

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

C.A. NO. \_\_\_\_\_

\_\_\_\_\_  
ASSURED TESTING LABORATORY LLC,

Plaintiff,

v.

MASSACHUSETTS CANNABIS CONTROL  
COMMISSION,

Defendant.  
\_\_\_\_\_

**VERIFIED COMPLAINT AND JURY DEMAND**

Introduction

Assured Testing Laboratory LLC (“ATL”) brings this action against the Massachusetts Cannabis Control Commission (“Commission”) because on Monday, June 30, 2025—without affording ATL its basic due process rights of notice and opportunity to be heard—the Commission issued a Summary Suspension Order (“Order”) (attached hereto as **Exhibit A**) that, as of midnight tonight (July 4, 2025 at 12:00 a.m.), will prevent ATL from continuing its normal business operations as a Massachusetts-licensed “Independent Testing Laboratory.” The Order is unlawful and, if it takes effect, ATL will be grievously harmed, be required to terminate employees, and eventually will be forced out of business, all over what is essentially a data-reporting disagreement. ATL has attempted to persuade the Commission to convene an immediate hearing on the matter and, in the meantime, stay the operation of the Order; however, the Commission has refused to do either and, indeed, has not scheduled any hearing at all.

As a result, ATL has been forced to commence this action, and the Court should (a) grant preliminary and permanent injunctive relief to prevent the Order from taking or staying in effect; (b) declare that the Order is unlawful because the Commission regulation pursuant to which it was issued is unlawful on its face or as applied here, and in violation of fundamental rights under the United States and Massachusetts Constitutions, or simply because the Order does not comply with the regulation pursuant to which it was issued because it presents no evidence of any immediate threat to public health, safety, or welfare; (c) alternatively declare the Order is wholly arbitrary and capricious; and (d) award any appropriate money damages to ATL resulting from the Commission's unlawful and egregious conduct, which effectively revokes ATL's license and inevitably will lead to the termination of its employees, the loss of its business, and financial damages of hundreds of thousands of dollars per week.

#### Parties, Jurisdiction, & Venue

1. Plaintiff, Assured Testing Laboratory LLC, is a limited liability company that is organized under the laws of the Commonwealth of Massachusetts and has a principal place of business in Tyngsborough, Massachusetts.

2. Defendant, Massachusetts' Cannabis Control Commission, is an administrative agency of the Commonwealth of Massachusetts that was established and operates pursuant to G.L. c. 94G, § 4 and has principal offices in Worcester, Massachusetts.

3. The Court has jurisdiction over this action pursuant to statutes including G.L. c. 30A, § 7, G.L. 212, § 4, G.L. c. 214, § 1, and G.L. c. 231A, § 1.

4. Venue is proper in this Court pursuant to statutes including G.L. c. 30A, § 14, as the Commission is a Massachusetts state agency.

### Exhaustion of Administrative Remedies

5. The Summary Suspension Order to which this action relates was issued by the Commission without any prior notice to, or any opportunity for the Commission to be heard by, ATL regarding the Commission's allegations or their legitimacy.

6. The Order deprives ATL of its property interests in its license and business without a pre-deprivation hearing, without any Legislative authority given to the Commission to issue summary suspension or other deprivation orders, and in violation of the statutory requirement under M.G.L. c. 30A, § 13 for an administrative hearing to occur *prior* to a license suspension of this kind, all requiring immediate judicial intervention to prevent the Order from taking or staying in effect.

7. The immediate and summary nature of the Commission's Order, which requires ATL to cease all operations within days, renders the traditional administrative appeals process inadequate to prevent irreparable harm.

8. Nevertheless, as soon as possible after the Order, ATL sent correspondence dated July 2, 2025 to seven individuals at the Commission, requesting (a) that an immediate hearing be held with respect to the Order, and (b) that the Order be stayed in the meantime. Of the Commission employees to whom this correspondence was copied, more than half of them had automatic out-of-office reply messages activated.

9. In addition, ATL and its representatives have made several phone calls to the Commission's staff. Only the Commission's Enforcement Counsel, Timothy Goodin, Esq., saw fit to return these calls, but even he described this as a mere "courtesy call," and he allowed only two minutes for the call. Also, he responded to a follow-up e-mail, which reiterated ATL's request for an immediate hearing and stay in the meantime, by stating that any hearing request must be

directed to the Commission's hearing office, and without addressing the request for a stay; however, at 2:17 p.m. on July 3, 2025, moments before this Complaint and Jury Demand was filed, Attorney Goodin sent an e-mail that (a) formally denied ATL's request to stay the Order, and (b) delivered allegedly "credible" information not included with the Order that, in fact, does not credibly or otherwise support the Order.

10. ATL has done everything within reason to pursue and exhaust its administrative remedies before commencing this action, but such exhaustion requires the kind of good faith cooperation by the Commission that has not been exhibited here.

11. Moreover, there is ample authority for the Court to intervene in these situations and prevent state agencies from abusing their authority, without the need for a complete technical exhaustion of any and all administrative remedies.

#### Facts & Background

12. ATL has been in operation since February 2023 and provides testing services to approximately 25% of the Massachusetts cannabis industry.

13. ATL holds a Massachusetts Independent Testing Laboratory License, License No. IL281360, duly issued by the Commission ("License").

14. On June 30, 2025, ATL received the Summary Suspension Order from the Commission in Case No. ENF-2025-1858. The Order summarily required that ATL cease its operations and allowed only 3-4 days for this to occur.

15. The Commission's enabling statute, G.L. c. 94G, § 4, allows the Commission to regulate and revoke licenses, but it does not allow the Commission to unilaterally suspend licenses without giving licensees their well-established constitutional due process rights of prior notice and opportunity to be heard.

16. If it goes into and then stays into effect, the Order likely will result in the termination of as many as 33 employees of ATL, and will severely limit the ability of existing cannabis establishments from accessing ATL’s laboratory services, which comprise approximately 25% of the marketplace.

17. The Order cites the Commission regulation found at 935 CMR 500.350 as the purported authority for its issuance.

18. This regulation at 935 CMR 500.350(2) requires that any summary suspension be based on “inspection(s), affidavit(s), or other credible evidence” establishing that the licensee currently “pose[s]” an “immediate or serious threat to the public health, safety or welfare.”

19. The Order satisfies neither of these requirements, as the Commission (a) cites no inspections, affidavits, or other credible evidence; and (b) does not allege any immediate or serious threat to the public health, safety, or welfare associated with ATL LLC’s operations.

20. Indeed, every factual allegation in the Order pertains exclusively to *past* alleged conduct, without any finding or allegation that the conduct has continued to this day, and there is no meaningful allegation that the conduct is causing any immediate public health or safety harm.

21. Furthermore, the Commission issued directly relevant, interpretive guidance on its own regulations on April 1, 2025, which clarified how Independent Testing Laboratories must report test results, indicating the Commission knew its regulations were ambiguous prior to issuing the Order, which relates only to supposed data reporting issues of this same kind.

22. The Commission’s Order fails to apply the appropriate legal standard set forth in 935 CMR 500.350(2), instead applying (in Paragraph 39) a wholly invented “credible information” standard, which improperly *lowers* the evidentiary threshold from the regulation’s “credible evidence” standard; moreover, the Order alleges that ATL’s supposed conduct “undermines the

Commission's confidence in Respondent's ability to uphold its regulatory obligations[,]” which is not a legitimate basis for a Summary Suspension Order.

23. The Order does not refer to or include any affidavits or other credible evidence.

24. In contrast to the Order, the Commission has historically addressed serious allegations against other operators through investigations, adjudicatory hearings, and negotiated settlements, even in cases involving the kinds of very direct and immediate health or safety risks that are not even alleged to exist in the present case.

25. For example, in a matter involving a fatality at Life Essence, Inc., the Commission conducted an extensive investigation *prior to* administrative action and did *not* institute a summary suspension proceeding.

26. In another instance, the Commission issued a Summary Suspension Order against Elev8 Cannabis, Inc., where there was direct evidence (in the form of a five-minute video posted on social media) that the owner was actively threatening the safety and well-being of former employees – a clear and immediate threat *not* present in ATL's case.

27. ATL has actively complied with all rules, orders, regulations, and direction of the Commission.

28. ATL has promptly and transparently responded to all past requests for information from the Commission within all stated deadlines, and has produced all data sought.

29. ATL anticipates being able to demonstrate with credible evidence that it has complied with every aspect of Administrative Order No. 4 since its effective date (effective April 1, 2025), as well as all regulations prior to April 1, 2025. In addition, ATL anticipates being able to demonstrate with credible evidence that its metric-reported rates have significantly risen since Administrative Order No. 4 and are closer in line with other operators. Therefore, ATL's operation

poses no threat to public health, safety, or welfare. To the extent there were purported violations prior to the Administrative Order No. 4, they were data related and not public safety related.

30. The delay between the alleged past conduct and the issuance of the Summary Suspension Order on the last day of June severely undermines any claim that emergency and summary action was necessary.

31. In fact, inspections by Commission staff were performed on June 30, 2025 and on July 3, 2025, just hours before the presumptive suspension is scheduled to take effect. In both instances, testing and reporting of results were permitted to continue by the Commission until the commencement of the Order.

32. The Order, if permitted to stand, will effectively revoke ATL's License without a hearing, causing the business to shut down indefinitely, therefore resulting in irreparable harm.

**COUNT I**  
**Request for Declaratory Relief – G.L. c. 231A**

33. Plaintiff incorporates by reference paragraphs 1 through 32 as if fully set forth herein.

34. An actual and justiciable controversy exists between ATL and the Commission regarding the legality and constitutionality of the Order.

35. ATL is entitled to a declaration from this Court regarding its rights and the Commission's duties under the United States Constitution, the Massachusetts Constitution, and Massachusetts General Laws as to whether the Order is unlawful on its face or in effect.

36. ATL is entitled to a declaration from this Court regarding the lawfulness of the Order and associated regulation pursuant to G.L. c. 30A, § 7.

37. ATL seeks a declaration that the Order is unlawful, unconstitutional, null, and void, as it violates ATL's rights to due process, constitutes an arbitrary and capricious agency action, imposes an excessive fine, and constitutes an unconstitutional taking without just compensation, as more fully set forth below.

38. An immediate declaration from this Court is necessary and appropriate to determine the rights and obligations of the parties and to provide ATL with definitive guidance regarding the lawfulness of the Commission's actions.

## **COUNT II**

### **Request for Injunctive Relief**

39. Plaintiff incorporates by reference paragraphs 1 through 38 as if fully set forth herein.

40. As detailed in the preceding counts, the Commission's actions constitute grave and ongoing violations of ATL's constitutional and statutory rights.

41. These violations have caused, and will continue to cause, immediate and irreparable harm to ATL including, but not limited to, the cessation of its business operations, loss of goodwill, termination of its 33 employees, and the loss of its future profits and market position, none of which can be adequately compensated by monetary damages alone.

42. ATL has a substantial likelihood of success on the merits of its claims, as the Commission's Order directly contradicts its own regulations, its enabling statute, and fundamental due process rights.

43. The balance of harms weighs heavily in favor of granting injunctive relief, as ATL faces the complete destruction of its business, while the Commission has failed to demonstrate any legitimate current, immediate, or serious threat to public health, safety, or welfare justifying its summary action.



44. Granting injunctive relief will serve the public interest by upholding the rule of law, ensuring adherence to constitutional principles and administrative procedures, and preventing arbitrary agency action.

**COUNT III**  
**Unlawful Agency Action - M.G.L. C. 30A**

45. Plaintiff incorporates by reference paragraphs 1 through 44 as if fully set forth herein.

46. The Order is unlawful on its face or as applied, or at least, reflects arbitrary and capricious actions by a government agency that cannot be justified or upheld as a matter of law.

47. The Massachusetts Administrative Procedures Act (M.G.L. c. 30A, § 13) explicitly requires that an agency afford a licensee an opportunity for a hearing prior to revoking or suspending a license, unless expressly provided otherwise by the General Laws.

48. No provision of the Mass. Gen. Laws, including M.G.L. c. 94G, § 4, “expressly provide[s]” that the Commission is not required to grant a hearing prior to license suspension.

49. The Commission is bound by its own regulations, specifically 935 CMR 500.350(2), which requires summary suspensions to be based on “inspection(s), affidavit(s), or other credible evidence” showing a current “immediate or serious threat to the public health, safety or welfare.”

50. The Commission’s Order fails to meet these requirements, as it cites no inspection, no affidavit, and no competent or credible evidence, and does not allege any current risk.

51. The Order improperly substituted an imagined “credible information” standard for the required “credible evidence” standard, materially altering the burden in the Commission’s favor.

52. The Commission's decision to impose an immediate Summary Suspension Order against ATL is inconsistent with its own prior enforcement practices and constitutes arbitrary and capricious agency action.

53. This unexplained and unjustified departure from established enforcement practices renders the Order invalid as a matter of law.

54. The Commission had alternative, legally authorized procedures available, such as calling an expedited formal hearing or quarantining specific products, rather than issuing an immediate summary suspension that will put ATL LLC out of business without opportunity for a hearing.

**COUNT IV**  
**Violation Of Due Process**  
**(U.S. Constitution - Fourteenth Amendment & Massachusetts Constitution)**

55. Plaintiff incorporates by reference paragraphs 1 through 54 as if fully set forth herein.

56. ATL possesses a federally protected property interest in its License, which cannot be deprived without due process of law under the Fourteenth Amendment to the United States Constitution.

57. Similarly, ATL holds a protected property interest in its License and business under Articles 1, 10, and 12 of the Massachusetts Declaration of Rights, guaranteeing its right to due process under the Massachusetts Constitution.

58. The Due Process Clause of the Fourteenth Amendment guarantees that no state shall "deprive any person of life, liberty, or property, without due process of law." This protection requires that, ordinarily, a governmental entity must provide notice and an opportunity to be heard before depriving an individual or entity of a significant property interest.

59. Under the Massachusetts Constitution, these same principles dictate that a licensee is entitled to notice and a meaningful opportunity to be heard prior to the suspension of a valuable license.

60. While the government may, in extraordinary circumstances, seize property or impose a significant deprivation without a prior hearing, such action is permissible only when justified by a compelling governmental interest and when a prompt post-deprivation hearing is provided.

61. The Commission has failed to demonstrate such an exigency here, as all alleged conduct is historical and no current, immediate threat exists.

62. The Order, issued without any prior opportunity for ATL to be heard, constitutes an unconstitutional deprivation of ATL's property without due process of law, in violation of the Fourteenth Amendment to the United States Constitution and Articles 1, 10, and 12 of the Massachusetts Declaration of Rights.

#### **COUNT V**

#### **Violation Of Rights Against Excessive Fines and Cruel And Unusual Punishment (U.S. Constitution - Eighth Amendment & Massachusetts Constitution)**

63. Plaintiff incorporates by reference paragraphs 1 through 62 as if fully set forth herein.

64. ATL has a federal and state constitutional right against excessive fines and cruel and unusual punishment.

65. The Eighth Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, prohibits the imposition of excessive fines. Similarly, Article 26 of the Massachusetts Declaration of Rights provides that no subject shall "be subjected to cruel or unusual punishments" or "be subjected to excessive fines."

66. The Order, by forcing the immediate cessation of ATL's operations and effectively revoking its License without a demonstrated current threat to public safety, operates as a punitive forfeiture of all future profits and the entire value of ATL's business.

67. This forfeiture constitutes an excessive fine because it is grossly disproportionate to the gravity of the alleged historical conduct cited by the Commission. The alleged violations do not involve direct threats to public safety, and pertain to past issues that ATL has actively remediated.

68. Furthermore, the Commission's pursuit of such a severe and disproportionate penalty, without demonstrating a present exigency, demonstrates that the Order serves no legitimate remedial purpose.

69. This punishment is grossly disproportionate to the gravity of the alleged historical conduct and is pursued by the Commission in an arbitrary and capricious manner.

70. Therefore, the Order constitutes a cruel and unusual punishment and excessive fine against ATL.

#### **COUNT VI**

#### **Unconstitutional Taking Without Just Compensation And Due Process (U.S. Constitution - Fifth Amendment & Massachusetts Constitution)**

71. Plaintiff incorporates by reference paragraphs 1 through 70 as if fully set forth herein.

72. The Fifth Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, prohibits the taking of private property for public use without just compensation. This prohibition applies not only to direct appropriation of property but also to regulatory actions that deprive an owner of all economically beneficial use of their property. Similarly, Article 10 of the Massachusetts Declaration of Rights provides that no one's

property shall “be appropriated to public uses, without his receiving reasonable compensation therefor.”

73. ATL’s License and its operational business constitute a significant property interest protected by the Fifth Amendment’s Takings Clause and Article 10 of the Massachusetts Declaration of Rights.

74. The Order, by compelling the immediate and complete cessation of all ATL’s business operations without a prior hearing or a finding of a current, immediate threat, effectively and permanently deprives ATL of all economically beneficial use and value of its license and business.

75. This action by the Commission therefore constitutes a taking of ATL’s property without providing just compensation and without due process of law as required by the Fifth and Fourteenth Amendments of the United States Constitution and Article 10 of the Massachusetts Declaration of Rights.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court enter judgment in its favor and against the defendant for the following relief:

1. Immediately stay and enjoin the Summary Suspension Order in Commission Case No. ENF-2025-1858.

2. Issue preliminary and permanent injunctions preventing the Cannabis Control Commission from enforcing the Summary Suspension Order and requiring it to schedule an immediate formal adjudicatory hearing on the allegations contained therein, consistent with the requirements of the Administrative Procedures Act.

3. Declare that the Cannabis Control Commission's Summary Suspension Order is unlawful, unconstitutional, null, and void.

4. Declare that the regulation on which the Cannabis Control Commission relied in issuing the Summary Suspension Order is unlawful.

5. Award ATL compensatory monetary damages for all losses incurred as a result of the unlawful Summary Suspension Order, including but not limited to lost profits, loss of business value, and other economic harms.

6. Award ATL its costs of litigation, including reasonable attorneys' fees, as provided by 42 U.S.C. § 1988 and M.G.L. c. 12, § 11I.

7. Grant any and all other and further relief as this Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury on all counts so triable.

ASSURED TESTING LABORATORY LLC,

By its Attorneys,

*/s/ Michael Ross, Michael Sullivan, Alain Mathieu*

Michael Ross (BBO # 668928)

Michael Sullivan (BBO # 562110)

Alain Mathieu (BBO# 698771)

PRINCE LOBEL TYE, LLP

One International Place, Suite 3700

Boston, MA 02110

Telephone: (617) 456-8000

E-mail: mross@princelobel.com

msullivan@princelobel.com

amathieu@princelobel.com

Date: July 3, 2025



### **VERIFICATION**

I, Dimitrios Pelekoudas, on oath depose and state that I have personal knowledge of the facts contained in the foregoing Verified Complaint and the information set forth herein. The information contained in the Verified Complaint is based upon my personal knowledge as well as my review of information and materials in my possession, custody, or control, and the Verified Complaint was prepared with the assistance and advice of counsel upon whose advice I have relied.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 3RD DAY OF JULY, 2025.

/s/ Dimitrios Pelekoudas \_\_\_\_\_  
Dimitrios Pelekoudas



June 30, 2025

Assured Testing Laboratories, LLC  
300 Potash Hill Road, Suite A  
Tyngsborough, Massachusetts 01879  
License no. IL281360

Case No. ENF-2025-1858

## SUMMARY SUSPENSION ORDER

G.L. c. 94G, §§ 4(a)(xi) and (a<sup>1/2</sup>)(xi)  
935 CMR 500.350

Pursuant to its authority under G.L. c. 94G, §§ 4(a)(xi) and (a<sup>1/2</sup>)(xi) and 935 CMR 500.350, the Commonwealth of Massachusetts Cannabis Control Commission (the “Commission”), acting through its Executive Director, issues this Summary Suspension Order (the “Order”) requiring the immediate suspension of License no. IL281360 held by Assured Testing Laboratories, LLC (the “Respondent”), the immediate suspension of all agent registrations associated with Respondent, and the cessation of all licensed operations having determined that Respondent established a pattern of failing to accurately report Total Yeast and Mold test results to the Commission and in the Seed-to-Sale System of Record, Metrc (herein, “Metrc”). Respondent’s noncompliance poses an immediate and serious threat to the public health, safety, or welfare of the Commonwealth and undermines the Commission’s confidence in Respondent’s ability to uphold its regulatory obligations.

The Order shall be effective upon Respondent and shall take effect on **July 4, 2025, at 12:00 A.M.** (the “Effective Date and Time”).

### I. STATUTORY AND REGULATORY AUTHORITY

1. The Commission is charged with the administration and enforcement of laws regulating and licensing Marijuana Establishments and maintains jurisdiction over the conduct of licensed entities including their compliance with the Commonwealth’s marijuana laws, G.L. c. 94G, and regulations, 935 CMR 500.000 *et seq.* See G.L. c. 94G, § 4(a), (a<sup>1/2</sup>);
2. Independent Testing Laboratories are a type of Marijuana Establishment, defined as “a laboratory that is licensed by the Commission and is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana



in compliance with regulations promulgated by the commission pursuant to [G.L. c. 94G].” G.L. c. 94G, § 1;

3. The Commission possesses all powers necessary or convenient to carry out and effectuate its purposes including, but not limited to:
  - a. the power to conduct investigations into qualifications for licensure. G.L. c. 94G, § 4(a)(xv);
  - b. the power to revoke or suspend a license. *See* G.L. c. 94G, § 4(a)(xi);
  - c. the power to gather facts and information applicable to the Commission’s obligation to suspend or revoke licenses for a violation of G.L. c. 94G, or any regulation adopted by the Commission. G.L. c. 94G, § 4(a)(xiv);
  - d. the power to impose...penalties and sanctions for a violation of [G.L. c. 94G] or any regulations promulgated by the Commission. *See* G.L. c. 94G, § 4(a)(xxii); and
  - e. the power to conduct adjudicatory proceedings in accordance with chapter 30A. G.L. c. 94G, § 4(a)(xxiv);
4. The Commission also has the power to promulgate regulations and to adopt, amend, or repeal regulations for the implementation, administration, and enforcement of G.L. c. 94G. *See* G.L. c. 94G, § 4(a)(xxiv), (xxviii);
5. In accordance with G.L. c. 94G, § 15, the Commission has adopted regulations for the administration, clarification and enforcement of laws regulating and licensing Marijuana Establishments which include:
  - a. Requiring testing of Marijuana and Marijuana Products to be performed by an Independent Testing Laboratory in compliance with protocols. *See* 935 CMR 500.160(1) and 501.160(1);
  - b. Requiring the reporting of results that indicate contamination levels are acceptable limits established in protocols. *See* 935 CMR 500.160(4)(b) and 501.160(4)(b); and
  - c. Grounds for the summary suspension of a license prior to a hearing to protect the public health, safety, or welfare. *See* 935 CMR 500.350(1) and 501.350(1);
6. If based on inspection, affidavits, or other credible evidence, the Commission or Commission Delegee determines that a Licensee or Registrant poses an immediate or serious threat to the public health, safety or welfare, the Commission or Commission Delegee’s may issue a Summary Suspension Order that requires the immediate suspension of a License and its associated registrations and cessation of all operations. 935 CMR 500.350(2)(b);
7. On receipt of a Summary Suspension Order, the Licensee and its associated Marijuana Establishment Agents must immediately comply with the requirements of the order and, if requested, post notice at public entrances to the establishment. 935 CMR 500.350(4);



## II. FACTUAL BASIS

In making this determination, the Commission finds as follows:

8. Respondent is an operational Independent Testing Laboratory located at 300 Potash Hill Road, Suite A in Tyngsborough, Massachusetts 01879, with a final license to test Marijuana and Marijuana Products for Marijuana Establishments and Medical Marijuana Treatment Centers under License no. IL281360;
9. On October 13, 2022, the Commission issued Respondent its Final License to operate as an Independent Testing Laboratory;
10. After receiving Commission authorization, Respondent commenced operations on February 16, 2023;
11. In its application for licensure, Respondent disclosed Dimitrios Pelekoudas, PhD (“Dr. Pelekoudas”) and Linda Pelekoudas as Persons Having Direct or Indirect Authority;
12. According to the Massachusetts Cannabis Industry Portal (MassCIP), there are 33 active, registered Laboratory Agents (“Agents”) that work for Respondent;
13. Respondent is accredited in accordance with ISO/IEC 17025:2017 by Perry Johnson Laboratory Accreditation, Inc.;
14. Section 5.4 of ISO/IEC 17025:2017, states that “Laboratory activities shall be carried out in such a way as to meet the requirements of [ISO/IEC 17025], the laboratory’s customers, regulatory authorities and organizations providing recognition. This shall include laboratory activities performed in all its permanent facilities, at sites away from its permanent facilities, in associated temporary or mobile facilities or at a customer’s facility”;
15. Respondent’s accredited method for testing Total Yeast and Mold is described in its standard operating procedures (SOP) titled Sample Preparation and Processing to Quantify and Qualify Microbiological Organisms in Cannabis, Doc. No. SOP-006 (herein, “Sample Preparation SOP”) and Quantitative Detection of Fungal Organisms in Cannabis and Cannabis Products, Doc. No. SOP-007 (herein, “Detection of Fungal Organisms SOP”);
16. Pursuant to its Detection of Fungal Organisms SOP, Respondent measures Total Yeast and Mold in Marijuana and Marijuana Product lab samples through the PathogenDx Quant<sup>x</sup> Fungal One Step Assay platform (herein, “Quant<sup>x</sup>”);
17. The laboratory techniques and processes Quant<sup>x</sup> utilizes to generate a numerical result for Total Yeast and Mold include nucleic acid extraction, polymerase chain reaction (PCR),



microarray hybridization, and scanning of sample wells. These processes are described in further detail in the Sample Preparation and the Detection of Fungal Organisms SOP;

18. According to PathogenDx, Inc., the company that manufactures Quant<sup>x</sup>, the effective limit of detection (LOD) of Quant<sup>x</sup> is between 100-100,000 colony forming units per gram (CFU/g) with Association of Analytical Collaboration International (AOAC) certification between 100-10,000 CFU/g;
19. According to Section 3.1 and 3.2 of Respondent's standard operating procedure titled Data Reporting, Doc. No. P-042 (herein, "Data Reporting SOP"), "results in the form of a Certificate of Analysis, and case records, are reviewed and authorized prior to release." The Data Reporting SOP specifically directs the authorizer of results to "review the technical record and document the review";
20. Further, Section 3.3 of the Data Reporting SOP states that "the results of each test or series of tests carried out by the trained analyst shall be reported accurately, clearly, unambiguously, and objectively, and in accordance with applicable procedures incorporated in its manuals. All issued reports are retained as technical records" and are reviewed and signed by the Quality Manager or their designee once complete;
21. The individuals working for Respondent that sign Certificates of Analyses, verifying and attesting to the accuracy and the information presented, are the Quality Managers, as well as the Owner and Chief Executive Officer Dr. Pelekoudas;
22. According to data from Confident Cannabis, Respondent's Laboratory Information Management System (LIMS), from April 1, 2024, to April 15, 2025, Respondent processed 22,531 Marijuana and Marijuana Product laboratory samples (herein "lab samples") from 61 different Marijuana Establishments and Medical Marijuana Treatment Centers;
23. Respondent performed microbial panel testing, including analysis for Total Yeast and Mold, on 18,246 of the 22,531 lab samples;
24. Respondent's tests represented approximately 25% of all the Total Yeast and Mold tests analyzed by Independent Testing Laboratories in the Commonwealth of Massachusetts;
25. During that same timeframe, Respondent reported in Metrc that only 0.05% of lab samples it tested for Total Yeast and Mold—10 out of 17,565 lab samples—failed due to contamination results exceeding the regulatory limit;
26. According to data retrieved from Metrc, from April 1, 2024, to April 15, 2025, 4.5% of Marijuana and Marijuana Products tested for Total Yeast and Mold industry-wide failed due to contamination results exceeding 10,000 CFU/g—the Commission's threshold for safe Marijuana and Marijuana Products;



27. According to the Quant<sup>x</sup> data provided by Respondent, 7,183 lab samples it analyzed had microbial panels that produced a numerical value for Total Yeast and Mold that was above zero and under 10,000 CFU/g but Respondent reported those results in Confident Cannabis, Certificates of Analysis, or Metrc as zero or non-detect, rather than the true value;
28. 544 lab samples had microbial panels that indicated a Total Yeast and Mold value of over 10,000 CFU/g, the Commission's threshold for Total Yeast and Mold contamination. Respondent did not report any of those failures to the Commission or input them into Metrc for the associated lab sample;
29. 160 lab samples were subject to multiple microbial panels after testing indicated Total Yeast and Mold contamination levels exceeded 10,000 CFU/g. These Total Yeast and Mold failures were either omitted from data entry by Respondent in Confident Cannabis or reported as non-detect on Certificates of Analysis and zero in Metrc;
30. Pursuant to Respondent's standard operating procedure titled Internal Validation, Doc. No. P-048 (herein, "Internal Validation SOP"), Respondent established a process of "performing internal validation when test results for cannabis or cannabis products indicate a potential exceedance of regulatory limits established by the [Commission]";
31. Section 3.0 of the Internal Validation SOP defines the following two terms, relevant to this matter:
  - a. "Internal Validation: The internal process initiated when test data suggests a sample may exceed CCC-established failure limits. Internal validation involves additional sample preparation, analysis, and/or data review to verify the accuracy of the initial result"; and
  - b. "Potential failure: An initial analytical result indicating that a sample may not comply with CCC regulatory thresholds. This applies to analysis of microbial and heavy metal samples."
32. Section 5.0 of the Internal Validation SOP included steps to inform the client, requesting new sample material, performing testing and analysis of that new material, and reporting the results of those new tests in Metrc rather than the original tests;

### **III. COMMISSION FINDINGS AND VIOLATIONS OF LAW**

33. The facts set forth in Paragraphs 1 through 32 warrant the issuance of a Summary Suspension Order;
34. G.L. c. 94G, § 15(a)(3) requires that an "Independent Testing Laboratory shall report any results indicating contamination to the commission within 72 hours of identification";



35. Both Independent Testing Laboratories and Marijuana Establishments are required to “have a written policy for responding to laboratory results that indicate contaminant levels are above acceptable limits established in the protocols identified in 935 CMR 500.160(1)...the notifications shall be from both the Marijuana Establishment and the Independent Testing Laboratory, separately and directly.” 935 CMR 500.160(4)(b) and 501.160(4)(b);
36. The Commission has established that the contamination limit for Total Yeast and Mold in processed and unprocessed material is 10,000 CFU/g, and 1,000 CFU/g for CO<sub>2</sub> and Solvent-based Extracts. *See* Exhibit 6 of the Protocol for the Sampling and Analysis of Finished Marijuana and Marijuana Products for Marijuana Establishments, Medical Marijuana Treatment Centers, and Colocated Marijuana Operations (the “Protocol”);
37. A Licensee that receives notice that Marijuana or a Marijuana Product it has submitted for testing has failed any test for contaminants shall either reanalyze the Marijuana or Marijuana Product without remediation, take steps to remediate the identified contaminants, or dispose of the Marijuana or Marijuana Product. 935 CMR 500.160(13) and 501.160(13);
38. If the Licensee chooses to reanalyze the sample, a sample from the same batch shall be submitted for reanalysis at the ITL that provided the original failed result. If the sample passes all previously failed tests at the initial ITL, a sample from the same batch previously tested shall be submitted to a second ITL other than the initial ITL for a Second Confirmatory Test. To be considered passing and therefore safe for sale, the sample shall have passed the Second Confirmatory Test at a second ITL. Any Marijuana or Marijuana Product that fails the Second Confirmatory Test may not be sold, transferred or otherwise dispensed to Consumers, Patients or Licensees without first being remediated. Otherwise, the Marijuana Establishment shall dispose of any such product. 935 CMR 500.160(13)(a) and 501.160(13)(a);
39. Commission regulations authorize the Commission, or a Commission delegee, to issue a Summary Suspension Order on the receipt of credible information that a licensee poses an immediate or serious threat to the public health, safety, or welfare. *See* 935 CMR 500.350(2);
40. Violations of statute and Commission regulations casting doubt on the veracity and accuracy of Marijuana and Marijuana Product testing constitute violations that pose an immediate or serious threat to the public health, safety, or welfare;
41. From April 1, 2024, to April 15, 2025, Respondent’s tests represented approximately 25% of all the Total Yeast and Mold tests analyzed by Independent Testing Laboratories but had a failure rate for Total Yeast and Mold of 0.05%;



42. When compared to the industry average, lab samples analyzed by Respondent were ninety times less likely to fail for the presence of Total Yeast and Mold;
43. According to Respondent's Data Reporting SOP, review of the technical record is required which should include a review of data from each applicable testing platform, such as data generated from Quant<sup>x</sup> for determining Total Yeast and Mold results for compliance testing. Analysts are then required to report the results from each test "accurately, clearly, unambiguously, and objectively";
44. Respondent failed to report to the Commission the true value of 7,183 lab samples—39% of the lab samples performed microbial panel tested—it analyzed that produced a numerical value for Total Yeast and Mold that was above zero and under 10,000 CFU/g in violation of G.L. c. 94G, § 15(a)(3);
45. Respondent failed to report to the Commission the results of 544 lab samples it analyzed that produced a numerical value for Total Yeast and Mold that exceeded 10,000 CFU/g in violation of G.L. c. 94G, § 15(a)(3), 935 CMR 500.160(4)(b) and 501.160(4)(b);
46. The Commission relies on the truthfulness of information input by Independent Testing Laboratories into Metrc and represented on Certificates of Analysis to facilitate its testing protocols and permit the legalized sale and safe consumption of Marijuana and Marijuana Products in the Commonwealth of Massachusetts;
47. Respondent's practice of misreporting Total Yeast and Mold under 10,000 CFU/g as zero or non-detect rather than the measured value falsely represents to the Commission, Patients and Consumers that there is no presence of microbial contaminants, and posed an immediate or serious threat to public health, safety or welfare;
48. Respondent's failure to report test results showing contamination exceeding 10,000 CFU/g for Total Yeast and Mold—as required by statute and regulation— and its decision to report favorable retest results at zero or non-detect undermines the Commission's ability to ensure compliance, and posed an immediate or serious threat to public health, safety or welfare;
49. The procedure described in Section 5.0 of the Internal Validation SOP for lab samples exceeding 10,000 CFU/g is incompatible with the requirements of G.L. c. 94G, § 15(a)(3), 935 CMR 500.160(4)(b) or 501.160(4)(b) and subverts the reanalysis process outlined in 935 CMR 500.160(13) or 501.160(13);
50. Respondent subjected 160 lab samples to multiple rounds of reanalysis that did not comply with 935 CMR 500.160(13) or 501.160(13), following initial test results indicating Total Yeast and Mold contamination levels exceeded 10,000 CFU/g;





51. Respondent's practices and activities related to Total Yeast and Mold testing do not comply with its obligations to its regulatory authority Commission in accordance with Section 5.4 of ISO/IEC 17025:2017;
52. Respondent's practice of requesting additional Marijuana lab sample submissions for failing Total Yeast and Mold results is an intentional effort to conceal those failing results and only report the favorable results on behalf of its clients contradicts Commission regulations and the Protocol putting the health of Patients and Consumers at risk. These actions posed an immediate or serious threat to public health, safety or welfare;
53. Respondent's failure to accurately report Total Yeast and Mold test results undermines public confidence in the regulated Marijuana industry. Further, through its conduct, Respondent has disadvantaged other Independent Testing Laboratories that report accurate test results in accordance with applicable statutory and regulatory requirements as well as Marijuana Establishments that rely upon Respondent to produce accurate test results. This conduct poses an immediate or serious threat to the public welfare; and
54. Individually each of Respondent's actions regarding the failure to report Total Yeast and Mold contamination results pose an immediate or serious threat to the public health, safety, or welfare. Taken together, Respondent's conduct and practices poses an immediate or serious threat to the public health, safety, and welfare, as well as an existential threat to the regulated Marijuana industry.

#### IV. ORDER

Based on the above factual findings and violations of law, and Respondent's disregard of Commission regulations and its obligations to accurately and truthfully report results of Total Yeast and Mold tests, Respondent's continued operations pose an immediate or serious threat to the public health, safety, or welfare.

55. Accordingly, the Commission, acting through its Executive Director, **suspends and requires the immediate cessation of operations** associated with the licenses stated below subject to the conditions of Paragraph 57, effective **July 4, 2025, at 12:00 AM**;

Final License    IL281360    Independent Testing Laboratory    Tyngsborough, MA

56. Accordingly, the Commission, acting through its Executive Director, **suspends** all agent registrations and any other agent registrations affiliated with IL281360 subject to the conditions of Paragraph 57, effective **July 4, 2025, at 12:00 AM**;
57. Further, the Commission, acting through its Executive Director, hereby **orders**:
  - a. Respondent **shall** post and maintain a copy of the Order, in its entirety, on the outside of all public entrances to its establishment throughout the term of the suspension;





- b. Respondent may finalize the testing of any in-progress lab samples in its inventory prior to the effective date of the suspension. Respondent **shall** report the true and accurate value of Total Yeast and Mold results for any in-progress lab samples to the Commission and provide the underlying data from Quant<sup>x</sup> for those lab samples to [Testing@CCCMass.com](mailto:Testing@CCCMass.com) Attn: Director of Testing, within 72 hours of analysis;
- c. Marijuana or Marijuana Product lab samples that are not completed by the effective date of the Order **shall** be returned to the Marijuana Establishment or Medical Marijuana Treatment Center of origin or wasted by Respondent. Respondent **shall** notify the Commission at least 24 hours in advance of any Marijuana or Marijuana Product destruction;
- d. Respondent **shall** identify agents essential for the security and general maintenance of the laboratory and provide the names of those agents to [Testing@CCCMass.com](mailto:Testing@CCCMass.com) Attn: Director of Testing. Upon satisfactory review of the agents proposed by Respondent, the Commission may approve reinstatement of their Agent Registrations for that limited purpose;
- e. Respondent **shall** make available, during regular business hours, agents to respond to inquiries from client licensees regarding Marijuana Product samples tested by Assured;
- f. Respondent **shall** not allow anyone other than those identified in subparagraph d to access the Premises with the exception of Commission staff, local law enforcement, or emergency personnel. Limited exceptions for other individuals, including, but not limited to, third-party contractors, consultants or visitors, will be considered on a case-by-case basis as outlined below:
  - (i) Respondent shall provide notice of other individuals to the Director of Investigations, at least 24 hours in advance of an expected visit and such request shall include the name(s) of the visitor(s), expected date of visit, purpose of the visit, and name(s) of the Registered Agent(s) who will escort the visitor(s). Visitors may access the facility only on approved dates and may only be present for the purposes stated. All approved visitors shall be signed in and out as Visitors and must be accompanied by a Registered Agent;
- g. Respondent **shall** cooperate with the Commission as necessary and to facilitate any inspections by Commission staff on the Premises;

Notice is provided pursuant to 935 CMR 500.350(3)(a)5. and 500.500(3)(b)4. that the Order shall take effect on **July 4, 2025, at 12:00 A.M.** Failure to comply with the conditions of the Order may result in further enforcement action against Respondent up to and including the issuance of a monetary penalty, suspension or revocation of licensure.

Nothing herein should be construed as precluding or limiting Commission authority to take additional administrative action to protect the public health, safety, and welfare.

The Commission reserves the right to modify, amend, or rescind the order or take additional enforcement action permitted pursuant to 935 CMR 500.350 and 500.500. The Order shall



remain in effect until the Commission rescinds or amends the order or until such other time as specified in 935 CMR 500.500.

Respondent may request a hearing no later than 21 calendar days after the Effective Date of the Order by making such request by email to [Hearings@CCCMass.com](mailto:Hearings@CCCMass.com), Attn: Legal Department, for it to be considered timely under 935 CMR 500.350(5)(a). Respondent may appear *pro se* or be represented by counsel in the administrative hearing process. The hearing will be subject to the Standard Adjudicatory Rules of Practice and Procedure, which includes 801 CMR 1.01, 801 CMR 1.02, and 801 CMR 1.03.

The requirements of an order issued under 935 CMR 500.350(2) shall remain in effect until one of the following events has occurred: (a) the Commission modifies, amends or rescinds the order; (b) there is a Final Decision on the merits of a Commission order, including judicial review of the order, unless the order is vacated or modified by a court of competent jurisdiction or rescinded by the Commission; (c) there is a Final Decision on the merits of a subsequently issued Order to Show Cause under 935 CMR 500.370 including judicial review of the order, unless the order is vacated or modified by a court of competent jurisdiction or rescinded by the Commission; or (d) until such time as is otherwise established under the procedures set forth in 935 CMR 500.000. 935 CMR 500.350(6).

Signed this 30 day of June 2025:

**Commonwealth of Massachusetts Cannabis Control Commission**



---

Travis Ahern, Executive Director

Copy to:

Nomxolisi K. Jones, Chief of Investigations and Enforcement

Katherine Binkoski, Director of Investigations

Timothy Barwise, Interim Director of Testing and Investigations Manager

Timothy Goodin, Enforcement Counsel

Jacob Nielson, First Assistant Enforcement Counsel

Tiixa Chukwuezi, Associate Enforcement Counsel



## **CERTIFICATE OF SERVICE**

I, Timothy Goodin, hereby certify that on this 30<sup>th</sup> day of June 2025, I served a copy of this Summary Suspension Order on Assured Testing Laboratories, LLC, by electronic mail to the owner of record Dimitrios Pelekoudas, PhD at [d.pelekoudas@assuredtestinglab.com](mailto:d.pelekoudas@assuredtestinglab.com).



Timothy Goodin  
Enforcement Counsel  
MA BBO # 698182  
[Timothy.Goodin@CCCMass.com](mailto:Timothy.Goodin@CCCMass.com)  
Union Station  
2 Washington Square  
Worcester, Massachusetts 01609  
774-337-2120



Jacob Nielson  
First Assistant Enforcement Counsel  
MA BBO # 692153  
[Jacob.Nielson@CCCMass.com](mailto:Jacob.Nielson@CCCMass.com)  
Union Station  
2 Washington Square  
Worcester, Massachusetts 01609  
774-670-4091

