars have been paid. A license is eligible for reinstatement only within the four-month period following its expiration.
- (C) The Director may refer any delinquent license fees and assessed penalty charges to a collection agency for collection if they have not been paid within sixty days after the license fee due date. The Director may do likewise regarding any service charges and administrative fees that have been assessed pursuant to LVMC 6.02.020(B)(7) and have not been paid in a timely manner.
- (D) As a condition of reinstatement of a license deemed expired pursuant to Subsection (B) of this Section, the licensee shall, in addition to payment of any outstanding license fees, penalty charges, service charges, administrative fees, and reinstatement fees, reimburse the City for any expenses it has incurred as a result of referring the licensee's delinquent license fees and assessed penalty charges to a collection agency.
- (E) The renewal and expiration of ice cream truck licenses shall be in accordance with LVMC 6.47.030(B)(4). The renewal and expiration of medical marijuana licenses shall be in accordance with LVMC 6.95.170.



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

RECEIVED  
CITY CLERK

LV CITY CLERK  
495 S MAIN ST  
LAS VEGAS NV 89101

Account # 22515  
Ad Number 0000197485

2014 JUN -2 A 11: 53

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/23/2014 to 05/23/2014, on the following days:

05 / 23 / 14

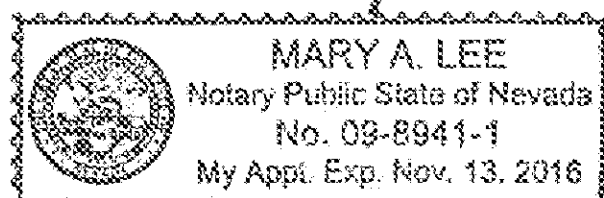
BILL NO. 2014-33  
AN ORDINANCE TO ESTABLISH  
LICENSING REGULATIONS AND  
STANDARDS FOR MEDICAL  
MARIJUANA ESTABLISHMENTS,  
AND TO PROVIDE FOR OTHER  
RELATED MATTERS.  
Sponsored by: Councilman Bob  
Coffin  
Summary: Establishes  
licensing regulations and  
standards for medical  
marijuana establishments.  
At the City Council meeting of  
May 21, 2014  
BILL NO. 2014-33 WAS READ BY  
TITLE AND REFERRED TO A  
RECOMMENDING COMMITTEE.  
COPIES OF THE COMPLETE  
ORDINANCE ARE AVAILABLE FOR  
PUBLIC INFORMATION IN THE  
OFFICE OF THE CITY CLERK, 3RD  
FLOOR, 495 SOUTH MAIN  
STREET, LAS VEGAS, NEVADA  
PUB: May 23, 2014  
LV Review Journal

*Stacey M. Lewis*  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 23rd day of May, 2014

Notary

*Mary A. Lee*



**AFFIDAVIT OF PUBLICATION**

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

LV CITY CLERK  
495 S MAIN ST  
LAS VEGAS NV 89101

Account # 22515  
Ad Number 0000212967

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/07/2014 to 06/07/2014, on the following days:

06 / 07 / 14

**FIRST AMENDMENT**

**BILL NO. 2014-23  
ORDINANCE NO. 6324**

**AN ORDINANCE TO ESTABLISH  
LICENSING REGULATIONS AND  
STANDARDS FOR MEDICAL  
MARIJUANA ESTABLISHMENTS,  
AND TO PROVIDE FOR OTHER  
RELATED MATTERS**

Sponsored by: Councilman Bob  
Coffin

Summary: Establishes licensing  
regulations and standards for  
medical marijuana  
establishments.

The above and foregoing  
ordinance was first proposed  
and read by title to the City  
Council on the 21st day of May  
2014 and referred to a  
committee for  
recommendation; thereafter  
the committee reported  
favorably on said ordinance on  
the 4th day of June 2014, which  
was a regular meeting of said  
City Council, and that at said  
regular meeting the proposed  
ordinance was read by title to  
the City Council as introduced  
and was adopted by the  
following vote:

VOTING "AYE": Mayor  
Goodman and Councilmembers  
Anthony Ross, Barlow, Coffin,  
Tarkenton, and Boers  
VOTING "NAY": NONE  
EXCUSED: NONE

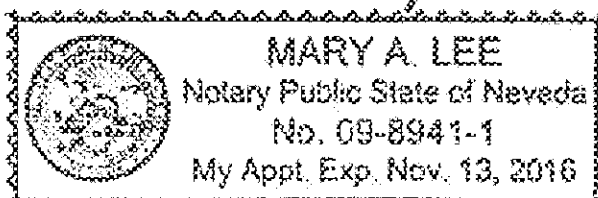
COPIES OF THE COMPLETE  
ORDINANCE ARE AVAILABLE FOR  
PUBLIC INFORMATION IN THE  
OFFICE OF THE CITY CLERK, 2ND  
FLOOR, 495 SOUTH MAIN  
STREET, LAS VEGAS, NEVADA

PUB: June 7, 2014  
LV Review-Journal

IS/ Stacey M. Lewis  
LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 9th day of June, 2014

Notary Mary A. Lee



# EXHIBIT 3

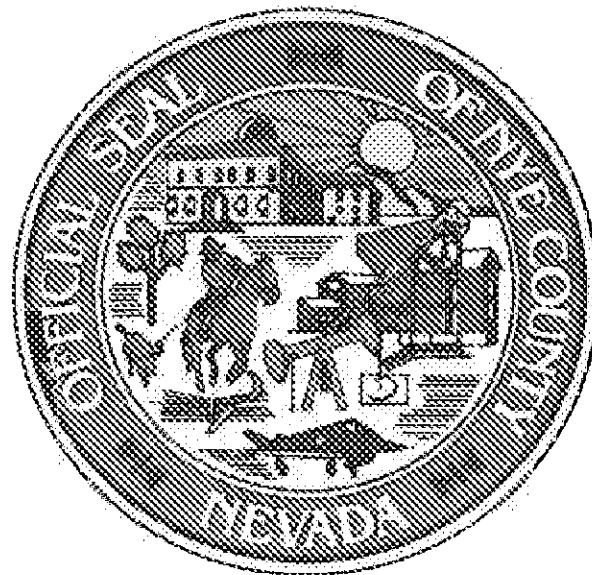
# EXHIBIT 3

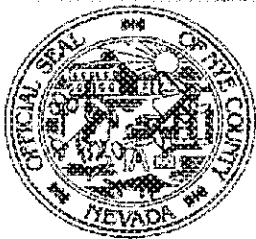
# Medical Marijuana Establishments

Nye County, Nevada

Licensing

Application Packet





# MEDICAL MARIJUANA ESTABLISHMENT BUSINESS LICENSE APPLICATION

NYE COUNTY PLANNING DEPARTMENT

See Reverse for Submittal Requirements

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

☐ MEDICAL MARIJUANA ESTABLISHMENT  
BUSINESS LICENSE (INITIAL APPLICATION)

☐ MEDICAL MARIJUANA ESTABLISHMENT  
BUSINESS LICENSE (ANNUAL RENEWAL)

ESTABLISHMENT TYPE  
(CHECK ONLY ONE - A SEPARATE APPLICATION  
IS REQUIRED FOR EACH ESTABLISHMENT):

☐ DISPENSARY

☐ CULTIVATION FACILITY

☐ PRODUCTION FACILITY

☐ TESTING LABORATORY

DATE FILED:

APPLICATION NUMBER: **MM-**

PROCESSED BY:

BOCC MEETING DATE:

FEES:

Dispensary:

- ☐ \$15,000.00 (Initial Application)  
☐ \$7,500.00 (Annual Renewal)

Cultivation Facility:

- ☐ \$5,000.00 (Initial Application)  
☐ \$2,500.00 (Annual Renewal)

Production Facility:

- ☐ \$5,000.00 (Initial Application)  
☐ \$2,500.00 (Annual Renewal)

Testing Laboratory:

- ☐ \$2,500.00 (Initial Application)  
☐ \$1,250.00 (Annual Renewal)

APPROVED MME SPECIAL USE PERMIT CASE #:

RECEIPT #:

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

NAME OF APPLICANT: \_\_\_\_\_

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

ZIP CODE: \_\_\_\_\_

TELEPHONE/CELL: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

BUSINESS NAME OF MEDICAL MARIJUANA ESTABLISHMENT: \_\_\_\_\_

PHYSICAL ADDRESS/LOCATION OF MEDICAL MARIJUANA ESTABLISHMENT: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER(S): \_\_\_\_\_

TYPE OF MEDICAL MARIJUANA ESTABLISHMENT:

☐ DISPENSARY

☐ CULTIVATION FACILITY

☐ PRODUCTION FACILITY

☐ TESTING LABORATORY

DATE BUSINESS OPENED (IF APPLICABLE): \_\_\_\_\_

**THIS APPLICATION CANNOT BE SUBMITTED UNLESS THE FOLLOWING 5 QUESTIONS ARE ANSWERED "YES":**

1. HAS NYE COUNTY APPROVED A SPECIAL USE PERMIT (SUP) FOR THE ESTABLISHMENT? ☐ YES ☐ NO DATE OF APPROVAL: \_\_\_\_\_
2. HAS A SECURITY & TRANSPORTATION PLAN BEEN APPROVED BY THE SHERIFF'S OFFICE? ☐ YES ☐ NO DATE OF APPROVAL: \_\_\_\_\_
3. HAS A WATER IMPACT PLAN BEEN APPROVED BY THE NYE COUNTY WATER DISTRICT BOARD? ☐ YES ☐ NO DATE OF APPROVAL: \_\_\_\_\_
4. HAS A CERTIFICATE (OR PROVISIONAL CERTIFICATE) BEEN ISSUED BY THE STATE OF NEVADA? ☐ YES ☐ NO DATE OF APPROVAL: \_\_\_\_\_
5. HAS A SITE DEVELOPMENT PLAN APPLICATION BEEN SUBMITTED TO NYE COUNTY PLANNING? ☐ YES ☐ NO DATE OF SUBMITTAL: \_\_\_\_\_

PROVIDE A BRIEF SUMMARY OF YOUR REQUEST: (ADDITIONALLY PLEASE PROVIDE A DETAILED DESCRIPTION IN AN ATTACHED JUSTIFICATION LETTER)

\* \* \* Prior to submitting this application, please call (775) 751-4249 (Pahrump Office) or (775) 482-8181 (Tonopah Office) to schedule an appointment \* \* \*

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Nye County Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Signature of Applicant

Print or Type Applicant Name

Notary

State of

County of

Signed and sworn to (or affirmed) before me on this

day of

20

Day

Month

Year

Name of person

Notary Public

#### Documents Required for Submitting MME License Applications

APPLICATION TYPE	Application	Site Development Plan	Property Owner Affidavit	Justification Letter	Approval Letters/Certificate	List of Owners	Partnership Contract	Felony Conviction Attestation	Application Fee
MME License	1	1	1	1	1 copy of each (4 total)	1	1	1	See front page

See Explanation of Document Submittal Requirements for MME License Applications on Page 3 for further details on the above documents.

#### Procedures for Filing MME License Applications:

- After assembling the required materials as outlined above, schedule an appointment by calling the Nye County Planning Department at (775) 751-4249 (Pahrump Office) or (775) 482-8181 (Tonopah Office). Filing an application without an appointment may delay your application processing and/or scheduled hearing(s). Only completed applications shall be accepted for filing.
- ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY – you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- A letter indicating the Board's decision and all conditions of approval will be sent to the correspondent address on the application. The Board's decision is final action unless appealed. Any person who is aggrieved by a final decision of the Board relating to a special use permit may appeal that decision to the District Court in accordance with NCC 16.36.
- The Board has the authority to impose conditions, restrictions, safeguards and date of expiration on any license that is granted to ensure the health, safety and welfare of the public. **The applicant is responsible for obtaining all required site development plan approvals, building permits, inspections, etc.** YOUR MME LICENSE MAY BE APPROVED PRIOR TO FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN, HOWEVER, THE ISSUANCE OF THE MME LICENSE SHALL BE CONDITIONAL UPON OBTAINING FINAL APPROVAL OF THE SITE DEVELOPMENT PLAN, OBTAINING ANY REQUIRED BUILDING PERMITS, AND COMPLETION OF ALL REQUIRED SITE IMPROVEMENTS. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of a misdemeanor.

## Nye County Planning Department

[www.nyecounty.net](http://www.nyecounty.net)

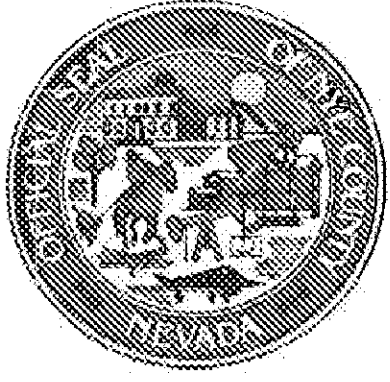
**PAHRUMP OFFICE**  
250 N. Highway 160, Suite 1  
Pahrump, NV 89060  
Phone: (775) 751-4249

**TONOPAH OFFICE**  
101 Radar Road  
P.O. Box 1531  
Tonopah, NV 89049  
Ph: (775) 482-8181

### Explanation of the Document Submittal Requirements for MME License Applications

**The required documents must be submitted for the application to be accepted**

1. **Copies.** All documents accompanying applications must be legible and suitable for image reproduction, all map submittals on 24" x 36" sheets shall include one (1) reproducible copy of each sheet, and sizes suitable for reproduction are: 8.5" X 11" or 11" X 17". All applications submitted to the Planning Dept., are available to the public for inspection and copying. All plans must be accurate & drawn to a standard scale. **PLEASE NOTE THAT ALL MAPS MUST BE FOLDED SO THEY CAN BE PLACED IN A LEGAL SIZE FILE.**
2. **Application.** A signed, notarized application must be submitted. If signing authority must be provided a corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation or provides signature in a representative capacity.
3. **Filing Fee:** See table on the front of the application for the application type you are submitting.
4. **Site Development Plan.** A completed site development plan application and processing fees must be submitted to the Nye County Planning Department for all proposed Medical Marijuana Establishments prior to submittal of the MME license application. If an applicant has already obtained final approval of a site development plan by Nye County for the proposed Medical Marijuana Establishment, please include a copy of the final approval memorandum. The intent of the site development plan application is to ensure the proposed establishment complies with setback requirements, open space, size and number of required parking spaces, vehicular access, driveway sizes/locations, landscaping requirements, trash enclosures, loading spaces, clear sight zones, well, septic, water, public sewer, public or private easements for streets and utilities, etc. Please see Nye County Code Article IX Site Development Plan Review and Approval Procedures for more details.
5. **List of Owners.** If the applicant is a partnership, the application shall include the names and addresses of all partners and any other person(s) having a financial interest in the business. If the applicant is a corporation, the application shall include the names and addresses of all officers, directors and stockholders having more than five percent (5%) of the issued stock, the designated agent or resident manager, and the principal place of business of the corporation. If it is a corporation whose stock is sold to the general public, the stockholders need not be listed.
6. **Partnership Contract.** In the case of a partnership licensee, the partnership contract must be submitted with the application. Any change in the partners or other persons with a financial interest in the business shall be reported to the planning department within thirty (30) days of the change.
7. **Approval Letters.** Include the letters of approval from the Sheriff's Office for your Security & Transportation Plan and from the Nye County Water District Governing Board for your Water Impact Plan. Also include a copy of the approval letter for your special use permit granted by the Board of County Commissioners for the medical marijuana establishment; and include a copy of the provisional medical marijuana establishment registration certificate issued by the State of Nevada Division of Public and Behavioral Health.
8. **Justification Letter.** A letter explaining the purpose of the license application, and providing a description of the intended use, and the reasons why the license should be issued.
9. **Felony Conviction Attestation:** Include an attestation regarding excluded felony offenses, signed by each owner, officer and board member of the proposed medical marijuana establishment affirming that each person has not been convicted of any excluded felony offenses as defined in Nevada Revised Statutes 453A.104, and affirming that each person understands that any falsification, omission or concealment of a material fact may be cause for disqualification from consideration for the proposed medical marijuana establishment.



# Medical Marijuana Establishments Security & Transportation Plans

## Checklist (Minimum Requirements)

1. All Security & Transportation Plans must show the installation of security surveillance cameras that monitor all entrances of the MME, along with the interior and exterior of the premises.
2. Recordings from the security cameras must be maintained in a retrievable manner for at least 90 days from the date recorded.
3. Security camera systems must contain a network video recorder with all video and audio data stored at the physical location and monitored and controlled by on-site security staff, and must also provide web-based real time video monitoring accessibility to the Nye County Sheriff's Office and Nye County Code Compliance.
4. Building Access: Electronic access control systems must be installed to control access to buildings. Security access scan cards are required to enter each area of the building, providing for restricted access.
5. Transport Vehicles:
  - a. A minimum of two (2) cameras must be installed in all transport vehicles, and recorded to a vehicle Digital Video Recorder (DVR). Cameras must be installed to view the driver cab area and interior cargo compartment.
  - b. Transport Vehicles must have GPS tracking system for live vehicle tracking.
  - c. Vehicles must contain a secure lockbox.
  - d. All vehicles must contain an alarm system and/or anti-theft vehicle kill switch.
6. Security Guards: All establishments must utilize security guards to monitor all facilities. A minimum of one security guard must be on duty at all times in all establishments.
7. Home Deliveries: All Transport Vehicles conducting home deliveries must have GPS tracking system installed.
8. All establishments shall allow for access to buildings, facilities, and records, when requested by authorized County staff and Sheriff's Office personnel.
9. All establishments shall provide a detailed description of all Transport Vehicles, including vehicle license plate information, to the Nye County Sheriff's Office.
10. All establishments must notify the Nye County Sheriff's Office prior to each wholesale delivery.

Should you have any questions or need any additional information please contact the Planning Department in Pahrump at (775) 751-4249.



**MEDICAL MARIJUANA ESTABLISHMENT - WATER IMPACT PLAN APPLICATION**

Question 1. What is your name, mailing address and contact information?

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Question 2. The person above is the Agent ☐ Applicant ☐ . If agent: a.) By what authority are you making this application? b.) Provide the name and contact information for the applicant.

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Question 3. Where is the facility to be located?

---

Question 4. Provide description and size of the facility. (Additional sheets may be attached)

---

Question 5. What is the source of the water? Utility ☐ On-site well ☐ Other (describe) ☐

---

Question 6. What is the estimated water consumption? Provide peak flow in gallons per minute and total annual use in acre feet. Include a basic breakdown of consumption for irrigation, cooling, cleaning, and ponds. Provide permit numbers for water rights. (Additional sheets may be attached)

---

Question 7. Provide water chemistry from an on-site well; if supplied by water from off-site, a monitor well shall be required at the facility site unless a request for waiver is granted (Additional sheets may be attached, required water chemistry constituents are attached to this form).

---

Question 8. Describe plans for waste water disposal. (Additional sheets may be attached)

---

Question 9. All chemicals shall be stored on secondary containment. Describe secondary containment methods to be utilized. (Additional sheets may be attached)

---

*An annual report which outlines a comparison between the above information with actual practices, together with an annual report of water chemistry as outlined in Question 7 shall be required for informational purposes. As part of the annual report provide annual meter readings and explain increases/decreases in water use. Annual reporting shall be submitted to the General Manager of the Nye County Water District.*

## REQUIRED WATER CHEMISTRY ANALYSIS

### NDEP PROFILE I

Parameter	Reference Value (mg/L)
Alkalinity, Bicarbonate (as CaCO <sub>3</sub> )	---
Alkalinity, Total (as CaCO <sub>3</sub> )	---
Aluminum	0.2
Antimony	0.006
Arsenic	0.010
Barium	2.0
Beryllium	0.004
Cadmium	0.005
Calcium	---
Chloride	400
Chromium	0.1
Copper	1.0
Fluoride	4.0
Iron	0.6
Lead	0.015
Magnesium	150
Manganese	0.10
Mercury	0.002
Nickel	0.1
Nitrate + Nitrite, Total (as N)	10
Nitrogen, Total (as N)	10
pH (standard units)	6.5-8.5
Phosphorus, Total	---
Potassium	---
Selenium	0.05
Silver	0.1
Sodium	---
Sulfate	500
Thallium	0.002
Total Dissolved Solids	1000
Zinc	5.0

All analyses for the dissolved fraction.

Version: 09/20/09

The table below provides a list of certified labs doing business in Nevada. NDEP maintains this list on their website at [http://ndep.nv.gov/bsdwl/lab\\_real\\_estate.htm](http://ndep.nv.gov/bsdwl/lab_real_estate.htm) . If you have questions or concerns, please contact the NDEP Laboratory Certification Program.

Lab Name	Contact	Phone Number	Location of Lab	Address
Alpha Analytical-Sparks		(775) 355-1044	Reno	255 Glendale Ave. Suite 21
Nevada State Public Health Lab	Vernon Miller	(775) 688-1335	Reno	1660 North Virginia St.
Sierra Environmental Monitoring, Inc.	Joe Nava	(775) 857-2400	Reno	1135 Financial Blvd.
Silver State Analytical Labs	Tim	(775) 825-1127	Reno	4587 Longley Lane
Western Environmental Testing	Andy	(775) 355-0202	Reno	
Alpha Analytical-Elko		(775) 355-1044	Eastern NV	1250 Lamoille Hwy. Unit 310
City of Ely	Ron	(775) 289-2150	Eastern NV	
City of West Wendover	Raul	(775) 664-2593	Eastern NV	
Sierra Environmental Monitoring, Inc.	Liz King	(775) 778-9828	Eastern NV	1250 Lamoille Hwy, Suite 629, Elko
Western Environmental Testing	Phaedra	(775) 340-8947	Eastern NV	
ATL Inc.	Glen	(702) 307-3248	Las Vegas	
EFFEX Analytical Services	Xavier	(702) 367-1187	Las Vegas	
Sierra Environmental Monitoring, Inc.	David Faircloth	(702) 617-7867	Las Vegas	6280 S. Valley View, Suite 230
Silver State Analytical Labs	John Sloan	(702) 873-4478	Las Vegas	3638 E. Sunset Road, Suite 100
Western Environmental Testing		(702) 475-8899	Las Vegas	

Version: Oct. 2014

# SITE DEVELOPMENT PLAN APPLICATION

## PAHRUMP REGIONAL PLANNING DISTRICT

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY  
FOR SUBMITTAL REQUIREMENTS, PLEASE SEE REVERSE

DATE FILED:	APPLICATION NUMBER: SD --	COMMUNITY PANEL#: 320018- P
PROCESSED BY:	REVIEWED BY:	PRESENT ZONE CLASSIFICATION:
FEE:	FLOOD ZONE:	IMPACT FEE ITE CODE:
RECEIPT #:	REFERENCE FILES:	
APPLICATION APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO ZONING ADMINISTRATOR APPROVAL SIGNATURE: _____	COMMERCIAL WELL: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A PUBLIC WATER: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	COMMERCIAL SEPTIC: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A PUBLIC SEWER: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A

(STAFF NOTES:)

### CONTACT INFORMATION (CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: \_\_\_\_\_

APPLICANT/AUTHORIZED AGENT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ MOBILE: \_\_\_\_\_ FAX: \_\_\_\_\_

### PROPERTY INFORMATION

ASSESSOR'S PARCEL NUMBER(S): \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

PROPERTY ADDRESS AND NEAREST CROSS STREETS: \_\_\_\_\_

GROSS ACREAGE: \_\_\_\_\_ NET ACREAGE: \_\_\_\_\_

DESCRIBE ANY EXISTING DEVELOPMENT ON THE PROPERTY: \_\_\_\_\_

DESCRIBE THE PROPOSED DEVELOPMENT OF THE PROPERTY: \_\_\_\_\_

**SUBMITTAL REQUIREMENTS:** All submittals shall be legible, printed in ink and suitable for reproduction. **Original signatures are required.**

Approval of a Site Development Plan is required prior to the issuance of building or other construction permits in all zoning districts for all commercial/industrial development and multi-family development in excess of four (4) units.

- \* **Size required for Site Plans is 24"x36"**. Attach a separate sheet for your Site Development Plan. Site Development Plans shall be drawn to scale and must show the following: title of the project, name of the developer, date, north arrow, property dimensions, existing and proposed buildings/structures/uses, setbacks, driveways/sizes and locations, clear-sight zones, well, septic or public water and sewer, public or private easements for utilities and streets, names of adjoining streets, proposed landscaping, screening, walls/fences, refuse collection areas, vehicle parking and loading areas, the location and description of all uses within 300 feet of the project boundaries, and any other information that is necessary for the Planning Department to evaluate the request.

## SITE DEVELOPMENT PLAN APPLICATIONS MAY BE ACCEPTED OVER THE FRONT COUNTER

### Documents Required for Submitting a Site Development Plan Application

Application	# Site Plan Copies	Will Serve Letter	Deed	Project statement	Proof of Commercial Well/Septic	Application Fee	Assessor's Parcel Book Page
Yes <sup>1</sup>	4 <sup>7</sup>	Yes <sup>2</sup>	Yes <sup>3</sup>	Yes <sup>6</sup>	Yes <sup>4</sup>	\$.20 sq. ft / \$.10 sq. ft	1 Copy <sup>5</sup>

<sup>1</sup> Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation or provides signature in a representative capacity.

<sup>2</sup> Required only if located within a Utility's water and/or sewer service area.

<sup>3</sup> If ownership has recently changed and the property ownership is not the same as shown on the assessor's records, a copy of the grant bargain/sale or quitclaim deed shall be required.

<sup>4</sup> If the project is not going to be on central water or sewer service, the applicant must attach proper information indicating commercial water rights and an engineered, commercial septic system.

<sup>5</sup> The most recent copy of the Assessor's Parcel Book page is required (a CD of the Assessor's map pages is available from the Assessor's Office, and the page may be found on the county's website).

<sup>6</sup> A project statement letter is required fully explaining in detail the proposed development, activity and intended use including the estimated construction schedule for the project.

<sup>7</sup> Site Development Plan must be printed/plotted on 24" X 36" paper.

### PROCEDURES AND STANDARDS For Site Development Plan Applications:

1. **Approval of a Site Development Plan is required prior to the issuance of building or other construction permits in all zoning districts for all commercial/industrial development and multi-family development in excess of four (4) units.**
2. To file a Site Development Plan Application, assemble the required documents (a handout is included with the application at the Planning Department detailing the submittal requirements) and submit them to the Nye County Planning Department at the address listed below. Office hours are Monday - Friday, 8 am to 12 noon and 1 pm to 4 pm. **Filing an application without the required documents may delay your approval(s).** Only completed applications shall be accepted for filing. A pre-submittal meeting with Planning and all relevant participants can be arranged and is strongly urged to ensure any issues can be addressed.
3. If the property is a corner lot and the proposed plan of development would change the property's currently assigned address (addresses are based on the building's street frontage), the property owner must complete a change of address form and pay the filing fee of \$5.00 to the Planning Department and have the address reassigned prior to submitting the Site Development Plan Application with the Nye County Planning Department.
4. The Planning Department and the Public Works Department shall review the Site Development Plan. Public Works assess plan check fees in addition to Planning's application fee. The review shall not exceed 21 work days. The following criteria shall be considered:
  - a. Conformance with the Master Plan, Zoning Reference Map, Nye County Consolidated Code, and Zoning Ordinance.
  - b. Completeness of the submittal.
  - c. Conformance with the Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District.
5. The Planning Department, in conjunction with the Public Works Department, shall take one of the following actions:
  - a. Approval of the application.
  - b. Approval with conditions attached.
  - c. Denial of the application.
6. **Affected County Agencies:** The Planning Department will notify affected agencies or officials of the proposed development and solicit their comments and/or suggestions. These comments may affect the development plan.
7. **Following Decisions on Site Development Plan Applications:** Planning Department will notify the applicant within five (5) working days in writing of the decision to approve or deny the application..
8. **Appeal:** Any applicant may appeal a decision of the Planning Department in writing to the Pahrump Regional Planning Commission within 10 days of the decision.
9. **Approved Permit Applies to Property:** When granted, an approved Site Development Plan, together with any conditions attached thereto, shall apply to the land, structure(s), and use for which it was issued, and shall not apply to a particular person.

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Nye County Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) understand that falsification of any information contained hereon may cause all permits to be revoked. (I, We) also authorize the Nye County Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

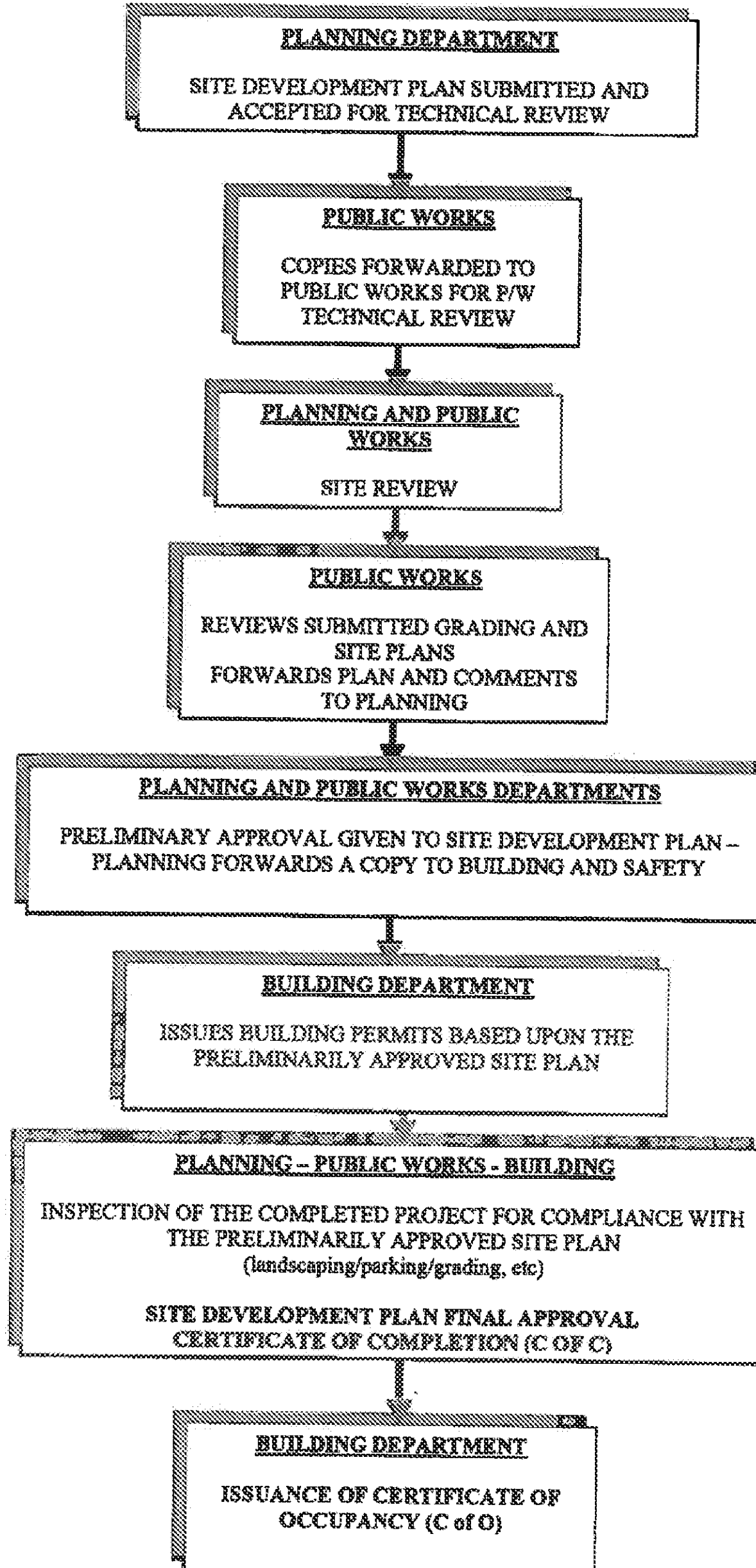
\_\_\_\_\_  
Property Owner/Agent (Signature)

\_\_\_\_\_  
Property Owner/Agent (Print Clearly)

\_\_\_\_\_  
Property Owner/Agent (Signature)

\_\_\_\_\_  
Property Owner/Agent (Print Clearly)

## SITE PLAN REVIEW PROCESS



Information on this flow-chart is for illustrative use only and is not intended as a legal process flow.

## **SITE DEVELOPMENT PLAN APPLICATION REQUIREMENTS**

Approval of a Site Development Plan application is required prior to the issuance of building or other construction permits for most developments other than single family residential. Please check with The Nye County Planning Department to find out what your requirements are before submitting any applications. Nye County Code Development Standards can be viewed on-line at <http://www.nyecounty.net/index.asp?NID=462>

While we understand that each site development plan application is unique, all Site Development Plan Applications will need to address the same basic issues, and are as follows.

### **SITE DEVELOPMENT PLAN REQUIREMENTS (must conform to NCC 17.04.950)**

#### **1) "Site Plan" shall include:**

- ☐ Title of the project.
- ☐ Name of the developer.
- ☐ Date of preparation.
- ☐ North arrow.
- ☐ Property dimensions.
- ☐ Vicinity Map (not drawn to scale).
- ☐ Exact locations of all existing buildings and structures.
- ☐ Exact location of all proposed buildings and structures.
- ☐ Proposed setback dimensions.
- ☐ Existing and proposed driveways/dimensions and locations.
- ☐ Proposed vehicle parking & loading areas including proposed type of surfacing, stall sizes and parking bumpers. NCC 17.04.730
- ☐ Proposed clear-sight zones. NCC 17.04.740.D.2
- ☐ Existing and proposed well, septic or public water and sewer locations.
- ☐ Existing public or private easements for utilities and streets.
- ☐ Names of adjoining streets.
- ☐ Proposed screening, buffer areas, walls/fences.
- ☐ Refuse collection areas (approval letter from Pahrump Valley Disposal may be required).
- ☐ Proposed public street or roadway improvements.
- ☐ Proposed private street or roadway improvements.
- ☐ Proposed signage locations (Sign Permit approval required). NCC 17.04.770
- ☐ Location and description of all uses within 300 feet of the project boundaries.

#### **2) "Grading Plan" must include:**

- ☐ Existing and proposed grading.
- ☐ Proposed storm water retention and/or drainage improvements.
- ☐ See the attached Nye County Public Works Department check list for additional requirements.

**3) "Landscaping Plan" must include: (NCC 17.04.740)**

- ☐ Locations and extent of proposed landscaping.
- ☐ Plant list showing common names and sizes at time of planting as well as size at maturity.
- ☐ Type of irrigation to be used, and name of party responsible for maintenance.

**4) "Lighting Plan" must include: (NCC 17.04.750)**

- ☐ The number, location, height and luminance of each light.
- ☐ Lighting plan should show the building elevations in relation to the illuminated areas.

**5) Before you submit your application:**

- ☐ Do you have the correct zoning?
- ☐ Have you addressed in this application ALL conditions of approval for your Zone Change?

**6) After Site Development Plan application approval, but before development:**

- ☐ Do you need any other applications approved (i.e. Dust Control, Sign Permit)?

**7) Development:**

- ☐ Please be aware that when your Site Development Plan application is preliminarily approved, you may commence the building permit process. However a Certificate of Occupancy (C of O) will not be issued until all of the elements of your Site Development Plan are completed, inspected, and found to be in accordance with the Nye County Code.
- ☐ <http://www.nyecounty.net/index.asp?NID=462>

A Site Development Plan Application will normally be made up of at least four (4) separate plans, the Site Plan, Grading Plan, Landscaping Plan and the Lighting Plan, although the lighting plan can be incorporated into the Site Plan. Four (4) copies of a Site Development Plans must be submitted at the time of application. Must be drawn to scale, and shall be 24" x 36" in size.

Also, utility companies and other agencies may need to be contacted and coordinated with in the preparation and development of your project.





**NYE COUNTY  
PUBLIC WORKS**

David Fanning, Interim Public Works Director

Pahrump Office  
250 N Hwy 160 # 2  
Pahrump NV 89060

(775) 751-6855 / Office  
(775) 751-6856 / Fax

**To:** Whom It May Concern

**From:** Interim Public Works Director

**Date:** September 2009

**Re:** Site Development Fees-Reminder, pursuant to NCC 17.04.060 & Ord.229, 2000

Please be reminded that all Site Plan Development submissions forwarded to Public Works without paying the required review fees at the time of submission will be put on hold and not processed until review fees have been paid in full. The amount of fees submitted must be accompanied and supported by completing the Engineer's Estimate Data Sheet Template. The Engineer's Estimate Data Sheet Template is available on-line, on the Nye County website: <http://www.nyecounty.net/>

Drainage Study and Traffic Impact Analysis and review fees may be submitted separately from the Site Development Plans. If drainage study is required, the Grading Plans will be put on hold until the study has been approved.

In order for the submission to proceed without any delays, please have the certified check payable to Public Works submitted to this Department no later than one day after your Site Development Plan submission to the Nye County Planning Department.

We thank you for your co-operation in this issue. If you have any questions please contact Public Works.

## PUBLIC WORKS SITE DEVELOPMENT CHECK LIST

- ✓ Must conform to Guidelines for Design and Review of Development Engineering Submittals
- ✓ Supply submitted plans on 24" X 36" sheets, folded to 8½x11"
- ✓ Provide Engineer's Estimate Data Sheet and Fee Calculation Template individually for on and off-site improvements. Available on-line at: <http://www.nyecounty.net/DocumentCenterii.aspx?FID=23>
- ✓ Show ADT with back up on site plans. ADT's over 100 require Traffic Impact Analysis, contact PW for submittal requirements
- ✓ ≥100 ADT or ≥45,000 s.f. of building and paved area require drainage study, contact PW for submittal requirements
- ✓ Show encroachment to roadway (shows all driveways with radii)
- ✓ Grading plan must be wet stamped by licensed Engineer
- ✓ Structural (e.g. retaining wall) plan wet stamped by licensed Engineer
- ✓ Show driveways being paved
- ✓ Show driveway flow grades (either thru culvert or low water crossing)
- ✓ Show spot elevations & drainage off of property to ROW
- ✓ Show grades of flow line along property ROW, 100' beyond
- ✓ No parking spots that allow backing into ROW
- ✓ Show location, elevations, name (s) and surface type of roadway(s)
- ✓ Show vehicular and parking areas paved or surface treated
- ✓ Show elevations around property limits, parking & building
- ✓ Show Top of curbing and wall elevations
- ✓ Use acceptable scale (1"= 10', 20', 30', 40' or 50')
- ✓ Show Building down spouts and flow path
- ✓ Valley gutters show detail when connecting

Revised 8-31-2009

# REQUIREMENTS FOR TRASH CONTAINER ENCLOSURES

1. Level Concrete or asphalt surface.
2. Walk-in access seperate from truck access.
3. Method of holding gates open and shut.
4. 6 inch curb at base of encloser wall to prevent container from hitting wall.
5. Food service establishments must meet all Health Department requirements, which include adding a drain and water hook-up to enclosures.

We recommend direct access for collection vehicles. This allows for the use of 6-yard containers which cannot be rolled out.

\*Collection vehicle-35' long and 8' wide. Turninng radius 15'.

Container dimensions:

- 3 cubic yard (available with wheels)-81" (side to side) x 44" (front to back)
- 4 cubic yard (available with wheels)-81" x 51"
- 6 cubic yard (not available with wheels)-81" x 68"

Location of trash enclosure to be confirmed with Pahrump Valley Disposal [Phone# 727-5777]  
[ Fax# 727-5832]

FIGURE #1

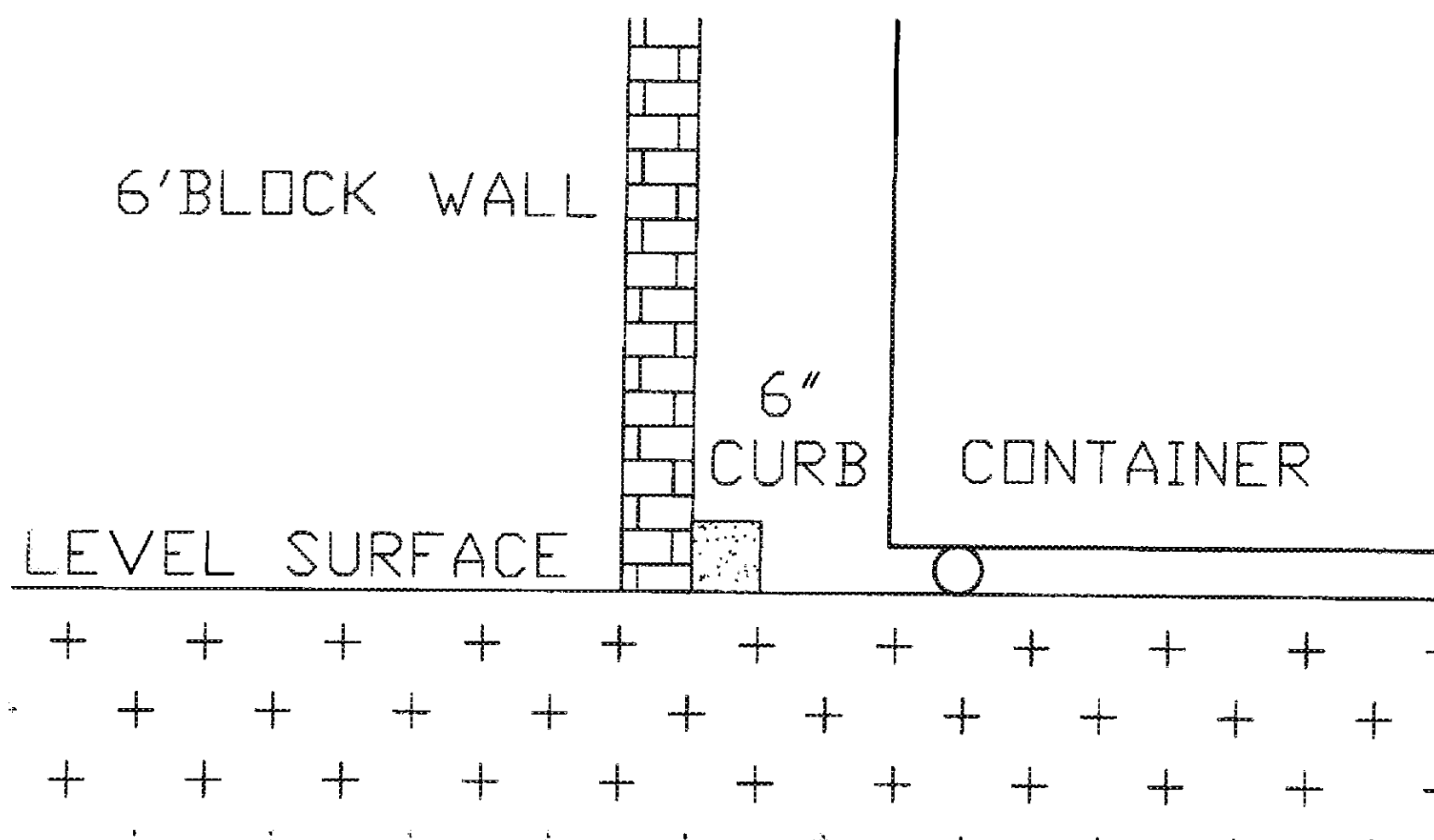


FIGURE #2

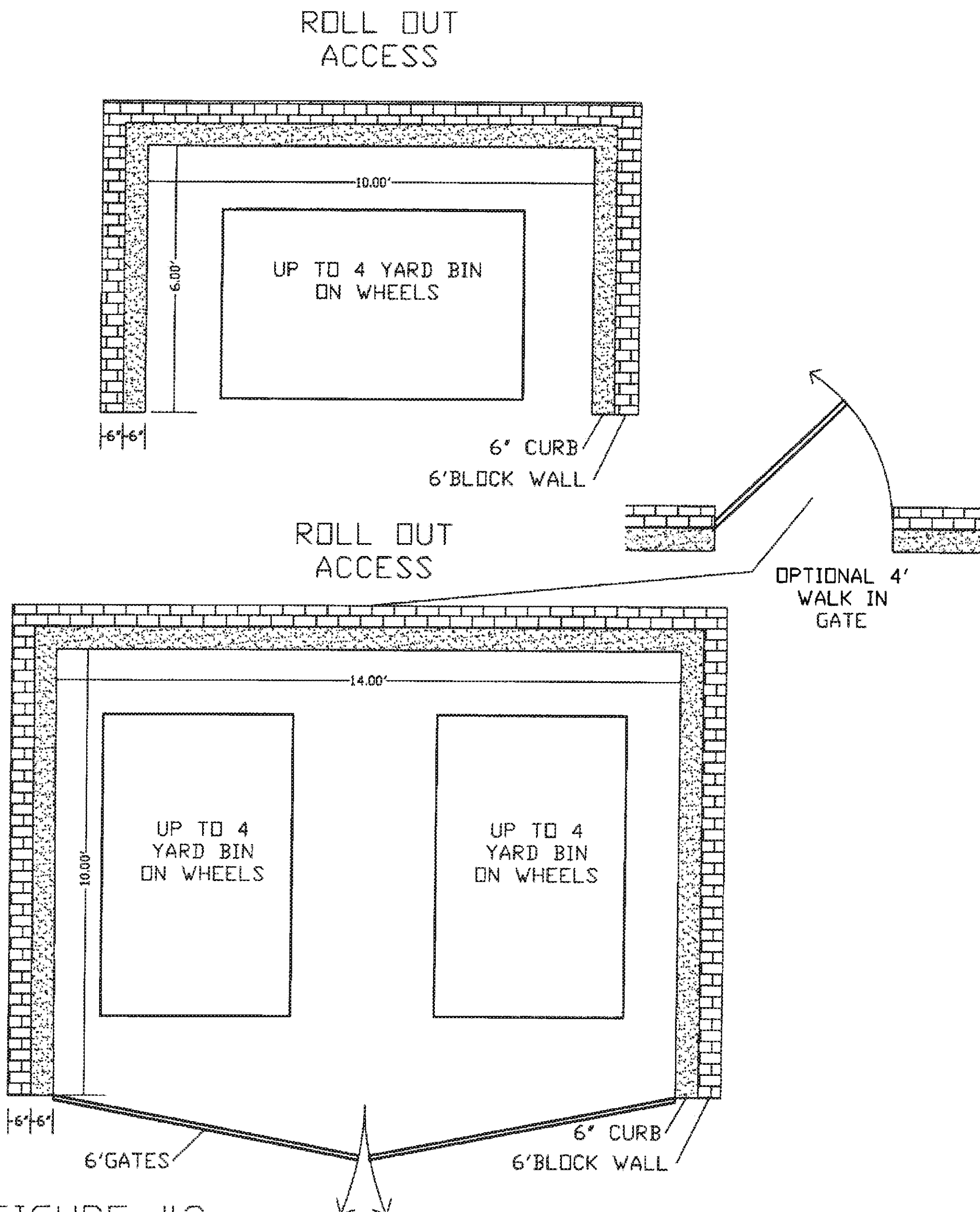


FIGURE #3

FIGURE #4

DRIVE IN  
ACCESS

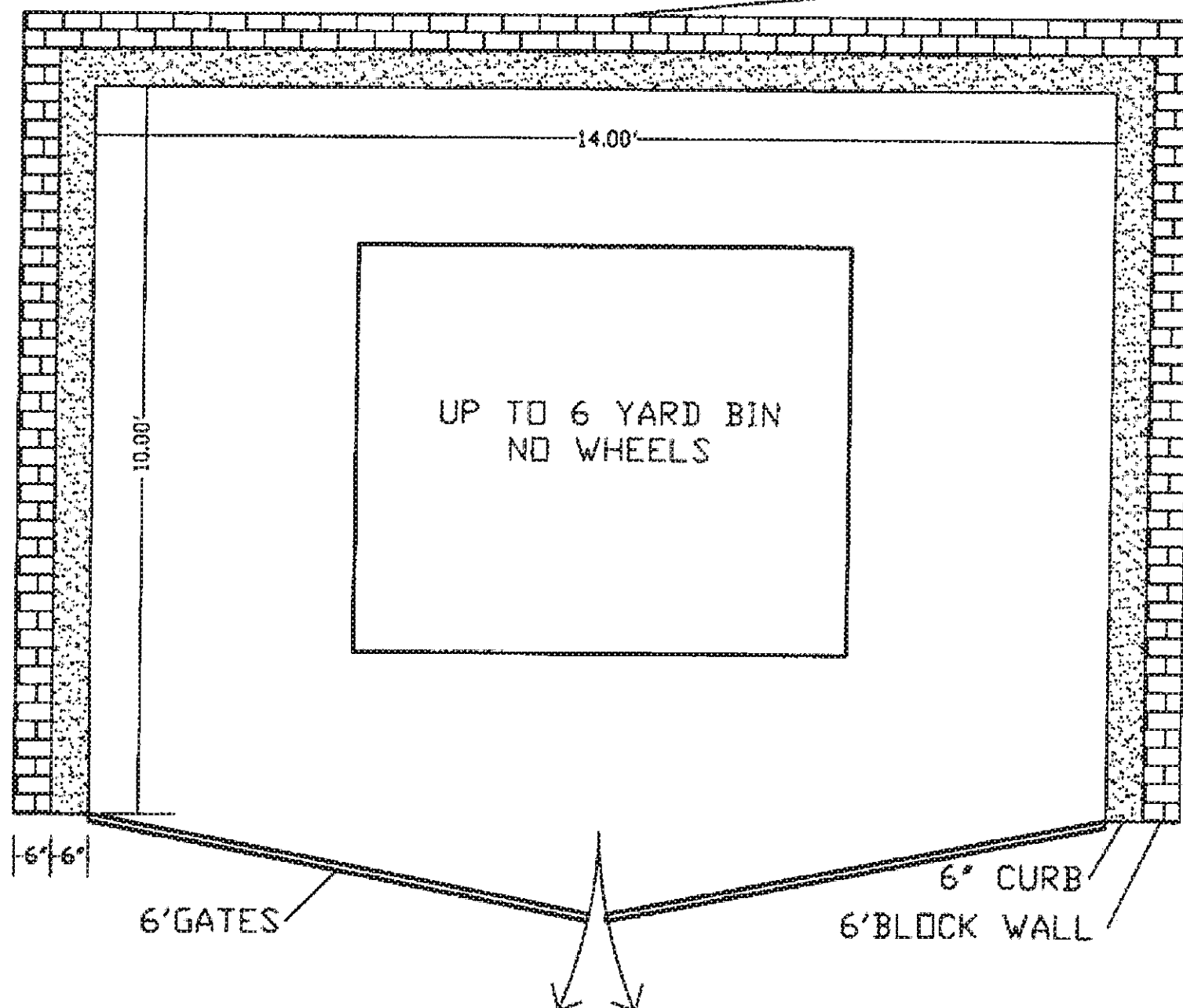
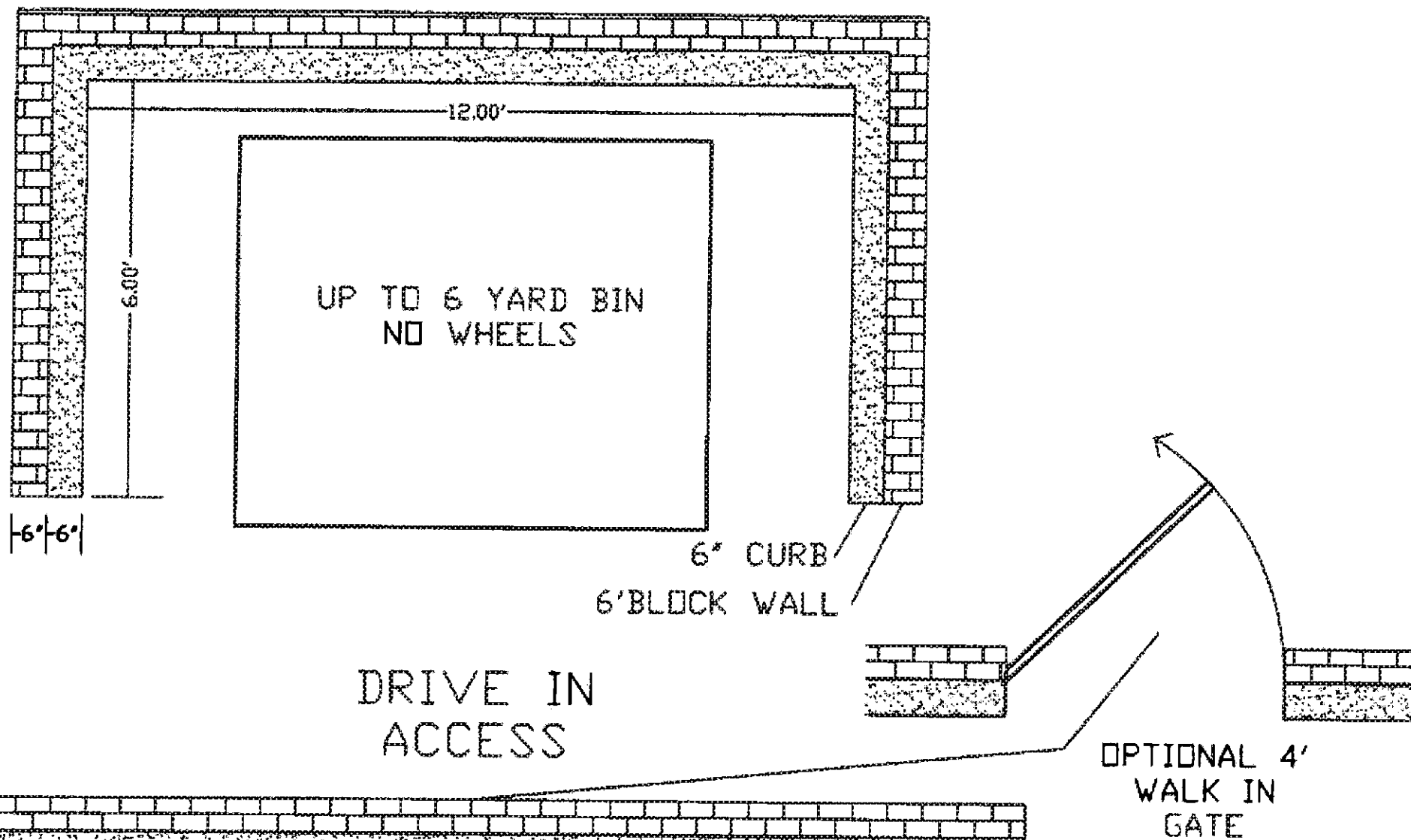


FIGURE #5

*Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.*

BILL NO. 2014-24

NYE COUNTY ORDINANCE NO. 480

### **5.32 MEDICAL MARIJUANA LICENSING**

A. Any license required by this chapter is a separate and distinct license from all other county licenses, and is in addition to any other license required for conducting or carrying on any other business in connection with or separate from the activities licensed by this chapter.

B. It is unlawful within the county, outside an incorporated city, for a medical marijuana establishment to acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply or dispense marijuana for any purpose without first making application and securing a medical marijuana license to do so.

#### **5.32.005: DEFINITIONS**

For the purposes of this chapter, the following words shall have the meanings set out in this section, unless the context otherwise clearly indicates:

Agent. A person authorized by the applicant or licensee to act and speak for him or her.

Board. The Nye County Board of County Commissioners.

"Cultivation facility" has the meaning ascribed to it in NRS 453A.056.

"Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

"Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.

"Independent testing laboratory" has the meaning ascribed to it in NRS 453A.107.

"Marijuana" has the meaning ascribed to it by NRS 453.096.

"Marijuana-infused products" has the meaning ascribed to it by NRS 453A.112.

"Medical marijuana cooperative" means an association of persons who voluntarily cooperate to cultivate or distribute medical marijuana to its members, including any non-profit community organization or collective owned and managed by the people who use its services to facilitate or coordinate transactions between members.

"Medical marijuana dispensary" has the meaning ascribed to it by NRS 453A.115.

"Medical marijuana establishment" has the meaning ascribed to it by NRS 453A.116.

"Medical use of marijuana" has the meaning ascribed to it in NRS 453A.120.

"Physician" has the meaning ascribed to it in NRS 0.040.

#### **5.32.010: APPLICATION**

A. Application for a license provided by this Chapter shall be made to the Board in writing, on the forms provided by the Nye County Planning Department.

B. Each application shall:

1. Be filed with the Planning Department;
  2. Be accompanied by the present annual license fee;
  3. Include the name and address of the applicant, and of any other person having an interest in the business to be licensed. If the applicant is a partnership, the application shall include the names and addresses of all partners and any other person(s) having a financial interest in the business. If the applicant is a corporation, the application shall include the names and addresses of all officers, directors and stockholders having more than five percent (5%) of the issued stock, the designated agent or resident manager, and the principal place of business of the corporation. If it is a corporation whose stock is sold to the general public, the stockholders need not be listed;
  4. Include the name, address and telephone number of the individual(s) who will actively manage the business for which the license is sought. At least one such manager must reside within the County;
  5. Specify the location of the premises for which the license is sought, and the name of the owner(s), agents, lessee or assignee of the premises where the business is to be operated;
  6. Specify which type of medical marijuana establishment license is being requested. The Board may issue licenses for the following types of establishments:
    - a. Cultivation facility;
    - b. Production facility for edible marijuana products or marijuana-infused products;
    - c. Dispensary; or
    - d. Independent testing laboratory.
  7. Include a copy of the Special Use Permit granted by the Board of County Commissioners for the medical marijuana establishment.
  8. Include a copy of the provisional medical marijuana establishment registration certificate issued by the State of Nevada Division of Public and Behavioral Health.
  9. Be signed by all persons who shall conduct or have an interest in the business activities for which a medical marijuana license is required. In the case of corporations, clubs or organizations with members, the application shall be verified by the president or secretary or the person who shall actively manage or conduct the business or activity for which a medical marijuana license is required;
  10. Include an attestation regarding excluded felony offenses, signed by each Owner, Officer and Board Member of the proposed medical marijuana establishment affirming that each person has not been convicted of any excluded felony offenses as defined in NRS 453A.104, and affirming that each person understands that any falsification, omission or concealment of a material fact may be cause for disqualification from consideration for the proposed medical marijuana establishment.
  11. Be sworn to as to the truthfulness of the information contained therein.
- C. There shall be a minimum processing time of thirty (30) days for any application for a medical marijuana license.
- D. In the case of a corporate licensee, any and all changes in the officers, directors or stockholders, or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, shall be reported to the Planning Department within thirty (30) days of the appointment or election of such officers and directors, or acquisition by such stockholder(s), as the case may be, and such officers, directors and stockholder(s) shall be required to qualify for a license as required in this Chapter. A list of all shareholders shall be submitted to Nye County on an annual basis.

F. In the case of a partnership licensee, the partnership contract must be submitted with the application. Any change in the partners or other persons with a financial interest in the business shall be reported to the Planning Department within thirty (30) days of the change, and if the change involves the addition of a person not previously investigated, that person shall be required to qualify for a license as required by this Chapter.

G. An audited financial statement shall be submitted annually to Nye County along with a list of any persons receiving more than 5% of the disbursements from the entity.

#### **5.32.020: DENIAL CONDITIONS**

A. In conformity with the policies of this Chapter, the following persons are declared not to be qualified to hold a medical marijuana establishment license under the provisions of this Chapter:

1. A person who does not possess, or who does not have a reputation for possessing a good moral character;
2. A person under the age of twenty one (21) years;
3. A person who has ever been convicted of a crime involving moral turpitude or any crime involving unlawful possession, use or sale of a controlled substance, sexual abuse or assault, violence, or who has been convicted within the past ten (10) years of any other felony, unless the Board finds, upon examination of the circumstances of the crime and the applicant's criminal history, that the applicant does not present, and is not likely to present in the future, a threat to County safety, morals and welfare, and will likely operate a lawful medical marijuana establishment in compliance with the letter and intent of all county ordinances;
4. A person who the Board determines is not a suitable person to receive or hold a license, after due consideration for the protection of the public health, safety, morals, good order and general welfare of the inhabitants of the County, outside an incorporated city;
5. A person whose license issued under this Chapter has been revoked for cause;
6. A person who, at the time of application for renewal of any license issued under this Chapter, would not be eligible for such license upon a first application;
7. A co-partnership, unless all of the members of such co-partnership, and any other person having a financial interest in the business, are qualified to obtain a license;
8. A publicly held corporation, if the designated agent or resident manager would not be eligible to receive a license under this Chapter; and a non-publicly held corporation, if any of its officers would not be eligible to receive a license under this Chapter, for any reason other than citizenship and residence or its designated resident manager would not be eligible to receive a license under this Chapter;
9. A corporation, unless it is incorporated in the State, or unless it is a foreign corporation which is qualified under the State laws to transact business in the State;
10. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of an individual licensee;
11. A person who does not beneficially own the premises for which a license is sought, or who does not have a lease thereof for the full period for which the license is to be used; or
12. A person who, in the previous year, has failed to comply with any applicable local ordinance, including, but not limited to, a town or city's business license ordinance.
13. A person who has not obtained a Special Use Permit for the operation of a medical marijuana establishment.



#### **5.32.030: BOARD DETERMINATION PROCEDURE**

- A. After submittal of the application, the Planning Director shall cause the application to be placed upon the agenda for consideration by the Board.
- B. The applicant or applicants or their agent(s) shall appear before the Board at the appointed time.
- C. The Board may act upon the application or defer action until the next meeting of the Board.

#### **5.32.040: BOARD DETERMINATION; DENIAL**

- A. In conformity with this chapter, the Board may deny a medical marijuana establishment license upon its discretion when:
  - 1. In the judgment of the Board, the granting of such license may tend to create or constitute a public nuisance;
  - 2. By the granting of such license, a disorderly house or place may be maintained;
  - 3. The granting of such license may seriously and adversely affect the valuation of adjoining and contiguous property;
  - 4. The Board is satisfied that the applicant is not a fit and proper person to operate the business contemplated by his application;
  - 5. In the judgment of the Board there are ample and sufficient licensees and establishments in the area or place for which the license is to be used;
  - 6. For any other good and sufficient reason.
- B. The Board may grant a license with probationary status.
- C. The Board will consider the recommendations and input from the particular town advisory board.

#### **5.04.050: FEES**

- A. The license fees required to be paid to obtain or renew a medical marijuana establishment license shall be as follows:
  - 1. Fifteen-thousand dollars (\$15,000.00) for initial issuance and Seven-thousand five-hundred dollars (\$7,500.00) annual renewal fee for a medical marijuana dispensary establishment with Five-thousand dollars (\$5,000.00) non-refundable for the initial application and Two-thousand five-hundred dollars (\$2,500.00) non-refundable each year thereafter.
  - 2. Five-thousand dollars (\$5,000.00) for initial issuance and Two-thousand five-hundred dollars (\$2,500.00) annual renewal fee for a medical marijuana cultivation establishment with Two-thousand dollars (\$2,000.00) non-refundable for the initial application and One-thousand dollars (\$1,000.00) non-refundable each year thereafter.
  - 3. Five-thousand dollars (\$5,000.00) for initial issuance and Two-thousand five-hundred dollars (\$2,500.00) annual renewal fee for a medical marijuana production facility with Two-thousand dollars (\$2,000.00) non-refundable for the initial application and One-thousand dollars (\$1,000.00) non-refundable each year thereafter.
  - 4. Two-thousand five-hundred dollars (\$2,500.00) for initial issuance and One-thousand two-hundred fifty dollars (\$1,250.00) annual renewal fee for a medical marijuana independent testing laboratory with One-thousand two-hundred fifty dollars (\$1,250.00) non-refundable for the initial application and Seven-hundred and fifty dollars (\$750.00) non-refundable each year thereafter.

B. The license fees specified in subsection A of this section shall be payable in advance for at least one year. Failure to pay the medical marijuana license fee within ten (10) working days of the due date shall result in the mandatory assessment of a late fee of twenty five percent (25%) of the annual fee within thirty (30) days of the due date, or shall be grounds for revocation of the license.

C. In addition to the fees specified in subsection A of this section, every Medical Marijuana Establishment, as a condition of the granting of a medical marijuana establishment license or renewal, shall pay no later than ten (10) working days following the first day of each month, a monthly business license fee to Nye County, equivalent to two percent (2%) of the total value of all medical marijuana or medical marijuana products that were produced, manufactured, sold or distributed by the medical marijuana establishment for the previous month.

#### **5.32.060: FEES; DISBURSEMENT**

The license fees collected by virtue of this chapter shall be delivered by the Planning Department to the county treasurer, and shall be kept by the treasurer in the general fund for the sole use and benefit of the county, and shall be paid out by order of and under the direction of the Board of County Commissioners in the same manner as other general fund disbursements are made.

#### **5.04.070: PUBLIC DISPLAY REQUIRED**

During all of the period of time for which a license has been issued authorizing the operation of a medical marijuana establishment, the license shall be posted and at all times displayed in a conspicuous place in the facility where such business is carried on so that all persons visiting such place may readily see and read the same.

#### **5.32.080: RENEWAL PROCEDURE**

A. Application for renewal of licenses shall be made by petition to the Planning Department by filing the same with the Planning Department, together with all fees. Applications for renewal shall be made at least ten (10) days before the end of the calendar year in which the license expires.

B. Notwithstanding any other provisions of this chapter, the procedures set forth in this chapter for the application and issuance of medical marijuana licenses shall not apply to the renewal of licenses previously issued to the same applicant. With respect to such renewal of licenses, no formal application procedure shall be required, and the Planning Department shall cause the reissuance or cancellation of such license renewals in the manner following:

1. At the first meeting of the Board of each fiscal year, the Planning Director or his designee shall present a list of applicants for renewal, together with fees collected during the previous fiscal year, and present his recommendations for or against the renewal of each such license over the next fiscal year. No existing license required under this chapter shall lapse or be revoked when presentation to the Board of the list of applicants for renewal is delayed solely due to administrative reasons.
2. Any licensee whose license renewal has been disapproved by the Board shall be notified of such in writing, in the manner provided in this chapter. The licensee may avail himself of the procedures set forth in this chapter.
3. Renewal of licenses under this chapter must be for a minimum of one calendar year.
4. Notwithstanding any other provision of this chapter, no existing license required under this chapter shall lapse or be revoked when renewal is delayed solely due to the notice and agenda requirements of Nevada's open meetings law.

#### **5.32.090: PROHIBITED ACTS**

It is unlawful for any licensed operation; licensee or employee, agent and/or contractor of any licensee to:

- A. Acquire, possess, deliver, transfer, transport, supply, sell, or dispense any marijuana to any person, other than to or from a medical marijuana dispensary or medical marijuana establishment licensed by the State of Nevada, who does not present a valid prescription issued by for the medical use of marijuana.
- B. Acquire, possess, deliver, transfer, transport, supply, sell, or dispense any marijuana to or from any person or source located outside the State of Nevada.
- C. Do any act that violates any licensing requirement established pursuant to Chapter 453A of the Nevada Revised Statutes.
- D. Fail to comply with all requirements of the conditions of the Special Use Permit.

#### **5.32.100: PENALTY FOR VIOLATION**

- A. Persons found guilty of violating any of the provisions of this chapter are guilty of a misdemeanor and subject to a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Nothing herein contained shall be construed as limiting any prosecution for acts related to a violation of the Uniform Controlled Substances Act as set forth in Chapter 453 of the Nevada Revised Statutes.
- B. In addition to any criminal punishment as may be imposed, any violation of this chapter may result in the revocation of any license issued pursuant to this chapter and result in the forfeiture of any and all property as described in NRS 453.301. The civil penalties provided for hereunder are intended to be cumulative and in addition to any criminal fines or punishments imposed.

#### **5.32.110: TRANSFERABILITY**

Medical marijuana licenses shall not be in any manner transferable or assignable, nor shall any person other than as named in the license be authorized to conduct the business.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

Constitutionality. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

Effective Date. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 27<sup>th</sup> day of October, 2014.

Proposed on the 2nd day of September, 2014.

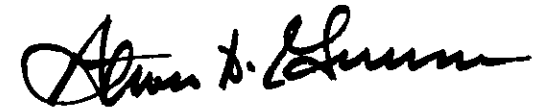
Proposed by: Commissioner Wichman.

Adopted on the 7th day of October, 2014.

Vote: Ayes: Commissioners: Schinhofen, Wichman, Carbone, Cox

Nays: Commissioners: Borasky

Absent: Commissioners: ø



CLERK OF THE COURT

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Nevada Bar No. 1315  
John M. Naylor  
Nevada Bar No. 5435  
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Attorneys for Pouya Mohajer, MD

DISTRICT COURT

CLARK COUNTY, NEVADA

NUVEDA, LLC, a Nevada limited liability  
company; SHANE M. TERRY, a Nevada  
resident; and JENNIFER M. GOLDSTEIN, a  
Nevada resident;

Plaintiffs,

vs.

PEJMAN BADY; POUYA MOHAJER; DOE  
Individuals I-X and ROE Entities I-X,  
inclusive;

Defendants.

CASE NO.: A-15-728510-B

DEPT. NO.: XI

**POUYA MOHAJER'S SUPPLEMENTAL  
OPPOSITION TO PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

**DATE: DECEMBER 28, 2015**

**TIM: 10:00 AM**

**INTRODUCTION**

The pending Motion for Preliminary Injunction should be denied and the Complaint for Injunctive Relief dismissed for the following reasons:

1. There is little or no likelihood of success on the merits of Plaintiffs' claims.
2. Plaintiffs have failed on the pleadings to demonstrate any irreparable harm in the absence of injunctive relief. Essentially, their claim of irreparable harm is that, after a failed and illegal attempt at hijacking NuVeda, LLC ("NuVeda") from an overwhelming majority,

1 they are now prevented from running the company. This, they say, impairs their ability to  
2 deal with regulators, impairs their ability to raise investment capital, precludes their ability  
3 to stop performance of a sales agreement entered into by Defendants with which they  
4 disagree, and impairs their ability to deal with certain infrastructures such as leased  
5 property, etc. Because the takeover failed, they are not entitled to run the company. As  
6 this is their claim for irreparable harm, they have suffered none.

7 3. They seek the ultimate in equitable relief with unclean hands.

8 4. The failure to satisfy NRCP 65 and NRS 33.010 precludes granting provisional relief to  
9 the plaintiffs by way of injunction under NRS 33.222 pending arbitration. This Court is  
10 authorized to grant such relief prior to appointment of the arbitrator. See NRS 38.222(1).

11 5. The Court, under these circumstances should grant provisional remedies to Defendants.

12 Accordingly, Defendants contend that Plaintiffs are not entitled to provisional injunctive  
13 relief -- turning control over to them pending arbitration is not necessary to preserve their rights  
14 given the patent defect in the purported ouster of the Defendants. Also, the Court should not make  
15 any ruling regarding the pending sales agreement approved by a 60% majority of NuVeda  
16 members (in conformity with the TRO). Finally, this Court should grant the following provisional  
17 relief to Defendants: that Plaintiffs be ordered not to disparage Defendants' actions to regulators  
18 and others; any computer programs in possession of Defendants containing corporate documents  
19 be turned over for inspection; that Defendants' email accounts terminated by Plaintiffs be restored;  
20 that Plaintiffs provide defendants access to vendor records to insure that bills have been paid; that  
21 Plaintiffs provide access to a separate bank account they opened in name of NuVeda; that Plaintiffs  
22 cease holding themselves out as owners of the company trademark; and that the Court order,  
23 pending arbitration, that they have no authority to manage or run NuVeda.<sup>1</sup>

24  
25  
26 <sup>1</sup> Dr. Pouya Mohajer joins and incorporates by reference the arguments in Dr. Pejman  
27 Bady's Supplemental Brief in Support of His Opposition to Plaintiffs' Motion for Preliminary  
28 Injunction and Application on Order Shortening Time and Countermotion for Preliminary  
Injunction, Filed December 23, 2015.

## ARGUMENT

The Complaint and pending motions seek a preliminary injunction as a provisional remedy in aid of the arbitration clause in the Operating Agreement. As will be seen below, injunctive relief is unavailable under NRCP 65, NRS 30.010, and NRS Chapter 38 concerning procedures for contractually based arbitrations.

### Injunctive Relief

NRCP 65 and NRS 33.010 govern issuance of injunctive relief. The scope of NRCP 65 preliminary injunctions is discussed in *Dangberg Holdings v. Douglas Co.* 115 Nev. 129, 142, 978 P.2d 311, 319 (1999):

*A preliminary injunction is available if an applicant can show a likelihood of success on the merits and a reasonable probability that the non-moving party's conduct, if allowed to continue, will cause irreparable harm for which compensatory damage is an inadequate remedy.* (Citations omitted; emphasis added.)

NRS 33.010 provides that an injunction may be granted:

1. When it shall appear . . . that the plaintiff is entitled to the relief demanded, and such relief or any part thereof consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually.

2. When it shall appear . . . that the commission or continuance of some act, during the litigation, would produce great or irreparable injury to the plaintiff.

3. When it shall appear, during the litigation, that the defendant is doing or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights respecting the subject of the action, and tending to render the judgment ineffectual.

### Likelihood of Success on the Merits

Success on the merits of Plaintiffs' claims is highly unlikely for the following reasons:

1. Plaintiffs had insufficient votes to expel Defendants. Also, the Minority attempted to illegally hijack the majority by unilateral resolution without giving Dr. Pejman Bady or Dr. Pouya Mohajer a chance to refute any allegations against them.<sup>2</sup>

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<sup>2</sup> Pejmon Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and

- 1           2. Plaintiffs’ allegations wrongdoing against Dr. Bady and Dr. Mohajer are  
2           unsupported by the evidence.
- 3           3. The record generated thus far, including a letter from an attorney purporting to  
4           outline the grievances against Dr. Bady and the expulsion resolution itself (the  
5           “Expulsion Resolution”), contains no competent evidence against Dr. Mohajer,  
6           including the bogus claim of tax fraud.<sup>3</sup> Moreover, the allegations in the  
7           Complaint against Dr. Mohajer are largely made upon “information and belief.”
- 8           4. The method used to expel Defendants violated the plain meaning of Section 6.2  
9           of NuVeda’s Operating Agreement, stating that expulsions must be made  
10          against individual members.<sup>4</sup> Here, the Expulsion Resolution is void because  
11          Plaintiffs obtained the purported 60% vote by treating the Dr. Bady and Dr.  
12          Mohajer together as a single expulsion. This violates the plain language of  
13          Section 6.2 because the joinder of the two members in a single expulsion  
14          reduced the number of percentage points needed to expel the majority members.  
15          Thus, the resolution is of no effect -- Plaintiffs have no authority to even make  
16          the resolution, much less expel the majority.
- 17          5. To the extent that Plaintiffs seek to use percentages other than as stated in the  
18          Operating Agreement, there was no legitimate corporate act changing the  
19          distributions by a unanimous vote. In this, Plaintiffs have at no time since the  
20          filing of the Complaint responded to the allegation that they produced  
21          insufficient votes to expel anyone. This included the argument before this Court  
22          on the TRO.

23  
24  
25          Application on Order Shortening Time and Counter Motion for Preliminary Injunction, filed  
26          December 14, 2015 (“Bady Opposition”), at pp. 9-12.

27               <sup>3</sup> Bady Opposition at Exhibit 8; Plaintiffs’ Motion for Preliminary Injunction, filed  
28               December 7, 2015, (“Plaintiffs’ Motion”), at Exhibit 2-C.

<sup>4</sup> Plaintiffs’ Motion, at Exhibit 2-B, Section 6.2; Bady Opposition at pp. 14-17.

1 6. If the Operating Agreement is somehow ambiguous, the agreement has to be  
2 construed against Plaintiffs because it is undisputed that Plaintiff Jennifer  
3 Goldstein, Esq. drafted the document in her capacity as general counsel for  
4 NuVeda. Moreover, as the general counsel, she is trying to introduce her  
5 interpretation of the Operating Agreement against the interests of the company.  
6 This evidence should be excluded.

7 7. From a public policy standpoint, if plaintiffs could legally hijack the company  
8 as they describe, there would be a national firestorm of minority takeovers.

9 Irreparable Harm

10 As stated, Plaintiffs' claim that, based upon their minority vote purporting to remove the  
11 majority members, they will suffer irreparable harm if they are not now free to run the company.  
12 More specifically, they argue that the new CW asset purchase agreement must be enjoined. Their  
13 basis for this argument is that they now control the company and they do not like the agreement.  
14 Based upon their takeover, they claim that the agreement is void. Omitted from this argument is  
15 their failure to obtain sufficient votes to even make a finding of malfeasance. This failure is fatal  
16 to this application for injunction because their irreparable harm depends entirely upon a facially  
17 defective expulsion resolution.

18 Because the expulsion vote was insufficient and otherwise defective, the Defendants have  
19 done nothing to cause irreparable harm to Plaintiffs. Rather, it is the Plaintiffs that have taken  
20 action that irreparably harms Defendants. The actions proposed by Plaintiffs jeopardize the sizable  
21 investment of the Defendants while, based upon their monetary contributions to this enterprise,  
22 Plaintiffs can sustain very little economic harm in terms of losing money invested in the project.  
23 Again, the Plaintiffs seek to destroy an agreement that would save the company. This is explained  
24 immediately below.

25 1. Without sufficient votes, plaintiffs never legally ascended to a majority position that  
26 would have given them the right to run the company. Simply stated, they remain  
27 minority members with no right to run the company based upon the void attempt at  
28



1 removing Drs. Bady and Mohajer. Accordingly, the basic claim of irreparable harm  
2 fails because the action that would have given them the right to run the company fell  
3 short.

4 2. They have very little comparative “skin” in the game – Mr. Terry invested no more  
5 than \$80,000 and borrowed the rest from Dr. Bady; Ms. Goldstein invested \$40,000  
6 and has acted as general counsel.<sup>5</sup> The two doctors have invested millions of dollars  
7 to get these licenses and develop them.<sup>6</sup> Accordingly, Plaintiffs cannot be irreparably  
8 harmed but the two doctors can.

9 3. The agreement entered into with CW will save this company.<sup>7</sup> Plaintiffs seek to nullify  
10 this while they pursue other financing options that will never work in time to satisfy  
11 local and State deadlines.

#### 12 Unclean Hands

13 To seek equity, one must do equity. *Tracy v. Capozzi*, 98 Nev. 120, 123, 642 P.2d 591,  
14 593 (1982) (“[L]itigants seeking equity must come with ‘clean hands.’”). A party with “unclean  
15 hands” cannot obtain equitable relief.

- 16 1. The minority hijacked the majority by unilateral resolution without giving Dr. Bady or  
17 Dr. Mohajer a chance to refute any allegations against them.
- 18 2. Plaintiffs attempted to toss Dr. Mohajer with no real or substantial record evidence  
19 against him. The record generated thus far includes a letter from an attorney purporting  
20 to specifically outline the numerous grievances against Dr. Bady with the caveat that  
21 she was “investigating” the extent of Dr. Mohajer’s involvement.<sup>8</sup> Two days later, the  
22 Expulsion Resolution itself contained no evidence against Dr. Mohajer—just the  
23 general statement that they both had taken action detrimental to the company.<sup>9</sup>

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24 <sup>5</sup> Bady Opposition at Exhibit 3 (p. 24) and 4.

25 <sup>6</sup> *Id.*

26 <sup>7</sup> See Bady Opposition at pp. 12-13.

27 <sup>8</sup> Bady Opposition at Exhibit 8.

28 <sup>9</sup> Plaintiffs’ Motion at Exhibit 2-C.



1 failed minority takeover as they do not have the votes to expel. Rather, any remedies would have  
2 to be asserted in their capacities as minority members. They have not chosen that approach in this  
3 case.

4 Plaintiffs failed to prove irreparable harm on the face of the complaint and the pending  
5 motion with their exhibits. All of these documents clearly demonstrate that they did not have the  
6 votes to expel. It is important to note that the validity of the vote is also a condition precedent to  
7 whether plaintiffs can litigate the question of whether they had grounds to expel. To explain, the  
8 grounds don't matter for the purposes of expulsion unless there were enough votes to find  
9 misconduct occurred. Finally, litigating these "ultimate" issues may in part invade the province  
10 of the arbitrator.<sup>11</sup>

### 11 CONCLUSION

12 The Court should deny any provisional relief to Plaintiffs because turning control over  
13 them pending arbitration is not necessary to preserve their rights given the patent defect in the  
14 purported ouster of the Defendants. Also, the Court should not make any ruling regarding the  
15 pending agreement in conformity with the TRO. Finally, this Court should grant provisional relief  
16 to defendants: that Plaintiffs be ordered not to disparage defendants actions to regulators and  
17 others; any computer program in possession of defendants containing corporate documents be  
18 turned over for inspection; that Defendants' email accounts terminated by plaintiff(s) be restored;  
19 that plaintiffs provide Defendants access to vendor records to insure that bills have been paid; that  
20 plaintiffs provide access to a separate bank account they opened in name of NuVeda; that plaintiffs  
21 cease holding themselves out as owners of the company trademark; and that the Court order that,  
22 pending arbitration, they have no authority to manage or run NuVeda.

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23  
24 <sup>11</sup> NRS 38. 219(2) and (3) provide that:

25 2. The court shall decide whether an agreement to arbitrate exists  
or a controversy is subject to an agreement to arbitrate.

26 3. An arbitrator shall decide whether a condition precedent to  
27 arbitrability has been fulfilled and whether a contract containing a  
valid agreement to arbitrate is enforceable.

1 DATED this 24<sup>rd</sup> day of December 2015.

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MAUPIN • NAYLOR • BRASTER

By: /s/ A. William Maupin  
A. William Maupin  
Nevada Bar No. 1315  
John M. Naylor  
Nevada Bar No. 5435  
Jennifer L. Braster  
Nevada Bar No. 9982  
1050 Indigo Drive, Suite 112  
Las Vegas, NV 89145

Attorneys for Pouya Mohajer, MD

1 **CERTIFICATE OF SERVICE**

2 Pursuant to Nevada Rule of Civil Procedure 5(b), I hereby certify that I am an employee  
3 of MAUPIN • NAYLOR • BRASTER and that on this 24<sup>rd</sup> day of December 2015, I caused the  
4 document **POUYA MOHAJER'S SUPPLEMENTAL OPPOSITION TO PLAINTIFFS'**  
5 **MOTION FOR PRELIMINARY INJUNCTION** to be served as follows:

6 ☐ by depositing same for mailing in the United States Mail, in a sealed envelope  
7 addressed to:

8 ☐ pursuant to Nev. R. Civ. P. 5(b)(2)(D) to be sent via facsimile as indicated:

9 ☐ to be hand delivered to:

10 and/or

11 ☒ by the Court's ECF System through Wiznet.

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An Employee of MAUPIN • NAYLOR • BRASTER

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

---

NUVEDA, LLC, A NEVADA LIMITED LIABILITY COMPANY; SHANE M. TERRY, A NEVADA RESIDENT; AND JENNIFER M. GOLDSTEIN, A NEVADA RESIDENT, Appellants,  
v.  
PEIMAN BADY; AND POUYA MOHAJER, Appellees.

Electronically Filed  
Jan 04 2017 11:28 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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Supreme Court Case No. 69648  
District Court Case No. A-15-728510-B, Department XI (Elizabeth Gonzales)

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**JOINT APPENDIX  
VOLUME 3**

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# Appendix

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Description	Volume	Doc #s
Amended Notice of Appeal	10	JA001792- JA001796
Application for Order Shortening Time	1	JA000137- JA000142
Complaint	1	JA000001- JA000041
Defendant's Exhibit 101 to Preliminary Injunction Hearing	9	JA001513- JA001541
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Defendant's Exhibit 104 to Preliminary Injunction Hearing	9	JA001545- JA001550
Defendant's Exhibit 105 to Preliminary Injunction Hearing	9	JA001551- JA001552
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Defendant's Exhibit 109 to Preliminary Injunction Hearing	9	JA001560- JA001564
Defendant's Exhibit 111 to Preliminary Injunction Hearing	9	JA001565- JA001569
Defendant's Exhibit 112 to Preliminary Injunction Hearing	9	JA001570- JA001574
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Defendant's Exhibit 206 to Preliminary Injunction Hearing	10	JA001758-JA001763
Defendant's Exhibit 207A to Preliminary Injunction Hearing	10	JA001764-JA001765

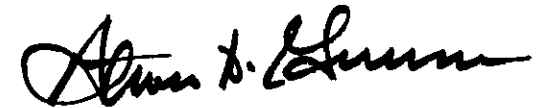


<b>Description</b>	<b>Volume</b>	<b>Doc #s</b>
Defendant's Exhibit 208 to Preliminary Injunction Hearing	10	JA001766
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Notice of Entry of Findings of Fact and Conclusions of Law Denying Plaintiffs' Motion for Preliminary Injunction, Denying Defendant's Countermotion for Preliminary Injunction and Joinder, and Entering Provisional Remedy Pursuant to N.R.S. 38.222	10	JA001784- JA001791
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Plaintiff's Exhibit 01 to Preliminary Injunction Hearing	8	JA001185- JA001212
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Plaintiff's Exhibit 07 to Preliminary Injunction Hearing	8	JA001237-JA001241
Plaintiff's Exhibit 08 to Preliminary Injunction Hearing	8	JA001242-JA001251
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Plaintiff's Exhibit 14 to Preliminary Injunction Hearing	8	JA001256-JA001261
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Plaintiff's Exhibit 23 to Preliminary Injunction Hearing	8	JA001347-JA001355
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Plaintiff's Exhibit 29 to Preliminary Injunction Hearing	9	JA001407-JA001445

<b>Description</b>	<b>Volume</b>	<b>Doc #s</b>
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Plaintiff's Reply to Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary Injunction and Opposition to Countermotion for Preliminary Injunction	3	JA000318-JA000454
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Transcript of Proceedings Day 3	6	JA000897-JA000999

Description	Volume	Doc #s
Transcript of Proceedings Day 4	7	JA001000- JA001184



CLERK OF THE COURT

1 **REPLY**  
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8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 NUVEDA, LLC, a Nevada limited liability  
11 company; SHANE M. TERRY, a Nevada  
12 resident; and JENNIFER M. GOLDSTEIN, a  
13 Nevada resident;

14 Plaintiffs,

15 vs.

16 PEJMAN BADY; POUYA MOHAJER; DOE  
17 Individuals I-X and ROE Entities I-X, inclusive;

18 Defendants.

Case No.: A-15-728510-B  
Dept. No.: XI

**Date of Hearing: December 28, 2015**  
**Time of Hearing: 10:00 a.m.**

19 **PLAINTIFF'S REPLY TO PEJMAN BADY'S OPPOSITION TO**  
20 **PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND OPPOSITION TO**  
21 **COUNTERMOTION FOR PRELIMINARY INJUNCTION**

22 Plaintiffs, Shane M. Terry ("Terry") and Jennifer Goldstein ("Goldstein," and together  
23 with Terry, the "Plaintiffs"), on their own behalf and derivatively on behalf of NuVeda, LLC  
24 ("NuVeda"), by and through their counsel, the law firm of Garman Turner Gordon, hereby file  
25 their Reply to Defendant Pejman Bady's Opposition to Plaintiffs' Motion for Preliminary  
26 Injunction (the "Defendants' Opposition"), Defendant Pouya Mohajer's Joinder, and Opposition  
27 to Defendant Pejman Bady's Countermotion for Preliminary Injunction.

28 This Reply and Opposition is made and based upon the following Memorandum of Points

1 and Authorities, the exhibits thereto, the papers and pleadings already on file herein, including  
2 Defendants' Opposition and the exhibits thereto, and the arguments and evidence to be presented  
3 at the hearing of this matter.

4 Dated this 23<sup>rd</sup> day of December, 2015.

5 GARMAN TURNER GORDON LLP

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16 Attorneys for Plaintiffs

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 Considering Defendants' Opposition, the exhibits thereto, as well as Defendant Pej  
19 Bady's submission to the State of Nevada that was undisclosed to the Court and Plaintiffs until  
20 after the Court made her determination on the Temporary Restraining Order, and the email from  
21 Defendants' counsel after the Court entered the Temporary Restraining Order, there can be no  
22 question that the immoral majority that are the Defendants need to be immediately restrained  
23 from further wrongful conduct and the status quo needs to be restored pending an award being  
24 entered in the pending AAA arbitration.

25 **A. The immoral majority executed a sale agreement without regard for Plaintiffs'**  
26 **interests in NuVeda or the Operating Agreement requirements.**

27 Defendants purported to file the Membership Sale Agreement ("MSA") with third party  
28 CW Nevada, LLC ("CW") as a "sealed" Exhibit 20 to Defendants' Opposition. That was the  
first time that it was disclosed to Plaintiffs that an executed MSA with CW even existed. Despite  
providing the MSA to the Court in conjunction with Defendants' Opposition, Defendants did not  
provide a copy of the MSA to Plaintiffs or Plaintiffs' counsel until after 6 pm on Friday,

1 December 18, 2015. It was astonishing to discover that Defendants had executed a document  
2 purporting to transfer 100% of NuVeda's membership interest in two of its subsidiaries that  
3 actually hold the medical marijuana licenses to a new company to be formed in conjunction with  
4 CW, particularly in light of the fact that Plaintiffs received no notice of meeting and certainly did  
5 not vote in favor of transferring NuVeda's interest in its valuable medical marijuana licenses to a  
6 new entity majority-owned by CW.

7 Apparently trying to streamline the sale process, Defendants attempted to terminate  
8 Plaintiffs' membership interests in NuVeda on November 24, 2015, but that effort did not  
9 comply with the Operating Agreement requirements either. Recognizing it was an improper  
10 attempt to terminate Plaintiffs, on December 9, 2015 (two days after Plaintiffs filed the Motion  
11 for Preliminary Injunction), Defendants acknowledged in a sworn attestation to the State of  
12 Nevada that Plaintiffs continue to have membership interest in NuVeda (Exhibit 1-A hereto), and  
13 on December 14, 2015, counsel for Defendants confirmed that Defendants did not terminate  
14 Plaintiffs' membership interest in NuVeda (Exhibit 1-B, pp. 3-4).

15 Plaintiffs have an unequivocal right to consider the terms of any proposed transaction and  
16 participate in the decision to accept or deny the terms, and that right has been absolutely denied  
17 by Defendants.

18 **1. Plaintiffs have vested ownership and voting interests in NuVeda and its**  
19 **subsidiaries.**

- 20 \* NuVeda is a Nevada limited liability company formed by Plaintiffs and Defendants and  
21 governed by an Operating Agreement. (Defendants' Opposition, p. 3, ll. 6-11; p. 6, ll. 9-12;  
22 Exh. 3 to Defendants' Opposition).
- 23 \* NuVeda, by and through its subsidiaries, possesses multiple medical marijuana licenses.  
24 (Defendants' Opposition, p. 3, l. 5 and p. 5, l. 22- p. 6, l. 6).
- 25 \* Under the Operating Agreement, NuVeda ownership breaks down as follows: Bady has  
26 46.5% interest, Defendant Pouya Mohajer ("Mohajer") has 21%, Terry has 21%, Goldstein  
27 has 7%, non-party Joe Kennedy ("Kennedy") has 1% unvested until he brings in \$3 million,  
28

1 and non-parties John Penders and Ryan Winmill have 3.5%<sup>1</sup>. (Exh. 3 to Defendants'  
2 Opposition, p. 4, Sect. 2.8, and p. 23).

3 \* As Defendants represented to the State of Nevada in their recent submission, the ownership  
4 in NuVeda's subsidiaries, including Clark and Nye, are pro rata with their ownership interest  
5 in NuVeda.<sup>2</sup> See Exh. 1-A, p. 3.

6 \* Clark and Nye do not have separate operating agreements.

7 \* There was no condition for the vesting of Plaintiffs' membership interest in NuVeda (or its  
8 subsidiaries). (Exh. 3 to Defendants' Opposition, p. 4, Sect. 2.8). Plaintiffs have always had  
9 vested ownership and their voting interests are equal to their ownership interests.

10 \* Under the Operating Agreement, Voting Members have the absolute right to vote on NuVeda  
11 business, as follows (emphasis added):

12 o Sect. 2.2- The vested members are "Voting Members" who "**shall have the right to**  
13 **vote upon all matters** upon which Members have the right to vote under the Act or  
14 under [the Operating] Agreement, in proportion to their respective Percentage Voting  
15 Interest... in [NuVeda]."

16 o Sect. 2.5- "Except as otherwise provided or permitted by [the Operating] Agreement,  
17 Voting Members shall in all cases, in their capacity as Members or Managers of  
18 [NuVeda], **act collectively**, and unless otherwise specified or permitted by [the  
19 Operating] Agreement, upon the majority vote of the Voting Members."

20 o Sect. 4.3- "...Any action that may be taken at a meeting of the Voting Members may  
21 be taken without a meeting by written consent in accordance with the Act. Meetings  
22 of the Voting Members, for any purpose or purposes, may be called at any time by a  
23 majority of the Voting Members..."

24 o Sect. 4.4- "In the event that a meeting of the Voting Members is called, written notice  
25 stating the place, day and hour of the meeting and the purpose or purposes for which

26  
27 <sup>1</sup> The basis for Defendants disputing Winmill and Penders' vesting is unknown.

28 <sup>2</sup> Except that Phil Ivey was granted a 3% interest in two (2) NuVeda subsidiaries, including Nye, thereby diluting the remaining 97% by nominal amounts.



1 the meeting is called shall be delivered not less than five nor more than sixty business  
2 days before the date of the meeting unless otherwise provided, either personally or by  
3 mail, by or at the direction of the Members calling the meeting, **to each Voting**  
4 **Member.”**

5 **2. Plaintiffs were denied an opportunity to participate in the management of NuVeda**  
6 **and its subsidiaries.**

- 7 \* Plaintiffs received no notice of any meeting, nor were they otherwise consulted regarding the  
8 terms of the MSA.
- 9 \* The MSA requires NuVeda to transfer 100% of the ownership interest in two of its three  
10 subsidiaries, Clark NMSD, LLC (“Clark”) and Nye Natural Medicinal Solutions, LLC  
11 (“Nye”). (Defendants’ Opposition, sealed Exh. 20, Sect. 1.1).
- 12 \* Clark holds two medical marijuana licenses for a dispensary located in the Arts District of  
13 downtown Las Vegas, Nevada, blocks from the courthouse, and a marijuana dispensary  
14 located in North Las Vegas, Nevada. (Defendants’ Opposition, sealed Exh. 20, Recitals).  
15 Nye owns two medical marijuana licenses to process and cultivate marijuana in Pahrump,  
16 Nye County, Nevada. (*Id.*).
- 17 \* There was no valuation of Clark, Nye or the licenses that was done to assist the parties in  
18 evaluating the terms of the MSA.
- 19 \* Plaintiffs have received multiple offers to acquire NuVeda’s interests in its valuable licenses,  
20 which on their face appear to include better terms than what is set forth in the MSA.
  - 21 o Under Section 1.1(e) of the MSA, CW has an obligation to build out the facilities for  
22 the dispensaries and the processing and cultivation of marijuana; however, there are  
23 no specifications. The plans are not set forth in the MSA or otherwise in any  
24 communication with Plaintiffs.
  - 25 o Under Section 9.1(q) of the MSA, CW agreed to negotiate \$2.1 million in NuVeda  
26 obligations and be responsible for up to \$1.5 million. The reason is unknown why  
27 the MSA identifies a Majid Golpa loan in the amount of Pejman Bady’s purported  
28 capital contribution to NuVeda that provides the basis for his membership percentage.

1 \* Despite Defendants' representations to CW to the contrary, Defendants have represented to  
2 Plaintiffs that NuVeda actually has over \$4.3 million in debt obligations. See Exhibit 1-C  
3 hereto. Defendants fail to explain how they intend to satisfy those debt obligations or how  
4 they could make the representation to CW that the obligations were limited to those set forth  
5 in Schedule 2 to the MSA.

6 **3. Defendants misrepresented to Plaintiffs and third parties, including CW, that**  
7 **Plaintiffs' membership interest in NuVeda and the subsidiaries had been**  
8 **terminated.**

9 **a. Defendants' membership interest in NuVeda was terminated on November 20,**  
10 **2015.**

11 The purpose of Section 6.2 of the Operating Agreement is to address wrongful conduct  
12 that could impede NuVeda's progress. On November 20, 2015, Plaintiffs voted to terminate  
13 Defendants' membership interest in NuVeda pursuant to Section 6.2 of the Operating  
14 Agreement. Specifically, Disinterested Members (i.e., those not being accused of misconduct,  
15 21%-Terry, 7%- Goldstein, 1.75%- Winmill and 1.75%-Penders) voted to terminate Defendants  
16 based on the undisclosed self-dealing and other wrongful conduct by Defendants that was  
17 keeping NuVeda from moving its business forward. (See Exh. 2-C to the Motion for Preliminary  
18 Injunction).

19 In Defendants' Opposition, they urge the Court to consider the expulsion of Defendants  
20 as if there were separate votes to expel each of the Defendants; however, this is misleading to the  
21 Court. Obviously, if two members are acting in concert contrary to NuVeda's best interests, and  
22 it is that conduct of both of the members that provides the basis for the vote, neither one of the  
23 wrongful actors can be Disinterested Voters in the expulsion vote. The expulsion of Defendants  
24 was not a whim without basis; rather, it was supervised by NuVeda's counsel, Pantea Stevenson,  
25 who was actually hired by Bady to protect NuVeda's interests. (See Pantea Stevenson  
26 Declaration, attached as Exh. 2 to Plaintiffs' Motion for Preliminary Injunction). As set forth in  
27 the Written Consent at Exh. 2-B to Plaintiffs' Motion for Preliminary Injunction, the wrongful  
28 conduct that provided the basis for Defendants' expulsion included where Defendants were  
acting in concert. As the conduct subject of Defendants' expulsion vote was the conduct of both

1 Defendants acting in concert, neither of the Defendants could be Disinterested Voters under  
2 Section 6.2 of the Operating Agreement.

3 **b. Defendants misrepresented that they terminated Plaintiffs' membership interest**  
4 **in NuVeda and Plaintiffs' authority to act on behalf of NuVeda under the terms**  
5 **of the Operating Agreement.**

6 On November 23 and November 24, 2015, Defendants' efforts to terminate Plaintiffs'  
7 membership interest were deficient in every respect. First of all, Defendants' interests in  
8 NuVeda were already terminated by the time they purported to remove Plaintiffs. Moreover,  
9 assuming arguendo that Plaintiffs had not already terminated Defendants' interests, in order to  
10 terminate Plaintiffs, there must have been some showing that Plaintiffs did not act in NuVeda's  
11 best interest or in a manner contrary to NuVeda's purpose. Operating Agreement, Section 6.2.  
12 Disagreeing with Defendants' course of conduct and acting on behalf of NuVeda pursuant to the  
13 terms of the Operating Agreement are NOT sufficient reasons for expulsion. (See Exhs. 2-E  
14 and 2-F).

15 Defendants apparently only tried to terminate Plaintiffs' interests in NuVeda for one  
16 purpose- to move forward with the CW deal without Plaintiffs asking questions or conducting  
17 any diligence whatsoever on behalf of NuVeda prior to executing a MSA. On December 9,  
18 2015, over two weeks after Defendants' attempt to terminate Plaintiffs, Defendants represented  
19 to the State of Nevada that Plaintiffs still held their interests in NuVeda and its subsidiaries. (See  
20 Exh. 1-A). Certainly Defendants would not have represented to the State of Nevada that  
21 Plaintiffs had ownership interest in NuVeda and its subsidiaries if they really believed that they  
22 had legally terminated Defendants' interests.

23 When undersigned asked Defendants' counsel, Vincent Aiello, to explain the disconnect  
24 between Defendants' purported vote to expel Plaintiffs and Defendants' submission to the State  
25 of Nevada acknowledging Plaintiffs' interests, Mr. Aiello responded that Defendants did not  
26 purport to terminate Plaintiffs' membership interest in NuVeda, only their roles as officers and  
27 managers of NuVeda. (Exh. 1-B, pp. 3-4).

28 ...

1 Mr. Aiello is incorrect. The consents executed by Defendants (Exhibits 2-E and 2-F to  
2 Plaintiffs' Motion for Preliminary Injunction) purport to terminate Plaintiffs' membership  
3 interests in NuVeda, and not just Plaintiffs' roles as managers and officers. Further, the consents  
4 cite to Section 6.2 of the Operating Agreement as the authority for the action. There is no basis  
5 under Section 6.2 or any other section of the Operating Agreement to take away the management  
6 rights of vested members. Section 6.2 permits expulsion of a member for misconduct, nothing  
7 less and nothing more.

8 Subsequent to purporting to expel Plaintiffs from NuVeda, Defendants removed Plaintiffs  
9 from the Nevada Secretary of State website's list of managers. This was the obvious purpose of  
10 representing to third parties that Plaintiffs have no management role with NuVeda. Again, there  
11 is no basis under the Operating Agreement to remove Plaintiffs as managers of NuVeda.

12 **B. A preliminary injunction is necessary to prevent substantial and irreparable harm.**

13 NuVeda has limited, but extremely valuable assets- its medical marijuana licenses.  
14 NuVeda is at a crossroads or it is in imminent danger of losing those assets forever. NuVeda  
15 cannot afford to have the immoral majority run roughshod and execute transactions in  
16 degradation of the Operating Agreement requirements. Investors who conducted due diligence  
17 discovered the undisclosed self-dealing by Defendants, and now refuse to invest until Defendants  
18 are out of the picture. Section 6.2 was intended to provide Plaintiffs a remedy for this situation.

19 If Defendants are restrained from transferring interest in NuVeda and its subsidiaries as  
20 requested in Plaintiffs' Motion for Preliminary Injunction, NuVeda will still be able to move  
21 forward toward operations. Defendants acknowledge that other investors have made offers to  
22 NuVeda. See, e.g., Exs. 4 and 6. Defendants have failed to show that the MSA is the only  
23 means available for moving the project along.

24 Nevada courts should weigh the potential hardships to the relative parties prior to  
25 entering injunctive relief. Univ. & Cmty. College Sys. Of Nev. v. Nevadans for Sound  
26 Government, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004). When considering the hardships of  
27 Plaintiffs if the requested relief is not entered versus the hardships of Defendants if the requested  
28

1 relief is entered, the balance of hardships weighs in favor of the Court entering Plaintiffs'  
2 requested injunction. CW did not agree to pay all of NuVeda's obligations. SOMEONE ELSE  
3 needs to be brought on in short order. NO ONE in their right mind would come in and invest  
4 with an entity being operated by Defendants without regard to professional notions of corporate  
5 responsibility and transparency required for a highly regulated medical marijuana business.

6 The parties each owe a fiduciary duty to NuVeda and each have an obligation to enter  
7 into the best deal for NuVeda. Prior to selling the farm, the parties must conduct appropriate due  
8 diligence to present to all members of NuVeda for consideration and a vote. Although it is  
9 difficult to conduct an apple-to-apple comparison, the 4Front offer (Defendants' Opposition,  
10 Exh. 4) appears on its face to be better for NuVeda than the MSA. NuVeda would receive more  
11 investment dollars and would not be required to provide a majority interest two of its  
12 subsidiaries. Defendants' failure to recognize the importance of the exercise of good business  
13 judgment is why we are here. The exercise of good business judgment is tantamount.

14 Defendants' machinations to execute the MSA disproportionately adversely affect  
15 Plaintiffs' membership and management rights in violation of the Operating Agreement. If no  
16 injunction is entered, the Court will effectively sanction Defendants' flagrant disregard for  
17 Plaintiffs' existence. Plaintiffs will be permanently denied the right to vet a proposed deal and  
18 cast their vote.

19 Nevada law provides the courts broad equitable powers to enter injunctive and other  
20 relief to prevent substantial irreparable harm at the hands of this immoral majority. See NRS  
21 33.010; Sobol v. Capital Management, 102 Nev. 444, 446, 726 P.2d 335, 337 (1986) (holding  
22 that "acts committed without just cause which unreasonably interfere with a business or destroy  
23 its credit or profits, may do an irreparable injury."). In Defendants' Opposition, they argue that  
24 the Court need not bother with whether Defendants exercised business judgment. (Defendants'  
25 Opposition, p. 21, ll. 1-7). There is no authority for the proposition that a Court charged with  
26 dispensing equity should ignore whether Defendants' conduct subject of the controversy is  
27 contrary to the business judgment rule. There is no evidence regarding the due diligence  
28 conducted by Defendants, if any, that would justify giving a majority interest in Clark and Nye to

1 third party, CW on the terms set forth in the MSA. There is no evidence that Defendants  
2 conducted themselves in good faith faith and in the honest belief that the action taken was in the  
3 best interests of the company. Shoen v. SAC Holding Corp., 122 Nev. 621, 632, 137 P.3d 1171,  
4 1178-79 (2006).

5 There is no question that Plaintiffs are likely to succeed on the merits of their claims.  
6 Defendants' Opposition did not even attempt to address Defendants' wrongful conduct that  
7 provided the basis for the termination of Defendants' interests in NuVeda and Plaintiffs'  
8 arbitration demand. Defendants engaged in clandestine self-dealing, usurpation of corporate  
9 opportunity, tax fraud and other wrongful conduct that undermines NuVeda's purpose to run a  
10 clean business.

11 Plaintiffs respectfully request that the Court enter a preliminary injunction restoring the  
12 status quo. The status quo is that date that existed before the complained-of situation existed. In  
13 this case, that is November 24, 2015- the date that Defendants purported to terminate Terry and  
14 Goldstein's membership interest in NuVeda. Defendants' membership interest was duly  
15 terminated on November 20, 2015 and Defendants are entitled to payment as set forth in Section  
16 6.3 of the Operating Agreement. Defendants dispute the November 20, 2015 vote, but even if  
17 the Court sides with Defendants on that point, there can be no question that Defendants lacked  
18 the authority to enter into the MSA on behalf of NuVeda and its subsidiaries when they entered  
19 into the MSA without first conducting a vote of the members under the terms of the Operating  
20 Agreement.

21 Defendants must be restrained from moving forward on the conditional CW sale, and  
22 restrained from assigning any interest in NuVeda and/or its subsidiaries pending final resolution  
23 of the AAA arbitration. Plaintiffs therefore seek the immediate issuance of a preliminary  
24 injunction narrowly tailored to restore and maintain the status quo pending final resolution of the  
25 parties' disputes, as follows:

- 26 1) Defendants should be restricted from selling, transferring, pledging, hypothecating, or  
27 otherwise disposing of any membership interest in NuVeda or its subsidiaries absent  
28 Plaintiffs' consent, including pursuant to the MSA< pending further Court order; and

1           2) Defendants shall be required to produce NuVeda's books and records to Plaintiffs for  
2           inspection pursuant to the terms of NuVeda's Operating Agreement.<sup>3</sup>

3           **C. The bond should be nominal.**

4           Plaintiffs seek nothing more than their rights under the Operating Agreement to be  
5           protected and enforced pending a final determination in arbitration. There is no showing that the  
6           requested preliminary injunction being entered would result in NuVeda missing regulatory  
7           deadlines for the licenses.

8           Further, there is no showing from Defendants that the State of Nevada, City of Las  
9           Vegas, City of North Las Vegas or Nye County would even approve the MSA. Even with the  
10          amendment to NRS 453A.334 to permit transfers of interests in medical marijuana  
11          establishments, that does not mean that the City of Las Vegas and Nye County will approve the  
12          transfer as contemplated under the MSA. The City of Las Vegas and Nye County have not yet  
13          passed any codes similar to NRS 453A.334 that permit the transfer of interests, and NRS Chapter  
14          435A governing medical marijuana establishments still requires such establishments to comply  
15          with all local business licensing requirements and local land use and code requirements. (See  
16          City of Las Vegas Ordinance, attached hereto as Exhibit 2, p. 4). Nye County absolutely  
17          prohibits the transference or assignment of any license, and only the person named in the license  
18          shall be authorized to conduct the medical marijuana establishment business. (See Ord. 480,  
19          Sect. 5.32.110, Transferability, attached hereto as Exhibit 3, p. 24). Further, the City of Las  
20          Vegas interprets its Ordinance as requiring medical marijuana establishment licensees to strictly  
21          adhere to the plans submitted in the original application. (See City of Las Vegas Ord.  
22          6.95.110(A), Exh. 2, p. 15).

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28          <sup>3</sup> This request to mandate production of documents is not even disputed in Defendants' Opposition.

1 With nothing but a conditional sale with no assurances that the conditions can be  
2 satisfied, there is no "damage" to be awarded upon the status quo being restored. In accordance,  
3 the bond of \$2,500 already posted with the Clerk of the Court is more than enough to satisfy the  
4 bond requirement.

5 Dated this 23<sup>rd</sup> day of December, 2015.

6 GARMAN TURNER GORDON LLP

7 /s/ Erika Pike Turner

8 ERIKA PIKE TURNER

9 Nevada Bar No. 6454

10 Email: eturner@gtg.legal

11 DYLAN T. CICILIANO

12 Nevada Bar No. 12348

13 Email: dciciliano@gtg.legal

14 650 White Drive, Suite 100

15 Las Vegas, Nevada 89119

16 Tel: (725) 777-3000/Fax: (725) 777-3112

17 Attorneys for Plaintiffs



**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **PLAINTIFF'S REPLY TO PEJMAN BADY'S  
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND  
OPPOSITION TO COUNTERMOTION FOR PRELIMINARY INJUNCTION** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 23<sup>rd</sup> day of December, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>4</sup>

**Kolesar and Leatham**

Contact	Email
Christi Colucci, Legal Assistant	<a href="mailto:ccolucci@klnevada.com">ccolucci@klnevada.com</a>
Cindy Kishi, Legal Assistant	<a href="mailto:ckishi@klnevada.com">ckishi@klnevada.com</a>
eFiling District	<a href="mailto:nvdistrict@klnevada.com">nvdistrict@klnevada.com</a>
Eric Walther	<a href="mailto:ewalther@klnevada.com">ewalther@klnevada.com</a>
Kristina R. Cole	<a href="mailto:kcole@klnevada.com">kcole@klnevada.com</a>
Mary Barnes	<a href="mailto:mbarnes@klnevada.com">mbarnes@klnevada.com</a>
Matthew T. Dushoff	<a href="mailto:mdushoff@klnevada.com">mdushoff@klnevada.com</a>
Ryan T. Gormley	<a href="mailto:rgormley@klnevada.com">rgormley@klnevada.com</a>
Vincent J. Aiello	<a href="mailto:vaiello@klnevada.com">vaiello@klnevada.com</a>

**Maupin Naylor Braster**

Contact	Email
A. William Maupin	<a href="mailto:wmaupin@naylorandbrasterlaw.com">wmaupin@naylorandbrasterlaw.com</a>
Amy Reams	<a href="mailto:areams@naylorandbrasterlaw.com">areams@naylorandbrasterlaw.com</a>
Jennifer Braster	<a href="mailto:jbraster@naylorandbrasterlaw.com">jbraster@naylorandbrasterlaw.com</a>
John Naylor	<a href="mailto:jnaylor@naylorandbrasterlaw.com">jnaylor@naylorandbrasterlaw.com</a>

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Rebecca Post  
Rebecca Post, an employee of  
GARMAN TURNER GORDON LLP

<sup>4</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

# EXHIBIT 1

# EXHIBIT 1

DECL  
GARMAN TURNER GORDON LLP  
ERIKA PIKE TURNER  
Nevada Bar No. 6454  
Email: eturner@gtg.legal  
DYLAN T. CICILIANO  
Nevada Bar No. 12348  
Email: dciciliano@gtg.legal  
650 White Drive, Suite 100  
Las Vegas, Nevada 89119  
Tel: (725) 777-3000/Fax: (725) 777-3112  
Attorneys for Plaintiffs

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

NUVEDA, LLC, a Nevada limited liability  
company; SHANE M. TERRY, a Nevada  
resident; and JENNIFER M. GOLDSTEIN, a  
Nevada resident;

Plaintiffs,

vs.

PEJMAN BADY; POUYA MOHAJER; DOE  
Individuals I-X and ROE Entities I-X, inclusive;

Defendants.

Case No.: A-15-728510-B  
Dept. No.: XI

**DECLARATION OF ERIKA PIKE TURNER IN SUPPORT OF THE OPPOSITION TO  
DEFENDANT PEJ BADY'S COUNTERMOTION FOR PRELIMINARY INJUNCTION  
AND REPLY IN SUPPORT OF PLAINTIFFS MOTION FOR  
PRELIMINARY INJUNCTION**

I, Erika Pike Turner, state that:

1. I am over the age of eighteen (18) years and competent to testify on the matters  
set forth herein.

2. I have personal knowledge of the matters set forth herein and know them to be  
true except for matters set forth herein on information and belief, and as to those matters, I  
believe them to be true.

3. I am submitting this Declaration in support of the Opposition to Defendant Pej  
Bady's Countermotion for Preliminary Injunction and Reply in Support of Plaintiffs' Motion for

1 Preliminary Injunction.

2 4. Attached hereto as Exhibit A is the Renewal application submitted on December  
3 9, 2015 by Pej Bady to the State of Nevada on behalf of NuVeda, LLC. This was not disclosed  
4 to Plaintiffs or undersigned until December 14, 2015 after the telephonic hearing with the Court.

5 5. Attached hereto as Exhibit B is correspondence sent from me to Defendants'  
6 counsel the morning of December 15, 2015, the day after the telephonic hearing, requesting the  
7 disclosure of the Purchase and Sale Agreement, NuVeda, LLC financial information and other  
8 business records necessary to get an appraisal of NuVeda, LLC and its assets prior to mediation.

9 6. No documents were provided by Defendants, save and except that the  
10 Membership Interest Purchase Agreement executed by Defendants was produced at 6:03 pm on  
11 December 18, 2015- after mediator Floyd Hale asked for it to be produced.

12 7. In a conversation with Vincent Aiello, counsel for Defendant Pejman Bady, I  
13 asked if Defendants had a valuation and he said that they did not. I told Mr. Aiello that a  
14 valuation would assist the parties in mediation and I needed the documents I requested in order  
15 to obtain a valuation. He agreed a valuation would be helpful and said he would try to marshall  
16 the requested documents and produce them. I never received any follow up from Mr. Aiello.

17 8. After 9 straight hours of trying to mediate the case with Floyd Hale on December  
18 18, 2015, and Plaintiffs' last offer up to \$2.5 million cash and transfer of the ownership in the  
19 Nye County dispensaries to Defendants, we were told that there were no terms Defendants  
20 would take to sell their interests to Plaintiffs and we would be wasting our time to continue to  
21 try to negotiate an acquisition. However, at the end of the day, Defendants would not offer  
22 Goldstein anything more than return of her investment and Terry not much more. It was a  
23 wholly unproductive day, particularly since we were never informed the terms of the agreement  
24 with CW Nevada, LLC over the course of the day. We were in the dark the entire day that CW  
25 Nevada, LLC was asserting a cloud on the ownership.

26 9. Attached hereto as Exhibit C is the record of NuVeda financial obligations known  
27 by Plaintiffs.

28 . . .

1 I declare under penalty and perjury under the law of the State of Nevada that the  
2 foregoing is true and correct.

3 Executed this 23<sup>rd</sup> day of December, 2015.

4 /s/ Erika Pike Turner  
5 ERIKA PIKE TURNER  
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**EXHIBIT A**

**EXHIBIT A**

To: Clark NMSD, LLC and Nye Natural Medicinal Solutions, LLC

From: Department of Health & Human Services, Medical Marijuana Program

Date: 12/10/15

This will acknowledge receipt of Renewal Application Forms for Medical Marijuana Establishments (MME) Provisional Registration Certificates for the following:

MME Application ID No.

C165  
P108  
D187  
D186  
C166  
P107

Department of Health & Human Services

By: Sulee Prince

Date: 12/10/15



LAS VEGAS OFFICE  
INFO@KCNVLAW.COM

LAS VEGAS OFFICE  
1980 Festival Plaza Drive  
Suite 650  
Las Vegas, NV 89135  
Tel: 702.792.7000  
Fax: 702.796.7181

RENO OFFICE  
60 West Liberty Street  
Suite 700  
Reno, NV 89601  
Tel: 775.852.3900  
Fax: 775.327.2011

CARSON CITY OFFICE  
510 West Fourth Street  
Carson City, NV 89703  
Tel: 775.884.8300  
Fax: 775.882.0257

December 9, 2015

**VIA HAND DELIVERY**

Division of Public and Behavioral Health  
Medical Marijuana Program  
4150 Technology Way, Suite 106  
Carson City, Nevada 89706

***Re: Clark NMSD, LLC & Nye Natural Medicinal Solutions, LLC  
Renewal Applications***

To Whom It May Concern:

Our office represents the above-referenced. Enclosed please find original executed provisional certificate renewal applications for the following:

- 1) 13655 Apex Star Court, Las Vegas, NV 89124 -- Cultivation ID #C165
- 2) 13655 Apex Star Court, Las Vegas, NV 89124 -- Production ID #P108
- 3) 2113 N. Las Vegas Blvd., Las Vegas, NV 89030 -- Dispensary ID #D187
- 4) 1320 S. 3<sup>rd</sup> Street, Las Vegas, NV 89104 -- Dispensary ID #D186
- 5) 2801 E. Thousandaire Blvd., Pahrump, NV 89048 -- Cultivation ID #C166
- 6) 2801 E. Thousandaire Blvd., Pahrump, NV 89048 - Production ID #P107

Thank you in advance for your kind consideration. If you have any questions or need anything else, please do not hesitate to contact me at 702-672-6882.

Sincerely,

KAEMPFER CROWELL

ANN M. PIERCE  
LAND USE/LICENSING ADMINISTRATION

AMP/  
Encls.



STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director



CODY L. PHINNEY, MPH  
Administrator

TRACEY D. GREEN, MD  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
MEDICAL MARIJUANA PROGRAM

4150 Technology Way, Suite 106  
Carson City, Nevada 89706  
Telephone: (775) 684-3487 · Fax: (775) 684-4156  
[medicalmarijuana@health.nv.gov](mailto:medicalmarijuana@health.nv.gov)

**Renewal Application Form for Medical Marijuana Establishment  
(MME) Provisional Registration Certificates**

NRS 453A.322(5) states that a medical marijuana registration certificate expires 1 year after the date of its issuance:

5. *Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:*

- (a) Resubmission of the information set forth in this section; and*
- (b) Payment of the renewal fee set forth in NRS 453A.344.*

All MMEs that were issued a provisional registration certificate on November 3, 2014, and that have not yet obtained a final registration certificate from the Division, must complete and return this renewal application form to the Division by December 15, 2015. If an MME does not respond to this renewal requirement, or if the renewal application is not received at the Division or postmarked by December 15, 2015, the MME's registration will be deemed expired and no longer valid. The Division is deferring collection of the renewal fee at this time.

Mail the renewal form to:

Division of Public and Behavioral Health  
Medical Marijuana Program  
4150 Technology Way, Suite 106  
Carson City, NV 89706

MME application ID # (i.e. D001, C050, etc.): C165

MME 20-digit identification #: 64995797755670122923

MME entity legal name filed with the Nevada Secretary of State (not DBA name):  
Clark Natural Medicinal Solutions, LLC

MME physical address: 13655 Apex Star Court  
Las Vegas NV 89124

MME local jurisdiction: Clark

MME agent card designee (name of the person designated to submit applications for agent cards on behalf of the MME): Pejman Bady

For MME dispensaries only – proposed hours of operation:  
N/A

Pursuant to NAC 453A.328(1)(f)(1)-(5), for each owner, officer and board member of this MME, identify whether that person:

1. Has served as an owner, officer or board member for an MME that has had its registration certificate revoked. ☐ Yes ☒ No

If yes, list the name of the person and the MME.

2. Is an attending physician currently providing written documentation for the issuance of registry identification cards. ☐ Yes ☒ No

If yes, list the name of the person.

3. Is a law enforcement officer. ☐ Yes ☒ No

If yes, list the name of the person and the law enforcement agency.

4. Is an employee or contractor of the Division. ☐ Yes ☒ No

If yes, list the name of the person and the job title.

5. Has an ownership or financial investment interest in any other MME. ☒ Yes ☐ No

If yes, list the person, the other MME(s) and describe the interest.

---

Pejman Bady	Owner	46.5	Clark NMSD, LLC
Shane Terry	Owner	21.0	Clark NMSD, LLC
Pouya Mohajer	Owner	21.0	Clark NMSD, LLC
Jennifer Goldstein	Owner	7.0	Clark NMSD, LLC
Ryan Winmill	Owner	1.75	Clark NMSD, LLC
John Penders	Owner	1.75	Clark NMSD, LLC
Joseph Kennedy	Owner	1.0	Clark NMSD, LLC

Pejman Bady	Owner	46.5	Nye Natural Medicinal Solutions, LLC
Shane Terry	Owner	21.0	Nye Natural Medicinal Solutions, LLC
Pouya Mohajer	Owner	21.0	Nye Natural Medicinal Solutions, LLC
Jennifer Goldstein	Owner	7.0	Nye Natural Medicinal Solutions, LLC
Ryan Winmill	Owner	1.75	Nye Natural Medicinal Solutions, LLC
John Penders	Owner	1.75	Nye Natural Medicinal Solutions, LLC
Joseph Kennedy	Owner	1.0	Nye Natural Medicinal Solutions, LLC

MME Entity Name: Clark Natural Medicinal Solutions, LLC

MME Application ID # (i.e. D001, C050): C165

MME Application ID # (i.e. D001, C050): C169

Instructions: List all current owners, officers and board members for this MME. For Owner entities other than natural persons, annotate the entity name (i.e. LLC or trust), and identify ALL natural persons in the entity, and their corresponding ownership interest percentage (%) in this MME. Use a continuation page if you need more space.

Entity Name	Ownership	Total # of Agent	List all other MMEs for which this

[illegible]



MME projected date to be fully operational: April 2016

MME progress details (please address the status of the following items at a minimum: local business license, certificate of occupancy, agent card status, facility construction, MME equipment, and status of MME operational policies and procedures):

1. Have you received a business license for this MME from the local jurisdiction?  
☐ Yes ☒ No

If not, describe where in the process you currently are.

The project is delayed due to lack of available infrastructure and utilities. The City of North Las Vegas has been working with Nevada Energy to bring power to this location.

2. Have you received a Certificate of Occupancy for this MME from the local jurisdiction? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

The project is delayed due to lack of available infrastructure and utilities. The City of North Las Vegas has been working with Nevada Energy to bring power to this location.

3. Have you applied for and received required Special Use Permits and/or Conditional Use Permits for this MME from the local jurisdiction? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

4. Are background checks and waivers complete and submitted for all owners, officers and board members of this MME? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

5. Have all owners, officers, board members, employees and volunteers of this MME received agent cards? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

All owners submitted application and underwent fingerprinting at the police station in August 2015.

Two owners have received their agent cards while the others are still waiting.

6. Is all construction and finishing complete for this MME? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

The plans have been completed; however, the project is delayed due to lack of available infrastructure and utilities. Due to the extraordinary complexity and time frames, this project and others have not been able to move forward. We are waiting for the utilities to be completed.

7. Is all required MME equipment on the premises and installed? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

Not all the equipment has been obtained. The project is delayed due to lack of available infrastructure and utilities. Due to the extraordinary complexity and time frames, this project and others have not been able to move forward. We are waiting for the utilities to be completed.

8. For facilities for the production of edible marijuana or marijuana infused products, has the production plan been reviewed and approved by the Division?  
☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

9. Have you received a letter of approval for logos and advertising? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

10. MME barriers to completion: Please address issues your MME is facing that are beyond your ability to control or affect and are preventing or delaying you from becoming fully operational:

The reason for this request is that the project is delayed due to lack of available infrastructure and utilities. The City of North Las Vegas has been working to bring infrastructure while working with Nevada Energy to supply power to this site. Due to the extraordinary complexity and time frames, this project and others have not been able to move forward. This renewal for the provisional registration certificate will allow Clark Natural Medicinal Solutions to complete the Medical Marijuana Cultivation Facility that is planned and designed to meet or exceed all regulations of the State and the City.

**NAC 453A.324 Registration certificates: Revocation if establishment not fully operational within 18 months. (NRS 453A.370)**

1. If a medical marijuana establishment is not fully operational within 18 months after the date on which the Division issued the medical marijuana establishment registration certificate, the Division may revoke the medical marijuana establishment registration certificate. If the Division revokes a medical marijuana establishment registration certificate pursuant to this subsection, the applicable annual renewal fee paid by the establishment is not refundable.

2. If the Division revokes the medical marijuana establishment registration certificate of a medical marijuana establishment pursuant to subsection 1, the medical marijuana establishment may not reapply for a medical marijuana establishment registration certificate until at least 12 months after the date on which the previous medical marijuana establishment registration certificate was revoked.

If the Division revokes a registration certificate at any time during calendar year 2016, the affected MME will not be able to apply for a registration certificate during the 2016 open application period pursuant to NAC 453A.324 above. If, however, the MME elects to surrender its registration certificate, it may apply again for registration during the 2016 open application period.

**Please initial one of the following options:**

           I wish to surrender my MME's provisional registration certificate. I understand that since I am voluntarily surrendering my MME's registration certificate, my MME will be able to reapply for another registration certificate during the 2016 open application period.

  X   I do not wish to surrender my MME's provisional registration certificate at this time. I understand that if the Division revokes the registration certificate, my MME will not be able to reapply for a registration certificate until at least 12 months after the revocation date.

MME contact name: Pejman Bady

MME contact address: PO Box 6255 Pahrump NV 89041

MME contact phone: 310-863-4488

MME contact email address: pbady@me.com

Attestation: I attest the information provided to the Division to renew the MME's provisional registration certificate is true and correct according to information known by the undersigned at the time of signing; and the signature of a natural person for the MME as described in subsection 1 of NAC 453A.300 and the date on which he or she signed the application.

MME contact signature/date: 



STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director



CODY L. PHINNEY, MPH  
Administrator

TRACEY D. GREEN, MD  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
MEDICAL MARIJUANA PROGRAM

4150 Technology Way, Suite 106  
Carson City, Nevada 89706  
Telephone: (775) 684-3487 · Fax: (775) 684-4156  
[medicalmarijuana@health.nv.gov](mailto:medicalmarijuana@health.nv.gov)

**Renewal Application Form for Medical Marijuana Establishment  
(MME) Provisional Registration Certificates**

NRS 453A.322(5) states that a medical marijuana registration certificate expires 1 year after the date of its issuance:

*5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:*

- (a) Resubmission of the information set forth in this section; and*
- (b) Payment of the renewal fee set forth in NRS 453A.344.*

All MMEs that were issued a provisional registration certificate on November 3, 2014, and that have not yet obtained a final registration certificate from the Division, must complete and return this renewal application form to the Division by December 15, 2015. If an MME does not respond to this renewal requirement, or if the renewal application is not received at the Division or postmarked by December 15, 2015, the MME's registration will be deemed expired and no longer valid. The Division is deferring collection of the renewal fee at this time.

Mail the renewal form to:

Division of Public and Behavioral Health  
Medical Marijuana Program  
4150 Technology Way, Suite 106  
Carson City, NV 89706

MME application ID # (i.e. D001, C050, etc.): P108

MME 20-digit identification #: 54477437937479297460

MME entity legal name filed with the Nevada Secretary of State (not DBA name):  
Clark Natural Medicinal Solutions, LLC

MME physical address: 13655 Apex Star Court  
Las Vegas NV 89124

MME local jurisdiction: Clark

MME agent card designee (name of the person designated to submit applications for agent cards on behalf of the MME): Pejman Bady

For MME dispensaries only – proposed hours of operation:

N/A

Pursuant to NAC 453A.328(1)(f)(1)-(5), for each owner, officer and board member of this MME, identify whether that person:

1. Has served as an owner, officer or board member for an MME that has had its registration certificate revoked. ☐ Yes ☒ No

If yes, list the name of the person and the MME.

2. Is an attending physician currently providing written documentation for the issuance of registry identification cards. ☐ Yes ☒ No

If yes, list the name of the person.

3. Is a law enforcement officer. ☐ Yes ☒ No

If yes, list the name of the person and the law enforcement agency.

4. Is an employee or contractor of the Division. ☐ Yes ☒ No

If yes, list the name of the person and the job title.

5. Has an ownership or financial investment interest in any other MME. ☒ Yes ☐ No

If yes, list the person, the other MME(s) and describe the interest.

---

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John Penders	Owner	1.75	Nye Natural Medicinal Solutions, LLC
Joseph Kennedy	Owner	1.0	Nye Natural Medicinal Solutions, LLC

MME Application ID # (i.e. D001, C050): P108

[illegible]



MME projected date to be fully operational: April 2016

MME progress details (please address the status of the following items at a minimum: local business license, certificate of occupancy, agent card status, facility construction, MME equipment, and status of MME operational policies and procedures):

1. Have you received a business license for this MME from the local jurisdiction?  
☐ Yes ☒ No

If not, describe where in the process you currently are.

The project is delayed due to lack of available infrastructure and utilities. The City of North Las Vegas has been working with Nevada Energy to bring power to this location.

2. Have you received a Certificate of Occupancy for this MME from the local jurisdiction? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

The project is delayed due to lack of available infrastructure and utilities. The City of North Las Vegas has been working with Nevada Energy to bring power to this location.

3. Have you applied for and received required Special Use Permits and/or Conditional Use Permits for this MME from the local jurisdiction? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

4. Are background checks and waivers complete and submitted for all owners, officers and board members of this MME? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

5. Have all owners, officers, board members, employees and volunteers of this MME received agent cards? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

All owners submitted application and underwent fingerprinting at the police station in August 2015. Two owners have received their agent cards while the others are still waiting.

6. Is all construction and finishing complete for this MME? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

The plans have been completed; however, the project is delayed due to lack of available infrastructure and utilities. Due to the extraordinary complexity and time frames, this project and others have not been able to move forward. We are waiting for the utilities to be completed.

7. Is all required MME equipment on the premises and installed? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

Not all the equipment has been obtained. The project is delayed due to lack of available infrastructure and utilities. Due to the extraordinary complexity and time frames, this project and others have not been able to move forward. We are waiting for the utilities to be completed.

8. For facilities for the production of edible marijuana or marijuana infused products, has the production plan been reviewed and approved by the Division?

☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

9. Have you received a letter of approval for logos and advertising? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

10. MME barriers to completion: Please address issues your MME is facing that are beyond your ability to control or affect and are preventing or delaying you from becoming fully operational:

The reason for this request is that the project is delayed due to lack of available infrastructure and utilities. The City of North Las Vegas has been working to bring infrastructure while working with Nevada Energy to supply power to this site. Due to the extraordinary complexity and time frames, this project and others have not been able to move forward. This renewal for the provisional registration certificate will allow Clark Natural Medicinal Solutions to complete the Medical Marijuana Cultivation Facility that is planned and designed to meet or exceed all regulations of the State and the City.

**NAC 453A.324 Registration certificates: Revocation if establishment not fully operational within 18 months. (NRS 453A.370)**

1. If a medical marijuana establishment is not fully operational within 18 months after the date on which the Division issued the medical marijuana establishment registration certificate, the Division may revoke the medical marijuana establishment registration certificate. If the Division revokes a medical marijuana establishment registration certificate pursuant to this subsection, the applicable annual renewal fee paid by the establishment is not refundable.

2. If the Division revokes the medical marijuana establishment registration certificate of a medical marijuana establishment pursuant to subsection 1, the medical marijuana establishment may not reapply for a medical marijuana establishment registration certificate until at least 12 months after the date on which the previous medical marijuana establishment registration certificate was revoked.

If the Division revokes a registration certificate at any time during calendar year 2016, the affected MME will not be able to apply for a registration certificate during the 2016 open application period pursuant to NAC 453A.324 above. If, however, the MME elects to surrender its registration certificate, it may apply again for registration during the 2016 open application period.

**Please initial one of the following options:**

           I wish to surrender my MME's provisional registration certificate. I understand that since I am voluntarily surrendering my MME's registration certificate, my MME will be able to reapply for another registration certificate during the 2016 open application period.

  X   I do not wish to surrender my MME's provisional registration certificate at this time. I understand that if the Division revokes the registration certificate, my MME will not be able to reapply for a registration certificate until at least 12 months after the revocation date.

MME contact name: Pejman Bady

MME contact address: PO Box 6255 Pahrump NV 89041

MME contact phone: 310-863-4488

MME contact email address: pbady@me.com

Attestation: I attest the information provided to the Division to renew the MME's provisional registration certificate is true and correct according to information known by the undersigned at the time of signing; and the signature of a natural person for the MME as described in subsection 1 of NAC 453A.300 and the date on which he or she signed the application.

MME contact signature/date: 



STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director



CODY L. PHINNEY, MPH  
Administrator

TRACEY D. GREEN, MD  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
MEDICAL MARIJUANA PROGRAM

4150 Technology Way, Suite 106

Carson City, Nevada 89706

Telephone: (775) 684-3487 · Fax: (775) 684-4156

[medicalmarijuana@health.nv.gov](mailto:medicalmarijuana@health.nv.gov)

**Renewal Application Form for Medical Marijuana Establishment  
(MME) Provisional Registration Certificates**

NRS 453A.322(5) states that a medical marijuana registration certificate expires 1 year after the date of its issuance:

*5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:*

- (a) Resubmission of the information set forth in this section; and*
- (b) Payment of the renewal fee set forth in NRS 453A.344.*

All MMEs that were issued a provisional registration certificate on November 3, 2014, and that have not yet obtained a final registration certificate from the Division, must complete and return this renewal application form to the Division by December 15, 2015. If an MME does not respond to this renewal requirement, or if the renewal application is not received at the Division or postmarked by December 15, 2015, the MME's registration will be deemed expired and no longer valid. The Division is deferring collection of the renewal fee at this time.

Mail the renewal form to:

Division of Public and Behavioral Health  
Medical Marijuana Program  
4150 Technology Way, Suite 106  
Carson City, NV 89706

MME application ID # (i.e. D001, C050, etc.): D187

MME 20-digit identification #: 94090342955467020377

MME entity legal name filed with the Nevada Secretary of State (not DBA name):  
Clark NMSD, LLC

MME physical address: 2113 N. Las Vegas Blvd.  
Las Vegas NV 89130

MME local jurisdiction: Clark

MME agent card designee (name of the person designated to submit applications for agent cards on behalf of the MME): Pejman Bady

For MME dispensaries only – proposed hours of operation:  
7 Days a Week - 24 Hours a Day

Pursuant to NAC 453A.328(1)(f)(1)-(5), for each owner, officer and board member of this MME, identify whether that person:

1. Has served as an owner, officer or board member for an MME that has had its registration certificate revoked. ☐ Yes ☒ No

If yes, list the name of the person and the MME.

\_\_\_\_\_

2. Is an attending physician currently providing written documentation for the issuance of registry identification cards. ☐ Yes ☒ No

If yes, list the name of the person.

\_\_\_\_\_

3. Is a law enforcement officer. ☐ Yes ☒ No

If yes, list the name of the person and the law enforcement agency.

\_\_\_\_\_

4. Is an employee or contractor of the Division. ☐ Yes ☒ No

If yes, list the name of the person and the job title.

\_\_\_\_\_

5. Has an ownership or financial investment interest in any other MME. ☒ Yes ☐ No

If yes, list the person, the other MME(s) and describe the interest.

---

Pejman Bady	Owner	46.5	Clark Natural Medicinal Solutions, LLC
Shane Terry	Owner	21.0	Clark Natural Medicinal Solutions, LLC
Pouya Mohajer	Owner	21.0	Clark Natural Medicinal Solutions, LLC
Jennifer Goldstein	Owner	7.0	Clark Natural Medicinal Solutions, LLC
Ryan Winmill	Owner	1.75	Clark Natural Medicinal Solutions, LLC
John Penders	Owner	1.75	Clark Natural Medicinal Solutions, LLC
Joseph Kennedy	Owner	1.0	Clark Natural Medicinal Solutions, LLC
Pejman Bady	Owner	46.5	Nye Natural Medicinal Solutions, LLC
Shane Terry	Owner	21.0	Nye Natural Medicinal Solutions, LLC
Pouya Mohajer	Owner	21.0	Nye Natural Medicinal Solutions, LLC
Jennifer Goldstein	Owner	7.0	Nye Natural Medicinal Solutions, LLC
Ryan Winmill	Owner	1.75	Nye Natural Medicinal Solutions, LLC
John Penders	Owner	1.75	Nye Natural Medicinal Solutions, LLC
Joseph Kennedy	Owner	1.0	Nye Natural Medicinal Solutions, LLC

MME Entity Name: Clark NMSD, LLC

MME Application ID # (i.e. D001, C050): D186

*Instructions: List all current owners, officers and board members for this MME. For Owner entities other than natural persons, annotate the entity name (i.e. LLC or trust), and identify ALL natural persons in the entity, and their corresponding ownership interest percentage (%) in this MME. Use a continuation page if you need more space.*

Name	Role (Owner, Officer, Board Member)	Ownership % in this MME	Total # of Agent Cards issued to this person	List all other MMEs for which this person has been issued agent cards (List Application IDs)
Pejman Bady	Owner	46.5	0	Clark Natural Medicinal Solutions, LLC/Clark NMSD, LLC
Shane Terry	Owner	21.0	0	Clark Natural Medicinal Solutions, LLC/Clark NMSD, LLC
Pouya Mohajer	Owner	21.0	0	Clark Natural Medicinal Solutions, LLC/Clark NMSD, LLC
Jennifer Goldstein	Owner	7.0	0	Clark Natural Medicinal Solutions, LLC/Clark NMSD, LLC
Ryan Winnill	Owner	1.75	1	Clark Natural Medicinal Solutions, LLC/Clark NMSD, LLC
John Penders	Owner	1.75	1	Clark Natural Medicinal Solutions, LLC/Clark NMSD, LLC
Joseph Kennedy	Owner	1.0	0	Clark Natural Medicinal Solutions, LLC/Clark NMSD, LLC



MME projected date to be fully operational: March 2016

MME progress details (please address the status of the following items at a minimum: local business license, certificate of occupancy, agent card status, facility construction, MME equipment, and status of MME operational policies and procedures):

1. Have you received a business license for this MME from the local jurisdiction?  
☐ Yes ☒ No

If not, describe where in the process you currently are.

The change in the architectural concept required revision of the plans. The plans are completed and ready for submission to the City of North Las Vegas Planning Commission.

2. Have you received a Certificate of Occupancy for this MME from the local jurisdiction? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

The change in the architectural concept required revision of the plans. The plans are completed and ready for submission to the City of North Las Vegas Planning Commission.

3. Have you applied for and received required Special Use Permits and/or Conditional Use Permits for this MME from the local jurisdiction? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

4. Are background checks and waivers complete and submitted for all owners, officers and board members of this MME? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

5. Have all owners, officers, board members, employees and volunteers of this MME received agent cards? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

All owners submitted application and underwent fingerprinting at the police station in August 2015.

Two owners have received their agent cards while the others are still waiting.

6. Is all construction and finishing complete for this MME? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

The change in the architectural concept required revision of the plans. The plans are completed and ready for submission to the City of North Las Vegas Planning Commission.

7. Is all required MME equipment on the premises and installed? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

Not all the equipment has been obtained. With the initiation of the construction the remaining equipment will be acquired.

8. For facilities for the production of edible marijuana or marijuana infused products, has the production plan been reviewed and approved by the Division?

☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

N/A

9. Have you received a letter of approval for logos and advertising? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

10. MME barriers to completion: Please address issues your MME is facing that are beyond your ability to control or affect and are preventing or delaying you from becoming fully operational:

The reason for this request is due to unforeseen delays with the change in the architectural concept and the subsequent revision of the plans. Further, there have been unavoidable delays beyond the control of Clark NMSD. For the past year the MME Production/Cultivation at APEX/Mountain View Industrial Park has been delayed due to infrastructure reasons. The City of North Las Vegas is working with APEX and other entities, such as Nevada Energy, to expedite this process. This will prevent sufficient supply of medical marijuana for the dispensaries. Furthermore, the legislature has been working on matters essential to the financing and operations of MMEs. NuVeda has taken substantial steps while working to monitor the State and regulatory processes to resolve the APEX infrastructure issues. It has purchased the land; hired general contractor; hired a firm specializing in the building of cultivation and production structures; and started a pre-permitting on a smaller cultivation and production facility in Nye county. This renewal for the provisional registration certificate will allow Clark NMSD to complete the Medical Marijuana Dispensary Facility that is planned and designed to meet or exceed all regulations of the State and the City.

***NAC 453A.324 Registration certificates: Revocation if establishment not fully operational within 18 months. (NRS 453A.370)***

1. If a medical marijuana establishment is not fully operational within 18 months after the date on which the Division issued the medical marijuana establishment registration certificate, the Division may revoke the medical marijuana establishment registration certificate. If the Division revokes a medical marijuana establishment registration certificate pursuant to this subsection, the applicable annual renewal fee paid by the establishment is not refundable.

2. If the Division revokes the medical marijuana establishment registration certificate of a medical marijuana establishment pursuant to subsection 1, the medical marijuana establishment may not reapply for a medical marijuana establishment registration certificate until at least 12 months after the date on which the previous medical marijuana establishment registration certificate was revoked.

If the Division revokes a registration certificate at any time during calendar year 2016, the affected MME will not be able to apply for a registration certificate during the 2016 open application period pursuant to NAC 453A.324 above. If, however, the MME elects to surrender its registration certificate, it may apply again for registration during the 2016 open application period.

**Please initial one of the following options:**

           I wish to surrender my MME's provisional registration certificate. I understand that since I am voluntarily surrendering my MME's registration certificate, my MME will be able to reapply for another registration certificate during the 2016 open application period.

  X   I do not wish to surrender my MME's provisional registration certificate at this time. I understand that if the Division revokes the registration certificate, my MME will not be able to reapply for a registration certificate until at least 12 months after the revocation date.

MME contact name: Pejman Bady

MME contact address: PO Box 6255 Pahrump NV 89041

MME contact phone: 310-863-4488

MME contact email address: pbady@me.com

Attestation: I attest the information provided to the Division to renew the MME's provisional registration certificate is true and correct according to information known by the undersigned at the time of signing; and the signature of a natural person for the MME as described in subsection 1 of NAC 453A.300 and the date on which he or she signed the application.

MME contact signature/date: 



STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director



CODY L. PHINNEY, MPH  
Administrator

TRACEY D. GREEN, MD  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
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**Renewal Application Form for Medical Marijuana Establishment  
(MME) Provisional Registration Certificates**

NRS 453A.322(5) states that a medical marijuana registration certificate expires 1 year after the date of its issuance:

*5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:*

- (a) Resubmission of the information set forth in this section; and*
- (b) Payment of the renewal fee set forth in NRS 453A.344.*

All MMEs that were issued a provisional registration certificate on November 3, 2014, and that have not yet obtained a final registration certificate from the Division, must complete and return this renewal application form to the Division by December 15, 2015. If an MME does not respond to this renewal requirement, or if the renewal application is not received at the Division or postmarked by December 15, 2015, the MME's registration will be deemed expired and no longer valid. The Division is deferring collection of the renewal fee at this time.

Mail the renewal form to:

Division of Public and Behavioral Health  
Medical Marijuana Program  
4150 Technology Way, Suite 106  
Carson City, NV 89706

MME application ID # (i.e. D001, C050, etc.): D186

MME 20-digit identification #: 25025985357868237824

MME entity legal name filed with the Nevada Secretary of State (not DBA name):  
Clark NMSD, LLC

MME physical address: 1320 S 3rd Street  
Las Vegas NV 89104

MME local jurisdiction: Clark

MME agent card designee (name of the person designated to submit applications for agent cards on behalf of the MME): Pejman Bady

For MME dispensaries only – proposed hours of operation:  
7 Days a Week - 6 am - 10 pm

Pursuant to NAC 453A.328(1)(f)(1)-(5), for each owner, officer and board member of this MME, identify whether that person:

1. Has served as an owner, officer or board member for an MME that has had its registration certificate revoked. ☐ Yes ☒ No

If yes, list the name of the person and the MME.

2. Is an attending physician currently providing written documentation for the issuance of registry identification cards. ☐ Yes ☒ No

If yes, list the name of the person.

3. Is a law enforcement officer. ☐ Yes ☒ No

If yes, list the name of the person and the law enforcement agency.

4. Is an employee or contractor of the Division. ☐ Yes ☒ No

If yes, list the name of the person and the job title.

5. Has an ownership or financial investment interest in any other MME. ☒ Yes ☐ No

If yes, list the person, the other MME(s) and describe the interest.

---

Pejman Bady	Owner	46.5	Clark Natural Medicinal Solutions, LLC
Shane Terry	Owner	21.0	Clark Natural Medicinal Solutions, LLC
Pouya Mohajer	Owner	21.0	Clark Natural Medicinal Solutions, LLC
Jennifer Goldstein	Owner	7.0	Clark Natural Medicinal Solutions, LLC
Ryan Winmill	Owner	1.75	Clark Natural Medicinal Solutions, LLC
John Penders	Owner	1.75	Clark Natural Medicinal Solutions, LLC
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Pejman Bady	Owner	46.5	Nye Natural Medicinal Solutions, LLC
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Pouya Mohajer	Owner	21.0	Nye Natural Medicinal Solutions, LLC
Jennifer Goldstein	Owner	7.0	Nye Natural Medicinal Solutions, LLC
Ryan Winmill	Owner	1.75	Nye Natural Medicinal Solutions, LLC
John Penders	Owner	1.75	Nye Natural Medicinal Solutions, LLC
Joseph Kennedy	Owner	1.0	Nye Natural Medicinal Solutions, LLC

MME Application ID # (i.e. D001, C050): D186

Instructions: List all current owners, officers and board members for this MME. For Owner entities other than natural persons, annotate the entity name (i.e. LLC or trust), and identify ALL natural persons in the entity, and their corresponding ownership interest percentage (%) in this MME. Use a continuation page if you need more space.

[illegible]



MME projected date to be fully operational: March 2016

MME progress details (please address the status of the following items at a minimum: local business license, certificate of occupancy, agent card status, facility construction, MME equipment, and status of MME operational policies and procedures):

1. Have you received a business license for this MME from the local jurisdiction?  
☐ Yes ☒ No

If not, describe where in the process you currently are.

New plans have been obtained after the collapse of the infrastructure due to heavy rainfall in October 2015.

The general contractor and the architect will be submitting new plans to the City of Las Vegas Planning Commission.

2. Have you received a Certificate of Occupancy for this MME from the local jurisdiction? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

New plans have been obtained after the collapse of the infrastructure due to heavy rainfall in October 2015.

The general contractor and the architect will be submitting new plans to the City of Las Vegas Planning Commission.

3. Have you applied for and received required Special Use Permits and/or Conditional Use Permits for this MME from the local jurisdiction? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

4. Are background checks and waivers complete and submitted for all owners, officers and board members of this MME? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

5. Have all owners, officers, board members, employees and volunteers of this MME received agent cards? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

All owners submitted application and underwent fingerprinting at the police station in August 2015.

Two owners have received their agent cards while the others are still waiting.

6. Is all construction and finishing complete for this MME? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

New plans have been obtained after the collapse of the infrastructure due to heavy rains in October 2015.

The general contractor and the architect will be submitting new plans to the City of Las Vegas Planning Commission.

7. Is all required MME equipment on the premises and installed? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

Not all the equipment has been obtained. The project is delayed due to the resubmission of plans.

Once the construction initiates the remaining equipment will be acquired.

8. For facilities for the production of edible marijuana or marijuana infused products, has the production plan been reviewed and approved by the Division?

☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

N/A

9. Have you received a letter of approval for logos and advertising? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

10. MME barriers to completion: Please address issues your MME is facing that are beyond your ability to control or affect and are preventing or delaying you from becoming fully operational:

The reason for this request is that the project is delayed beyond the control Clark NMSD because of the collapse of the Infrastructure due to heavy rainfall in October 2015. After the collapse, the City of Las Vegas required the submission of new plans and granted Clark NMSD an extension on their Special Use Permit (SUP). Our general contractor and architect have worked diligently to provide new plans for the site. We are in the process of submitting the plans to the City of Las Vegas Planning Commission. This renewal for the provisional registration certificate will allow Clark NMSD to complete the Medical Marijuana Dispensary Facility that is planned and designed to meet or exceed all regulations of the State and the City.

**NAC 453A.324 Registration certificates: Revocation if establishment not fully operational within 18 months. (NRS 453A.370)**

1. If a medical marijuana establishment is not fully operational within 18 months after the date on which the Division issued the medical marijuana establishment registration certificate, the Division may revoke the medical marijuana establishment registration certificate. If the Division revokes a medical marijuana establishment registration certificate pursuant to this subsection, the applicable annual renewal fee paid by the establishment is not refundable.

2. If the Division revokes the medical marijuana establishment registration certificate of a medical marijuana establishment pursuant to subsection 1, the medical marijuana establishment may not reapply for a medical marijuana establishment registration certificate until at least 12 months after the date on which the previous medical marijuana establishment registration certificate was revoked.

If the Division revokes a registration certificate at any time during calendar year 2016, the affected MME will not be able to apply for a registration certificate during the 2016 open application period pursuant to NAC 453A.324 above. If, however, the MME elects to surrender its registration certificate, it may apply again for registration during the 2016 open application period.

**Please initial one of the following options:**

           I wish to surrender my MME's provisional registration certificate. I understand that since I am voluntarily surrendering my MME's registration certificate, my MME will be able to reapply for another registration certificate during the 2016 open application period.

**X**            I do not wish to surrender my MME's provisional registration certificate at this time. I understand that if the Division revokes the registration certificate, my MME will not be able to reapply for a registration certificate until at least 12 months after the revocation date.

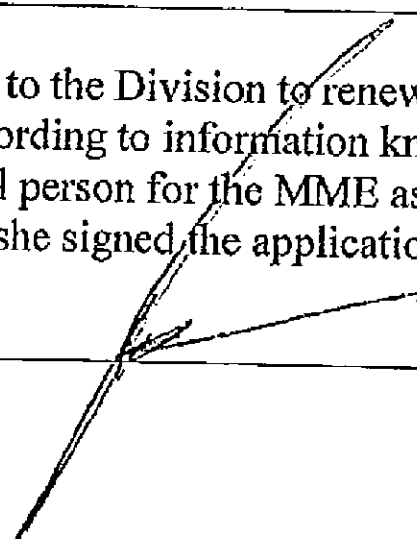
MME contact name: Pejman Bady

MME contact address: PO Box 6255 Pahrump NV 89041

MME contact phone: 310-863-4488

MME contact email address: pbady@me.com

Attestation: I attest the information provided to the Division to renew the MME's provisional registration certificate is true and correct according to information known by the undersigned at the time of signing; and the signature of a natural person for the MME as described in subsection 1 of NAC 453A.300 and the date on which he or she signed the application.

MME contact signature/date: 



STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director



CODY L. PHINNEY, MPH  
Administrator

TRACEY D. GREEN, MD  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
MEDICAL MARIJUANA PROGRAM

4150 Technology Way, Suite 106  
Carson City, Nevada 89706  
Telephone: (775) 684-3487 • Fax: (775) 684-4156  
[medicalmarijuana@health.nv.gov](mailto:medicalmarijuana@health.nv.gov)

**Renewal Application Form for Medical Marijuana Establishment  
(MME) Provisional Registration Certificates**

NRS 453A.322(5) states that a medical marijuana registration certificate expires 1 year after the date of its issuance:

*5. Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:*

- (a) Resubmission of the information set forth in this section; and*
- (b) Payment of the renewal fee set forth in NRS 453A.344.*

All MMEs that were issued a provisional registration certificate on November 3, 2014, and that have not yet obtained a final registration certificate from the Division, must complete and return this renewal application form to the Division by December 15, 2015. If an MME does not respond to this renewal requirement, or if the renewal application is not received at the Division or postmarked by December 15, 2015, the MME's registration will be deemed expired and no longer valid. The Division is deferring collection of the renewal fee at this time.

Mail the renewal form to:

Division of Public and Behavioral Health  
Medical Marijuana Program  
4150 Technology Way, Suite 106  
Carson City, NV 89706

MME application ID # (i.e. D001, C050, etc.): C166

MME 20-digit identification #: 40733091629454751109

MME entity legal name filed with the Nevada Secretary of State (not DBA name):  
Nye Natural Medicinal Solutions, LLC

MME physical address: 2801 E Thousandaire Blvd.  
Pahrump NV 89048

MME local jurisdiction: Nye

MME agent card designee (name of the person designated to submit applications for agent cards on behalf of the MME): Pejman Bady

For MME dispensaries only – proposed hours of operation:

24/7

Pursuant to NAC 453A.328(1)(f)(1)-(5), for each owner, officer and board member of this MME, identify whether that person:

1. Has served as an owner, officer or board member for an MME that has had its registration certificate revoked. ☐ Yes ☒ No

If yes, list the name of the person and the MME.

2. Is an attending physician currently providing written documentation for the issuance of registry identification cards. ☐ Yes ☒ No

If yes, list the name of the person.

3. Is a law enforcement officer. ☐ Yes ☒ No

If yes, list the name of the person and the law enforcement agency.

4. Is an employee or contractor of the Division. ☐ Yes ☒ No

If yes, list the name of the person and the job title.

5. Has an ownership or financial investment interest in any other MME. ☒ Yes ☐ No

If yes, list the person, the other MME(s) and describe the interest.

---

Pejman Bady	Owner	46.5	Clark Natural Medicinal Solutions, LLC
Shane Terry	Owner	21.0	Clark Natural Medicinal Solutions, LLC
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Ryan Winmill	Owner	1.75	Clark NMSD, LLC
John Penders	Owner	1.75	Clark NMSD, LLC
Joseph Kennedy	Owner	1.0	Clark NMSD, LLC

MME Application ID # (i.e. D001, C050): C106

Instructions: List all current owners, officers and board members for this MME. For Owner entities other than natural persons, annotate the entity name (i.e. LLC or trust), and identify ALL natural persons in the entity, and their corresponding ownership interest percentage (%) in this MME. Use a continuation page if you need more space.

[illegible]



MME projected date to be fully operational: April 2016

MME progress details (please address the status of the following items at a minimum: local business license, certificate of occupancy, agent card status, facility construction, MME equipment, and status of MME operational policies and procedures):

1. Have you received a business license for this MME from the local jurisdiction?  
☐ Yes ☒ No

If not, describe where in the process you currently are.

There has been a delay in the construction due to revisions of the plan and delay with obtaining approval of the property owner. New plans are being completed and will be ready for submission.

2. Have you received a Certificate of Occupancy for this MME from the local jurisdiction? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

There has been a delay in the construction due to revisions of the plan and delay with obtaining approval of the property owner. New plans are being completed and will be ready for submission.

3. Have you applied for and received required Special Use Permits and/or Conditional Use Permits for this MME from the local jurisdiction? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

4. Are background checks and waivers complete and submitted for all owners, officers and board members of this MME? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

5. Have all owners, officers, board members, employees and volunteers of this MME received agent cards? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

All owners submitted application and underwent fingerprinting at the police station in August 2015.

Two owners have received their agent cards while the others are still waiting.

6. Is all construction and finishing complete for this MME? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

The construction has not started because of revision of the plans. New plans are being completed and will be ready for submission.

7. Is all required MME equipment on the premises and installed? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

Not all the equipment has been obtained. With the initiation of construction the rest of the equipment will be acquired.

8. For facilities for the production of edible marijuana or marijuana infused products, has the production plan been reviewed and approved by the Division?

☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

9. Have you received a letter of approval for logos and advertising? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

10. MME barriers to completion: Please address issues your MME is facing that are beyond your ability to control or affect and are preventing or delaying you from becoming fully operational:

The reason for this request is that the project is delayed due to the relocation of the building within the existing parcel to allow for future expansion and the unforeseen delay in obtaining the property owners' approval for such change. The property owner has approved the change and new plans are being completed and will be ready for submission to the Nye Planning Commission. This renewal for the provisional registration certificate will allow Nye Natural Medicinal Solutions to complete the Medical Marijuana Production Facility that is planned and designed to meet or exceed all regulations of the State and the City.

6. Is all construction and finishing complete for this MME? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

The construction has not started because of revision of the plans. New plans are being completed and will be ready for submission.

7. Is all required MME equipment on the premises and installed? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

Not all the equipment has been obtained. With the initiation of construction the rest of the equipment will be acquired.

8. For facilities for the production of edible marijuana or marijuana infused products, has the production plan been reviewed and approved by the Division?

☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

9. Have you received a letter of approval for logos and advertising? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

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The reason for this request is that the project is delayed due to the relocation of the building within the existing parcel to allow for future expansion and the unforeseen delay in obtaining the property owners' approval for such change. The property owner has approved the change and new plans are being completed and will be ready for submission to the Nye Planning Commission. This renewal for the provisional registration certificate will allow Nye Natural Medicinal Solutions to complete the Medical Marijuana Production Facility that is planned and designed to meet or exceed all regulations of the State and the City.



***NAC 453A.324 Registration certificates: Revocation if establishment not fully operational within 18 months. (NRS 453A.370)***

1. *If a medical marijuana establishment is not fully operational within 18 months after the date on which the Division issued the medical marijuana establishment registration certificate, the Division may revoke the medical marijuana establishment registration certificate. If the Division revokes a medical marijuana establishment registration certificate pursuant to this subsection, the applicable annual renewal fee paid by the establishment is not refundable.*

2. *If the Division revokes the medical marijuana establishment registration certificate of a medical marijuana establishment pursuant to subsection 1, the medical marijuana establishment may not reapply for a medical marijuana establishment registration certificate until at least 12 months after the date on which the previous medical marijuana establishment registration certificate was revoked.*

If the Division revokes a registration certificate at any time during calendar year 2016, the affected MME will not be able to apply for a registration certificate during the 2016 open application period pursuant to NAC 453A.324 above. If, however, the MME elects to surrender its registration certificate, it may apply again for registration during the 2016 open application period.

**Please initial one of the following options:**

           I wish to surrender my MME's provisional registration certificate. I understand that since I am voluntarily surrendering my MME's registration certificate, my MME will be able to reapply for another registration certificate during the 2016 open application period.

  X   I do not wish to surrender my MME's provisional registration certificate at this time. I understand that if the Division revokes the registration certificate, my MME will not be able to reapply for a registration certificate until at least 12 months after the revocation date.

MME contact name: Pejman Bady

MME contact address: PO Box 6255

MME contact phone: Pahrump NV 89041

MME contact email address: pbady@me.com

Attestation: I attest the information provided to the Division to renew the MME's provisional registration certificate is true and correct according to information known by the undersigned at the time of signing; and the signature of a natural person for the MME as described in subsection 1 of NAC 453A.300 and the date on which he or she signed the application.

MME contact signature/date: 

STATE OF NEVADA

BRIAN SANDOVAL  
Governor

RICHARD WHITLEY, MS  
Director



CODY L. PHINNEY, MPH  
Administrator

TRACEY D. GREEN, MD  
Chief Medical Officer

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH  
MEDICAL MARIJUANA PROGRAM

4150 Technology Way, Suite 106

Carson City, Nevada 89706

Telephone: (775) 684-3487 · Fax: (775) 684-4156

[medicalmarijuana@health.nv.gov](mailto:medicalmarijuana@health.nv.gov)

**Renewal Application Form for Medical Marijuana Establishment  
(MME) Provisional Registration Certificates**

NRS 453A.322(5) states that a medical marijuana registration certificate expires 1 year after the date of its issuance:

5. *Except as otherwise provided in subsection 6, if an application for registration as a medical marijuana establishment satisfies the requirements of this section and the establishment is not disqualified from being registered as a medical marijuana establishment pursuant to this section or other applicable law, the Division shall issue to the establishment a medical marijuana establishment registration certificate. A medical marijuana establishment registration certificate expires 1 year after the date of issuance and may be renewed upon:*

- (a) Resubmission of the information set forth in this section; and*
- (b) Payment of the renewal fee set forth in NRS 453A.344.*

All MMEs that were issued a provisional registration certificate on November 3, 2014, and that have not yet obtained a final registration certificate from the Division, must complete and return this renewal application form to the Division by December 15, 2015. If an MME does not respond to this renewal requirement, or if the renewal application is not received at the Division or postmarked by December 15, 2015, the MME's registration will be deemed expired and no longer valid. The Division is deferring collection of the renewal fee at this time.

Mail the renewal form to:

Division of Public and Behavioral Health  
Medical Marijuana Program  
4150 Technology Way, Suite 106  
Carson City, NV 89706

MME application ID # (i.e. D001, C050, etc.): P107

MME 20-digit identification #: 91604693916166507699

MME entity legal name filed with the Nevada Secretary of State (not DBA name):  
Nye Natural Medicinal Solutions, LLC

MME physical address: 2801 E Thousandaire Blvd.  
Pahrump NV 89048

MME local jurisdiction: Nye

MME agent card designee (name of the person designated to submit applications for agent cards on behalf of the MME): Pejman Bady

For MME dispensaries only – proposed hours of operation:

N/A

Pursuant to NAC 453A.328(1)(f)(1)-(5), for each owner, officer and board member of this MME, identify whether that person:

1. Has served as an owner, officer or board member for an MME that has had its registration certificate revoked. ☐ Yes ☒ No

If yes, list the name of the person and the MME.

2. Is an attending physician currently providing written documentation for the issuance of registry identification cards. ☐ Yes ☒ No

If yes, list the name of the person.

3. Is a law enforcement officer. ☐ Yes ☒ No

If yes, list the name of the person and the law enforcement agency.

4. Is an employee or contractor of the Division. ☐ Yes ☒ No

If yes, list the name of the person and the job title.

5. Has an ownership or financial investment interest in any other MME. ☒ Yes ☐ No

If yes, list the person, the other MME(s) and describe the interest.

---

Pejman Bady	Owner	46.5	Clark Natural Medicinal Solutions, LLC
Shane Terry	Owner	21.0	Clark Natural Medicinal Solutions, LLC
Pouya Mohajer	Owner	21.0	Clark Natural Medicinal Solutions, LLC
Jennifer Goldstein	Owner	7.0	Clark Natural Medicinal Solutions, LLC
Ryan Winmill	Owner	1.75	Clark Natural Medicinal Solutions, LLC
John Penders	Owner	1.75	Clark Natural Medicinal Solutions, LLC
Joseph Kennedy	Owner	1.0	Clark Natural Medicinal Solutions, LLC
Pejman Bady	Owner	46.5	Clark NMSD, LLC
Shane Terry	Owner	21.0	Clark NMSD, LLC
Pouya Mohajer	Owner	21.0	Clark NMSD, LLC
Jennifer Goldstein	Owner	7.0	Clark NMSD, LLC
Ryan Winmill	Owner	1.75	Clark NMSD, LLC
John Penders	Owner	1.75	Clark NMSD, LLC
Joseph Kennedy	Owner	1.0	Clark NMSD, LLC

MME Application ID # (i.e. D001, C050): P107

Instructions: List all current owners, officers and board members for this MME. For Owner entities other than natural persons, annotate the entity name (i.e. LLC or trust), and identify ALL natural persons in the entity, and their corresponding ownership interest percentage (%) in this MME. Use a continuation page if you need more space.

[illegible]



MME projected date to be fully operational: April 2016

MME progress details (please address the status of the following items at a minimum: local business license, certificate of occupancy, agent card status, facility construction, MME equipment, and status of MME operational policies and procedures):

1. Have you received a business license for this MME from the local jurisdiction?  
☐ Yes ☒ No

If not, describe where in the process you currently are.

There has been a delay in the construction due to revisions of the plan and delay with obtaining approval of the property owner. New plans are being completed and will be ready for submission.

2. Have you received a Certificate of Occupancy for this MME from the local jurisdiction? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

There has been a delay in the construction due to revisions of the plan and delay with obtaining approval of the property owner. New plans are being completed and will be ready for submission.

3. Have you applied for and received required Special Use Permits and/or Conditional Use Permits for this MME from the local jurisdiction? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

4. Are background checks and waivers complete and submitted for all owners, officers and board members of this MME? ☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

5. Have all owners, officers, board members, employees and volunteers of this MME received agent cards? ☐ Yes ☒ No

If not, please explain and describe where in the process you currently are.

All owners submitted application and underwent fingerprinting at the police station in August 2015.

Two owners have received their agent cards while the others are still waiting.

6. Is all construction and finishing complete for this MME? ☐ Yes ☒ No

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8. For facilities for the production of edible marijuana or marijuana infused products, has the production plan been reviewed and approved by the Division?

☒ Yes ☐ No

If not, please explain and describe where in the process you currently are.

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**NAC 453A.324 Registration certificates: Revocation if establishment not fully operational within 18 months. (NRS 453A.370)**

1. If a medical marijuana establishment is not fully operational within 18 months after the date on which the Division issued the medical marijuana establishment registration certificate, the Division may revoke the medical marijuana establishment registration certificate. If the Division revokes a medical marijuana establishment registration certificate pursuant to this subsection, the applicable annual renewal fee paid by the establishment is not refundable.

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If the Division revokes a registration certificate at any time during calendar year 2016, the affected MME will not be able to apply for a registration certificate during the 2016 open application period pursuant to NAC 453A.324 above. If, however, the MME elects to surrender its registration certificate, it may apply again for registration during the 2016 open application period.

**Please initial one of the following options:**

           I wish to surrender my MME's provisional registration certificate. I understand that since I am voluntarily surrendering my MME's registration certificate, my MME will be able to reapply for another registration certificate during the 2016 open application period.

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MME contact name: Pejman Bady

MME contact address: PO Box 6255 Pahrump NV 89041

MME contact phone: 310-863-4488

MME contact email address: pbady@me.com

Attestation: I attest the information provided to the Division to renew the MME's provisional registration certificate is true and correct according to information known by the undersigned at the time of signing; and the signature of a natural person for the MME as described in subsection 1 of NAC 453A.300 and the date on which he or she signed the application.

MME contact signature/date: 

# EXHIBIT B

# EXHIBIT B

1 GARMAN TURNER GORDON LLP  
ERIKI PIKE TURNER  
2 Nevada Bar No. 6454  
Email: eturner@gtg.legal  
3 DYLAN T. CICILIANO  
Nevada Bar No. 12348  
4 Email: dciciliano@gtg.legal  
650 White Drive, Suite 100  
5 Las Vegas, Nevada 89119  
6 Tel: (725) 777-3000/Fax: (725) 777-3112  
Attorneys for Plaintiffs

7  
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 NUVEDA, LLC, a Nevada limited liability  
company; SHANE M. TERRY, a Nevada  
resident; and JENNIFER M. GOLDSTEIN, a  
11 Nevada resident;

12 Plaintiffs,

13 vs.

14 PEJMAN BADY; POUYA MOHAJER; DOE  
15 Individuals I-X and ROE Entities I-X, inclusive;

16 Defendants.  
17

Case No.: A-15-728510-B  
Dept. No.: XXV

**Date of Hearing: December 14, 2015**  
**Time of Hearing: 10:30 am**

18 **TEMPORARY RESTRAINING ORDER**

19 The Court held a telephonic hearing on Plaintiffs' Motion for Preliminary Injunction at  
20 10:30 a.m. on December 14, 2015, Erika Pike Turner and Dylan Ciciliano of the law firm of  
21 Garman Turner Gordon, LLP appearing on behalf of Plaintiffs, William Maupin and John Naylor  
22 of the law firm of Maupin, Naylor & Braster appearing on behalf of Defendant Pouya Mohajer,  
23 and Vincent Aiello of the law firm of Kolesar & Leatham appearing on behalf of Defendant  
24 Pejman Bady. With good cause appearing therefore, the Court hereby finds that substantial  
25 and/or irreparable injury is likely to occur if the status quo is not immediately restored and  
26 therefore grants limited injunctive relief pursuant to Nevada Rule of Civil Procedure 65(b) and  
27 Nevada Revised Statute 33.010.  
28

1 Plaintiff, Nuveda, LLC, a Nevada limited liability company ("Nuveda"), presently owns  
2 interests in unique and valuable medical marijuana certifications, which are subject to  
3 administrative oversight by the State of Nevada and certain of its subdivisions. It is in all of the  
4 parties' best interests to preserve and protect such assets. The Court grants certain limited  
5 injunctive relief that is necessary to preserve and protect such assets pending further court order  
6 or a stipulation of the parties resolving outstanding disputes.

7 The Court finds that the status quo is as reflected on November 20, 2015, prior to any  
8 alleged votes to terminate the parties' membership interests in Nuveda, such that the interests of  
9 both Plaintiffs and Defendants relating to Nuveda must be temporarily restored and exist as it  
10 was on November 20, 2015 with the interests of both Plaintiffs and both Defendants restored and  
11 in full force and effect under the terms of the Nuveda Operating Agreement and otherwise under  
12 applicable Nevada law. The Court therefore orders that the membership interests of Plaintiffs  
13 and Defendants in Nuveda shall be restored to November 20, 2015. The Court further orders that  
14 the Nevada Secretary of State records shall be immediately amended to reflect the restoration of  
15 interests in Nuveda pursuant hereto. The Court restrains the parties from any actions to  
16 terminate or limit the others' interests in Nuveda.

17 The Court finds that Shane Terry ("Terry") has been the designated representative of  
18 Nuveda with the various governmental entities relating to the medical marijuana certifications.  
19 The Court therefore orders that Terry submit the renewal application due on or before December  
20 15, 2015, and that the renewal application shall reflect the membership interests as they existed  
21 prior to November 20, 2015.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 The Court shall conduct an evidentiary hearing on Plaintiffs' Motion for Preliminary  
2 Injunction and Defendants' Countermotion for Preliminary Injunction, commencing on  
3 December 28, 2015 at 10:00 am (the "PI Hearing"). The Court orders that the parties  
4 immediately attend mediation in an effort to resolve their disputes prior to the PI Hearing.

5 As a condition of the forgoing injunction, Plaintiff shall post a bond of \$2,500.00 with the  
6 Clerk of the Court.

7 IT IS HEREBY ORDERED this \_\_\_\_\_ day of December, 2015.

8  
9 \_\_\_\_\_  
DISTRICT COURT JUDGE

10 Prepared and submitted by:

11 GARMAN TURNER GORDON LLP

12  
13 \_\_\_\_\_  
ERIKA PIKE TURNER  
Nevada Bar No. 6454  
14 Email: eturner@gtg.legal  
DYLAN T. CICILIANO  
15 Nevada Bar No. 12348  
Email: dciciliano@gtg.legal  
16 650 White Drive, Suite 100  
17 Las Vegas, Nevada 89119  
Tel: (725) 777-3000/Fax: (725) 777-3112  
18 Attorneys for Plaintiffs

19 Reviewed:

20 MAUPIN NAYLOR BRASTER

KOLESAR & LATHAM

21  
22 \_\_\_\_\_  
A. WILLIAM MAUPIN  
Nevada Bar No. 1315  
23 Email: wmaupin@naylorandbrasterlaw.com  
JOHN M. NAYLOR  
24 Nevada Bar No. 5435  
Email: jnaylor@naylorandbrasterlaw.com  
25 1050 Indigo Drive, Suite 112  
26 Las Vegas, Nevada 89145  
Tel: (702) 420-7000/Fax: (702) 420-7001  
27 Attorneys for Pouya Mohajer, MD

28  
\_\_\_\_\_ VINCENT AIELLO  
Nevada Bar No. 7970  
Email: vaiello@klnevada.com  
MATTHEW T. DUSHOFF  
Nevada Bar. No: 4975  
Email: mdushoff@klnevada.com  
400 S. Rampart Blvd., Suite 400  
Las Vegas, Nevada 89145  
Tel: (702) 362-7800/Fax: (702)  
Attorneys for Pejman Bady, MD

----- Forwarded message -----

From: "**Erika Turner**" <eturner@Gtg.legal>

Date: Tue, Dec 15, 2015 at 9:43 AM -0800

Subject: RE: Transfer of Ownership 8.28.15.pdf

To: "Vincent J. Aiello" <vAiello@klnevada.com>, "John Naylor" <jnaylor@naylorandbrasterlaw.com>, "wmaupin@naylorandbrasterlaw.com" <wmaupin@naylorandbrasterlaw.com>

Cc: "Dylan Ciciliano" <dciciliano@Gtg.legal>

Mr. Aiello,

Please provide the basis for your belief that Phil Ivey's interests in the LLCs owning the certifications does not need to be disclosed to the State. This is exactly the type of non-disclosure and lack of transparency that regulators are concerned about.

With respect to the "confusion" over the issue of termination, please provide the notice of meeting to the Voting Members resulting in the alleged termination of Plaintiffs' right to serve as a manager, director or officer of the company. Obviously, if this vote actually took place by consent, Plaintiffs would have to receive notice. Further, please provide the authority for terminating Plaintiffs' right to serve as a manager under the Operating Agreement or otherwise under operation of law.

You did not respond to the request for documents. Please advise your intentions with respect to the request.

-----Original Message-----

From: Vincent J. Aiello [mailto:vAiello@klnevada.com]

Sent: Tuesday, December 15, 2015 7:50 AM

To: John Naylor <jnaylor@naylorandbrasterlaw.com>; Erika Turner <eturner@Gtg.legal>; Cindy Kishi <CKishi@klnevada.com>; wmaupin@naylorandbrasterlaw.com; Eric D. Walther <ewalther@klnevada.com>; Joseph J. Mugan <jmugan@klnevada.com>; Matthew T. Dushoff <mdushoff@klnevada.com>

Subject: Transfer of Ownership 8.28.15.pdf

Erica, attached is a copy of the transfer document that was filed and received by Mr. Terry back in August 2015 it shows the Phil Ivey is not an owner or member of this company. Further Phill Ivey is not a signatory to the operating agreement and has never had any interest in the company.

As to the authorized representative issue for the renewals you would need to speak with Peter Bernhard at Kemper Crowell concerning the propriety of the filing. We understand it was done correctly and has been accepted by the state. With regard to your confusion over the issue of termination of your clients membership interests let me reiterate that your clients membership interest has not been terminated, however, their right to serve as a manager, director or officer of the company was properly terminated. I will review your proposed order and provide any comments after discussing it with Mr. Naylor this morning. I will not be able to review it until about 930 or so.

Vincent

Vincent J. Aiello  
Shareholder  
KOLESAR and LEATHAM  
Office: 702.362.7800 Cell: 702.279.8938  
Web: [www.klnevada.com](http://www.klnevada.com)  
400 S. Rampart Blvd. | Suite 400 | Las Vegas | NV 89145

This communication (including any attachments) is not intended or written to be used, and it cannot be used, for the purpose of avoiding tax penalties that may be imposed on the taxpayer.

This transmission is intended only for the use of the addressee and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any use of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.

# EXHIBIT C

# EXHIBIT C



Corporate & Personal Liabilities

NuVeda LLC Loans

Name of Creditor	Term of Loan	Original Amount	Monthly Payment	Interest Rate	Secured by (Leine)	Amount Owng
RealCap Funding, LLC	18 Months	750,000	7,516.00	12%	Yes	750,000
2 Prime, LLC	12 Months	310,000	2,195.84	8.50%	No	310,000
Mohsen Bahri	12 Months	500,000	3541.67	8.50%	Yes	500,000
Gregory Daniel	36 Months	200,000	5,994.18	5%	No	188,012
Total						1,748,012

NuVeda Accounts Payable

Name						Amount Due
4Front Advisors, LLC						446,200
FloraSearch						48,000
Trinity Haven						18,857
TriQ						71,000
Stevenson Law Firm						55,000
GC Garcia						251,225
PB Strategies, Inc. (9/30/15)						66,148
Pouya Mohajer						75,369
Pejman Bady						5,101
Shane Terry						61,782
Jennifer Goldstein (1929 N Las Vegas Application)						47,661
BM LLP						986,036
Wells Littlefield						90,000
1320 S 3rd Street - Rent						60,000
2113 N Las Vegas Blvd - Rent						150,500
Growth Farm						4,000
FamaPR						12,000
TWG						158,336

Estimate

<b>Total</b>	<b>2,607,214</b>
--------------	------------------

<b>Total NuVeda Liabilities</b>	<b>4,355,226</b>	<b>H10+H30</b>
---------------------------------	------------------	----------------

**Capital Contributions per OA 7.16.14**

Contributing Member	Amount
Pej Bady	440,000
Pouya Mohajer	440,000
Shane Terry	120,000
<b>Total</b>	<b>1,000,000</b>

**Personal (Non-NuVeda) Liabilities**

Name	Amount
2113 Investors - 3rd St Purchase	869,000
2113 Investors - NLV Purchase	2,568,000
Mohsen Bahri	500,000
Majid Golpa	600,000
<b>Total</b>	<b>4,537,000</b>

**Liability Summary**

<b>NuVeda Debt &amp; Accounts Payable</b>	<b>4,355,226</b>
<b>NuVeda Liabilities &amp; Capital Contributions</b>	<b>\$ 5,355,226</b>
<b>Non-NuVeda Liabilities</b>	<b>4,537,000</b>
<b>Combined Liabilities (NuVeda &amp; Non-NuVeda) &amp; Invested Capital</b>	<b>9,892,226</b>

**Property Associated Liabilities**

Option A	CLV Dispensary & Nye County Cultivation/Production
----------	----------------------------------------------------

50% debt to 2 Prime, Bahri, Daniel	499,006
3rd St Unpaid Rent	60,000
50% Accounts Payable	1,243,607
Total	1,802,613

Option B	MLV Dispensary & Apex Cultivation/Production	
	50% debt to 2 Prime, Bahri, Daniel	499,006
	Debt to RealCap Funding	750,000
	MLV Dispensary Unpaid Rent	150,500
	50% Accounts Payable	1,153,107
		2,552,613

Individual Liabilities

	Capital Contributions	Additional Funds	Company Per. Guarantees	Other	Total
Shane	\$ 120,000	\$ 61,782	\$ 750,000	\$ 133,340	\$ 1,065,122
Jen		\$ 47,661			\$ 47,661
Pej	\$ 440,000	\$ 1,057,284	\$ 750,000		\$ 2,247,284
Pouya	\$ 440,000	\$ 75,369	\$ 750,000		\$ 1,265,369

# EXHIBIT 2

# EXHIBIT 2

BILL NO. 2014-33

ORDINANCE NO. 6324

AN ORDINANCE TO ESTABLISH LICENSING REGULATIONS AND STANDARDS FOR MEDICAL MARIJUANA ESTABLISHMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:

Summary: Establishes licensing regulations and standards for medical marijuana establishments.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The document that is attached to this Ordinance is hereby adopted and incorporated by reference. The provisions contained in the attached document:

(A) Contain section headings or catchlines, which are not to be considered part of the Ordinance and are intended for information and clarification purposes only.

(B) Are intended to be codified and integrated into the Las Vegas Municipal Code as a discrete chapter of Title 6. The attachment shows the provisions being adopted as a Chapter 95, with the chapter being broken into constituent sections. However the provisions may be codified in a different chapter and configuration. In connection with the codification, headings or catchlines will be supplied by the codifier, as well as chapter and section numbering, which may or may not be the same or similar to those set forth in the attached document.

(C) Before and after the codification referred to in Subsection (B), shall prevail over and govern any other provisions of LVMC Title 6 to the extent of any consistency or conflict, except where the City Manager or designee may determine the intent to be otherwise.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City

1 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,  
2 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,  
3 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

4 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to  
5 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required  
6 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of  
7 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon  
8 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of  
9 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation  
10 of this ordinance shall constitute a separate offense.

11 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,  
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983  
13 Edition, in conflict herewith are hereby repealed.

14 PASSED, ADOPTED and APPROVED this 4<sup>TH</sup> day of June, 2014.

15 APPROVED:

16 By C. Goodman  
17 CAROLYN G. GOODMAN, Mayor

18 ATTEST:

19 Beverly K. Bridges  
20 BEVERLY K. BRIDGES, MMC  
City Clerk

21 APPROVED FOR EXECUTION:

22 Val Steed 6-5-14  
Val Steed, Date  
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council  
2 on the 21<sup>st</sup> day of May, 2014, and referred to a committee for recommendation; thereafter  
3 the said committee reported favorably on said ordinance on the 4<sup>th</sup> day of June, 2014,  
4 which was a regular meeting of said Council; that at said regular meeting, the proposed  
5 ordinance was read by title to the City Council as amended and adopted by the following  
6 vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Tarkanian, Ross,  
Barlow, Coffin and Beers

8 VOTING "NAY": None

9 EXCUSED: None

10 ABSTAINED: None

11  
12 APPROVED:

13  
14   
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16   
17 BEVERLY K. BRIDGES, MMC City Clerk

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

**SECTION 1:** Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 95, consisting of Sections 10 to 250, inclusive, reading as follows:

### **CHAPTER 6.95      MEDICAL MARIJUANA ESTABLISHMENTS**

#### **6.95.010      Findings.**

##### **A.      The Las Vegas City Council finds:**

1.      In 2013 the Nevada Legislature passed, and the Governor signed into law, Senate Bill 374, now codified in NRS 453A, which allows medical marijuana establishments within the state of Nevada; and requires such establishments to comply with all local business licensing requirements and local land use and code requirements;
2.      Federal law and related regulations classify marijuana as a Schedule I controlled substance and prohibit its cultivation, possession, dispensing and use, among other things, for medical reasons or otherwise. This Ordinance is intended to implement NRS 453A and to establish criteria for the issuance of licenses that are a prerequisite for the exemption from state prosecution provided for in NRS 453A;
3.      Nevada law also allows the City to enact regulations to protect and promote the public health, safety and general welfare and regulate the use of buildings, structures, land use and business and other purposes;
4.      Law enforcement and residents of states that authorize the medical use of marijuana report, among other things, that dispensaries and the medical use of marijuana are correlated to myriad negative secondary effects such as an increase in violent armed robberies, burglaries, traffic, noise, drug and gang activity, organized crime and other issues related to the presence of large amounts of cash, such as money laundering and firearms violations and the underreporting of crimes committed at Medical Marijuana Establishments, the creation of opportunities for the diversion of marijuana for medical use into illegal use, increased poisonings, structural fires and mold growth, and decreased quality of life; and a disregard of environmental standards;
5.      The strong odor of marijuana plants, which increases as the plants mature, is offensive to many individuals and creates an attractive nuisance, alerting people to the location of valuable marijuana plants and creating an increased risk of crime;
6.      Marijuana and cannabis edible and infused products pose risks to children, elderly and non-user populations; and
7.      The public health, safety and welfare require that medical marijuana facilities and their employees be regulated and licensed in order to protect the public.



## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

- B. The City Council declares that this Medical Marijuana Chapter is an exercise of the regulatory powers delegated to the City Council pursuant to the City Charter and NRS 268. The regulations contained in this Ordinance involve, to the highest degree, the economic, social, physical and moral well-being of the residents and taxpayers of the City. The cultivation, distribution, production and sale of medical marijuana is not a matter of right but of privilege, which would otherwise be unlawful if it were not conducted pursuant to NRS 453A, local land use regulations and a license under this Ordinance. This privilege may be denied, revoked, conditioned, suspended or subjected to any other disciplinary action by the City in the exercise of its police powers for the protection of the safety, welfare, health, peace and morals of the residents and taxpayers thereof. Businesses engaged in the sale or other disposition of medical marijuana must therefore comply with LVMC Chapter 6.06 and all requirements of this Ordinance. Every person licensed pursuant to this Ordinance shall cooperate with the Department and Metro personnel in the exercise of their duties under this Ordinance.
- C. Nothing in this Ordinance shall be construed to confer any legitimate claim of entitlement to any benefit which might otherwise devolve upon any licensee or any person approved for suitability.
- D. Nothing in this Ordinance is intended to authorize or make legal any act that federal or state law does not permit or sanction or assist any violation of any federal or state law. This Ordinance is intended to implement NRS 453A and to establish criteria for the issuance of licenses that are a prerequisite for the exemption from state prosecution provided for in NRS 453A.

### **6.95.020 Definitions.**

Unless the context otherwise requires, the scope of all words in this Ordinance shall be liberally construed in order to effectuate the purpose of this Ordinance, and, in particular, the following words shall have the meaning ascribed to them as follows:

"Adequate supply" means the immediate availability, as determined by the Director, of a sufficient quantity and quality of medical marijuana, any specific strain of medical marijuana or any particular infused product to meet the immediate demand of registry identification card holders qualified under NRS 453A.362 within the City.

"Cannabis" or "marijuana" have the same meaning, and as may be amended, as defined by Nevada Revised Statutes Chapter 453A.

"Compliance permit" means a permit issued under LVMC 6.95.040.

"Cultivation facility" has the meaning ascribed to it in NRS 453A.056, and means a business that is registered under NRS 453A.322 and acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to a medical marijuana dispensary, facility for the production of edible marijuana products or marijuana-infused products or other cultivation facilities.

## **Business Licensing Regulations for Medical Marijuana Establishments for the City of Las Vegas, Nevada**

"Designated primary caregiver" has the meaning ascribed to it in NRS 453A.080.

"Edible marijuana products" has the meaning ascribed to it in NRS 453A.101 and means products that contain marijuana or an extract thereof and are intended for human consumption by oral ingestion; and are presented in the form of foodstuffs, extracts, oils, tinctures and other similar products.

"Independent testing laboratory" has the meaning ascribed to it in NRS 435A.107 and is a business certified under NRS 453A.368 which provides independent testing of marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State.

"Medical marijuana" has the meaning ascribed to it in NRS 453A.096 and as used in accordance with NRS 453A.120.

"Marijuana infused products" has the meaning ascribed to it in NRS 453A.112 and means products that are infused with marijuana or an extract thereof; and are intended for use or consumption by humans through means other than inhalation or oral ingestion. The term includes, without limitation, topical products, ointments, oils and tinctures.

"Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115, and means a business that is registered under NRS 453A.322 and which acquires, possesses, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card.

"Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116 and means any establishment licensed under this Ordinance and in possession of a valid registration certificate under NRS 453A and may include a medical marijuana dispensary, medical marijuana production facility, cultivation facility or independent testing laboratory.

"Medical marijuana production facility" has the meaning ascribed to a "facility for the production of edible marijuana products or marijuana-infused products" in NRS 453A.105 and means a business which acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells at wholesale edible marijuana products or marijuana-infused products to medical marijuana dispensaries.

"Ownership interest" means any principal, person, beneficial owner as defined by 6.50.020, and individual persons holding any ownership or financial interest for each business entity including all businesses organized under or governed by Title 7 of the Nevada Revised Statutes including but not limited to private corporations, publicly-traded corporations, close corporations, foreign corporations, limited liability companies, partnerships, limited partnerships, and professional corporations ("Business Entities"). Ownership interest in the context of publicly traded corporations shall include all corporate officers and members of any board of directors, and also includes individuals with ten percent or more ownership or financial interest in the publicly traded corporation. To the extent that a Business Entity has an ownership interest in a medical marijuana establishment, the term "ownership interest" shall also include all individuals with an ownership interest in such Business Entity. It is the intent of this Ordinance that