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Courtroom Number: 2302
Location: District 1 Court
Cook County, IL

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10/5/2020 4:35 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2020CH06142

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

**24TH REGIMENT-LATINO VETERANS' UNIT)
LLC, an Illinois Limited Liability Company;)
BROTHAS & SISTAS VETERANS' UNIT LLC, an)
Illinois Limited Liability Company; BROWN BESS)
VETERANS' AND WOMEN OF COLOR LLC, an)
Illinois Limited Liability Company; FLOWER)
QUEEN WOMEN'S COLLECTIVE II LLC, an)
Illinois Limited Liability Company; IL-LUSTRIOUS)
II-A MINORITY OWNED VETERANS' UNIT LLC,)
an Illinois Limited Liability Company; SOUND OFF)
VETERANS' UNIT II, LLC, an Illinois Limited)
Liability Company; Z-ARMISTICE VETERANS')
UNIT LLC, an Illinois Limited Liability Company;)
GREENLIFE CHICAGO LLC, an Illinois Limited)
Liability Company; ORGANIC URBAN)
REVITALIZATION SOLUTIONS, LLC, an Illinois)
Limited Liability Company, PIFF PATCH INC., an)
Illinois Corporation;)**

Plaintiffs,

v.

**ILLINOIS DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION; BRET BENDER,)
sued in his Official Capacity as DEPUTY)
DIRECTOR OF ILLINOIS DEPARTMENT OF)
FINANCIAL AND PROFESSIONAL)
REGULATION; and AS-YET UNKNOWN)
DEFENDANTS;)**

Defendants.

**Case No. 2020CH06142
Judge**

**VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF
AND, IN THE ALTERNATIVE, FOR ADMINISTRATIVE REVIEW**

Plaintiffs, by their attorneys, for their verified Complaint seeking injunctive and declaratory relief and, in the alternative, administrative review against Defendants, allege as follows:

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NATURE OF THE CASE

1. The Cannabis Regulation and Tax Act calls for the award of 75 conditional adult-use cannabis dispensary licenses throughout the State. Defendants were charged under the Act with implementing and overseeing the process for the submission and evaluation and scoring of the applications for the licenses. Unfortunately, the process they adopted was deeply flawed.

2. Recently, after their announcement that just 21 applicants had made it into the tie-breaker lottery for awarding the licenses unleashed a firestorm of criticism and revelations about issues with the submission and scoring of the applications as well as a slew of lawsuits, Defendants announced they will be offering unsuccessful applicants a new process for submission and evaluation of their applications to supplement the initial flawed process, essentially a “do-over.”

3. Plaintiffs are qualified Social Equity Applicants who participated in and scrupulously complied with all the requirements and deadlines of the initial application process but did not make it into the lottery. However, Defendants have not confirmed that Plaintiffs will have the right to participate in the supplemental process to be announced in the coming weeks.

4. Plaintiffs’ exclusion from the anticipated supplemental process is contrary to the terms of the announced “do-over,” will deprive them of due process, and will subject them to unequal protection in violation of their constitutional rights. They seek to enjoin Defendants from excluding them from the anticipated supplemental process and to secure declarations of their rights.

5. Defendants’ manner of announcing their proposed supplemental process gives no clear indication of the nature of the process or who will be allowed to participate. Defendants’ statements to date could be construed to mean that Plaintiffs will be excluded from participating

in the supplemental process. If this is true, and if it can be construed as a final decision by Defendants as to Plaintiffs' rights, plaintiffs seek administrative review of that decision.

JURISDICTION AND VENUE

6. Jurisdiction over the Department is proper under 735 ILCS 5/2-209(a)(1)(transaction of any business within this State) and Section 2-209(c) (any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States). This Court also has jurisdiction because Plaintiffs seek injunctive relief, 735 ILCS 5/11-101, et seq., and declaratory relief, as there is an actual and justiciable controversy between Plaintiffs and Defendants, *see* Illinois Constitution, Art. VI, Section 9, and Plaintiffs seek a declaratory judgment. 735 ILCS 5/2-209. Jurisdiction is also proper under the Administrative Review Law, *see* 735 ILCS 5/3-104, and the Cannabis Regulation and Tax Act. *See* 410 ILCS 705/15-175(a).

7. Venue is proper in this Court pursuant to 735 ILCS 5/2-101 as some of the events giving rise to these claims occurred in this County, Plaintiffs reside in this County, and IDFPR maintains offices in this County. As Plaintiffs reside in this County, venue is further proper under 410 ILCS 705/15-175(b), which provides that "[p]roceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides."

FACTS COMMON TO ALL COUNTS

Cannabis Regulation and Tax Act

8. In 2019, Governor Pritzker signed into law the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1-10 ("the Act"). Under the Act, the State, through Defendant Illinois Department of Financial and Professional Regulation ("Department" or "IDFPR"), is responsible for establishing the application process for the issuance of licenses for organizations to operate cannabis dispensaries in the State. Defendant Bret Bender, sued in his official capacity, serves as

Deputy Director of the Department's Cannabis Control Section and is the final decision-maker for the Department in connection with its intended issuance of licenses. References to "the Department" and to "IDFPR" will include Defendant Bender, sued in his official capacity.

9. The Act legalizes recreational, or "adult use," cannabis in Illinois through the issuance of up to 500 licenses awarded by the Department. It calls for the issuance of 75 conditional adult-use licenses in 2020 and issuance of an additional 110 adult-use licenses in 2021. 735 ILCS 705/15-25(a) and 15-35(a).

10. The Act, among other things, stressed the importance of ensuring and encouraging the participation of those that had been most directly and disproportionately impacted by the War on Drugs and of offering a social equity program and other assistance, incentives, and benefits to these groups. *See, e.g.*, 410 ILCS 705/7-1.

11. This suit relates to the Department's intended award of 75 adult-use licenses.

First Round of Adult-Use License Applications

12. In the Fall of 2019, IDFPR announced the application process for the first round of 75 adult-use licenses under the Act. The application deadline was January 2, 2020.

13. The first-round licenses were to be distributed among 17 areas within the State, designated as "BLS [Bureau of Labor Statistics] Regions." Regions outside the Chicago metropolitan area were to receive one to five licenses, with the Chicago metropolitan area receiving 47 licenses.

14. The licenses were to be awarded after an initial selection process that evaluated individual applications and scored those applications under defined criteria. The scoring system contemplated a potential maximum score of 250 points on "required information" for all applicants. 50 of the 250 points for "required information" would be awarded to applicants who

qualified as Social Equity Applicants, meaning they were majority owned by person(s) who, for example, either lived in certain zip codes designated as disproportionately impacted, or who had prior cannabis arrests, or who had more than 10 full-time employees, more than half of whom who met the foregoing requirements. In the event of a tie between competing applications, the Act contemplated the possible award of two additional bonus points if an applicant submitted an appropriate community engagement plan with its application, for an overall total point score of 252.

15. Pursuant to the Act, the Department engaged the services of a private company, KPMG, to review and score applications based upon the scoring metrics established by the Department. This was done pursuant to a no-bid, \$4.2 million contract.

16. The Department's scoring system did not provide for effective differentiation among otherwise similarly situated applicants. It also virtually guaranteed a predominance of maximum (tied) scores among applicants.

17. There are other known and suspected problems with the Department's scoring as well, such as the same or substantially the same exhibits receiving different scores, flawed and inconsistent deficiency notices, and some applicants not receiving any deficiency notices as required by the Act.

Tie Breaker Lottery Rules Issued

18. In August of 2020, the Department announced permanent rules for a tie-breaker mechanism in the event of ties for the highest-scoring applicants. Under the rules, all applicants who received the same number of points on an application as other applicants in a BLS Region – “tied applicants” -- would qualify for a lottery that would award the license. *See* 68 Ill. Admin.

Code §§1291.10 and 1291.50. The rules also made clear that there would be no hearing or review by IDFPR for applicants who did not qualify for the lottery. *See id.*

The Department Announces The Tie-Breaker Lottery Finalists

19. On September 3, 2020, the Department released the list showing the Top Scoring Applicants by BLS Region that qualified for the tie-breaker lottery. (A copy of the list is attached as Exhibit A.) It showed that perfect scores had been achieved on applications submitted on behalf of just 21 applicants.

20. The release of the lottery finalist list stirred up considerable controversy. Questions were raised about the lack of diversity and small number of finalists, and there were widespread reports of problems with the administration and mechanics of the application and scoring process, much of which was handled by KPMG on IDFPR's behalf. Lawsuits were filed in federal and state court raising constitutional challenges to the process.

The Department Relents and Announces a Supplemental Process

21. In the face of the public outcry and litigation, the Department announced its intention to abandon the results of the already-conducted submission and evaluation in favor of a new supplemental evaluation process and "do-over."

22. As set out below, Plaintiffs submitted timely applications for adult-use licenses and, based on the criteria identified prior to the January 2, 2020, submission deadline, those Plaintiffs with veteran status should have received maximum scores of 252 on their applications. However, they were not listed among the applicants who had submitted highest-scored applications in any of the 17 BLS Regions identified in IDFPR's September 3, 2020, release, and they have not received confirmation from IDFPR that their applications will be considered in its intended new supplemental evaluation process.

23. Plaintiffs submitted a total of 79 applications for adult-use licenses. Each Plaintiff is an Illinois limited liability company or Illinois corporation, and each is majority-owned and controlled by members or shareholders who qualify as “Social Equity Applicants” as defined by the Act:

- a. Plaintiff 24th Regiment – Latino Veterans’ Unit LLC (“24th Regiment”) is majority-owned and controlled by Latino and African-American veterans who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area as defined by the Act. 24th Regiment’s president is a Mexican-born immigrant who served in the Marines on tours in both Iraq and Afghanistan;
- b. Plaintiff Brothas & Sistas Veterans’ Unit LLC (“Brothas & Sistas”) is majority-owned and controlled by Latino and African-American veterans who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area as defined by the Act. Brothas & Sistas’s president is an army veteran and entrepreneur who founded his own cybersecurity firm;
- c. Plaintiff Brown Bess Veterans’ and Women of Color LLC (“Brown Bess”) majority-owned and controlled by Latino and African-American veterans who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area as defined by the Act. Brown Bess’s secretary is a Mexican-born immigrant who served two consecutive tours in South Korea, followed by a tour in Iraq, and who then continued her service in the Illinois Army National Guard. She now owns a small business in the Pilsen neighborhood in Chicago, where she continues her service as the Sergeant at Arms of Green Card Veterans, and active participant in LULAC (League of United Latin American Citizens) Council #5310;

d. Plaintiff Flower Queen Women's Collective II LLC ("Flower Queen") is majority-owned and controlled by an African-American, veteran businesswoman who advises and assists small and mid-sized minority and women-owned businesses to obtain local, state, and federal business certifications to help grow their business by pursuing public contracts. She serves as president of Flower Queen and has resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area as defined by the Act;

e. Plaintiff IL-Lustrious II – A Minority Owned Veterans' Unit LLC's ("IL-Lustrious") majority-owned and controlled by Latino and African-American veterans who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area as defined by the Act. The president of IL-Lustrious is an African-American army veteran and entrepreneur;

f. Plaintiff Sound Off Veterans' Unit II LLC's ("Sound Off") is majority-owned and controlled by Latino and African-American veterans all of whom have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area as defined by the Act. The president of Sound Off is a Latino veteran;

g. Plaintiff Z-Armistice Veterans' Unit LLC ("Z-Armistice") is majority-owned and controlled by Latino and African-American veterans all of whom have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area as defined by the Act. The president and secretary of Z-Armistice are Latino veterans;

h. Plaintiffs 24th Regiment, Brothas & Sistas, Brown Bess, Flower Queen, IL-Lustrious, Sound Off, and Z-Armistice are all majority-owned and controlled by Illinois residents and veterans as defined in Section 45-57 of the Illinois Procurement Code.

i. Plaintiff GreenLife Chicago, LLC is a wholly African-American, employee- owned entity whose members all come from Disproportionately Impacted Areas as defined by the Act. The majority owner is a female entrepreneur and a co-owner of a canna-tourism business;

j. Plaintiff Organic Urban Revitalization Solutions, LLC is majority-owned (64%) by members who have lived for over 10 years in a Disproportionately Impacted Areas as defined by the Act;

k. Plaintiff Piff Patch Inc. is a wholly African-American owned corporation whose owners all come from Disproportionately Impacted Areas as defined by the Act.

24. Plaintiffs' submissions were timely, and Plaintiffs paid the application fees required for their applications.

25. The Act includes a mandatory cure process, pursuant to which the Department was required to review applications, advise applicants of deficiencies, and afford applicants an opportunity to cure deficiencies. It provided that:

If [IDFPR] receives an application that fails to provide the required elements contained in this Section, [IDFPR] shall issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be disqualified. 410 ILCS 705/15-30(b).

26. Plaintiffs' applications were received and reviewed by the Department. The Department issued deficiency notices in response to these applications, identifying information in each that had been deemed insufficient or missing from the application. The Department's issuance of deficiency notices to Plaintiffs confirms that Plaintiffs submitted timely applications.

27. The deficiency notices provided by the Department identified Plaintiffs' statutory right to submit additional information within 10 calendar days from receipt of the deficiency notice

and provided precise instructions regarding how to cure the identified deficiencies. Each deficiency notice was sent by way of emails to each applicants' designated contact, each of them contained a subject line entitled "Notice of Deficiency in Dispensary Application," and each contained the following instruction regarding the response required of each applicant:

Dear [Applicant],

This e-mail serves as your notification that one or more deficiencies have been identified in your application for a Conditional Adult Use Dispensing Organization License. Please carefully read the instructions below and submit the information addressing the identified deficiencies.

You have **10 calendar days** beginning the day after the date this e-mail was sent to submit the required information in the manner described below. Submissions delivered to the Illinois Department of Financial and Professional Regulations by any other means or after this timeframe will not be accepted. In your submission, do not include any supplemental information related to your application other than that required to address the identified deficiencies. Such supplemental information will not be considered in the review and scoring process. Please note that deficiencies identified are not comprehensive of all applicable statutes identified in the Cannabis Regulation and Tax Act (410 ILCS 705/).

IMPORTANT: If you do not submit the required information in the required manner within 10-calendar days, your entire application will not be scored and will be disqualified. (410 ILCS 705/15-30(b)). You will **NOT** receive a refund of your application fee.

Below, are the deficiencies in your application that have been identified at this time. This may not be a complete list of all deficiencies in your application, so please continue to monitor your e-mail account for additional correspondence regarding other deficiencies that may be identified in the future.

Instructions for Submitting Information to Address Deficiencies:

1. Review the list below to learn which deficiencies apply to your application.
2. Prepare responses in PDF format addressing each deficiency. A separate PDF document should be created for each Exhibit in which a deficiency has been identified. Unless the deficiency is that an entire Exhibit is missing, only submit supplemental information and materials that address the deficiency identified. For each corrected Exhibit, title the document "Exhibit [letter of exhibit]_[Organization FEIN Number or Organization Name]_Deficiency_[Region ID(s) separated by underscores]."

File Naming Convention Example: Exhibit N_81-3780373-Deficiency_1_4_10_17

Region IDs:

- (1) Bloomington
- (2) Carbondale-Marion
- (3) Champaign-Urbana
- (4) Cape Girardeau
- (5) Danville
- (6) Davenport-Moline-Rock Island
- (7) Decatur
- (8) Kankakee
- (9) Springfield
- (10) Rockford
- (11) East Central Illinois nonmetropolitan
- (12) South Illinois nonmetropolitan

- (13) Peoria
- (14) Northwest Illinois nonmetropolitan
- (15) West Central Illinois nonmetropolitan
- (16) St. Louis
- (17) Chicago-Naperville-Elgin

3. Once you've assembled your PDF responses, you will access the Secure File Transfer Protocol (SFTP) file as described in the information below with the following username and password. For SFTP related questions only, please contact the following email address: us-advIDFPR@kpmg.com and a resource will get back to you promptly. We recommend logging into the SFTP as soon as possible to determine any access issues as extensions to submit your content beyond the 10 calendar days will not be provided.

In your response please provide all relevant documents, combined in one searchable PDF file, by exhibit to support your assertion(s)

28. Within the time provided by each deficiency notice, each Plaintiff, for each application subject to a deficiency notice, responded in strict compliance with the Department's directives by uploading any required information or documents via the web portal identified in the deficiency notice.

The Department's New Supplemental Process for Reviewing Applications and Why Plaintiffs Qualify For Inclusion

29. On September 21, 2020, Governor Pritzker and the Department announced that the tie-breaker lottery would be delayed and that "additional steps" were going to be taken "to ensure that the process moves forward in a fair and equitable manner." (A copy of the press release is attached as Exhibit B.) The Department also reported that, in connection with the first round of license approvals, it had received a total of 2,588 applications for 75 licenses, submitted by 937 different applicants. *See id.*

30. On September 22, 2020, the Department posted a notice on its website entitled "Conditional Adult Use Dispensing Organization License Supplementary Deficiency Notice Process." (A copy of the Notice is attached as Exhibit C.) In it, the Department states that "in light of the issues that have been raised about the deficiency notice and scoring process," it had determined that conducting the lottery and issuing licenses without first addressing those issues

“would undermine confidence in the licensing process,” and that “providing an additional opportunity to cure deficiencies will ensure fairness.” *See id.* at Paragraph G. The Notice then goes on to give a general description of the contemplated supplemental process, discussed below.

31. The Notice acknowledges first that “Applicants” have submitted applications for the 75 licenses. *See id.* at Paragraph A. Plaintiffs were among those applicants.

32. The Notice then states that the Act identifies the criteria for the award of the licenses and notes the possibility that, under those criteria, applications could receive up to 252 points based upon the information provided in 20 separate exhibits. *See id.* at Paragraph B. Plaintiffs submitted full applications with all exhibits, apart from some Plaintiffs not having veteran status and not submitting exhibits related to veteran status.

33. The Notice then states that IDFPR engaged KPMG to review and score applications based on metrics they provided. *Id.* at C.

34. The Notice states that during an “initial phase” of the scoring process, KPMG identified some applications that could not be scored due to potentially damaged or corrupted electronic files, and that IDFPR “notified those applicants and allowed them to resubmit their respective applications in a form that could be reviewed.” The Notice further acknowledges that the Department asked KPMG to review these applications to determine if they were deficient and that, for those “applications identified as deficient through this review, the Department sent deficiency notices giving applicants 10 days to respond to the items identified in the notice.” *See id.* at C and D.

35. After this general explanation of its decision to revisit and reassess its application process, the Department announced its intention to provide a supplemental process that is fair, including an opportunity to cure prior deficiencies in applications, and open to “all applicants.”

36. The supplemental process requires IDFPR to issue applicants a “supplemental deficiency notice.” That notice will give applicants that did not receive the maximum points on “any exhibit” in their application at least 10 days either to submit an amended exhibit, to contest IDFPR’s prior failure to award the maximum number of points or to stand on their original submission. Thereafter, the “Department will review all timely responses to the supplemental deficiency notice and will issue the resulting final score for all scored applications.” *Id.* at G.

37. Defendants have refused to confirm Plaintiffs’ right to participate in the supplemental process, although Plaintiffs qualify. Plaintiffs want their applications to be reviewed by IDFPR. If necessary to secure this, Plaintiffs are prepared to re-submit all of their previously-submitted exhibits or, as appropriate, amended exhibits or to create new versions of previously-submitted exhibits. From what Plaintiffs have been able to glean from their investigations and efforts to obtain information from KPMG and IDFPR since September 3, 2020, it is possible that Plaintiffs’ supplemental submissions in response to KPMG’s deficiency notices somehow failed to register with KPMG, resulting in an internal determination by the Department, not communicated to Plaintiffs, to characterize those applications as disqualified.

38. But for the announced supplemental process, Plaintiffs would be challenging both IDFPR’s decision that Plaintiffs’ applications were disqualified and that, in deciding to disqualify their applications, IDFPR had failed to provide Plaintiffs the Act’s mandated fair and sufficient opportunity to cure the deficiencies that had been identified in IDFPR’s original deficiency notices. When IDFPR abandoned its original process in favor of the supplemental process outlined in its September 22, 2020, Notice, it conceded that real concerns about the cure process had been raised by applicants who did not qualify for the lottery and that providing a supplemental process to cure deficiencies was necessary in order to provide fairness to all applicants.

39. IDFPR's adoption of the supplemental process makes it unnecessary for Plaintiffs to challenge IDFPR's erroneous and improper disqualification of their applications – if Plaintiffs are allowed to avail themselves of that process. To the extent necessary, Plaintiffs are prepared to establish further that they complied with all the requirements and deadlines for responding to the deficiency notices they received from the Department and that any failure of the Department to award them points or to consider their applications was contrary to law, arbitrary and capricious, and without any basis in law or fact.

40. IDFPR's Notice does not distinguish between applicants who met the January 2, 2020, application filing deadline, and applicants under consideration and review after the so-called "initial phase" of the process. The Notice is intended for "all" applicants. The Department's initial position, however, appears to be to exclude Plaintiffs from the meaning of "all."

41. The allegations of fact set forth above as to plaintiffs 24th Regiment, Brothas & Sistas, Brown Bess, Flower Queen, IL-Lustrious, Sound Off, and Z-Armistice are verified by Lauren Mack, transactional counsel for these entities, and her verification is attached to this complaint.

COUNT I
Declaratory and Injunctive Relief -- Supplemental Process

42. Plaintiffs reallege and incorporate the allegations in paragraphs 1 through 41, above.

43. Plaintiffs are "applicants" under the terms of IDFPR's September 22, 2020, Notice. Plaintiffs did not receive maximum points on all the exhibits in their applications. Plaintiffs desire to participate in the supplemental process whereby they will receive supplemental deficiency notices and the opportunity to submit revised applications for evaluation by the Department. Plaintiffs can submit truthful revised applications, and those Plaintiffs with veteran status will earn

maximum points on all of the evaluation criteria and, as such, will qualify for the tie-breaker lottery for the licenses.

44. Defendants' current stance is that applicants like Plaintiffs who were summarily disqualified and not scored are not eligible for the supplemental process and cannot receive or respond to supplemental deficiency notice.

45. Nothing in the Notice, by its terms, excludes Plaintiffs from receipt of supplemental deficiency notices or the right to present applications for consideration, evaluation, and potential award.

46. There is an actual controversy between Plaintiffs and Defendants regarding the scope of the Notice and intended supplemental evaluation process.

47. Plaintiffs will suffer irreparable harm if Defendants proceed to evaluate other applications for the 75 adult-use licenses without also evaluating plaintiffs' applications and affording Plaintiffs a fair opportunity to qualify for the lottery for an award of a license.

48. Protection of Plaintiffs' rights will not adversely impact Defendants or diminish the rights of others. Defendants already have committed to a wholesale revisitation and reevaluation of applications submitted by hundreds of applicants around the State whose applications failed to receive maximum scores, and, as the number of applications that received maximum scores already exceeds the number of available licenses, all applicants face the inherent risk of a determination by lottery whether a license will be awarded.

WHEREFORE, Plaintiffs respectfully request that this Court:

A. Find that this case is an appropriate action for declaratory relief and declare that Plaintiffs are entitled to participate in the supplemental process announced by the Department in its September 22, 2020, notice;

B. Enjoin Defendants from proceeding with the supplemental process unless Plaintiffs are permitted to participate fully in that process, including the receipt of supplementary deficiency notices and the opportunity to cure and have their applications reviewed by the Department; and

C. Provide such other and further relief as the Court deems appropriate.

COUNT II

Declaratory and Injunctive Relief – Violations of Due Process

49. Plaintiffs reallege and incorporate the allegations in Paragraphs 1 through 48, above.

50. Plaintiffs are guaranteed due process before they can be deprived of their property under both the United States Constitution, *see id.*, Amd. XIV, Sec. 1 (“No state shall . . . deprive any person of life, liberty, or property, without due process of law...”), and the Illinois Constitution. Ill. Const. Art. 1, Sec. 2 (“No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.”)

51. Plaintiffs received deficiency notices and availed themselves of the opportunity to respond to them with corrections and additional information in strict compliance with the cure procedures set forth in the Act and the directives in the deficiency notices they received. Plaintiffs submitted complete applications and believe that those applications fully met the criteria to qualify for the lottery.

52. For unknown reasons, Defendants have refused or failed to recognize this and disqualified rather than scored Plaintiffs’ applications, thereby improperly denying Plaintiffs the right to cure deficiencies to which they are entitled under the Act.

53. Defendants now have announced that certain applicants who similarly were denied a right to cure will be afforded a new opportunity but have taken the position that disqualified applicants such as Plaintiffs cannot participate. This is arbitrary and capricious.

54. Plaintiffs are entitled to be notified of the basis, if any, underlying the Department's decision that they are disqualified. For unknown reasons, and despite efforts to secure information about disqualification, Defendants have refused to provide Plaintiffs with this information.

55. Plaintiffs have been denied their right to a fair opportunity to cure and to be scored and to challenge the decision to disqualify them, thereby excluding them from the lottery, in a meaningful way at a meaningful time when effective relief still can be granted. As a result, they are being deprived of property rights without due process of law and lack an effective remedy.

56. There is an actual controversy between Plaintiffs and Defendants as to the foregoing.

57. Plaintiffs are likely to succeed on the merit of their claims that they are entitled to the cure process mandated by the Act.

58. Plaintiffs will suffer irreparable harm if they are not allowed access to information about their disqualification and to participate in the supplemental process available to other similar applicants.

59. The balance of harms favors Plaintiffs. Once the supplemental process is implemented and the lottery is conducted the licenses will be awarded and Plaintiffs chance for a remedy is lost. Giving Plaintiffs access to information about their own applications and including Plaintiffs in a process already being offered to many other applicants will not harm Defendants or further delay the eventual award of the licenses.

60. The public also has an interest in seeing to it that the award of the valuable dispensary licenses is done pursuant to a transparent and fair process.

WHEREFORE, Plaintiffs respectfully request that this Court:

(a) Find that this case is an appropriate action for declaratory relief and declare that Plaintiffs are entitled to participate in the supplemental process announced by the Department in its September 22, 2020, notice;

(b) Enjoin Defendants from proceeding with the supplemental process unless Plaintiffs are permitted to participate fully in that process, including the receipt of supplementary deficiency notices and the opportunity to cure and have their applications reviewed by the Department; and

(c) Provide such other and further relief as the Court deems appropriate.

COUNT III

Declaratory and Injunctive Relief --Violations of Equal Protection

61. Plaintiffs reallege and incorporate the allegations in Paragraphs 1 through 60 above.

62. Both the United States Constitution and the Illinois Constitution forbid depriving a person of the equal protection of the laws.

63. Plaintiffs were treated differently than other similarly situated applicants in that other applicants who responded timely and completely to deficiency notices were scored and thus afforded a chance to qualify for the lottery.

64. Plaintiffs also will be treated differently than other applicants who were denied the right to cure if they are excluded from the revised process identified in the September 22, 2020, notice when other similar applicants are allowed to participate.

65. There is no rational basis for treating Plaintiffs differently than other applicants by deeming them disqualified for reasons unknown and then excluding them from the supplemental process identified in the September 22, 2020, notice. Defendants are not furthering any legitimate government interest by doing so.

66. There is an actual controversy between Plaintiffs and Defendants regarding the foregoing.

67. Plaintiffs are likely to succeed on the merit of their claims that they are entitled to the cure process mandated by the Act.

68. Plaintiffs will suffer irreparable harm if they are not allowed to participate in the supplemental process identified in the September 22, 2020, notice.

69. The balance of harms favors Plaintiffs. Once the supplemental process goes forward and the lottery is conducted and the licenses awarded, Plaintiffs chance for a remedy is lost. Including Plaintiffs in a process already being offered to many other applicants will not harm Defendants or further delay the eventual award of the licenses.

70. The public also has an interest in seeing to it that the award of the valuable dispensary licenses is done pursuant to a transparent and fair process.

WHEREFORE, Plaintiffs respectfully request that this Court:

(a) Find that this case is an appropriate action for declaratory relief and declare that Plaintiffs are entitled to participate in the supplemental process announced by the Department in its September 22, 2020, notice;

(b) Enjoin Defendants from proceeding with the supplemental process unless Plaintiffs are permitted to participate fully in that process, including the receipt of supplementary deficiency notices and the opportunity to cure and have their applications reviewed by the Department; and

(c) Provide such other and further relief as the Court deems appropriate.

COUNT IV

Administrative Review (Asserted in the Alternative)

71. Plaintiffs reallege and incorporate the allegations in Paragraphs 1 through 70, above.

72. Plaintiffs construe Defendants' September 22, 2020, notice and the supplemental process it describes as an amendment to their plan to assess applications and award 75 adult-use licenses for dispensaries in the State that, by its terms and conditions, vacates any prior determination by the Department that Plaintiffs' applications were disqualified and thereby excluded from the lottery and eventual award of the license. However, in the event that the IDFPR's publication of the September 3, 2020, lottery tie-breaker finalist list had the intent or

effect of constituting a final decision that Plaintiffs' applications had been rejected as disqualified under the Act, Plaintiffs, proceeding in the alternative, request review of those determinations.

73. On September 3, 2020, the Department made a final administrative decision affecting Plaintiffs' rights when it announced that they had not qualified for the lottery. See Exhibit A.

74. The Department should not have disqualified Plaintiffs' applications; it should have scored the applications.

75. Judicial review and reversal of the Department's final decision is sought for reasons including, but not limited, to:

- a. The applications were complete and should not have been disqualified and thus did not support the final decision disqualifying them;
- b. The final decision is contrary to law, is arbitrary and capricious, and against the manifest weight of the evidence;
- c. All other errors that are in the record.

76. This Complaint is filed less than 35 days after the entry of IDFPR's final decision.

77. IDFPR is requested to file an answer to this Complaint consisting of the entire record of the process and grading resulting in the decision on Plaintiffs' applications and on the applications of those deemed lottery finalists, and any other materials in the administrative record required and allowed by the Administrative Review Law. *See* 735 ILCS 5/3-108.

78. Further, under Section 3-111(a) of the Administrative Review Law, this Court has the power to "stay the decision of the administrative agency in whole or in part pending the final disposition of the case," to reverse the final decision in whole or in part, or to reverse and remand

the final decision and to state the questions requiring further hearing or proceedings and to give such other instruction as may be proper. *See* 735 ILCS 5/3-111(a)(1), (5) and (11).

79. Plaintiffs request a stay of the final decision pending this action.

WHEREFORE, Plaintiffs respectfully request that this Court:

- (a) Enter an order staying the supplemental process, pending resolution of the instant action;
- (b) Review the final decision;
- (c) Enter an order declaring the final decision contrary to law, arbitrary and capricious and against the manifest weight of the evidence;
- (d) Reverse IDFPR's decisions as to Plaintiffs; and
- (e) Provide such other and further relief as the Court deems appropriate.

Respectfully submitted,

/s/ Claudette Miller

Claudette Miller

Joseph E. Tighe

Reyes Kurson, Ltd., Attorney #49034

328 S. Jefferson St., Ste. 909

Chicago, IL 60661

(312) 332-0055

CMiller@rkchicago.com

jtighe@rkchicago.com

litigation@rkchicago.com

Counsel for 24th Regiment – Latino Veterans' Unit LLC, Brothas & Sistas Veterans' Unit LLC, Brown Bess Veterans' and Women of Color LLC, Flower Queen Women's Collective II LLC, IL-Lustrious II – A Minority Owned Veterans' Unit LLC, Sound Off Veterans' Unit II LLC, Z-Armistice Veterans' Unit LLC, GreenLife Chicago, LLC, Organic Urban Revitalization Solutions, LLC, and Piff Patch Inc.

VERIFICATION BY SECTION 1-109 CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned deposes, certifies, and states that I am transaction counsel for the Plaintiffs 24th Regiment – Latino Veterans’ Unit LLC, Brothas & Sistas Veterans’ Unit LLC, Brown Bess Veterans’ and Women of Color LLC, Flower Queen Women’s Collective II LLC, IL-Lustrious II – A Minority Owned Veterans’ Unit LLC, Sound Off Veterans’ Unit II LLC, and Z-Armistice Veterans’ Unit LLC, that I have read the above and foregoing complaint and have knowledge of the facts stated therein with respect to these plaintiffs, and that the statements set forth in this Complaint are true and correct with respect to these plaintiffs, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.



Lauren Mack

Date: October 5, 2020

Return Date: No return date scheduled
Hearing Date: 2/3/2021 10:00 AM - 10:00 AM
Courtroom Number: 2302
Location: District 1 Court
Cook County, IL

FILED
10/5/2020 4:35 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2020CH06142

10675760

EXHIBIT A

FILED DATE: 10/5/2020 4:35 PM 2020CH06142

Top Scoring Applicants by BLS region (REVISED)

Conditional Adult Use Dispensing Organization Licenses

September 3, 2020

Editor's Note: At the conclusion of the scoring process, there were "tied applicants" in each of the seventeen Illinois Bureau of Labor Statistics regions ("BLS region"). Their names are listed below by region. The number next to the name of each BLS region name represents the number of conditional licenses that will be awarded in that BLS region. The number next to the name of each tied applicant represents the number of licenses that applicant sought in the BLS region.

Tied applicants, should they become eligible for the lottery, will get one entry into the BLS region's lottery for each application fee paid up to the maximum number of licenses available in that region. A tied applicant cannot become eligible for the lottery if one or more of its principal officers are associated with more tied applicants than the number of licenses available in the BLS region. The Department must publish the names of the applicants eligible for the lottery more than five business days before the lottery is conducted.

Bloomington – 1	Cape Girardeau – 1
AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 1 Dealership LLC – 1 Fortunate Son Partners LLC – 1 Full License Pursuit LLC – 1 Mint IL LLC – 1 SB IL LLC – 1 So Baked Too LLC – 1 V3 Illinois Vending LLC – 1	AmeriCanna Dream – 1 Clean Slate Opco LLC – 1 Dealership LLC – 1 Fortunate Son Partners LLC – 1 Mint IL LLC – 1 V3 Illinois Vending LLC – 1 Vertical Management LLC – 1
Carbondale-Marion – 1	Champaign-Urbana – 1
AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 1 Dealership LLC – 1 Fortunate Son Partners LLC – 1 Mint IL LLC – 1 SB IL LLC – 1 V3 Illinois Vending LLC – 1	AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 1 Dealership LLC – 1 Fortunate Son Partners LLC – 1 Mint IL LLC – 1 SB IL LLC – 1 So Baked Too LLC – 1 V3 Illinois Vending LLC – 1
Chicago-Naperville-Elgin – 47	Danville – 1
127 IL LLC – 1 Alchemy Curations LLC – 1 AmeriCanna Dream LLC – 15 Black Rain LLC – 1 Clean Slate Opco LLC – 10 Dealership LLC – 10 Deer Park Partners LLC – 5 EHR Holdings LLC – 3 Fortunate Son Partners LLC – 10 Green Equity Ventures 1 LLC – 3 GRI Holdings LLC – 20 Make Peace LLC – 1	127 IL LLC – 1 AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 1 Dealership LLC – 1 Fortunate Son Partners LLC – 1 Mint IL LLC – 1 SB IL LLC – 1 V3 Illinois Vending LLC – 1

Chicago-Naperville-Elgin – 47 (continued)	Davenport-Moline-Rock Island – 1
Mint IL LLC – 5 SB IL LLC – 4 So Baked Too LLC – 2 Suite Greens LLC – 4 Terra House LLC – 6 TPFB LLC – 1 V3 Illinois Vending LLC – 5 Vertical Management LLC – 10	AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 1 Dealership LLC – 1 Fortunate Son Partners LLC – 1 Mint IL LLC – 1 SB IL LLC – 1 V3 Illinois Vending LLC – 1
Decatur – 1	East Central – 2
AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 1 Dealership LLC – 1 Fortunate Son Partners LLC – 1 Mint IL LLC – 1 SB IL LLC – 1 So Baked Too LLC – 1 V3 Illinois Vending LLC – 1	127 IL LLC – 1 AmeriCanna Dream LLC – 2 Clean Slate Opco LLC – 2 Dealership LLC – 2 Fortunate Son Partners LLC – 2 GRI Holdings LLC – 1 Mint IL LLC – 2 SB IL LLC – 1 Suite Greens LLC – 2 V3 Illinois Vending LLC – 2
Kankakee – 1	Northwest – 3
127 IL LLC – 1 AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 1 Dealership LLC – 1 Deer Park Partners LLC – 1 Fortunate Son Partners LLC – 1 Green Equity Ventures 1 LLC – 1 Mint IL LLC – 1 SB IL LLC – 1 V3 Illinois Vending LLC – 1	127 IL LLC – 1 AmeriCanna Dream LLC – 2 Black Rain LLC – 1 Clean Slate Opco LLC – 3 Dealership LLC – 3 Deer Park Partners LLC – 2 EHR Holdings LLC – 1 Fortunate Son Partners LLC – 3 GRI Holdings LLC – 1 Mint IL LLC – 2 SB IL LLC – 1 Suite Greens LLC – 2 Terra House LLC. – 2 TPFB LLC – 1 V3 Illinois Vending LLC – 3
Peoria – 3	Rockford - 2
127 IL LLC – 1 AmeriCanna Dream LLC – 2 Black Rain LLC – 1 Clean Slate Opco LLC – 3 Dealership LLC – 3 Fortunate Son Partners LLC – 3 GRI Holdings LLC – 1 Mint IL LLC – 2 SB IL LLC – 1 So Baked Too LLC – 2 V3 Illinois Vending – 3 Vertical Management LLC – 3	127 IL LLC – 1 AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 2 Dealership LLC – 2 Deer Park Partners LLC – 2 EHR Holdings LLC – 1 Fortunate Son Partners LLC – 2 Mint IL LLC – 2 SB IL LLC – 1 TPFB LLC – 1 V3 Illinois Vending LLC – 2

South – 2	Springfield – 1
127 IL LLC – 1 AmeriCanna Dream LLC – 1 Clean Slate Opco LLC – 2 Dealership LLC – 2 Fortunate Son Partners LLC – 2 Mint IL LLC – 2 SB IL LLC – 1 V3 Illinois Vending LLC – 2	AmeriCanna Dream LLC – 1 Clean Slate Opco – 1 Dealership LLC – 1 Fortunate Son Partners LLC – 1 Mint IL LLC – 1 SB IL LLC – 1 V3 Illinois Vending LLC – 1
St. Louis – 4	West Central – 3
127 IL LLC – 1 AmeriCanna Dream LLC – 2 Clean Slate Opco LLC – 4 Dealership LLC – 4 Fortunate Son Partners LLC – 4 GRI Holdings LLC – 1 Mint IL LLC – 2 SB IL LLC – 2 So Baked Too LLC – 2 V3 Illinois Vending LLC – 4	127 IL LLC – 1 AmeriCanna Dream LLC – 2 Clean Slate Opco LLC – 3 Dealership LLC – 3 Fortunate Son Partners LLC – 3 GRI Holdings LLC – 1 Mint IL LLC – 2 SB IL LLC – 1 Suite Greens LLC – 3 V3 Vending Illinois LLC – 3

Return Date: No return date scheduled
Hearing Date: 2/3/2021 10:00 AM - 10:00 AM
Courtroom Number: 2302
Location: District 1 Court
Cook County, IL

FILED
10/5/2020 4:35 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2020CH06142

10675760

EXHIBIT B

FILED DATE: 10/5/2020 4:35 PM 2020CH06142

➕ View up to date information on how Illinois is handling the Coronavirus Disease 2019 (COVID-19) from the [State of Illinois Coronavirus Response Site](https://coronavirus.illinois.gov/) (<https://coronavirus.illinois.gov/>)

Illinois.gov (/)

Illinois News

Pritzker Administration Announces Additional Steps to Ensure Fairness in Awarding Conditional Adult-Use Cannabis Dispensary Licenses

Applicants that Scored Below 252 Points to Receive Supplemental Deficiency Notices and Opportunity to Submit Amended Applications

Monday, September 21, 2020 - Governor, Office of the

CHICAGO - Following a careful examination of the process to award the first round of conditional adult-use cannabis dispensary licenses after receiving feedback from community leaders and stakeholders, Governor JB Pritzker and the Illinois Department of Financial and Professional Regulation (IDFPR) announced additional steps to ensure the process moves forward in a fair and equitable manner. These steps will ensure applicants whose applications did not achieve the maximum score of 252 points will receive a supplemental deficiency notice and a score sheet identifying each exhibit to the application on which they lost points. After receiving the supplemental deficiency notice, applicants will have an opportunity to provide a response that amends the application exhibits or to ask IDFPR to conduct a rescore of their original application exhibits if they believe there was an error or an inconsistency in the scoring.

"As we worked with the General Assembly, equity and fairness have always been at the heart of our approach to legalizing cannabis, and when we heard significant concerns from numerous stakeholders about the process to award dispensary licenses, I said we needed to take a pause to fix their concerns, within the bounds of our landmark law," **said Governor JB Pritzker**. "While this process remains a marathon and not a sprint, we believe that these new steps will inject more equity and fairness in the first round of license awards and provide insight as we improve the process for future rounds."

The supplemental deficiency notices and score sheet will notify applicants which application exhibits did not receive a perfect score. For each exhibit, an applicant can either submit additional information, request a rescore of the exhibit, or do nothing and keep the original score on that exhibit.

IDFPR will review all timely responses to the supplemental deficiency notices and will issue a

final score for each application. The Department will then conduct the lottery for Conditional Licenses in accordance with its tiebreaker rules. The Department will provide detailed instructions for applicants, including all deadlines, in the coming weeks.

"The Pritzker administration continues to work towards creating the most equity-centric cannabis industry in the nation. From day one of the administration's work with the legislature, equity has been at the center of this legislation from day one of negotiations as we worked to create a system that prioritizes social equity applicants and reinvests revenues in communities hardest hit by the war on drugs," **said Toi Hutchinson, Senior Advisor to the Governor on Cannabis Control.** "Before awarding the next 110 dispensary licenses, as the statute requires, the State will conduct a disparity study to better understand how this new industry is working and correct any structural challenges to equity as we move forward in implementing the law."

This supplemental process is designed to ensure the Cannabis Regulation and Tax Act is implemented in a fair and equity-centric manner as intended by both the administration and the General Assembly and will be conducted in accordance with the Act. Applicants will not be permitted to change the owners or ownership percentages identified on their original application in an attempt to qualify for social equity status, Illinois resident ownership status, or veteran ownership status if the original owner or group of majority owners on the application did not fall into those categories. The points allocated for these categories are outlined in the Act and, therefore, can only be changed through the legislative process.

Following the awarding of the first 75 licenses, the Act provides that IDFPR must conduct a disparity study, which will be a comprehensive evaluation of the adult-use cannabis market. Based on the results of that study, additional measures will be proposed to further improve equity and inclusion in the market. The administration has already suggested steps for the General Assembly to take to improve the process going forward, including providing that all applicants who meet or exceed a cut-off score will advance to the lottery and limiting the number of applications one entity can submit.

IDFPR received 2,588 cannabis dispensary applications from 937 applicants, more than double the number of dispensary applications that have been submitted to any other state awarding a limited number of dispensary licenses. The applications also far surpass the 221 applications submitted to the state for medical cannabis licenses in 2014. The vast increase in the number of applicants reflects the significant steps taken in the Act to ensure a wide variety of applicants were given an opportunity to participate in this new industry.

In 2019, Governor Pritzker signed the Cannabis Regulation and Tax Act into law, the most equity-centric cannabis legislation in the country. In addition to committing to conduct a disparity study, the administration offered lower application fees, low-interest loans, and informational workshops on cannabis-related licenses to social equity applicants. The administration remains committed to upholding the intent and language of the law and ensuring the cannabis industry is equitable for all Illinois residents, regardless of background.

Under this new law, 25% of revenues collected from recreational cannabis sales are being

directed to communities that have been disproportionately impacted by the justice system through the Restore, Reinvest and Renew (R3) Program. The innovative R3 program recently announced \$31.5 million in grant opportunities to organizations working in historically underserved communities across Illinois.

Governor Pritzker is also working with State's Attorney Kim Foxx, the Prisoner Review Board, and state's attorneys across Illinois to expunge the records of non-violent offenders with a cannabis related conviction, with over 11,000 Illinoisans already seeing their records expunged.

For more information on the adult-use legal cannabis industry, go to <https://www2.illinois.gov/cannabis/Pages/default.aspx> (<https://www2.illinois.gov/cannabis/Pages/default.aspx>).

Stay Informed

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Return Date: No return date scheduled
Hearing Date: 2/3/2021 10:00 AM - 10:00 AM
Courtroom Number: 2302
Location: District 1 Court
Cook County, IL

FILED
10/5/2020 4:35 PM
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CIRCUIT CLERK
COOK COUNTY, IL
2020CH06142

10675760

EXHIBIT C

FILED DATE: 10/5/2020 4:35 PM 2020CH06142



Illinois Department of Financial and Professional Regulation

Office of the Secretary

JB PRITZKER
Governor

DEBORAH HAGAN
Secretary

September 22, 2020

Conditional Adult Use Dispensing Organization License Supplemental Deficiency Notice Process

The following is a description of the status of the Illinois Department of Financial and Professional Regulation's ("the Department") review of the applications for the 75 Conditional Adult Use Dispensing Organization Licenses ("Conditional Licenses"). In the coming weeks, the Department will post on its website more detailed information regarding this process, including all relevant deadlines. There is no need for applicants to take any steps at this time to participate in the process described below.

A. Applicants for a Conditional License have submitted applications for 75 Conditional Licenses to be awarded in 17 regions of the State of Illinois under the Cannabis Regulation and Tax Act, 410 ILCS 705/1 *et seq.* (the "Act").

B. The Act outlines criteria for the Department to award the Conditional Licenses. The Act assigns points to certain categories of information so that an application could receive up to 252 points. The application required applicants to provide this information in 20 separate exhibits (Exhibits A through T).

C. The Department engaged KPMG to review and score the applications for Conditional Licenses based on scoring metrics provided by the Department.

D. During the initial phase of the scoring process, KPMG identified some applications that could not be scored because some or all of the electronic files submitted by the applicant could not be accessed due to damage or a corrupted file. The Department notified those applicants and allowed them to resubmit their respective applications in a form that could be reviewed. The Department also asked KPMG to conduct a review of the applications to determine if the applications were deficient because they failed to provide certain elements the Department required. For those applications identified as deficient through this review, the Department sent deficiency notices giving applicants 10 days to respond to the items identified in the notice.

E. For the applications that passed through the initial phase described above, KPMG scored the applications and identified applications that tied for the highest possible score of 252 points. Because the number of tied top-scoring applications exceeded the number of available Conditional Licenses, the Department announced that it will conduct a lottery, as required by its administrative rules, 68 Ill. Adm. Code 1291, to determine which applications will receive the 75 Conditional Licenses. On September 3, 2020, the Department announced a list of tied applicants that are potentially eligible for the lottery. Since September 3, 2020, upon request from any applicant, the Department has provided applicants the total score received on their scored applications and each exhibit.

F. Several applicants that did not qualify for the lottery have raised concerns about the process the Department used to issue deficiency notices and other issues relating to the scoring process. Some applicants have raised these issues in lawsuits filed in state and federal court.

G. The Department is committed to ensuring that its process for issuing the Conditional Licenses is fair to all applicants. In light of the issues that have been raised about the deficiency notice and scoring process, the Department has determined that (i) conducting the lottery and issuing Conditional Licenses based on the current scores without first addressing those issues will undermine confidence in the licensing process, and (ii) providing an additional opportunity to cure deficiencies will ensure fairness.

Accordingly, in furtherance of the Act's purposes, the Department will take the following actions:

1. To redress issues that have been raised related to the Department's scoring and initial deficiency notice process, the Department will provide applicants a supplemental deficiency notice. The supplemental deficiency notice will give applicants that did not receive the maximum number of points on any exhibit at least 10 days to (a) submit an amended application exhibit; (b) request that the Department review any original application exhibit for potential scoring errors or inconsistencies (*e.g.*, the same applicant submitted the identical supporting document for the same exhibit on multiple applications but did not receive the same score on each exhibit); or (c) do nothing and keep the current score on that exhibit. Applicants may choose one of the three options for any exhibit that received less than a full score, but they cannot choose more than one option for a single exhibit.

2. No applicant will be permitted to change ownership in response to the supplemental deficiency notice, except in the instance of a death of an owner that occurred after the date the application was submitted but before the date of the supplemental deficiency notice to be issued by the Department.

3. The Department will review all timely responses to the supplemental deficiency notice and will issue the resulting final score for all scored applications.

4. If an applicant fails to submit one of the allowed responses within the required timeframe identified in the supplemental deficiency notice, either by providing an amended exhibit or by requesting that an original exhibit be rescored, the Department will not review or rescore the exhibit and the original score for that exhibit will stand.

5. Under Section 15-30(f)(2) of the Act, the Department may deny any application if the Department determines that the applicant failed to disclose or falsely stated any information called for in the application.

6. Following this process, the Department will award the 75 Conditional Licenses among tied applicants pursuant to a lottery consistent with the Department's administrative rules, 68 Ill. Adm. Code 1291.

7. After the Department awards the 75 Conditional Licenses, any applicant may seek judicial review of the Department's final administrative decision under the Illinois Administrative Review Law, as provided by Section 15-175 of the Act, 410 ILCS 705/15-175.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

24TH REGIMENT-LATINO VETERANS' UNIT)
LLC, an Illinois Limited Liability Company;)
BROTHAS & SISTAS VETERANS' UNIT LLC, an)
Illinois Limited Liability Company; BROWN BESS)
VETERANS' AND WOMEN OF COLOR LLC, an)
Illinois Limited Liability Company; FLOWER)
QUEEN WOMEN'S COLLECTIVE II LLC, an)
Illinois Limited Liability Company; IL-LUSTRIOUS)
II-A MINORITY OWNED VETERANS' UNIT LLC,)
an Illinois Limited Liability Company; SOUND OFF)
VETERANS' UNIT II, LLC, an Illinois Limited)
Liability Company; Z-ARMISTICE VETERANS')
NIT LLC, an Illinois Limited Liability Company;)
GREENLIFE CHICAGO LLC, an Illinois Limited)
Liability Company; ORGANIC URBAN)
REVITALIZATION SOLUTIONS, LLC, an Illinois)
Limited Liability Company, PIFF PATCH INC., an)
Illinois Corporation;)

Plaintiffs,)

v.)

ILLINOIS DEPARTMENT OF FINANCIAL AND)
PROFESSIONAL REGULATION; BRET)
BENDER, sued in his Official Capacity as DEPUTY)
DIRECTOR OF ILLINOIS DEPARTMENT OF)
FINANCIAL AND PROFESSIONAL)
REGULATION; and AS-YET UNKNOWN)
DEFENDANTS;)

Defendants.)

Case No. 2020CH06142
Judge

SUMMONS IN ADMINISTRATIVE REVIEW

To Each Defendant:

YOU ARE SUMMONED and required to file an answer in this case or otherwise file your appearance with the office of the Clerk of the Circuit Court within 35 days after the date of this summons. To file your answer, you need access to the internet. Please visit www.cookcountyclerkofcourt.org to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

E-filing is now mandatory for documents in civil cases with limited exceptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>, or talk with your local circuit clerk's office.

This summons is served upon you by registered or certified mail pursuant to the provisions of 735 ILCS 5/3-10 et seq.

Witness: 10/5/2020 4:35 PM DOROTHY BROWN



Clerk of the Court

CERTIFICATE OF MAILING

On _____, 2020, I sent by registered mail a copy of this summons to each defendant addressed as follows:

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
100 West Randolph, 9th Floor
Chicago, IL 60601

BRET BENDER, sued in his Official Capacity As DEPUTY DIRECTOR OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
100 West Randolph, 9th Floor
Chicago, IL 60601

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
c/o Office of the Illinois Attorney General
100 West Randolph Street
Chicago, IL 60601

Dated: 10/5/2020 4:35 PM DOROTHY BROWN



Clerk of the Court

Claudette Miller
Joseph E. Tighe
Reyes Kurson, Ltd., Attorney #49034
328 S. Jefferson St., Ste. 909
Chicago, IL 60661
(312) 332-0055
CMiller@rkchicago.com
jtighe@rkchicago.com
litigation@rkchicago.com
As counsel for Plaintiffs

CLERK OF THE CIRCUIT COURT OF COOK COUNTY OFFICE LOCATIONS

- Richard J Daley Center
50 W Washington
Chicago, IL 60602
- District 2 - Skokie
5600 Old Orchard Rd
Skokie, IL 60077
- District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008
- District 4 - Maywood
1500 Maybrook Ave
Maywood, IL 60153
- District 5 - Bridgeview
10220 S 76th Ave
Bridgeview, IL 60455
- District 6 - Markham
16501 S Kedzie Pkwy
Markham, IL 60428
- Domestic Violence Court
555 W Harrison
Chicago, IL 60607
- Juvenile Center Building
2245 W Ogden Ave, Rm 13
Chicago, IL 60602
- Criminal Court Building
2650 S California Ave, Rm 526
Chicago, IL 60608
- Daley Center Divisions/Departments**
 - Civil Division
Richard J Daley Center
50 W Washington, Rm 601
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Chancery Division
Richard J Daley Center
50 W Washington, Rm 802
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Domestic Relations Division
Richard J Daley Center
50 W Washington, Rm 802
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Civil Appeals
Richard J Daley Center
50 W Washington, Rm 801
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Criminal Department
Richard J Daley Center
50 W Washington, Rm 1006
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - County Division
Richard J Daley Center
50 W Washington, Rm 1202
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Probate Division
Richard J Daley Center
50 W Washington, Rm 1202
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Law Division
Richard J Daley Center
50 W Washington, Rm 801
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Traffic Division
Richard J Daley Center
50 W Washington, Lower Level
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm