



Section A: Business Entity Information

1. Business Name: Etain, LLC
2. Organization Type (choose one): [X] For-profit [ ] Non-profit
3. Business Type (choose one): [ ] Corporation [X] Limited Liability Company [ ] Sole Proprietorship [ ] General Partnership [ ] Limited Partnership [ ] Other:
4. Phone: 914-232-0902 5. Fax: 914-232-0909 6. Email: amy@etainhealth.com
7. Business Address: 29 Old Aspetong Road
8. City: Katonah 9. State: New York 10. ZIP Code: 10536
11. Mailing Address (if different than Business Address): Same
12. City: 13. State: 14. ZIP Code:

Section B: Primary Contact Information

15. Name: Amy Peckham 16. Title: Chief Executive Officer
17. Phone: 914-232-0902 18. Fax: 914-232-0909 19. Email: amy@etainhealth.com
20. Mailing Address: 29 Old Aspetong Road
21. City: Katonah 22. State: New York 23. ZIP Code: 10536

Section C: Proposed Manufacturing Facility Information

24. Proposed Facility Name: Etain
25. Proposed Facility Address: 6030-6032 State Route 9
26. City: Chester 27. State: NY 28. ZIP Code: 12187
29. County: Warren
30. Property Status (choose one): [ ] Owned by the applicant [X] Leased by the applicant [ ] Other:
If you checked "Other" above, describe the property status in the field provided.
31. Proposed Hours of Operation:
Monday: 12:00 am to 11:59 pm Friday: 12:00 am to 11:59 pm
Tuesday: 12:00 am to 11:59 pm Saturday: 12:00 am to 11:59 pm
Wednesday: 12:00 am to 11:59 pm Sunday: 12:00 am to 11:59 pm
Thursday: 12:00 am to 11:59 pm

An additional entry is included below for applicants who are proposing to use more than one manufacturing facility (responsible for cultivation, harvesting, extraction or other processing, packaging and labeling).



32. Proposed Facility Name: N/A		
33. Proposed Facility Address:		
34. City:	35. State: NY	36. ZIP Code:
37. County:	38. Property Status (choose one): <input type="checkbox"/> Owned by the applicant <input type="checkbox"/> Leased by the applicant <input type="checkbox"/> Other: <b>If you checked "Other" above, describe the property status in the field provided.</b>	
39. Proposed Hours of Operation: Monday: to Friday: to Tuesday: to Saturday: to Wednesday: to Sunday: to Thursday: to		
<b>Section D: Proposed Dispensing Facility #1 Information</b>		
40. Proposed Facility Name: Etain		
41. Proposed Facility Address: 402 North Pearl Street		
42. City: Albany	43. State: NY	44. ZIP Code: 12207
45. County: Albany	46. Property Status (choose one): <input type="checkbox"/> Owned by the applicant <input checked="" type="checkbox"/> Leased by the applicant <input type="checkbox"/> Other: <b>If you checked "Other" above, describe the property status in the field provided.</b>	
47. Proposed Hours of Operation: Monday: Closed to Friday: 10:00 am to 6:00 pm Tuesday: 10:00 am to 6:00 pm Saturday: 10:00 am to 4:00 pm Wednesday: 10:00 am to 6:00 pm Sunday: Closed to Thursday: 10:00 am to 8:00 pm		
<b>Section E: Proposed Dispensing Facility #2 Information</b>		
48. Proposed Facility Name: Etain		
49. Proposed Facility Address: 445 State Route 28		
50. City: Kingston	51. State: NY	52. ZIP Code: 12401
53. County: Ulster	54. Property Status (choose one): <input type="checkbox"/> Owned by the applicant <input checked="" type="checkbox"/> Leased by the applicant <input type="checkbox"/> Other: <b>If you checked "Other" above, describe the property status in the field provided.</b>	



55. Proposed Hours of Operation:

Monday: Closed to Friday: 10:00 am to 6:00 pm
Tuesday: 10:00 am to 6:00 pm Saturday: 10:00 am to 4:00 pm
Wednesday: 10:00 am to 6:00 pm Sunday: Closed to
Thursday: 10:00 am to 8:00 pm

Section F: Proposed Dispensing Facility #3 Information

56. Proposed Facility Name: Etain

57. Proposed Facility Address: 460 Nepperhan Avenue

58. City: Yonkers

59. State: NY

60. ZIP Code: 10701

61. County: Westchester

62. Property Status (choose one):

- Owned by the applicant
Leased by the applicant
Other:

If you checked "Other" above, describe the property status in the field provided.

63. Proposed Hours of Operation:

Monday: Closed to Friday: 10:00 am to 6:00 pm
Tuesday: 10:00 am to 6:00 pm Saturday: 10:00 am to 4:00 pm
Wednesday: 10:00 am to 6:00 pm Sunday: Closed to
Thursday: 10:00 am to 8:00 pm

Section G: Proposed Dispensing Facility #4 Information

64. Proposed Facility Name: Etain

65. Proposed Facility Address: 2140 Erie Boulevard East

66. City: Syracuse

67. State: NY

68. ZIP Code: 13224

69. County: Onondaga

70. Property Status (choose one):

- Owned by the applicant
Leased by the applicant
Other:

If you checked "Other" above, describe the property status in the field provided.

71. Proposed Hours of Operation:

Monday: Closed to Friday: 10:00 am to 6:00 pm
Tuesday: 10:00 am to 6:00 pm Saturday: 10:00 am to 4:00 pm
Wednesday: 10:00 am to 6:00 pm Sunday: Closed to
Thursday: 10:00 am to 8:00 pm



**Section H: Legal Disclosures**

72. Has the applicant, any controlling person of the applicant, any manager, any principal stakeholder, any sole proprietor applicant, any general partner of a partnership applicant, any officer or member of the board of directors of a corporate applicant, or corporate general partner had a prior discharge in bankruptcy or been found insolvent in any court action? Yes No

**If the answer to this question is "Yes," a statement providing details of such bankruptcy or insolvency must be included with this application.**

73. Does any controlling person of the applicant, any manager, any principal stakeholder, any sole proprietor applicant, any general partner of a partnership applicant, any officer or member of the board of directors of a corporate applicant, or corporate general partner, or a combination of such persons collectively, maintain a ten percent interest or greater in any firm, association, foundation, trust, partnership, corporation or other entity, and such entity will or may provide goods, leases, or services to the registered organization, the value of which is or would be five hundred dollars or more within any one year?

OR

Does any entity maintain a ten percent interest or greater in the applicant, and such entity will or may provide goods, leases, or services to the registered organization, the value of which is or would be five hundred dollars or more within any one year?

Yes No

**If the answer to either of these questions is "Yes," a statement with the name and address of the entity together with a description of the goods, leases, or services and the probable or anticipated cost to the registered organization, must be included with this application.**

74.

A. Is the applicant a corporate subsidiary or affiliate of another corporation? Yes No

**If the answer to this question is "Yes," a statement setting forth the name and address of the parent or affiliate, the primary activities of the parent or affiliate, the interest in the applicant held by the parent or affiliate, and the extent to which the parent will be involved in the activities of the applicant, and responsible for the financial and contractual obligations of the subsidiary must be included with this application. The organizational and operational documents of the corporate subsidiary or affiliate must also be submitted, including but not limited to, as applicable: the certificate of incorporation, bylaws, articles of organization, partnership agreement, operating agreement, and all amendments thereto, and other applicable documents and agreements including in relation to the subsidiary or affiliate's financial or contractual obligations with respect to the applicant.**

B. Is any owner, partner or member of the applicant not a natural person? Yes No

**If the answer to this question is "Yes," a statement must be included with this application setting forth the name and address of the entity, the primary activities of the entity, the interest in the applicant held by the entity, and the extent to which the entity will be involved in the activities of the applicant, and responsible for the financial and contractual obligations of the applicant. The organizational and operational documents of the entity must also be submitted, including but not limited to, as applicable: the certificate of incorporation, bylaws, articles of organization, partnership agreement, operating agreement, and all amendments thereto, and other applicable documents and agreements including in relation to the entity's financial or contractual obligations with respect to the applicant, and the identification of all those holding an interest or ownership in the entity and the percentage of interest or ownership held in the entity. If an interest or ownership in the entity is not held by a natural person, the information and documentation requested herein must be provided going back to the level of ownership by a natural person (Principal Stakeholder).**



75. Has construction, lease, rental, or purchase of the manufacturing facility been completed? [X] Yes [ ] No

If the answer to this question is "No," a statement indicating the anticipated source and application of the funds to be used in such purchase, lease, rental or construction, as well as anticipated date that construction, lease, rental or purchase will be completed must be included with this application.

76. Has construction, lease, rental, or purchase of the dispensing facilities been completed? [X] Yes [ ] No

If the answer to this question is "No," a statement indicating the anticipated source and application of the funds to be used in such purchase, lease, rental or construction, as well as anticipated date that construction, lease, rental or purchase will be completed must be included with this application.

Section I: Required Attachments

Applications received without the required attachments will not be eligible for consideration until the required attachments are received. All such attachments must be postmarked by the Deadline for Submission of Applications.

77. [X] The applicant has enclosed a non-refundable application fee in the amount of \$10,000.

Applications received without the \$10,000 application fee will not be considered.

78. [X] The applicant has enclosed a conditionally refundable registration fee in the amount of \$200,000.

Applications received without the \$200,000 registration fee will not be considered.

The \$200,000 registration fee will be refunded to applicants that are not selected as registered organizations.

N/A

79. [ ] The applicant has attached all required statements from Section H: Legal Disclosures, if applicable.

80. [X] The applicant has attached identification of all real property, buildings, and facilities that will be used in manufacturing and dispensing activities, pursuant to PHL § 3365 and 10 NYCRR § 1004.5(b)(2), and labeled this attachment as "Attachment A."

81. [X] The applicant has attached identification of all equipment that will be used to carry out the manufacturing, processing, transportation, distributing, sale, and dispensing activities described in the application and operating plan, pursuant to PHL § 3365 and 10 NYCRR § 1004.5(b)(3), and labeled this attachment as "Attachment B."

82. [X] The applicant has attached copies of all applicable executed and proposed deeds, leases, and rental agreements or executed option contracts related to the organization's real property interests, showing that the applicant possesses or has the right to use sufficient land, buildings, other premises, and equipment, and contains the language required in 10 NYCRR § 1004.5(b)(9), if applicable, or, in the alternative, the applicant attached proof that it has posted a bond of not less than \$2,000,000, pursuant to PHL § 3365 and 10 NYCRR § 1004.5(b)(9), and labeled this attachment as "Attachment C."



83. <input checked="" type="checkbox"/> The applicant has attached an operating plan that includes a detailed description of the applicant's manufacturing processes, transporting, distributing, sale and dispensing policies or procedures, and contains the components set forth in 10 NYCRR § 1004.5(b)(4), and labeled the operating plan as " <b>Attachment D – Operating Plan</b> " with the information clearly labeled and divided into the following sections:  Section 1 - Manufacturing (§ 1004.5(b)(4)) Section 2 - Transport and Distribution (§ 1004.5(b)(4)) Section 3 - Dispensing and Sale (§ 1004.5(b)(4)) Section 4 - Devices (§ 1004.5(b)(4)(i)) Section 5 - Security and Control (§ 1004.5(b)(4)(ii)) Section 6 - Standard Operating Procedure (§ 1004.5(b)(4)(iii)) Section 7 - Quality Assurance Plans (§ 1004.5(b)(4)(iv)) Section 8 - Returns, Complaints, Adverse Events and Recalls (§ 1004.5(b)(4)(v)) Section 9 - Product Quality Assurance (§ 1004.5(b)(4)(vi)) Section 10- Recordkeeping (§ 1004.5(b)(4)(vii))
84. <input checked="" type="checkbox"/> The applicant has attached copies of the organizational and operational documents of the applicant, pursuant 10 NYCRR § 1004.5(b)(5), which must include the identification of all those holding an interest or ownership in the applicant and the percentage of interest or ownership held, and labeled this attachment as " <b>Attachment E.</b> "
85. <input checked="" type="checkbox"/> " <b>Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members</b> " has been completed for each of the board members, officers, managers, owners, partners, principal stakeholders, directors, and any person or entity that is a member of the applicant setting forth the information required in PHL § 3365(1)(a)(iv) and 10 NYCRR § 1004.5(b)(6).
86. <input checked="" type="checkbox"/> The applicant has attached documentation that the applicant has entered into a labor peace agreement with a bona fide labor organization that is actively engaged in representing or attempting to represent the applicant's employees, pursuant to PHL § 3365(1)(a)(iii) and 10 NYCRR § 1004.5(b)(7), and labeled this attachment as " <b>Attachment F.</b> "
87. <input checked="" type="checkbox"/> The applicant has attached a financial statement setting forth all elements and details of any business transactions connected with the application, including but not limited to all agreements and contracts for consultation and/or arranging for the assistance in preparing the application, pursuant to 10 NYCRR § 1004.5(b)(10), and labeled this attachment as " <b>Attachment G.</b> "
88. <input checked="" type="checkbox"/> The applicant has completed " <b>Appendix B – Architectural Program</b> " and included the components set forth in 10 NYCRR § 1004.5(b)(11) and -(12).
89. <input checked="" type="checkbox"/> The applicant has attached the security plan of the applicant's proposed manufacturing and dispensing facilities indicating how the applicant will comply with the requirements of Article 33 of the Public Health Law, 10 NYCRR Part 1004, and any other applicable state or local law, rule, or regulation, and labeled this attachment as " <b>Attachment H.</b> "
90. <input checked="" type="checkbox"/> The applicant has attached the most recent financial statement of the applicant prepared in accordance with generally accepted accounting principles (GAAP) applied on a consistent basis and certified by an independent certified public accountant, in accordance with the requirements of 10 NYCRR § 1004.5(b)(16), and labeled this attachment as " <b>Attachment I.</b> "
91. <input checked="" type="checkbox"/> The applicant has attached a staffing plan for staff to be involved in activities related to the cultivation of marijuana, the manufacturing and/or dispensing of approved medical marijuana products, and/or staff with oversight responsibilities for such activities that includes the requirements set forth in 10 NYCRR § 1004.5(b)(18) of the regulations and labeled this attachment as " <b>Attachment J.</b> "



- 92. [X] The applicant has attached proof from the local internet service provider(s) that all of the applicant's manufacturing and dispensing facilities are located in an area with internet connectivity and labeled this attachment as "Attachment K."
93. [X] The applicant has attached a timeline demonstrating the estimated timeframe from growing marijuana to production of a final approved product, and labeled this attachment as "Attachment L."
94. [X] The applicant has attached a statement and/or documentation showing that the applicant is able to comply with all applicable state and local laws and regulations relating to the activities in which it intends to engage under the registration, pursuant to 10 NYCRR § 1004.5(b)(8), and labeled this attachment as "Attachment M."

Section J: Attestation and Signature

As the chief executive officer duly authorized by the board of a corporate applicant, or a general partner or owner of a proprietary applicant, I hereby authorize the release of any and all applicant information of a confidential or privileged nature to the Department and its agents. If granted a registration, I hereby agree to ensure the registered organization uses the Seed-to-Sale Solution approved by the Department to record the registered organization's permitted activities. I hereby certify that the information provided in this application, including in any statement or attachments submitted herewith, is truthful and accurate. I understand that any material omissions, material errors, false statements, misrepresentations, or failure to provide any requested information may result in the denial of the application or other action as may be allowed by law.

95. Signature:

96. Date Signed:

[Handwritten signature]

6/1/15

97. Print Name: Hillary Peckham

The application must include a handwritten signature by the chief executive officer duly authorized by the board of a corporate applicant, or a general partner or owner of a proprietary applicant, and must be notarized.

Notary Name: Sara E. Payne

Notary Registration Number: 02PA6310602

Notary (Notary Must Affix Stamp or Seal)
SARA ELIZABETH PAYNE
Notary Public, State of New York
No. 02PA6310602
Qualified in Onondaga County
Commission Expires August 25, 18

Date: June 1, 2015



1

2

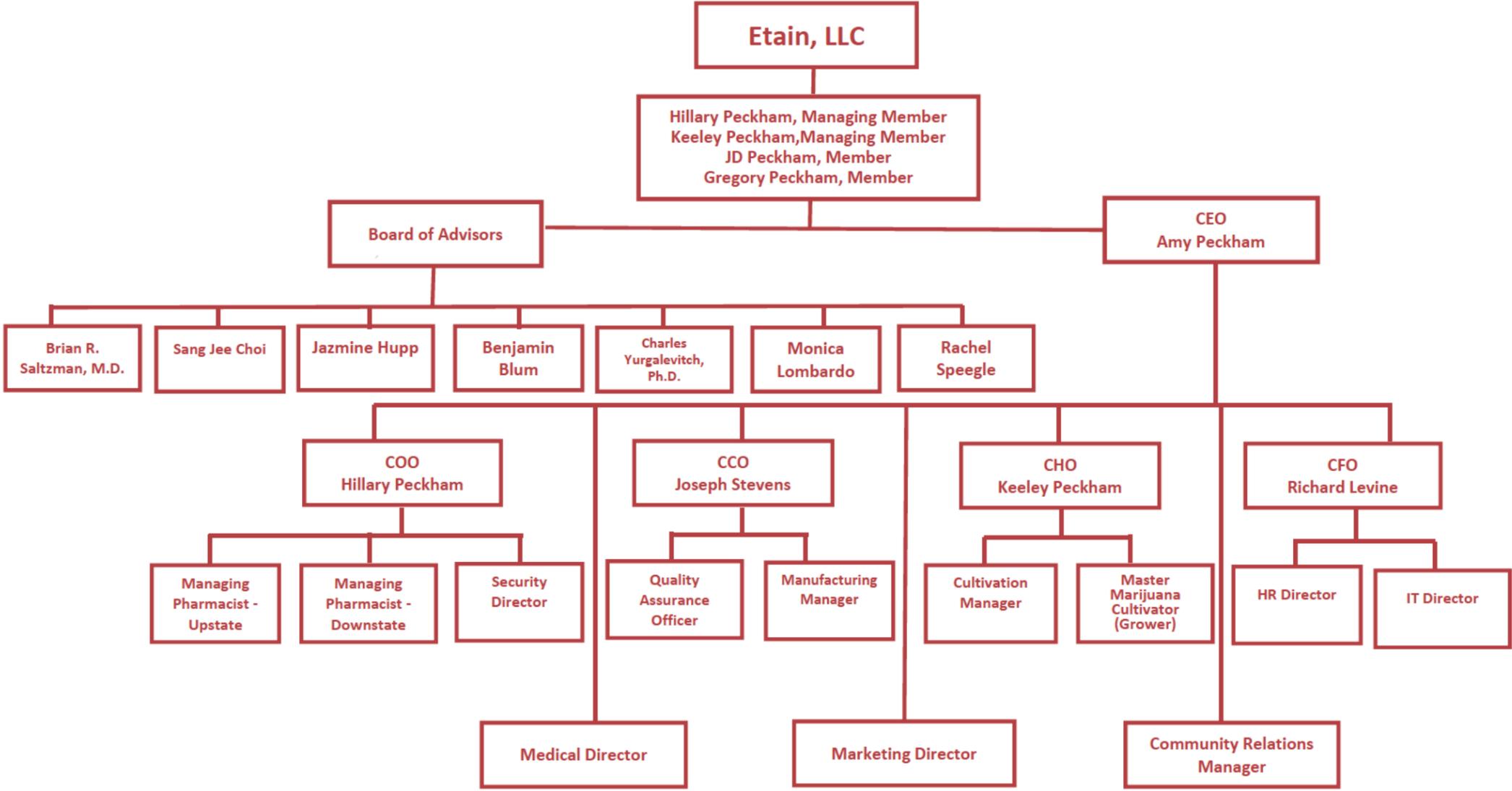
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**APPENDIX A**

**AFFIDAVITS**

ETAIN, LLC ORGANIZATIONAL CHART



## **APPENDIX A**

### **AFFIDAVITS FOR BOARD MEMBERS, OFFICERS, MANAGERS, OWNERS, PARTNERS, PRINCIPAL STAKEHOLDERS, DIRECTORS, AND MEMBERS**

#### **MEMBERS AND EXECUTIVES**

**AMY PECKHAM, CHIEF EXECUTIVE OFFICER**

**RICHARD LEVINE, CHIEF FINANCIAL OFFICER**

**KEELEY PECKHAM, CHIEF HORTICULTURAL OFFICER AND MEMBER**

**HILLARY PECKHAM, CHIEF OPERATING OFFICER AND MEMBER**

**JOSEPH STEVENS, CHIEF COMPLIANCE OFFICER**

**JOHN PECKHAM, MEMBER**

**GREGORY PECKHAM, MEMBER**





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal
stakeholders, directors, and members. For board members, officers, managers, owners, partners,
directors, and members of the applicant that are not natural persons, Appendix A must be completed by
each board member, officer, manager, owner, partner, director and member of that entity, going back to
the level of ownership by a natural person. An Organizational Chart documenting your
organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Amy Peckham 3. Title: Chief Executive Officer
4. Briefly describe the role of this person or entity in the proposed registered organization:
As Etain LLC's Chief Executive Officer, I will oversee all of the company's operations.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products,
shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the
procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal
history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using
the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or
greater interest in any other business which manufactured or distributed drugs? [ ] Yes [checked] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of
management or ownership held in such business, and any finding of violations of law or regulation by a
governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax: (914)

10. Email: amy@etainhealth.com

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

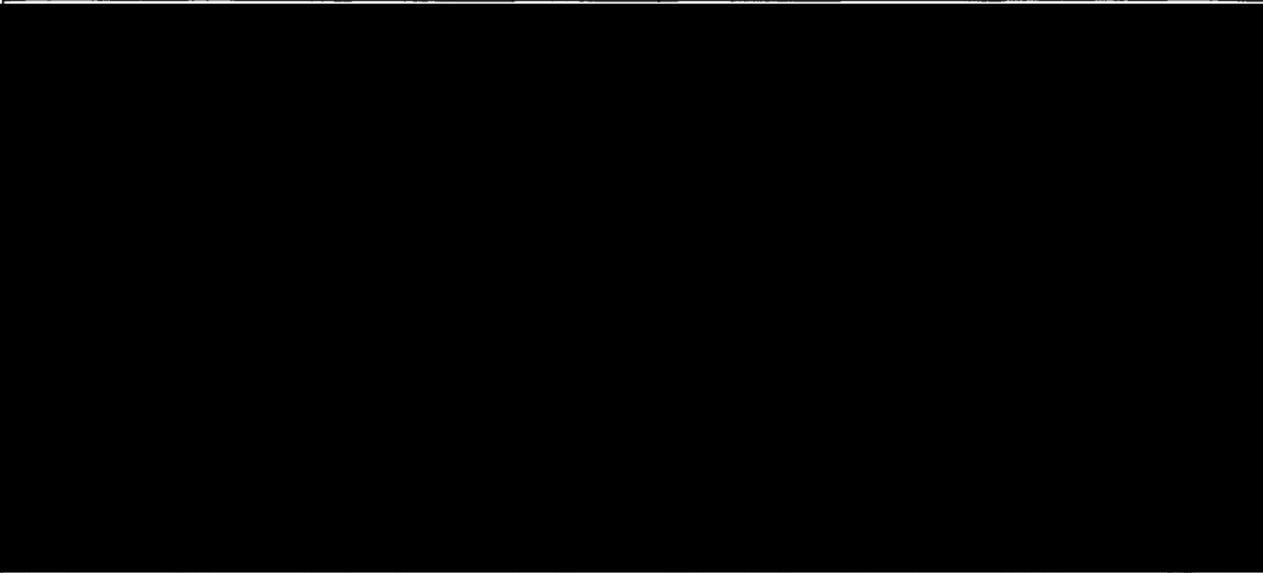
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Rows include Iona College and Catholic University.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1 contains 'N/A'.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form with fields: Name of Employer: N/A, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure: N/A, Name of Employer.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip, Starting/Ending Dates of Employment, Name of Supervisor, Position/Responsibilities, Reason For Departure, and 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three entries for JRP Group, Inc., Peckham Family Holdings, Inc., and Peckham Industries, Inc. Each entry includes fields for 'From' and 'To' dates, 'Business Type', 'Office Held/Nature of Interest', and checkboxes for 'open', 'closed', and 'proposed' status. All 'open' checkboxes are checked.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including 'From: 1998', 'To: Present', 'Business Type: Philanthropy', and 'Office Held/Nature of Interest: Secretary'. Includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: 6/1/2015
Notary Name: Sarah E. Payne Notary Registration Number: 02PA6310602
Notary (Notary Must Affix Stamp or Seal) Date: June 1, 2015
SARA ELIZABETH PAYNE
Notary Public, State of New York
No. 02PA6310602
Qualified in Onondaga County
Commission Expires August 25, 2018

**Exhibit 1 to Appendix A**  
**Additional Information in Response to Question 18**

JRP Group, Inc. ("JRP Group") is the shareholder or member, as the case may be, of the subsidiary and affiliate entities listed below. While JRP Group does not hold licenses from regulatory bodies, many of its subsidiaries and affiliates do. Information about these licenses is provided herein for each entity in the format set forth in question 18 of Appendix A.

**1. Peckham Family Holdings, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**2. Peckham Family Foundation (held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Philanthropy through grants to not-for-profit community organizations

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**3. Peckham Industries, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**4. Reclamation, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**5. Reclamation, LLC (all shares held by Reclamation, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**6. Byram Holding, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

a. New York State Department of Environmental Conservation

625 Broadway

Albany, New York 12233

Telephone: (518) 402-8829

b. New York State Department of Labor

PO Box 15130

Albany, New York 12212

Telephone: (518) 457-9000

- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**7. Byram Concrete & Supply, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**8. Byram Ready Mix, LLC (all shares held by Byram Holding, LLC; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**9. South Street Materials, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**10. Virginia Road Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**11. RFY, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**12. LJL Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:  
None

**13. Peckham Asphalt Resale Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106  
Telephone: (860) 424-3000
- d. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**14. Peckham Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000
- e. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400

**15. Peckham Road Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

See No. 3 above

**16. Ballast Star Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**17. Barjac Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**18. Catskill Realty, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**19. County Asphalt, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**20. Cushman Farms, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829

- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
  
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**21. Duchess Quarry & Supply Co., Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
  
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
  
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**22. Harborview Terminals, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**23. James Reed Sales, Inc. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**24. Putnam Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900

- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**25. Soil Recovery Corp. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**26. William E. Dailey, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556
- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**27. William E. Dailey Precast, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556

- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**28. Wingdale Materials, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400
- e. United States Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue, NE  
Washington, D.C. 20226  
Telephone: (202) 648-7080





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Green LLC

This is the name that was entered in Section A of the Application for Registration as a Registered Organization.

2. Name: Richard R Levine, CPA 3. Title: Chief Financial Officer

4. Briefly describe the role of this person or entity in the proposed registered organization:

Chief financial officer

5. Will this person or entity come into contact with medical marijuana or medical marijuana products?

Yes No

Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."

6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? Yes No

If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
[ ] Yes [X] No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [Redacted] 9. Fax: [Redacted]

10. Email: [Redacted]

11. Residence Address: [Redacted]

12. City: [Redacted] 13. State: [Redacted] 14. ZIP Code: [Redacted]

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Row 1: SUNY-Albany, 1400 Washington Ave Albany, NY 12222, 8/74, 6/78, MS - Accounting, 6/78.



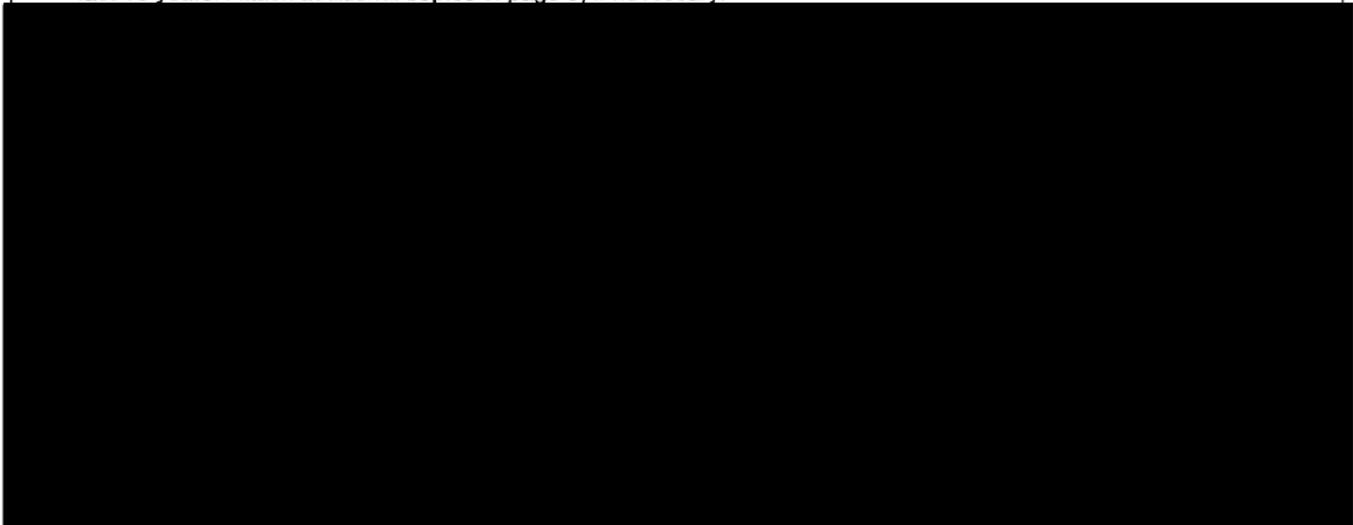
Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

Type of Professional License	License Number	Institution Granting License (Mailing Address, Phone, Email)	Effective Date	Expiration Date
Certified Public Accountant	041683	NYS Department of Education	11/80	07/17

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



Name of Employer:

Type of Business:



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for personal and professional information, including fields for Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, and Type of Business.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, Type of Business, and a section for other businesses with a Yes/No checkbox.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

N/A

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

Date: 5/25/15

Notary Name: Melinda S. Schwartzman

Notary Registration Number: 41-4885995

Notary (Notary Must Affix Stamp or Seal) Melinda S. Schwartzman

Date: 5/25/15

MELINDA S. SCHWARTZMAN
Notary Public State of New York
No. 41-4885995
Qualified in Queens County
Commission Expires February 23, 2019





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Keeley Peckham 3. Title: Chief Horticulture Officer
4. Briefly describe the role of this person or entity in the proposed registered organization:
As Etain LLC's Chief Horticultural Officer, I will oversee and manage all cultivation activities and supervise cultivation personnel, including the Cultivation Manager, Cultivation Training Manager, Cultivation Specialists, Cultivation Assistants, Cultivation Inventory Supervisors, Manicurists and Trimmers. I will also be responsible to direct and manage the company's research and development program.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[X] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [X] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.
N/A



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

N/A

8. Phone:

9. Fax:

10. Email: Keeley@etainhealth.com

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

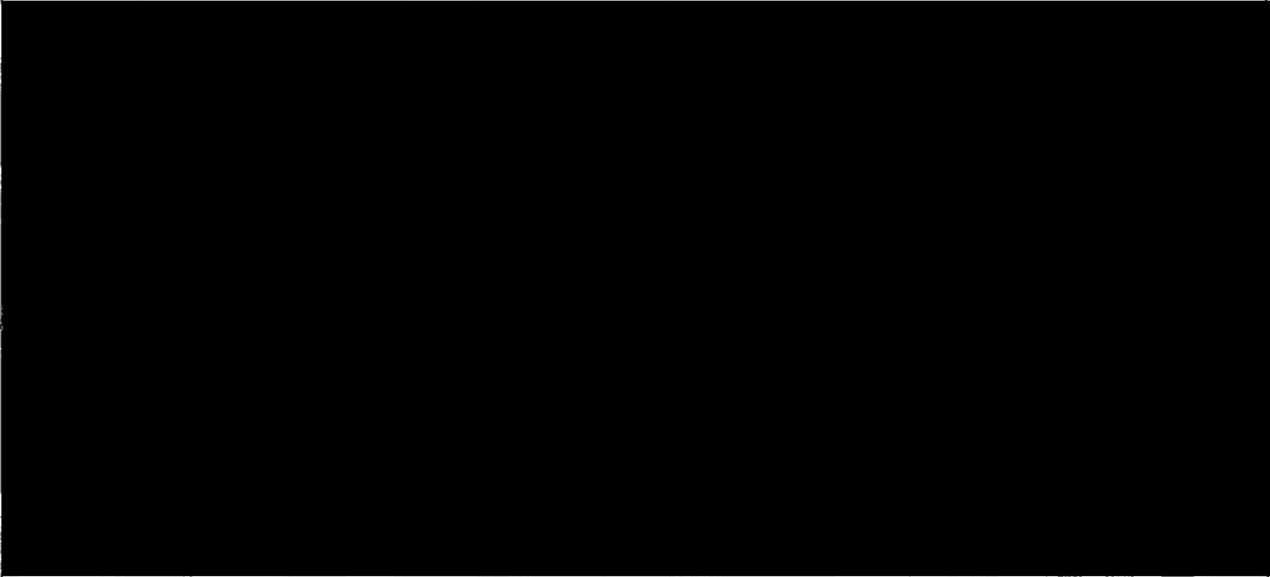
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Rows include Delgado Community College, Tulane University, and NY Botanical Gardens School of Horticulture.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1 contains 'N/A'.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members
Redacted pursuant to N.Y. Public Officers Law, Art. 6

18. Offices Held or Ownership Interest in Other Businesses

List any affiliations you have been associated with in the past 10 years. Affiliation, for the purpose of this section, includes serving as either a board member, officer, manager, owner, partner, principal stakeholder, director or member of the organization. Organizations outside of New York State must also be disclosed.

Have you owned or operated a business or had any affiliations with the operations of a business in New York, in the USA, or in other countries? [X] Yes [ ] No

Form with fields: From: 2010, To: Present, Name and Address of Business: JRP Group, Inc., Business Type: Road construction materials, Office Held/Nature of Interest: Shareholder, [X] open [ ] closed [ ] proposed, Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable: \*see attached "Exhibit 1 to Appendix A"



**Appendix A:  
Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**

From: 4/15/2015	Name and Address of Business:	
To: Present	KDBF Ventures, LLC 29 Old Aspetong Road, Katonah, New York 10536	
Business Type: Real estate holding/managemet	Office Held/Nature of Interest: Member	<input checked="" type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable: None		
From: 2005	Name and Address of Business:	
To: 2010	Peckham Family Holdings, Inc. 20 Haarlem Avenue, White Plains, New York 10603	
Business Type: Road Construction Materials	Office Held/Nature of Interest: Shareholder	<input type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable: *see attached "Exhibit 1 to Appendix A"		
From:	Name and Address of Business:	
To:		
Business Type:	Office Held/Nature of Interest:	<input type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:		



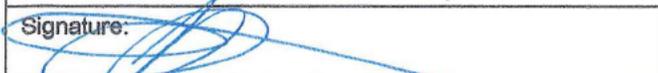
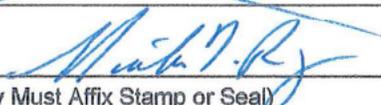
Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

I am fully prepared and qualified to serve as Etain's Chief Horticultural Officer as a result of my education and hands-on experience in horticulture and business administration. Through my professional relationships with premier horticultural experts like Charles Yurglavich, Director of Horticultural Education at the New York Botanical Gardens, (NYBG), Lee Mandell, hydroponic systems expert and educator, William John-Pier Duhe and Charles Miller of Yotta Tech, and Master Grower Michael Leigh, I have secured access to leading proprietary methodologies for cultivation and revolutionary horticultural technology for Etain. As a NYBG Certified Horticultural Therapist with formal business training from Tulane University, I am exceptionally qualified to oversee, coordinate and manage Etain's cultivation, processing, extraction and manufacturing operations. Further, I am a [redacted] shareholder of family-owned construction material companies operating throughout the State, and am thus intimately aware of the rigors of regulatory compliance and reporting in a highly regulated, vertically integrated industry. Etain, which I founded with my [redacted] and [redacted] is my true passion. The company has adopted the philosophy that "product defines our process and our process defines our product" to further our mission and vision of making new cannabis-based therapies available to those suffering from debilitating diseases. All Etain staff will employ this philosophy to produce the best plants and products possible, starting with Etain's "Green Team." Under my leadership, Etain will set the standard for medical-grade cannabis product uniformity, quality and safety. Based on my experience and training, I am fully qualified and prepared to serve as Chief Horticultural Officer, and have skills and expertise necessary to do so in a manner consistent with New York's medical marijuana regulations.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: 	Date: 6/1/2015
Notary Name: 	Notary Registration Number: 86505
Notary (Notary Must Affix Stamp or Seal)	Date: 6/1/2015



**Exhibit 1 to Appendix A**  
**Additional Information in Response to Question 18**

JRP Group, Inc. ("JRP Group") is the shareholder or member, as the case may be, of the subsidiary and affiliate entities listed below. While JRP Group does not hold licenses from regulatory bodies, many of its subsidiaries and affiliates do. Information about these licenses is provided herein for each entity in the format set forth in question 18 of Appendix A.

**1. Peckham Family Holdings, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**2. Peckham Family Foundation (held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Philanthropy through grants to not-for-profit community organizations

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**3. Peckham Industries, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**4. Reclamation, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**5. Reclamation, LLC (all shares held by Reclamation, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**6. Byram Holding, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829

b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000

- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**7. Byram Concrete & Supply, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**8. Byram Ready Mix, LLC (all shares held by Byram Holding, LLC; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**9. South Street Materials, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**10. Virginia Road Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**11. RFY, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**12. LJL Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:  
None

**13. Peckham Asphalt Resale Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106  
Telephone: (860) 424-3000
- d. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**14. Peckham Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000
- e. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400

**15. Peckham Road Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

See No. 3 above

**16. Ballast Star Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**17. Barjac Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**18. Catskill Realty, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**19. County Asphalt, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**20. Cushman Farms, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829

- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
  
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**21. Duchess Quarry & Supply Co., Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
  
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
  
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**22. Harborview Terminals, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**23. James Reed Sales, Inc. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**24. Putnam Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900

- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**25. Soil Recovery Corp. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**26. William E. Dailey, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556
- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**27. William E. Dailey Precast, LLC (all shares held by Peckham Industries, Inc.; open)**

**Address:**

20 Haarlem Avenue  
White Plains, New York 10603

**Business Type:**

Road construction materials

**Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:**

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556

- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**28. Wingdale Materials, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

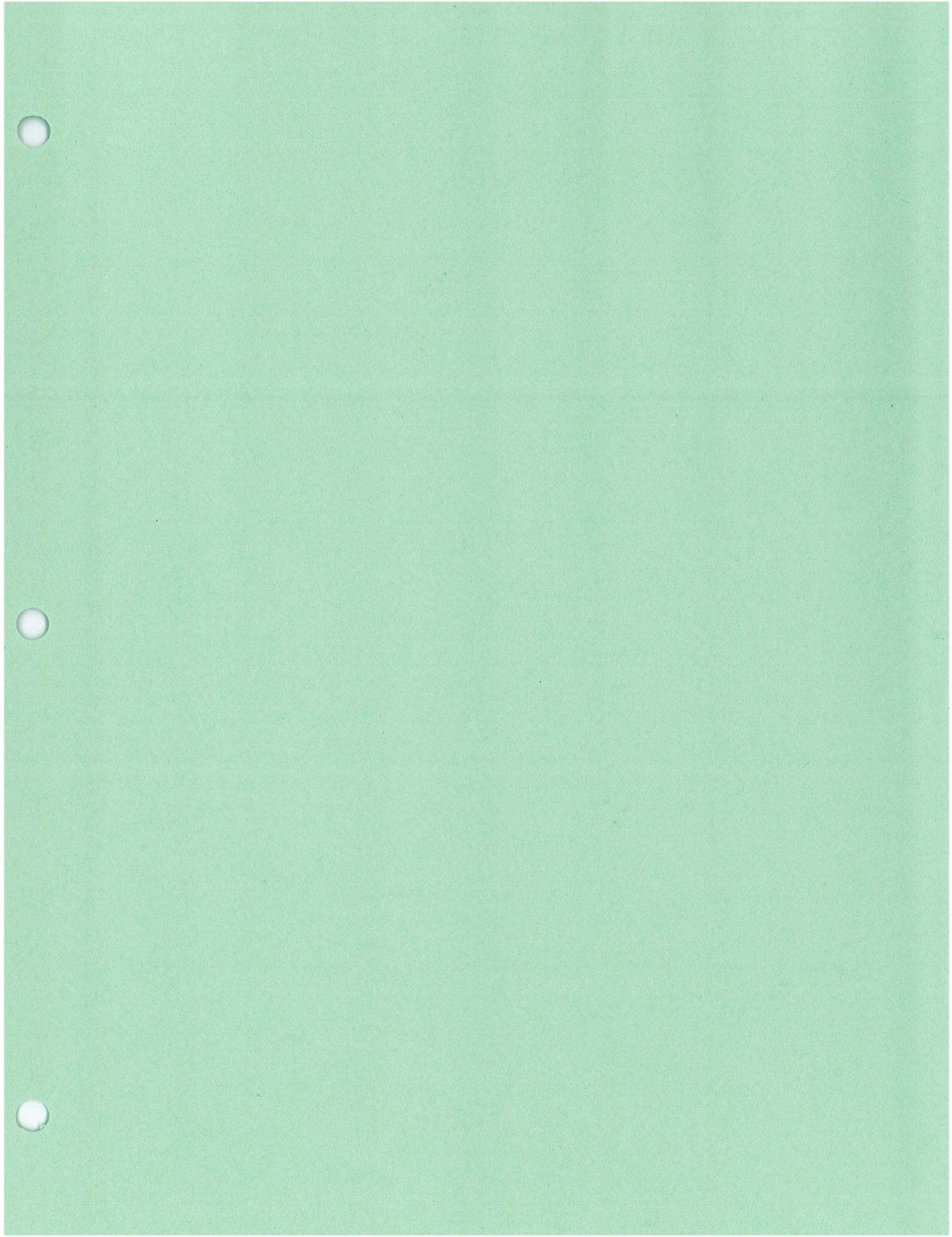
20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400
- e. United States Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue, NE  
Washington, D.C. 20226  
Telephone: (202) 648-7080





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Hillary Peckham 3. Title: Chief Operations Officer
4. Briefly describe the role of this person or entity in the proposed registered organization:
In my role as Etain LLC's Chief Operations Officer, I will supervise human resources, dispensary operations, patient education policies and procedures, extraction formulation and production.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [checked] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.
N/A



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

N/A

8. Phone:

9. Fax:

10. Email: hillary@etainhealth.com

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains data for Dartmouth College and Hamilton College.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.
Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date.
17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6

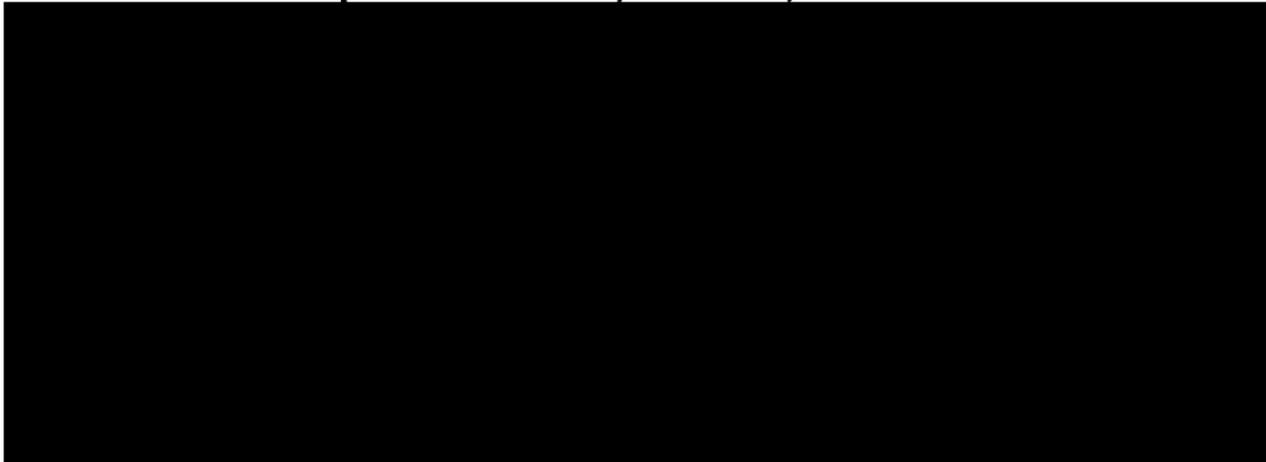


**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members



Form fields including: Name of Employer, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, 18. Offices Held or Ownership Interest in Other Businesses, Have you owned or operated a business..., From: 2010, To: Present, Business Type: Road construction materials, Office Held/Nature of Interest: Shareholder, Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable: \*see attached "Exhibit 1 to Appendix A"



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three entries for business information. Entry 1: From 4/15/2015 to Present, KDBF Ventures, LLC, 29 Old Aspetong Road, Katonah, NY 10536, Member, Office Held/Nature of Interest. Entry 2: From 2005 to 2010, Peckham Family Holdings, Inc., 20 Haarlem Avenue, White Plains, NY 10603, Shareholder, Office Held/Nature of Interest. Entry 3: From and To blank, Office Held/Nature of Interest blank. Each entry includes checkboxes for open, closed, and proposed status.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

I am fully prepared and qualified to serve as Etain LLC's Chief Operating Officer due to my business administration education, hands-on experience and, particularly, through establishing relationships with premier cannabis experts such as Scott Van Rixel, CEO of the Bhang Corporation, Jazmin Hupp and Melissa Meyer of Women Grow, and Raechal Speegle, COO of the Veratas Foundation. I have been intimately involved with Etain's strategic planning efforts, and have leveraged my cannabis-industry relationships to secure Etain's exclusive access to proprietary best practices and top talent. Additionally, I have spearheaded Etain's community outreach efforts by advancing the company's vision and mission throughout the State and obtaining endorsements from municipal officials where Etain intends to locate facilities. My family has been operating vertically integrated, highly regulated businesses in New York for nearly a century, and is known for our motto that "our word is our bond." I live by these words, and with my [redacted] and [redacted] I am committed to making new cannabis-based therapies available to those suffering across the State. As a passionate entrepreneur, I bring energy, innovation and industry-specific competitive advantages to the table as Etain's Chief Operating Officer. Through learning the family business, I am also well versed in complex compliance and reporting requirements, such as those governing New York's medical marijuana program. For these reasons, I am fully familiar with and equipped to navigate the specialized executive and management challenges Registered Organizations will face in a manner consistent with medical marijuana regulations and in furtherance of the Compassionate Care Act.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: 5/31/15

Notary Name: Sara E. Payne Notary Registration Number: 02PA6310602

Notary (Notary Must Affix Stamp or Seal) Date: May 31, 2015

SARA ELIZABETH PAYNE
Notary Public, State of New York
No. 02PA6310602
Qualified in Onondaga County
Commission Expires August 25, 2018

**Exhibit 1 to Appendix A**  
**Additional Information in Response to Question 18**

JRP Group, Inc. ("JRP Group") is the shareholder or member, as the case may be, of the subsidiary and affiliate entities listed below. While JRP Group does not hold licenses from regulatory bodies, many of its subsidiaries and affiliates do. Information about these licenses is provided herein for each entity in the format set forth in question 18 of Appendix A.

**1. Peckham Family Holdings, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**2. Peckham Family Foundation (held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Philanthropy through grants to not-for-profit community organizations

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**3. Peckham Industries, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**4. Reclamation, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**5. Reclamation, LLC (all shares held by Reclamation, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**6. Byram Holding, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

a. New York State Department of Environmental Conservation

625 Broadway

Albany, New York 12233

Telephone: (518) 402-8829

b. New York State Department of Labor

PO Box 15130

Albany, New York 12212

Telephone: (518) 457-9000

- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**7. Byram Concrete & Supply, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**8. Byram Ready Mix, LLC (all shares held by Byram Holding, LLC; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**9. South Street Materials, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**10. Virginia Road Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**11. RFY, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**12. LJL Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**13. Peckham Asphalt Resale Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106  
Telephone: (860) 424-3000
- d. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**14. Peckham Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000
- e. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400

**15. Peckham Road Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

See No. 3 above

**16. Ballast Star Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**17. Barjac Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**18. Catskill Realty, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**19. County Asphalt, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**20. Cushman Farms, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829

- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**21. Duchess Quarry & Supply Co., Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**22. Harborview Terminals, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**23. James Reed Sales, Inc. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**24. Putnam Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900

- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**25. Soil Recovery Corp. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**26. William E. Dailey, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556
- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**27. William E. Dailey Precast, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556

- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**28. Wingdale Materials, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400
- e. United States Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue, NE  
Washington, D.C. 20226  
Telephone: (202) 648-7080





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: ETAIN LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Joseph Stevens 3. Title: Chief Compliance Officer
4. Briefly describe the role of this person or entity in the proposed registered organization:
Ensures regulatory compliance throughout the organization by performing the following duties and responsibilities: Evaluate documentation and contracts on regular time intervals. Risk management. Procurement, monitoring and management of business insurance. Develop efficient compliance policies. Ensure company is in full compliance with state and federal laws and regulations. Oversees Security Division. Point of contact for ethics questions or concerns i.e. Code of Conduct
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [checked] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

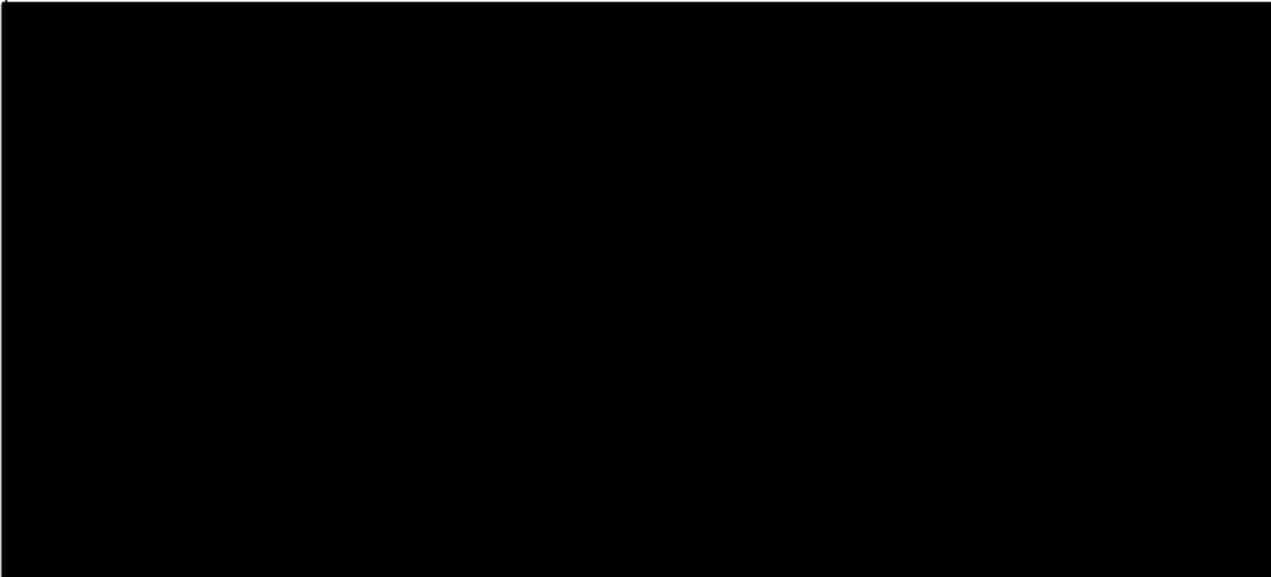
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains two rows of education data: Mercer Community College and Community College of Morris.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Rows include Radiological Technologist, NJ Diagnostic Radiography, and NJ Mortuary Practitioner.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





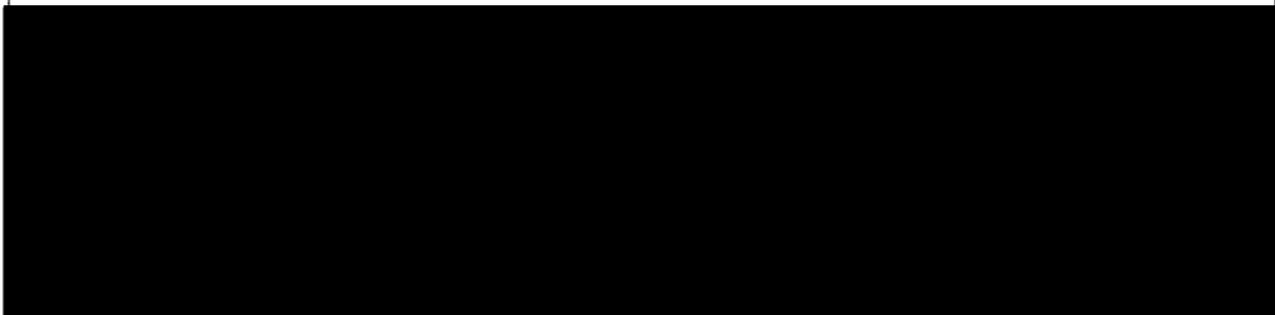
**Appendix A:**  
**Affidavit for Board Members, Officers, Managers, Owners, Partners,**  
**Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6

Name of Employer:



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

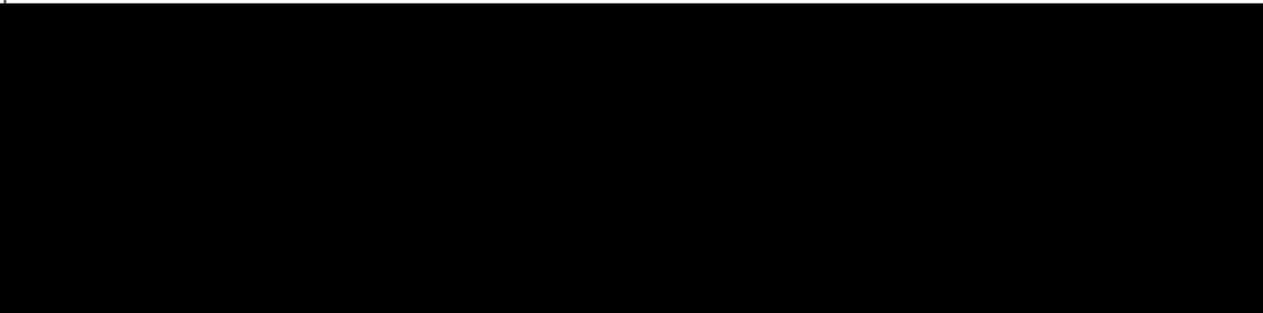
Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, Type of Business, and a section for other businesses with checkboxes for Yes/No.





Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form section 1: From: 2010, To: 2014, Business Type: NJ Licensed Medical Marijuana, Office Held/Nature of Interest: Board Member, [X]open [ ]closed [ ]proposed, Name, Address and Phone Number of Licensing/Regulatory Agency: NJDOH, P. O. Box 360, Trenton, NJ 08625-0360 (609)-292-0424



Form section 2: From: , To: , Business Type: , Office Held/Nature of Interest: , [ ]open [ ]closed [X]proposed, Name, Address and Phone Number of Licensing/Regulatory Agency:



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: 5-21-15
Notary Name: Ondrea B Triggiani Notary Registration Number: 50004687
Notary (Notary Must Affix Stamp or Seal) Date: 5/21/15
Ondrea B. Triggiani
Notary Public
New Jersey
My Commission Expires 10-21-2019
No. 50004687
[Handwritten Signature]



JOSEPH L. STEVENS

**EDUCATION AND LICENSING**

---

*ASRT #466288 ARRT #408466*

*NJ License #642467*

2007 County College of Morris

*Associate of Applied Science, Radiography*

NJ Mortuary Practitioner License #23JP00424000

1997 Mercer Community College

*Associate of Applied Science and Certificate; Funeral Services Curriculum*

**WORK EXPERIENCE**

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Redacted pursuant to N.Y. Public Officers Law, Art. 6

Joseph Stevens is an East Coast pioneer in the medical marijuana industry. Joseph single handedly navigated through [REDACTED] highly restrictive Compassionate Use of Medicinal Marijuana Act and Regulations, opening [REDACTED] in [REDACTED], [REDACTED]. He worked hand in hand with the NJ Department of Health and Senior Services to meet the stringent State compliance requirements including, but not limited to security, inventory management, risk assessment, personnel management, cultivation procedures, and safe patient access. He assisted the Department of Health in establishing laboratory testing including the development of protocol for isolating and identifying quantities of THC, THC-A and CBD's. The results of his success with compliance set the standard for the remaining licensees to meet in order to be approved for becoming operational.

Joseph's notoriety for being the [REDACTED] in [REDACTED] coupled with the numerous published news reports of his clashes with [REDACTED] CUMMA program running, led to him becoming highly sought out by applicants in other states wishing to open marijuana facilities. Joseph consulted for [REDACTED] in [REDACTED] to assist with their marijuana production facility application. [REDACTED]. He has also provided consulting services in [REDACTED]. He has most recently been engaged to assist an [REDACTED].

Joseph has donated countless hours to working with parents of children with autism and seizure disorders who are interested in CBD treatment. He has also consulted with many public office officials as well as regulatory personnel in New York, Delaware, and Oregon to provide insight into the application processes, development of rules and regulations, and compliance matters as they relate to the introduction of state marijuana programs.

Prior to establishing [REDACTED], Joseph was a [REDACTED]. Both positions required him to prepare for and participate in both annually scheduled and unannounced, spur of the moment State inspections. His thorough knowledge of State requirements and regulations afforded him success in limiting his employers' exposure to violations and/or penalties.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal
stakeholders, directors, and members. For board members, officers, managers, owners, partners,
directors, and members of the applicant that are not natural persons, Appendix A must be completed by
each board member, officer, manager, owner, partner, director and member of that entity, going back to
the level of ownership by a natural person. An Organizational Chart documenting your
organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: John Peckham 3. Title: Member
4. Briefly describe the role of this person or entity in the proposed registered organization:
I am a minority, non-managing member of Etain LLC. I will have no involvement in any aspect of the
company's operations and will have no contact with plants or products.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[ ] Yes [x] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products,
shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the
procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal
history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using
the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or
greater interest in any other business which manufactured or distributed drugs? [ ] Yes [x] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of
management or ownership held in such business, and any finding of violations of law or regulation by a
governmental agency against the business or person or entity.
N/A



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

N/A

8. Phone:

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains data for Northeastern University and Oberlin College.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1 contains 'None'.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



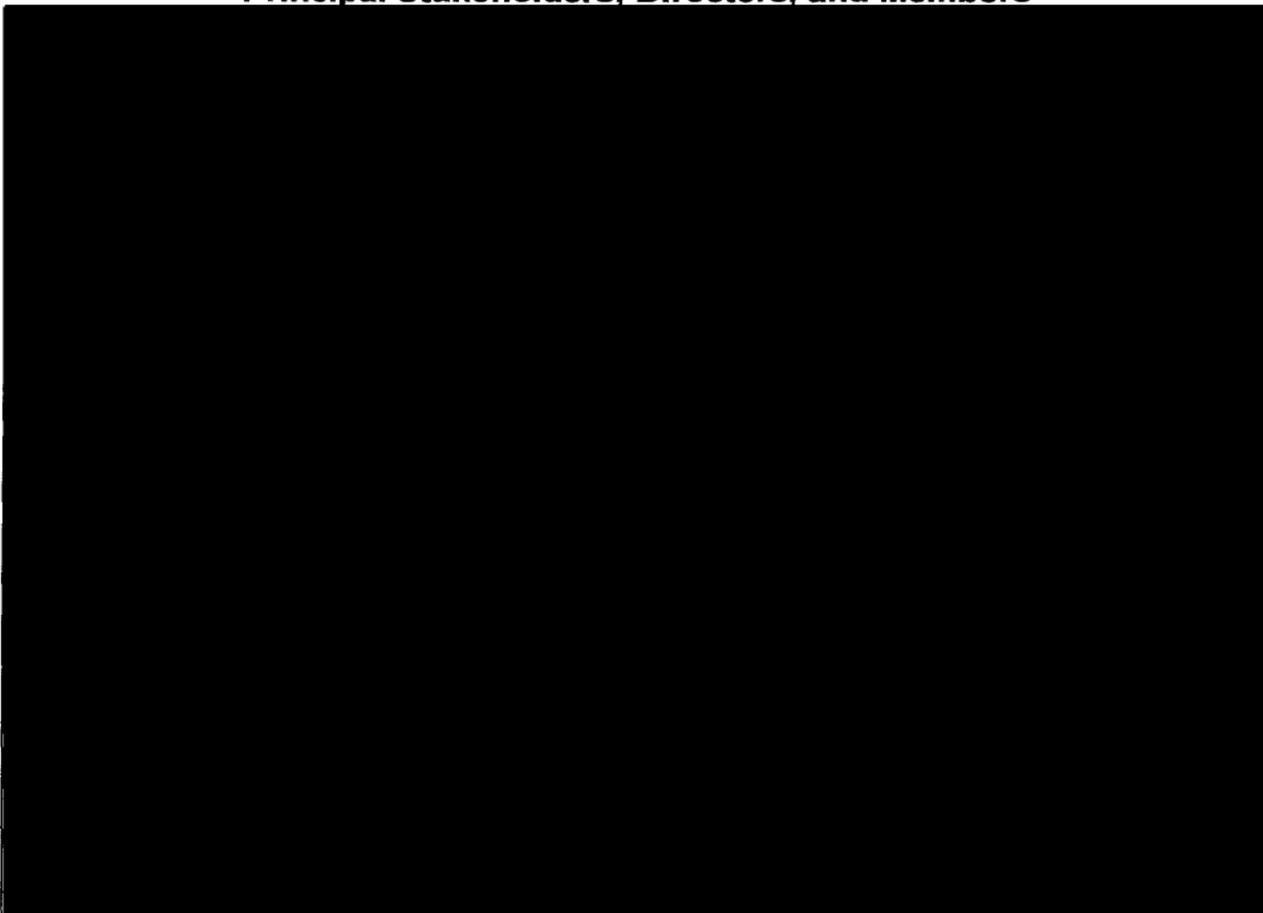


**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members



18. Offices Held or Ownership Interest in Other Businesses

List any affiliations you have been associated with in the past 10 years. Affiliation, for the purpose of this section, includes serving as either a board member, officer, manager, owner, partner, principal stakeholder, director or member of the organization. Organizations outside of New York State must also be disclosed.

Have you owned or operated a business or had any affiliations with the operations of a business in New York, in the USA, or in other countries? [X] Yes [ ] No

Table with 3 columns: From (2010), To (Present), Name and Address of Business (JRP Group, Inc.), Business Type (Road construction materials), Office Held/Nature of Interest (Shareholder), and checkboxes for open, closed, proposed.

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable: \*see attached "Exhibit to Appendix A"



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including dates, business names, addresses, and office types. Includes checkboxes for 'open', 'closed', and 'proposed' status.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

As a member, I will invest in Etain LLC, but will not participate in the company's operations or management.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: 5/31/2015
Notary Name: Sara E. Payne Notary Registration Number: 02PA6310602
Notary (Notary Must Affix Stamp or Seal) Date: May 31, 2015
SARA ELIZABETH PAYNE
Notary Public, State of New York
No. 02PA6310602
Qualified in Onondaga County
Commission Expires August 25, 2018

**Exhibit 1 to Appendix A**  
**Additional Information in Response to Question 18**

JRP Group, Inc. (“JRP Group”) is the shareholder or member, as the case may be, of the subsidiary and affiliate entities listed below. While JRP Group does not hold licenses from regulatory bodies, many of its subsidiaries and affiliates do. Information about these licenses is provided herein for each entity in the format set forth in question 18 of Appendix A.

**1. Peckham Family Holdings, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**2. Peckham Family Foundation (held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Philanthropy through grants to not-for-profit community organizations

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**3. Peckham Industries, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**4. Reclamation, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**5. Reclamation, LLC (all shares held by Reclamation, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**6. Byram Holding, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

a. New York State Department of Environmental Conservation

625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829

b. New York State Department of Labor

PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000

- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**7. Byram Concrete & Supply, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**8. Byram Ready Mix, LLC (all shares held by Byram Holding, LLC; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**9. South Street Materials, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**10. Virginia Road Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**11. RFY, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**12. LJL Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:  
None

**13. Peckham Asphalt Resale Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106  
Telephone: (860) 424-3000
- d. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**14. Peckham Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000
- e. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400

**15. Peckham Road Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

See No. 3 above

**16. Ballast Star Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**17. Barjac Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**18. Catskill Realty, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**19. County Asphalt, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**20. Cushman Farms, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829

- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**21. Duchess Quarry & Supply Co., Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**22. Harborview Terminals, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**23. James Reed Sales, Inc. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**24. Putnam Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900

- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**25. Soil Recovery Corp. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**26. William E. Dailey, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556
- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**27. William E. Dailey Precast, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556

- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**28. Wingdale Materials, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400
- e. United States Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue, NE  
Washington, D.C. 20226  
Telephone: (202) 648-7080





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Gregory Peckham 3. Title: Member
4. Briefly describe the role of this person or entity in the proposed registered organization:
I am a minority, non-managing member of Etain LLC. I will have no involvement in any aspect of the company's operations and will have no contact with plants or products.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[ ] Yes [x] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [x] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.
N/A



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

N/A

8. Phone:

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Row 1: Hamilton College, 198 College Hill Road Clinton, NY 13323, 2014, Present, Pending.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1 contains 'None'.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

Name of Employer: N/A



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip Code, Starting/Ending Date of Employment, Name of Supervisor, Position/Responsibilities, Reason For Departure, and 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple rows containing business information, dates, and checkboxes for 'open', 'closed', and 'proposed' status.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

As a member, I will invest in Etain LLC, but will not participate in the company's operations or management.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature:

[Handwritten signature]

Date:

6/1/2015

Notary Name:

[Handwritten signature]

Notary Registration Number:

02614988496

Notary (Notary Must Affix Stamp or Seal)

Date:

June 1, 2015

WILLIAM J. GILBERT, JR.
Notary Public, State of New York
Qualified in Onondaga Co. No. 02614988496
Commission Expires November 12, 2017

**Exhibit 1 to Appendix A**  
**Additional Information in Response to Question 18**

JRP Group, Inc. ("JRP Group") is the shareholder or member, as the case may be, of the subsidiary and affiliate entities listed below. While JRP Group does not hold licenses from regulatory bodies, many of its subsidiaries and affiliates do. Information about these licenses is provided herein for each entity in the format set forth in question 18 of Appendix A.

**1. Peckham Family Holdings, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**2. Peckham Family Foundation (held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Philanthropy through grants to not-for-profit community organizations

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**3. Peckham Industries, Inc. (all shares held by JRP Group; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**4. Reclamation, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**5. Reclamation, LLC (all shares held by Reclamation, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**6. Byram Holding, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829

b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000

- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**7. Byram Concrete & Supply, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000

**8. Byram Ready Mix, LLC (all shares held by Byram Holding, LLC; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**9. South Street Materials, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**10. Virginia Road Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**11. RFY, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**12. LJL Realty, LLC (all shares held by Byram Holding, LLC; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:  
None

**13. Peckham Asphalt Resale Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. Connecticut Department of Energy and Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106  
Telephone: (860) 424-3000
- d. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**14. Peckham Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Westchester County Department of Health  
145 Huguenot Street  
New Rochelle, New York 10801  
(914) 813-5000
- e. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400

**15. Peckham Road Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:  
See No. 3 above

**16. Ballast Star Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-9000
- c. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**17. Barjac Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**18. Catskill Realty, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Real estate holding and management

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**19. County Asphalt, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Harlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
  
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
  
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**20. Cushman Farms, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Harlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829

- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**21. Duchess Quarry & Supply Co., Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**22. Harborview Terminals, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. United States Coast Guard  
2703 Martin Luther King Jr. Avenue  
Washington, D.C. 20593  
Telephone: (718) 354-4101 (unit telephone number)

**23. James Reed Sales, Inc. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**24. Putnam Materials Corp. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900

- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

**25. Soil Recovery Corp. (all shares held by Peckham Industries, Inc.; closed)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

None

**26. William E. Dailey, Inc. (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445

- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556
  
- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**27. William E. Dailey Precast, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
  
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
  
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
  
- d. Vermont Department of Environmental Conservation  
1 National Life Drive, Main 2  
Montpelier, Vermont 15620  
Telephone: (802) 828-1556

- e. Vermont Agency of Transportation  
Secretary's Office; Finance and Administration  
Highway Policy, Planning and Intermodal Development  
1 National Life Drive  
Montpelier, Vermont 15633  
Telephone: (802) 828-2657

**28. Wingdale Materials, LLC (all shares held by Peckham Industries, Inc.; open)**

Address:

20 Haarlem Avenue  
White Plains, New York 10603

Business Type:

Road construction materials

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

- a. New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
Telephone: (518) 402-8829
- b. New York State Department of Labor  
PO Box 15130  
Albany, New York 12212  
Telephone: (518) 457-900
- c. New York State Department of Transportation  
50 Wolf Road  
Albany, New York 12232  
Telephone: (518) 457-4445
- d. Mine Safety and Health Administration  
1100 Wilson Boulevard, 21st Floor  
Arlington, Virginia 22209  
Telephone: (202) 693-9400
- e. United States Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Avenue, NE  
Washington, D.C. 20226  
Telephone: (202) 648-7080



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## **APPENDIX A**

### **AFFIDAVITS FOR BOARD MEMBERS, OFFICERS, MANAGERS, OWNERS, PARTNERS, PRINCIPAL STAKEHOLDERS, DIRECTORS, AND MEMBERS**

#### **BOARD OF ADVISORS/BOARD OF DIRECTORS**

**BRIAN R. SALTZMAN, M.D.**

**SANG JEE (SANDY) CHOI**

**JAZMINE HUPP**

**BENJAMIN BLUM**

**CHARLES YURGALEVITCH, PH.D.**

**MONICA LOMBARDO**

**RACHEL SPEEGLE**





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain L.L.C.

This is the name that was entered in Section A of the Application for Registration as a Registered Organization.

Name: Brian F. Salzman, MD

4. Briefly describe the role of this person or entity in the proposed registered organization:

Overseeing:

- 1. Development of data collection tools, questionnaires
2. Systematic collection of patient information, and clinical responses to different strains/extractions used to treat different indications, symptoms, and disease states. Monitoring and reporting possible adverse events
3 Organizing prospective clinical research based on such data in an attempt to determine which strain or extraction is most efficacious in different disease states, alleviating different symptoms, and are best tolerated.

5. Will this person or entity come into contact with medical marijuana or medical marijuana products?

Yes No

Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."

6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? Yes No

If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.

O



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
[ ] Yes [X] No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [Redacted]

9. Fax: [Redacted]

10. Email: [Redacted]

11. Residence Address: [Redacted]

12. City: [Redacted]

13. State: [Redacted]

14. ZIP Code: [Redacted]

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains two rows of education data: New York University School of Medicine (Doctor of Medicine, 6/1981) and Sophie Davis School of Biomedical Education, CCNY (Bachelor of Science, 6/1979).



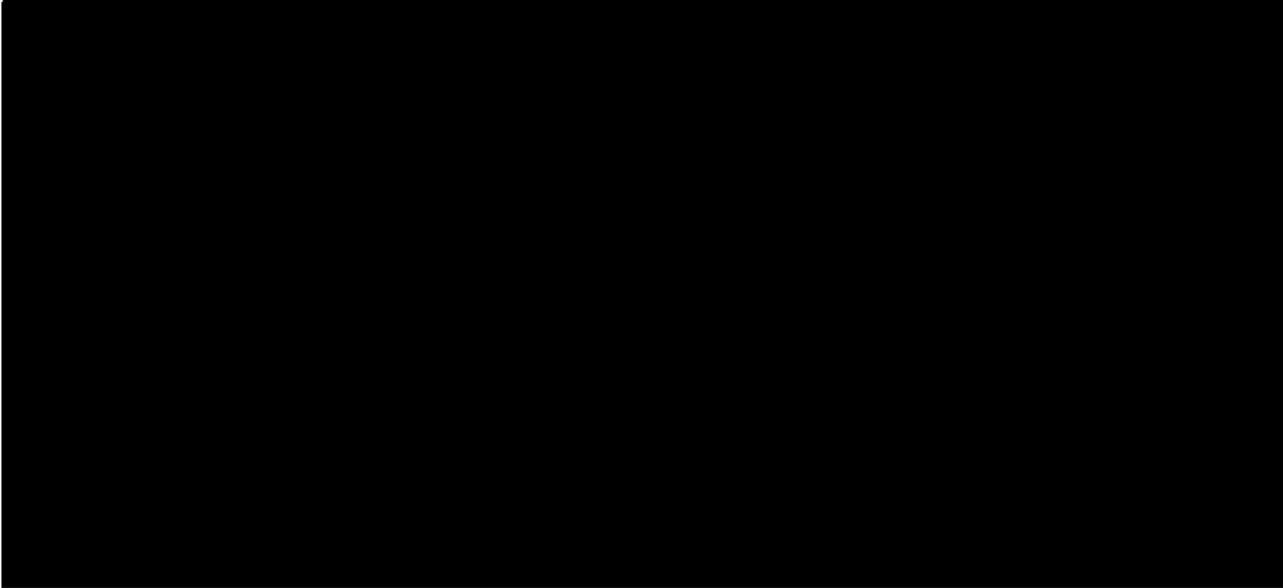
Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

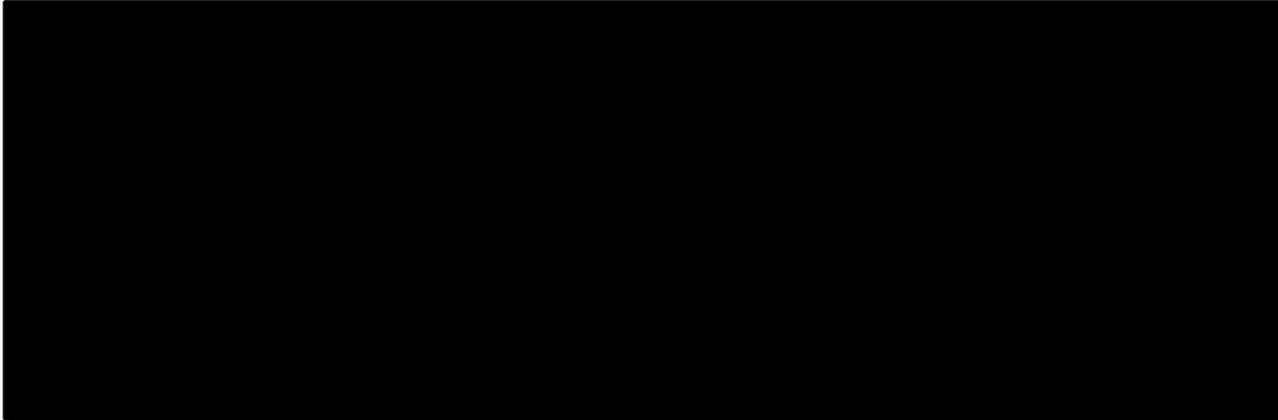
Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1: Medicine, 159703, New York State Education Department, Office of the Professions, Albany, NY, 1982, 7/31/2016.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form with multiple sections for employer information, including fields for Name of Employer, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, and Position/Responsibilities. The form is repeated for multiple entries.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, Type of Business, and a section for 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form section 1: From, To, Business Type, Office Held/Nature of Interest, and checkboxes for open, closed, proposed.

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:

Form section 2: From, To, Business Type, Office Held/Nature of Interest, and checkboxes for open, closed, proposed.

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

Date: 27 May 2015

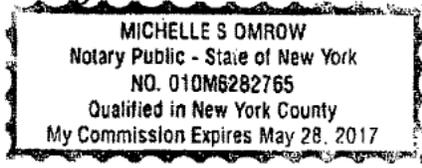
Notary Name: Michelle Omrow

Notary Registration Number: NO. 010M6282765

Notary (Notary Must Affix Stamp or Seal)

Date: 12/1/15

Notary For: Brian R. Saltzman



[Handwritten Signature]





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: SangJee (Sandy) Choi 3. Title: Board of Directors
4. Briefly describe the role of this person or entity in the proposed registered organization: Expertise in legal, compliance and risk management licensed attorney in NY.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products? [X] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [X] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: 9. Fax

10. Email:

11. Residence Address:

12. City: 13. State: 14. ZIP Code:

15. Formal Education Dates Attended Degree

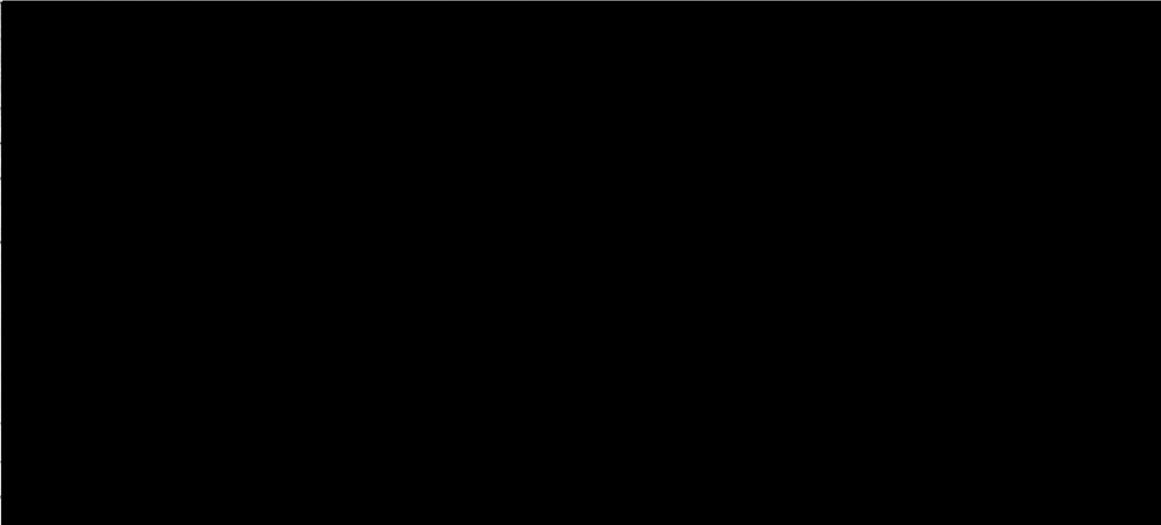
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains handwritten entries for Pace Law School and SUNY Binghamton.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Contains handwritten entries for NY and NJ BAK licenses.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Redacted pursuant to N.Y. Public Officers Law, Art. 6

18. Offices Held or Ownership Interest in Other Businesses

List any affiliations you have been associated with in the past 10 years. Affiliation, for the purpose of this section, includes serving as either a board member, officer, manager, owner, partner, principal stakeholder, director or member of the organization. Organizations outside of New York State must also be disclosed.

Have you owned or operated a business or had any affiliations with the operations of a business in New York, in the USA, or in other countries? [ ] Yes [X] No

Form with fields: From, To, Business Type, Name and Address of Business, Office Held/Nature of Interest, [ ] open [ ] closed [ ] proposed

Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Name and Address of Business:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. The 'Office Held/Nature of Interest:' field contains checkboxes for 'open', 'closed', and 'proposed'.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

Qualifications include commitment to helping others and a belief in bringing the best in healthcare to the communities that need it. As an attorney, I believe in advocating for a cause that matters and benefit the members of this community. I've helped obtain asylum status for a client as a student attorney. I've also assisted residents of Mt. Kisco, NY with immigration issues. As marginalized members of their community, often too frightened to seek assistance, they were so appreciative for the help. My experience in the insurance industry has exposed me to the various risks involved in operating various commercial enterprise. I also believe the best businesses comply with all rules and regulations which also minimize risk and makes the daily management straightforward and effective.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

Date: 5/11/15

Notary Name: MARY E. MOHNACH

Notary Registration Number: 02MO6187025

Notary (Notary Must Affix Stamp or Seal)

Date: 5/11/15

[Handwritten Notary Signature]

MARY E. MOHNACH
Notary Public, State of New York
No. 02MO6187025
Qualified in Westchester County
Commission Expires May 12, 2016

# **Sandy Choi, Esq.**



## **BAR ADMISSIONS**

New Jersey (November 21, 2006); New York (July 18, 2007)

## **EDUCATION**

**PACE UNIVERSITY SCHOOL OF LAW**, White Plains, NY

Juris Doctor and International Law Certificate, May 2006

**Activities:** American Bar Association; **Study Abroad:** Pace University School of Law London Law Program, London, UK, Spring 2005

**BINGHAMTON UNIVERSITY**, Binghamton, NY

Bachelor of Arts in English January 2001

**Honors:** Dean's List, Spring 2000; **Study Abroad:** Binghamton Semester in London Program, London, UK, Fall 2000

## **LEGAL EXPERIENCE**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

Sandy Choi attended the State University of New York at Binghamton where she received a Bachelor of Arts in English Literature. She has also earned a Juris Doctor from Pace Law School. She has spent the majority of her life living and working in [REDACTED] and is an attorney licensed to practice in New York and New Jersey. She is currently employed by [REDACTED]

[REDACTED] In her role as a licensed attorney employed by the [REDACTED] [REDACTED] in the world, she investigates and evaluates potential exposure under commercial general liability policies for various commercial entities. Her strong analytical and organizational skills along with excellent communication, negotiation and investigation skills are valuable and applicable to many facets of this new endeavor, including applicability to risk management and compliance.

As medical marijuana becomes decriminalized, less stigmatized, and more widely available, it's encouraging that patients will finally be able to have access to the medical benefits of the drug. The change from the social blemish as it has been perceived to be, to now being recognized as a valuable treatment, is an encouraging change and exciting time in the medical community.





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Jazmin Hupp 3. Title: Board of Directors
4. Briefly describe the role of this person or entity in the proposed registered organization: Jazmin Hupp is the [redacted] & [redacted] of [redacted], a network of 10,000 entrepreneurs in all sectors of the cannabis industry. Her work to jumpstart 1,000+ women-owned cannabis businesses at the beginning of an industry is the most effective campaign to increase diversity in this sector. She will ensure that ETAIN, LLC has access to the highest-quality partners through her network. She is also a leading lecturer on responsible cannabis branding and will help ensure clear & compliant messaging to ETAIN's patients and the public.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products? [X] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [X] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains two rows of education data.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. The table contains 5 empty rows for data entry.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6

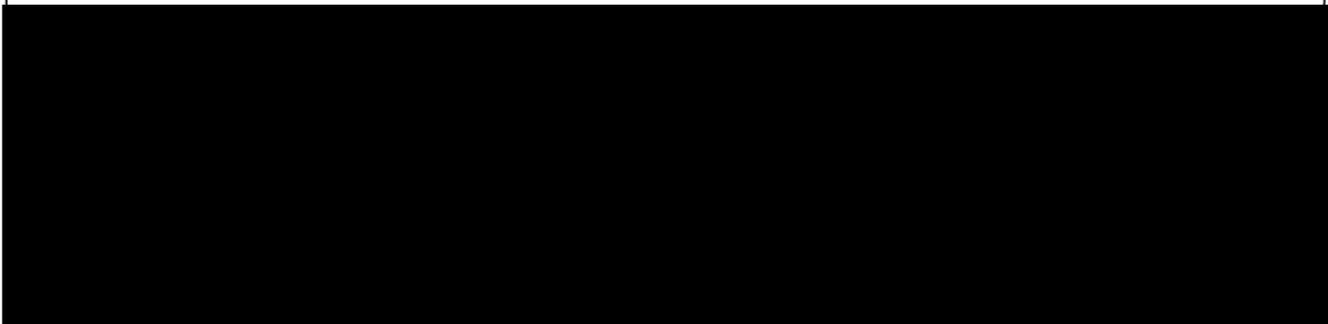
Name of Employer:



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, and Position/Responsibilities. Includes a section for Reason For Departure and a section for 18. Offices Held or Ownership Interest in Other Businesses.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Name and Address of Business:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. Radio buttons are provided for 'open', 'closed', and 'proposed'.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

I am qualified to serve on the Board of Directors because of my position as [redacted] and [redacted] of [redacted]. I currently spend 35 weeks a year visiting all the major cannabis markets and bringing those best practices to ETAIN. Utilizing our network of 10,000 cannabis entrepreneurs, I ensure ETAIN will have access to a diverse list of qualified talent to build their business. I also lecture on responsible branding for the cannabis industry at national conferences. My goal is to create a safe and inclusive company that creates consistent products for a diverse range of patients.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

Date: 5/28/15

Notary Name: ELSA V. Fontanes

Notary Registration Number: 01FO6104982

Notary (Notary Must Affix Stamp or Seal)
ELSA V. FONTANES
Notary Public, State of New York
No. 01FO6104982
Qualified in New York County
Commission Expires Feb. 2, 2016

Date: 28th day of May 2015

# JAZMIN VICTORIA HUPP



Redacted pursuant to N.Y. Public Officers Law, Art. 6

## **State University of New York: Empire State College**

**Bachelor of Science in Business, Management & Economics**  
**Concentration: Management Information Systems**

**2005-2007**

- Graduated cum laude.

## **State University of New York: Purchase College**

**Design Technology Major**

**2003-2004**

## **Nonprofit Board Memberships**

- Startup InTurn: Placing underrepresented students in sponsored startup internships, 2012.
- GLSEN Southern Oregon Chapter: Gay, Lesbian, & Straight Education Network, 2000-2003.
- Actors Theatre of Talent: Local community theatre, 1999-2000 season.

## **Community Service**

- MentorNet: Volunteer mentor for undergraduate students in technology.
- Founder Labs: Coordinator for Startup Incubator program held on Google's NYC campus.
- LAMBDA Community Outreach Award for significant contributions to the youth LGBT community.





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

Form with fields for Business Name (Etain), Name (Benjamin Blum), Title (Board of Directors), role description, contact with medical marijuana (No), and management/ownership history (No).



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [Redacted]

9. Fax: N/A

10. Email: [Redacted]

11. Residence Address: [Redacted]

12. City: [Redacted]

13. State: [Redacted]

14. ZIP Code: [Redacted]

15. Formal Education

Dates Attended

Degree

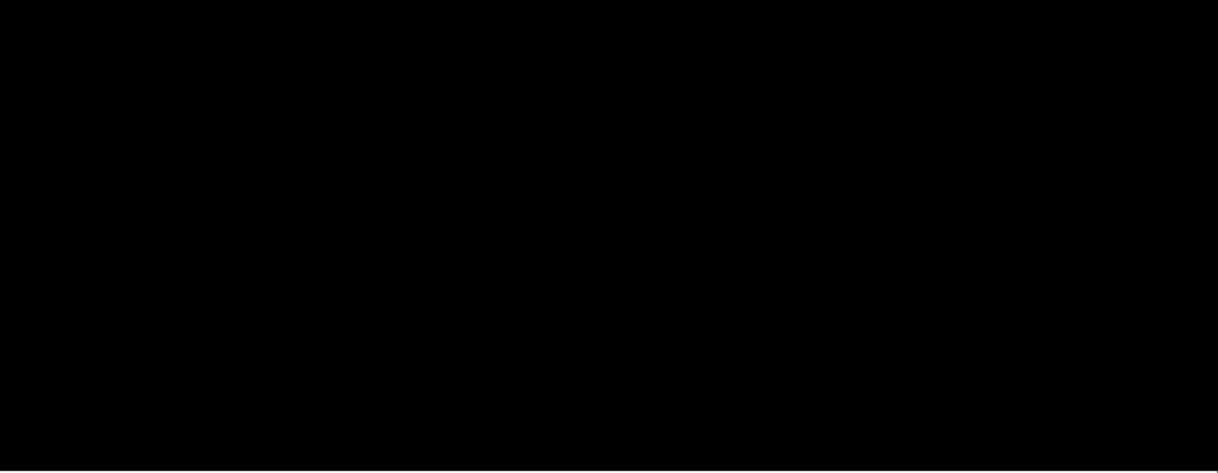
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Rows include Dartmouth College, Northeastern University, and Boston University School of Medicine.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1: EMT, 873351, Massachusetts Department of Public Health, Office of Emergency Medical Services, 4/01/2017.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



Name of Employer:
Type of Business:



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for personal and professional information, including fields for Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, and Type of Business.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, Type of Business, and a section for 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. The 'Office Held/Nature of Interest:' field includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

Mr. Blum has over five years experience in the biotech and pharmaceutical industries, actively involved in the development of protein therapeutics. While working for [redacted] (formerly [redacted]), Mr. Blum authored CMC sections of submissions to the FDA, supervised technology transfer for the GMP production of biologics, and performed research on the engineering and analysis of several protein therapeutic candidates, spanning multiple technology platforms. Mr. Blum also worked on implementing data tracking systems, is an inventor of two patent applications, and has general management experience for a local not-for-profit organization. Mr. Blum's previous project management experience and service on the Board of Directors for a not-for-profit organization is strong preparation to contribute to the oversight and operation of the company. Mr. Blum was President of the Board of Directors of the Wayland-Weston Rowing Association and oversaw the reinstatement of the organizations 501(3)c status, which required extensive work with the appropriate state and federal agencies. Mr. Blum oversaw the implementation of a new governance structure to prevent similar lapses of the organization in the future. With this experience, Mr. Blum is uniquely qualified to guide the company on the establishment of rigorous testing and quality control standards for the Medical Marijuana industry and meet regulatory requirements.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: Benjamin Blum

Date: 05/18/2015

Notary Name: Christine M Nickerson

Notary Registration Number:

Notary (Notary Must Affix Stamp or Seal)

Date: 5/18/2015

CHRISTINE M. NICKERSON
Notary Public
My Commission Expires August 31, 2018
Commonwealth of Massachusetts





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain, LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Charles M. Yurgalevitch, Ph.D. 3. Title: Board of Directors
4. Briefly describe the role of this person or entity in the proposed registered organization:
Invited by Etain, LLC to serve as the horticulture expert and consultant.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [checked] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains three rows of education data: Rutgers University (Ph.D., May 1989), Rutgers University (M.S., May 1982), and University of Rhode Island (B.S., May 1979).



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Rows include Director's license, Instructor's license, Agent's license, and School license.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



Name of Employer:
Type of Business:



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for personal and professional information, including address, employment dates, supervisor details, and reasons for departure.



**Appendix A:  
Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**

Type of Business:		
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
Name of Employer:		Type of Business:
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
<b>18. Offices Held or Ownership Interest in Other Businesses</b> List any affiliations you have been associated with in the past 10 years. Affiliation, for the purpose of this section, includes serving as either a board member, officer, manager, owner, partner, principal stakeholder, director or member of the organization. Organizations outside of New York State must also be disclosed.		
Have you owned or operated a business or had any affiliations with the operations of a business in New York, in the USA, or in other countries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
From: January 2004	Name and Address of Business:	
To: present	Metro Hort Group Inc. P.O. Box 1113, New York, NY 10185	
Business Type: non-profit hort. organization	Office Held/Nature of Interest: Secretary (since 2005)	<input checked="" type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable: N/A		



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three entries. Each entry includes 'From' and 'To' dates, 'Business Type', 'Name and Address of Business', 'Office Held/Nature of Interest', and checkboxes for 'open', 'closed', and 'proposed'. The first entry is for Urban Assembly School for Green Careers, the second for Mather Building Arts & Craftsmanship High School, and the third is blank.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

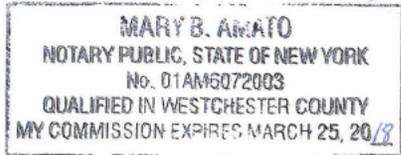
Date: May 6, 2015

Notary Name: Mary B. Amato

Notary Registration Number: 01AM6072003

Notary (Notary Must Affix Stamp or Seal)

Date: May 6, 2015



[Handwritten Signature: Mary B. Amato]

---

Throughout my career, I have found myself in several challenging positions and, as I reflect, have performed above and beyond what was required in each position. Below are just a few of my career successes.

Since entering the workforce following my post-doc at the University of Florida's Tropical Research & Education Center in Homestead, Florida, I served as an Agriculture & Consumer Protection Specialist. I was the first in Miami-Dade County to spot Florida Wax Scale at a nursery, which was then treated and eradicated.

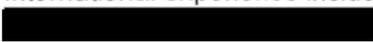
As Team Leader of the Mobile Irrigation Lab, I lead the Mobile Irrigation Labs around the State to standardize how irrigation evaluations were to be conducted and reported. At the University of Florida's Miami-Dade Cooperative Extension Service, I was the first Extension Agent in the State to create and teach workshops to landscape architects about plants – workshops that were received with much enthusiasm and a desire for more.

Since becoming Director of the School of Professional Horticulture at The New York Botanical Garden, I have accomplished the following, which were not originally part of my job responsibilities

- Applied for and received accreditation in 2005
- Applied for and received Title IV certification in 2005
- Applied for and received certification with the US Department of Homeland Security and the NY State Department of Veterans Affairs
- Creatively developed new programs and opportunities in the Adult Education programs.
- Successfully implemented two new workshops to the School of Professional Horticulture's curriculum.
- Successfully created, implemented, and hosted an industry-sponsored, annual, NYC-Area, Green Industry Intern Field Day at NYBG.

I believe I am a highly competent, motivated and enthusiastic administrator with experience of working as part of a team in a busy office environment. Besides being responsible for the day-to-day operations of the School, I guide students with special group projects, plant studies, reviews, and field trips. I coordinate with the School's Advisory Board which is composed of instructors, education and horticulture staff, and representatives from horticultural businesses to periodically meet and review school policies and curriculum. I am responsible for compliance with NY State Education Department's Bureau of Supervisory School Supervision, the Accrediting Council for Continuing Education & Training, the U.S. Department of Veterans Administration, and serves as the School's Primary Designated Official (PDO) with the U.S. Department of Education and the U.S. Department of Homeland Security.

In addition, I bring to any organization the following:

- very well-organized and proactive in providing timely, efficient and accurate direction to colleagues.
- approachable, well presented and able to establish good working relationships with a range of different people,
- possessing a proven ability to generate innovative ideas and solutions to problems
- highly resourceful, flexible, innovative, and enthusiastic individual who possesses a considerable amount of knowledge regarding education, horticulture and administrative procedures.
- A quick learner who can absorb new ideas and is experienced in coordinating, planning and organizing a wide range of administrative activities.
- an excellent team player with a proven ability to work proactively in a complex and busy office environment.
- Superb oral and written communication skills.
- International experience includes working with   


## PROFILE

Professional Educator with over twenty-five years teaching experience including college-level courses, seminars & workshops.

- Over twenty-five years experience in Urban Horticulture, Arboriculture, Pesticide Safety Training, Agriculture and Project Management encompassing Agricultural Production, Water Management/Conservation, Irrigation, Environmental Protection, Everglades Restoration, and Horticultural Research.
- Oral communication skills demonstrated through talks at state, national and international meetings, board presentations, seminars and workshops, and management briefings.
- Written communication skills demonstrated through publishing data obtained from projects, preparation of cooperators' letters, quarterly and annual reports, and writing definitions of irrigation types for government agencies.
- International experience includes working with grain and vegetable farmers in México and working on a vineyard in Tuscany, Italy.

## EDUCATION

### **Ph.D. in Horticulture, 1989**

Rutgers University, New Brunswick, New Jersey

**Thesis:** *Regeneration of Fragaria species from leaf callus and the characterization of alcohol dehydrogenase.*

### **M.S. Degree in Horticulture, 1982**

Rutgers University, New Brunswick, New Jersey

**Thesis:** *Effects of carbon dioxide applications to the root zones of tomato plants.*

### **B.S. Degree in Agriculture and Resource Technology, 1979**

University of Rhode Island, Kingston, Rhode Island

**Honors:** Cum Laude Graduate

### **Professional Training:**

- Certified Instructor for 90-hours of Basic Methods Teaching Courses, recognized by the N.Y. State Department of Education.
- ISA-Certified Arborist (Member of International Society of Arboriculture)
- Use of Ashtech GPS receiver and software to process data obtained when locating open irrigation wells (Training Course)
- Entomology, Plant Pathology, Plant Identification, and Nematology (Florida Department of Agriculture & Consumer Services)
- Training in Irrigation System Design, Evaluation, Operation and Maintenance (South Dade Soil & Water Conservation District)

## SKILLS

**Computer Skills:** Graphics & Word Processing (Windows, PowerPoint, Word, WordPerfect, GIS Mapping, Irrigation Software)

**Laboratory Skills:** Light Microscopy, Protein Isolation and Purification, Gel Electrophoresis, Spectrophotometry, Column Chromatography, Plant Tissue Culture

## LANGUAGES



## TEACHING EXPERIENCE

- 2000-2003 University of Florida / Miami-Dade Cooperative Extension  
**Commercial Horticulture Agent**  
Taught workshops to the commercial horticulture industry (arborists, landscape architects, landscape management and county parks employees) in Miami-Dade County.
- 1997 – 2000 Miami-Dade Community College, Miami, Florida  
**Instructor / Energy & the Natural Environment**  
Taught required course for all students at the Wolfson campus.
- 1993 – 1999 Miami-Dade County Cooperative Extension Service, Homestead, Florida  
Nursery Production School  
**Instructor / Irrigation Principles and Practices**
- 1993 – 1996 Fruit & Spice Park, Homestead, Florida  
**Instructor / Irrigation Workshop**
- 1980 – 1988 Rutgers University, New Brunswick, New Jersey  
**Instructor / Cook College** (84-88)  
Taught Botany of Turfgrass Course for over seventy-five professionals as part of Turfgrass Management Program (Winter 86 & 88). Also taught two courses in Home Gardener's School – "House Plants for the Home" and "Problems with House Plants" (84-87).  
**Teaching Assistant / General Biology** (80-85)  
Assisted with four recitation sections per semester (83-85). Also taught freshman level course required for all undergraduate science majors, with two laboratory sections per semester (80-83).
- Additional: Presentations, Publications and Abstracts Available upon Request

## PROFESSIONAL EXPERIENCE

- 2003 – Present New York Botanical Garden, Bronx, New York  
**Director, School of Professional Horticulture and Program Coordinator, Continuing Education Department**  
Direct operations and develop the School of Professional Horticulture including evaluation of the program, planning, goal

setting and recruitment of students. Initiated and obtained national accreditation in 2005. Initiated and obtain approval to participate in Title IV federal student aid programs in 2005. Brought the School into compliance with NY State Education Department. Work with Continuing Education and Horticulture staff to assure a coordinated, quality education through both academic training and practical work experience. Develop curriculum for the Horticulture discipline in the Continuing Education department.

Created and organized two annual, NYC-Area Green Industry Intern Field Days at NYBG. These field days serve to inspire and educate interns in the Tri-State area about the numerous career opportunities in the multi-faceted horticulture and green industries. In July 2014, over 160 people attended the all-day field day at NYBG; 125 of them were interns.

Served as a Team Evaluator for ACCET as part of a 3-person team to conduct an on-site evaluation at Upper Valley Educators Institute in Lebanon, NH. May 12 & 13, 2014.

Elected to the Board of Directors for Metro Hort Group, 2004.  
Elected to serve as Secretary on the Board of Directors for MetroHort Group, 2005.

Licensed by N.Y. State Education Department as Director (#34536620), Agent (#1154789) and Teacher (#55541745).

2000 – 2003

University of Florida – Miami-Dade Cooperative Extension Service, Homestead, Florida

**Commercial Urban Horticulture Extension Agent**

Develop, deliver and evaluate extension programming in commercial landscape design, installation and management. Clientele are private landscape and maintenance companies, arborists, landscape architects, and parks and recreation departments in Miami-Dade County. This includes the use of newsletters, publications, radio & TV appearances to educate the commercial horticulture interests on environmentally friendly landscape practices.

Develop, deliver and evaluate extension programming in pest management/pesticide safety training for landscape professionals.

Perform other duties as assigned by the county extension director and district extension director.

1992 – 2000

South Dade Soil & Water Conservation District, Homestead, Florida

**Project Leader / Mobile Irrigation Lab**

Project management responsibilities for cooperatively funded research program that promotes water conservation in both agricultural and urban sectors of Miami-Dade County, Florida. Supervise daily project operations with responsibility for conducting irrigation evaluations, developing water management plans, and preparing quarterly and annual reports and publications. In addition, promote the project in public forums and assist the South Florida Water Management District with definitions of irrigation systems unique to Miami-Dade County.

- South Dade Soil & Water Conservation District (Continued)  
Coordinated and implemented four-year Water for South Florida Education Program that involves annual presentations on water conservation and the Everglades Restoration Plan program to 2,000 students annually (grades K-12) in Miami-Dade County.
- Received Certificate of Appreciation and Merit Award in appreciation of Leadership to the Mobile Irrigation Lab Committee for development of Standardized Reporting Procedures.
- Received Certificate of Appreciation for Support to Minority Youth in Dade County through AmeriCorps Program (Trained and supervised five AmeriCorps Members on Irrigation Evaluations).
- Served as chair of statewide Irrigation Conservation Committee, composed of all MIL personnel and USDA - Natural Resources Conservation Service's technical staff.
- Participated in various workshops with several Miami-Dade Cooperative Extension Agents regarding irrigation systems practices.
- Volunteer on two projects for Winrock International in México, to assist growers with improving production and irrigation practices.

1991 – 1992

Florida Department of Agriculture, Homestead, Florida  
**Agriculture Consumer and Protection Specialist**

Inspected nurseries to maintain standards set by the state, and enforced regulations governing export and import of plant material.

1988 – 1991

University of Florida  
Tropical Research & Education Center, Homestead, Florida  
**Post-doctoral Assistant in Horticulture**

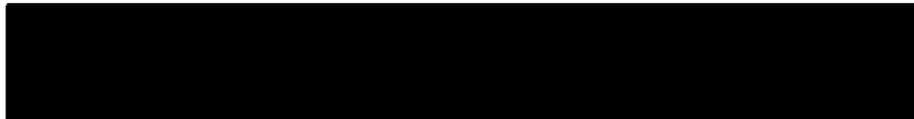
Investigated and quantified the amount of genetic variation in polyembryonic cultivars of *Mangifera indica* L. using isozymes as biochemical markers. Also studied effects of ethylene on mango somatic embryogenesis.

1984 – 1988

Rutgers University, New Brunswick, New Jersey  
**Research Assistant / Horticulture Department**

Conducted research in characterizing the enzyme alcohol dehydrogenase in strawberry callus. Determined if callus could be grown under low oxygen conditions and how this affects enzyme activity. Work also involved successful regeneration of strawberry species from leaf tissue callus.

Additional:



**REFERENCES:**

Redacted pursuant to N.Y. Public Officers Law, Art. 6



## PRESENTATIONS

Yurgalevitch, C.M. & L. Vasquez, 1999. *Florida's Mobile Irrigation Labs*. Proceedings of the 20<sup>th</sup> Annual International Irrigation Show. Orlando, FL. Nov. 7-9, 1999.

Yurgalevitch, C.M., L.A. Vasquez, J. Dymond & C.A. Coffin, 1998. *A View From the Field: a Mobile Irrigation Lab's perspective*. Soil & Water Conservation Society Annual Conference, San Diego, July 5-9, 1998.

Pitts, D., C.M. Yurgalevitch, T. Obreza, J. Capece, R. Urs & G. Dymond. *Suitablility of Dade County groundwater for use in microirrigation systems*. Florida Horticulture Society Annual Meeting. November 4, 1996. Orlando.

Yurgalevitch, C.M., L.S. Tenny, & D.S. Ulmer, 1995. *The current status of microirrigation systems in Dade County*. Fifth International Microirrigation Congress, Orlando, Florida, April 2-6.

Yurgalevitch, C.M., L.S. Tenny, & D.S. Ulmer, 1994. *Taking the pulse of irrigation: a Mobile Irrigation Lab's perspective*. Fifteenth International Irrigation Exposition & Technical Conference, November 5-8, Atlanta.

Yurgalevitch, C.M. *Irrigation Practices in Dade County - a view from the field*. University of Florida - Tropical Research & Education Center's seminar series. January 27, 1994.

## PUBLICATIONS & ABSTRACTS

Yurgalevitch, C.M. & L. Vasquez, 1999. *Florida's Mobile Irrigation Labs*. Proceedings of the 20<sup>th</sup> Annual International Irrigation Show. Orlando, FL. Nov. 7-9, 1999.

Litz, R.E. & C. Yurgalevitch, 1997. *Effects of 1-aminocyclopropane-1-carboxylic acid, aminoethoxyvinylglycine, methylglyoxal bis-(guanylhydrazone) and dicyclohexylammonium sulfate on induction of embryogenic competence of mango nucellar explants*. Plant Cell, Tissue and Organ Culture 51:171-176.

Pitts, D., C.M. Yurgalevitch, T. Obreza, J. Capece, R. Urs & G. Dymond. *Suitablility of Dade County groundwater for use in microirrigation systems*. Florida Horticulture Society Annual Meeting. November 4, 1996. Orlando. Awarded **Outstanding Paper in the Krome Section** at the Annual Meeting of the Society, Nov. 2, 1997.

- Pitts, D., C.M. Yurgalevitch, T. Obreza, J. Capece, R. Urs & G. Dymond. *Suitability of Dade County groundwater for use in microirrigation systems*. Florida Horticulture Society Proceedings. November 3-6, 1996. Orlando.
- Yurgalevitch, C.M., L.S. Tenny, & D.S. Ulmer, 1995. *Taking the pulse of irrigation: a Mobile Irrigation Lab's perspective*. Irrigation Journal. 45(2): 22-24.
- Yurgalevitch, C.M., L.S. Tenny, & D.S. Ulmer, 1995. *The current status of microirrigation systems in Dade County*. In: Microirrigation for a changing world: conserving resources/preserving the environment. Proceedings of the Fifth International Microirrigation Congress, April 2-6, Orlando, pp. 331-335.
- Litz, R.E., V.H. Mathews, P.A. Moon, F. Pliego-Alfaro, C.M. Yurgalevitch, and S.G. DeWald, 1993. *Somatic embryos of mango (Mangifera indica L.)*. In: SynSeeds: Applications of synthetic seeds to crop improvement. ed. K. Redenbaugh, CRC Press, Inc. Boca Raton, FL. pp. 409-425.
- Ulmer, D.S., W. Townshend, H. Bryan, M. Asgari, R. Smola, C. Yurgalevitch and L. Tenny, 1993. *Conservation practices after Hurricane Andrew*. Southern Society of Agricultural Scientists, Winter meeting.
- Litz, R.E., V.H. Mathews, R. Hendrix, and C.M. Yurgalevitch, 1989. *Somatic cell genetics of mango*. Third International Symposium on Mango. Darwin, Australia. September 25-29.
- Yurgalevitch, C.M. and H.W. Janes, 1988. *Carbon dioxide enrichment to the root zones of tomato seedlings*. J. of Horticultural Science. 63(2):265-270.
- Yurgalevitch, C.M., H.W. Janes and C.K. Chin, 1986. *Characterization of alcohol dehydrogenase and its induction in strawberry callus*. HortScience: 21(3). Abstract # 546.
- Yurgalevitch, C.M., H.W. Janes and C.K. Chin, 1985. *Somaclonal variation in Fragaria*. HortScience: 20(3). Abstract # 450.
- Yurgalevitch, C.M. and H.W. Janes, 1982. *The effects of ion activity to root zones of tomatoes caused by carbon dioxide applications*. HortScience: 17(3). Abstract # 59.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain, LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Monica Lombardo 3. Title: Board of Directors
4. Briefly describe the role of this person or entity in the proposed registered organization:
Would act in a capacity of Board of Directors - Background in Accounting (Audit & Tax), Finance and Human Resources in various organizations make me qualified and to assist with business plans, financial and operational guidance as well as guidance in the area of human resources on the Board.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[ ] Yes [x] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [x] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax: n/a

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

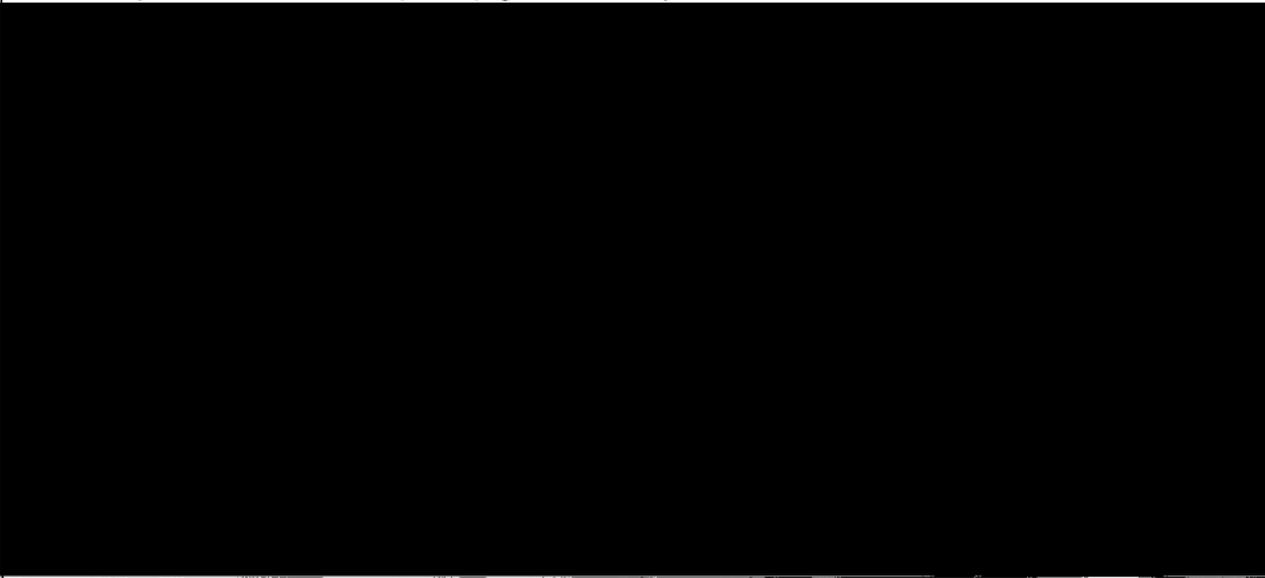
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Rows include Hawaii Pacific College, Fordham University, and Pace University.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 16: Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members
Redacted pursuant to N.Y. Public Officers Law, Art. 6

Form with fields: Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer.



**Appendix A:  
Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**

Type of Business:		
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
Name of Employer:		Type of Business:
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
<b>18. Offices Held or Ownership Interest in Other Businesses</b> List any affiliations you have been associated with in the past 10 years. Affiliation, for the purpose of this section, includes serving as either a board member, officer, manager, owner, partner, principal stakeholder, director or member of the organization. Organizations outside of New York State must also be disclosed.		
Have you owned or operated a business or had any affiliations with the operations of a business in New York, in the USA, or in other countries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
From: 1985	Name and Address of Business:	
To: present	Litchfield Farms, Inc 133 Town Farm Road, Litchfield, CT	
Business Type: Dairy Farm and Forestry	Office Held/Nature of Interest: Treasurer	<input checked="" type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable: n/a		



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including 'From: 1995', 'To: Present', 'Business Type: Church', and 'Office Held/Nature of Interest: Board of Trustees, PlayCare, Christian Ed'. Includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

Currently is a VP of HR for a global Fortune 500 company with multi-billion dollar revenue earnings. Her background in various organizations spans across Accounting (Audit & Tax), Finance and Human Resources (Compensation and Talent Management). Experience in each of these areas built a strong capability in Business Acumen as well as a thorough understanding financial statements, business plans, and human resource requirements. This is the core foundation for an effective Board Member.

See attached Bio for additional details on background as needed.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

Date: 5/12/15

Notary Name: [Handwritten Name]

Notary Registration Number:

Notary (Notary Must Affix Stamp or Seal)
MARK GOLDSTEIN
Notary Public, State of New York
No.02GO5051396
Qualified in Westchester County
Commission Expires November 6, 2017

Date: 5/12/15

**MONICA M. LOMBARDO**



**PROFILE**

- Twenty years of experience in the Human Resources, Finance, and Accounting industries.
- Globally managed and motivated teams up to 30 employees.
- Designed, developed and deployed multiple global compensation and recognition programs, with responsibility for over \$1.4B of compensation investment for 350,000+ employees
- Managed budgets up to \$50M and performance and sales productivity metrics for sales org for multi-billion dollar Software Business.
- Provided financial services and support to IBM organizations and commercial clients outside of IBM career.

**CAREER EXPERIENCE**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

Redacted pursuant to N.Y. Public Officers Law, Art. 6





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC.
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Rachael Speegle 3. Title: Board Member, RN
4. Briefly describe the role of this person or entity in the proposed registered organization:
Provide medical expertise in the safe cultivation, processing, and distribution of medical cannabis.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[ ] Yes [x] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [x] Yes [ ] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.
The Verdes Foundation, a New Mexico Department of Health Licensed Non-Profit Medical Cannabis Producer
Title: Director of Operations
No violations or regulation against The Verdes Foundation or Rachael Speegle exist.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Rows include Brookline College, University of New Mexico, and Swedish Intitute.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Contains two rows of license data.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6

Name of Employer: \_\_\_\_\_



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with fields for: Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, 18. Offices Held or Ownership Interest in Other Businesses, List any affiliations you have been associated with in the past 10 years. Have you owned or operated a business or had any affiliations with the operations of a business in New York, in the USA, or in other countries? [X] Yes [ ] No



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three identical sections for business information, including fields for From, To, Business Type, Office Held/Nature of Interest, and Agency Name.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

N/A

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: 5/25/2015
Notary Name: Donna Padilla Notary Registration Number:
Notary (Notary Must Affix Stamp or Seal) Date: 5/26/2015
my commission expires 3/2/2019

# RACHAEL SPEEGLE



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## PROFESSIONAL EXPERIENCE

Redacted pursuant to N.Y. Public Officers Law, Art. 6

## EDUCATION

**MASTER DEGREE IN NURSING EDUCATION**, Brookline College, Albuquerque, NM 2014

**BACHELOR OF SCIENCE IN NURSING**, *Honor Roll*, Brookline College, Albuquerque, NM 2012

**BACHELOR IN CHEMISTRY**, *Dean's List*, University of New Mexico, Albuquerque, NM, 2010

**ASSOCIATE DEGREE IN COMPLIMENTARY MEDICINE**, *Honor Roll*, Swedish Institute, New York, NY, 2006

## TRAINING & CERTIFICATIONS

- **CERTIFIED CANNABIS NURSE**, American Cannabis Nurses Association
- **ADVANCED CARDIAC LIFE SUPPORT**, American Heart Association
- **SURGICAL ONCOLOGY INTERNSHIP**, University of New Mexico, Dr. Robert Quinn
- **CPR/FIRST AID CERTIFICATION**, American Heart Association Presbyterian Hospital
- **CPR/FIRST AID INSTRUCTOR CERTIFICATION**, American Red Cross
- **EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE**, University of New Mexico
- **WILDERNESS EMERGENCY MEDICAL TECHNICIAN-BASIC**, Wilderness Medical Institute of NOLS

## VOLUNTEER EXPERIENCE

- *Albuquerque Public School system: Teach CPR and First Aid to students with disabilities.*
- *Beth Israel Hospice: Over 100 volunteer hours providing reflexology pain management to terminally ill patients.*
- *Lobbying for public health causes and health-care reform issues.*
- *Medical Power of Attorney for an Albuquerque stroke patient with no known family.*
- *Women's Shelters: Massage therapy and somatic bodywork for victims of sexual abuse.*
- *New York Marathon: Sports massage for athletes.*
- *Citywide Dialysis Centers NY/NM: Chair massage for dialysis patients.*
- *Albuquerque Mountain Rescue, Albuquerque Response Team, Emergency Medical Technician-Intermediate.*
- *Yosemite Search and Rescue Team: Provide emergency medical care as a member of the team.*
- *American Red Cross: Community education instructor, specializing in diabetes education and prevention (paid and volunteer).*
- *University of New Mexico: Wilderness Medicine Medical School Rotation.*
- *Organized hospice outreach opportunities for student community service.*
- *Organized fundraisers for Artists With AIDS.*





## **APPENDIX A**

### **AFFIDAVITS FOR BOARD MEMBERS, OFFICERS, MANAGERS, OWNERS, PARTNERS, PRINCIPAL STAKEHOLDERS, DIRECTORS, AND MEMBERS**

#### **MANAGERS, RETAINED STAFF AND INTENDED STAFF**

**MATTHEW BICKEL**

**SANG CHOI**

**WILLIAM JOHN-PIERRE DUHE**

**ERIKA FALLON**

**CRISPIN GINN**

**ROSE GOLDFINE**

**KEVIN KING**

**MICHAEL LEIGH**

**ALFONSO LIU**

**LEE MANDELL**

**MARTHA MCDERMOTT**

**MAUREEN MCNAMARA**

**DIANE MEIER**

**MICHAEL REGO**

**PHYLLIS UNDERWOOD**





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Matthew Bickel 3. Title: Cultivation Expert
4. Briefly describe the role of this person or entity in the proposed registered organization: I will be advising the growers at the cultivation facility to grow marijuana in a safe, compliant, & effective ways.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products? [X] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [X] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [redacted] 9. Fax: [redacted]
10. Email: [redacted]
11. Residence Address: [redacted]
12. City: [redacted] 13. State: [redacted] 14. ZIP Code: [redacted]
15. Formal Education
Institution Address Dates Attended Degree Received Date Received
Baylor University 1311 S. 5th St. Waco, TX 76706 2000 2003 Bachelor's Degree in the science of education. 12-2000



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

Type of Professional License	License Number	Institution Granting License (Mailing Address, Phone, Email)	Effective Date	Expiration Date
Colorado Marijuana Enforcement Division	[REDACTED]	Colorado MED 455 Sherman St. Ste 390 Denver, CO 80203 303-705-8401	9-13	9-15

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6

Reason For Departure:		
Name of Employer:		
Type of Business:		
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
Name of Employer:		



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip, Starting/Ending Date of Employment, Name of Supervisor, Position/Responsibilities, Reason For Departure, and 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. The 'Office Held/Nature of Interest' field includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

I am extremely skilled in managing teams & motivating people to perform to the best of their ability. I specialize in Marijuana cultivation. It is my life's passion & I am honored to be able to share my knowledge to other people. The most important thing I can do in my life is to help sick people discover the healing properties of marijuana!

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: 5-29-15
Notary Name: Kat Humphries Notary Registration Number: 20154019354
Notary (Notary Must Affix Stamp or Seal) Date: 6-2-15
KATHRYN F HUMPHRIES
NOTARY PUBLIC - STATE OF COLORADO
My Identification # 20154019356
Expires May 15, 2019
[Handwritten Signature]





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Sang Choi
3. Title: Dispensary manager, down state locations.
4. Briefly describe the role of this person or entity in the proposed registered organization:
I am a licensed NYS pharmacist and will be the dispensary manager.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [checked] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.

Director



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
[ ] Yes [X] No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

Form fields for contact information (Phone, Fax, Email, Residence Address, City, State, ZIP Code) and a table for Formal Education with handwritten entries for Long Island Univ. College of Pharmacy.



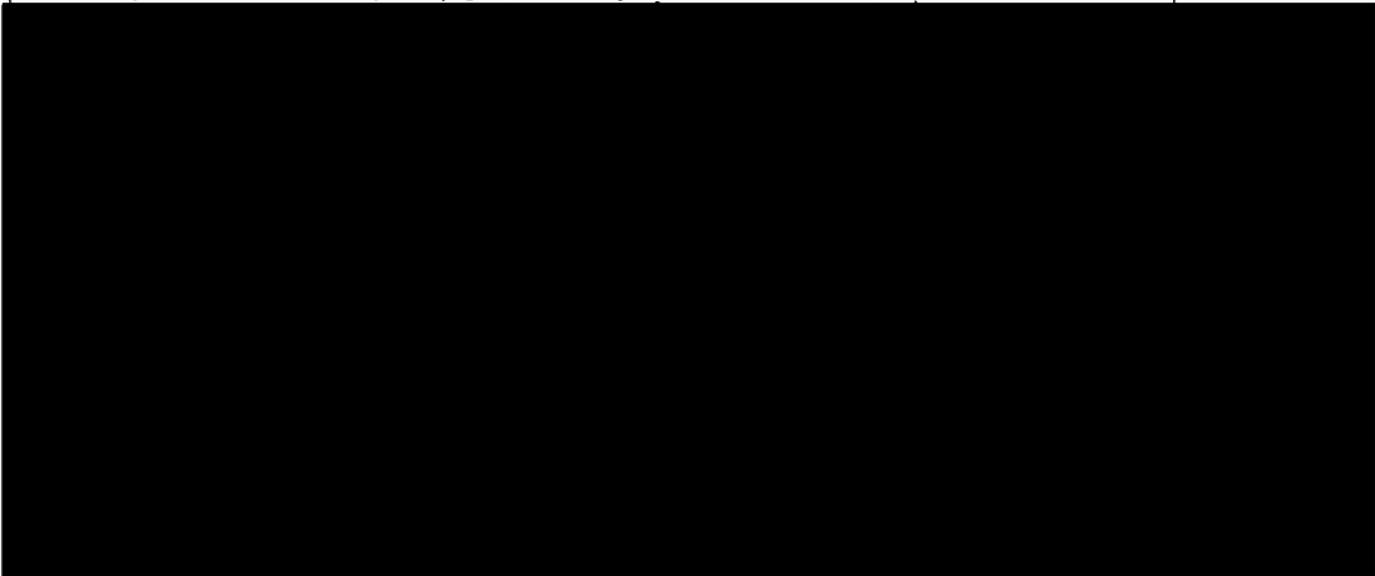
Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

Type of Professional License	License Number	Institution Granting License (Mailing Address, Phone, Email)	Effective Date	Expiration Date
Registered Pharmacist	047444	NYS Dept of Education 89 Washington Ave Albany NY 12234	7/12/00	N/A

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**

Redacted pursuant to N.Y. Public Officers Law, Art. 6



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, supervisor details, and ownership interests. Includes checkboxes for 'Yes/No' and 'open/closed/proposed'.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. The 'Office Held/Nature of Interest:' field includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

I feel as a registered pharmacist I am qualified to manage a dispensary. I have many years of managing a pharmacy abiding by the rules and regulations set forth by the state of NY.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

Date: 5/11/15

Notary Name: LEONARDO ARIAS

Notary Registration Number: 2008091

Notary (Notary Must Affix Stamp or Seal)
[Handwritten Signature]
LEONARDO ARIAS
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 9/11/2017

Date: 5/11/15

# SANG CHOI

---

## WORK EXPERIENCE:

Redacted pursuant to N.Y. Public Officers Law, Art. 6

## SKILLS:

OPUS; Rx 2000; InteRx; McKesson

## EDUCATION:

Arnold and Marie Schwartz College of Pharmacy at Long Island University  
Bachelor of Pharmacy (1999)

Brooklyn, NY

## LICENSES:

New York

## REFERENCES:

Available upon request.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Yotta Technologies INC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: William John-Pierre Duhe 3. Title: R&D Manager
4. Briefly describe the role of this person or entity in the proposed registered organization:
William will lead efforts in researching, developing, and integrating new technologies and grow methods into new and existing infrastructures. This will help Etain understand the emerging technological landscape and apply these recent advancements in order to most efficiently respond to the modern challenges surrounding plant production and quality control.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at [ ] using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [checked] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [redacted] 9. Fax [redacted]

10. Email: [redacted]

11. Residence Address: [redacted]

12. City: [redacted] 13. State: [redacted] 14. ZIP Code [redacted]

15. Formal Education Dates Attended Degree

Institution Address From To Degree Received Date Received

[Redacted section]

Cornell University Ithica, New York 2007 2008 N/A N/A

United States Naval Academy Annapolis, Maryland 2008 2009 N/A N/A

Loyola University New Orleans, Louisiana 2009 2014 B,S Physics May,15, 2014

Tulane University New Orleans, Louisiana 2014 2015 N/A N/A



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.
Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date.
17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.
Name of Employer:
Type of Business:
Street Address:
City: State: Zip Code:
Starting Date of Employment: Ending Date of Employment:
Name of Supervisor for Reference: Supervisor Phone Number:
Position/Responsibilities:
Reason For Departure:
Name of Employer:
Type of Business:



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for personal and professional information, including fields for Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, and Type of Business.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, Type of Business, and a section for '18. Offices Held or Ownership Interest in Other Businesses' with a Yes/No question.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

Refer to resume.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: William Jann Duni

Date: May 29, 2015

Notary Name: Wanda G. Shivers

Notary Registration Number: 042010

Notary (Notary Must Affix Stamp or Seal)

Date: May 29, 2015.

Wanda G. Shivers
LA. Notary Public
Parish of St. Tammany
Commissioned for Life
Notary #042010





# William Duhe

*Technologist/Programmer/Physicist*

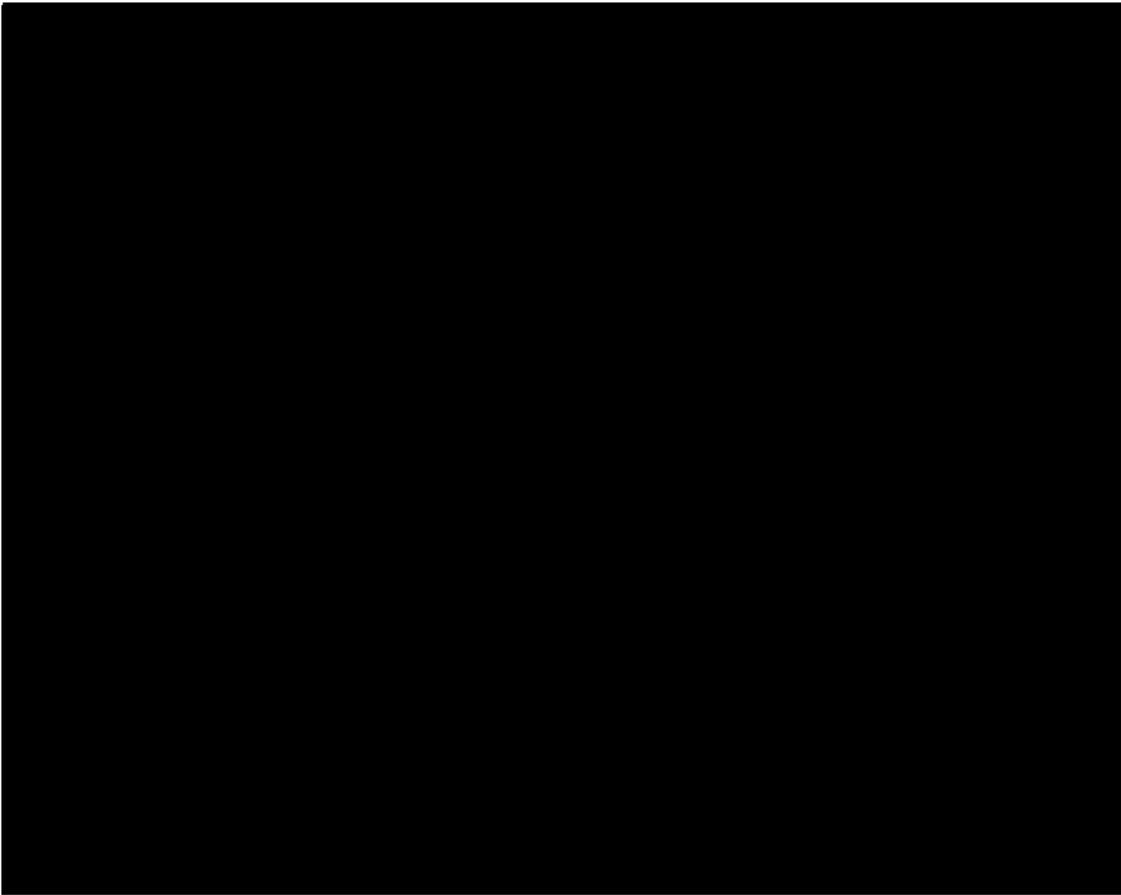
*The scientific man does not aim at an immediate result. His work is like that of the planter — for the future. His duty is to lay the foundation for those who are to come, and point the way. He lives and labors and hopes. -Nikola Tesla*

## Education

- 2005–2009 **High School**, [REDACTED]
- Summer–**Additional Studies**, *Cornell, Ithica*, .  
2008 Attended Cornell under full scholarship for a summer in order to study life sciences and psychology, earned 5 college credits.
- Summer–**Additional Studies**, *United States Naval Academy, Annapolis*, .  
2008 Attended the Naval Academy's summer session and received top marks and eventually was awarded a vice presidential nomination from Dick Cheney, as well as nominations from all four of Louisiana's congressional representatives, to attend.
- 2006–2009 **College**, *South Eastern University, Hammond*, .  
Began to attend night classes during my sophomore year of high school under the "South Eastern Scholars" Scholarship after receiving a 27 on my ACT my freshman year and accumulated 31 college credits during high school.
- 2009–2014 **Physics**, *Loyola University, New Orleans*, .  
Graduated with honors with a B.S in Physics and a minor in both Mathematics and Computational Science
- Summer–**Physics and Engineering**, *Tulane University, New Orleans*, .  
2014 Awarded a research assistantship working in computational materials science to towards my PhD in Physics







**Programming Languages**

- C**
- Mathematica**
- C++**
- SQL**
- UNIX**
- HTML**
- MATLAB**
- LabView**
- R**
- Root**







Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Erika A. Fallon 3. Title: Pharmacy Manager UPS, NY
4. Briefly describe the role of this person or entity in the proposed registered organization:
Manage pharmacy operations. Create, maintain, update, train and ensure compliance with Standard Operating Procedures. Ensure full-time pharmacist coverage during operation of applicable dispensing facility and monitor compliance of facility. Manage the reporting of daily activities to the appropriate department, reporting of adverse and unexpected events; proper reporting and compliance to enforcement agencies as required.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [checked] Yes [ ] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.
Position of management: [redacted]
[redacted]. No discipline to disclose. Responsible for overseeing the operation of pharmacy and ensuring pharmacy is in conformance with all laws and regulations pertinent to the practice of pharmacy and the distribution of drugs, personally in full and actual charge of pharmacy and its staff. Establish the pharmacy policies and procedures for the procurement, storage, compounding, and dispensing of drugs. Supervise all of the professional and nonprofessional employees of the pharmacy insofar as their duties relate to the sale or storage, or both, of drugs. Establish and supervise the record-keeping system for the purchase, sale, possession, storage, safekeeping, and return of drugs. Ensure that employees have knowledge of and follow applicable standard operating procedures including compliance with standards for safety and quality.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
[ ] Yes [x] No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [redacted]

9. Fax [redacted]

10. Email: [redacted]

11. Residence Address: [redacted]

12. City: [redacted]

13. State: [redacted]

14. ZIP Code: [redacted]

15. Formal Education

Dates Attended

Degree

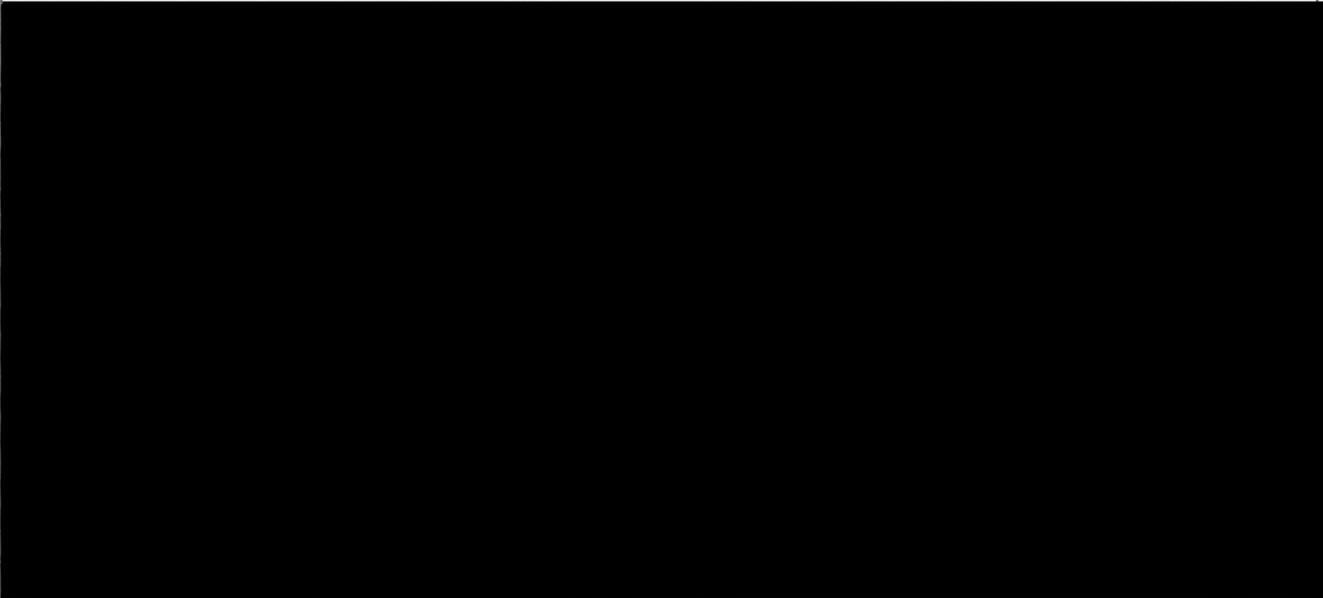
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains two rows of education data: Albany College of Pharmacy and State University of New York, Albany.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1: Registered Pharmacist, 052563, NYS Office of the Professions State Education Building - 2nd Floor, Albany, NY 12234 518-474-3817, 07/16/2008, 5/31/2017.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6

Name of Employer:



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip, Starting/Ending Date of Employment, Name of Supervisor, Position/Responsibilities, Reason For Departure, and 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. The 'Office Held/Nature of Interest' field includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

Date: 6/1/15

Notary Name: Andrew Marble

Notary Registration Number: 01MA 6228056

Notary (Notary Must Affix Stamp or Seal)
ANDREW L. MARBLE
NOTARY PUBLIC STATE OF NEW YORK
SARATOGA COUNTY
LIC. #01MA6228056
COMM. EXP. 12-29-18

Date: 6/1/15





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Crispin Ginn 3. Title: Quality Assurance Officer
4. Briefly describe the role of this person or entity in the proposed registered organization:
Manager of operations including administration of the Quality System as applied to manufacturing in the facility.
Manager of facility Safety and Maintenance.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [checked] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

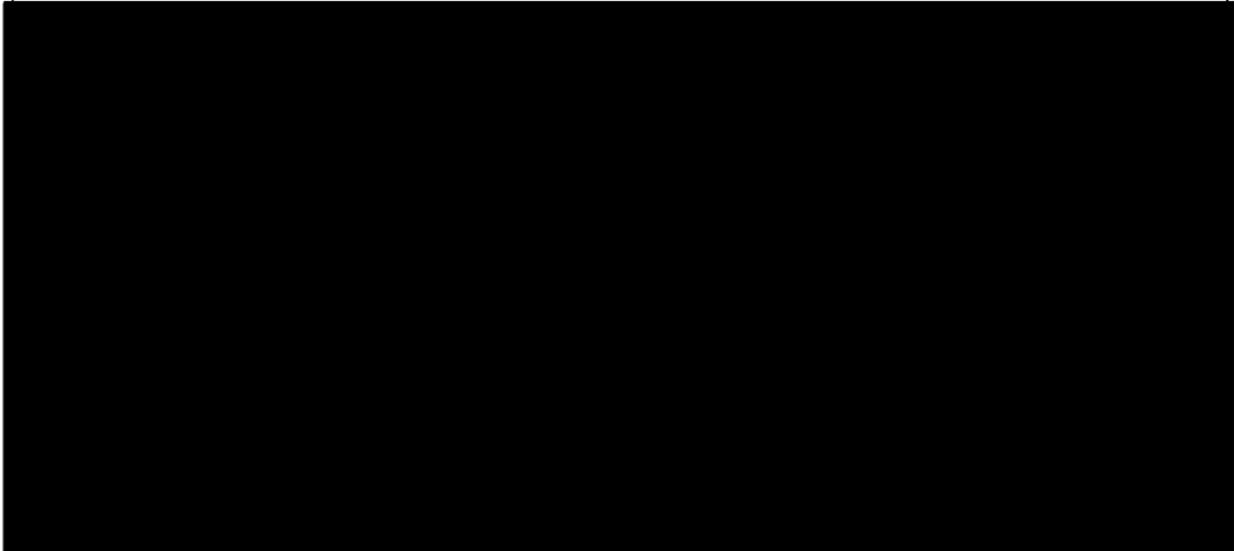
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains 5 empty rows for data entry.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1: On-Premises Liquor License, 2131595, New York State Liquor Authority, 7/12/2010, 6/30/2016.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form with multiple sections for employer information, including fields for Name of Employer, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, and Position/Responsibilities. The form is repeated three times.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, and Position/Responsibilities. Includes a section for 'Reason For Departure' and '18. Offices Held or Ownership Interest in Other Businesses'.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three sections for business information, including fields for Name, Address, Phone Number, From/To, Business Type, and Office Held/Nature of Interest.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

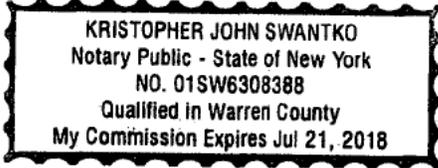
My 23 years of experience in medical device manufacturing under both the US FDA and the ISO European manufacturing standards makes me an ideal candidate to bring Medical Marijuana to the public in a safe, consistent and proper manner.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: 5/11/2015

Notary Name: Kristopher Swantko Notary Registration Number: 01SW6308388

Notary (Notary Must Affix Stamp or Seal) Date: 5/11/15







Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: This is the name that was entered in Section A of the Application for Registration as a Registered Organization. 2. Name: ROSE GOLDFINE 3. Title: 4. Briefly describe the role of this person or entity in the proposed registered organization: Real Estate Agent Real Estate Consultant 5. Will this person or entity come into contact with medical marijuana or medical marijuana products? [ ] Yes [X] No Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License." 6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [ ] No If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

Form with fields for 8. Phone, 9. Fax, 10. Email, 11. Residence Address, 12. City, 13. State, 14. ZIP Code, and 15. Formal Education table.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1: real estate, 650562331, NY State DRU, License ALBANY, 3.25.15, 5.25.17. Row 2: 30601144388-

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.

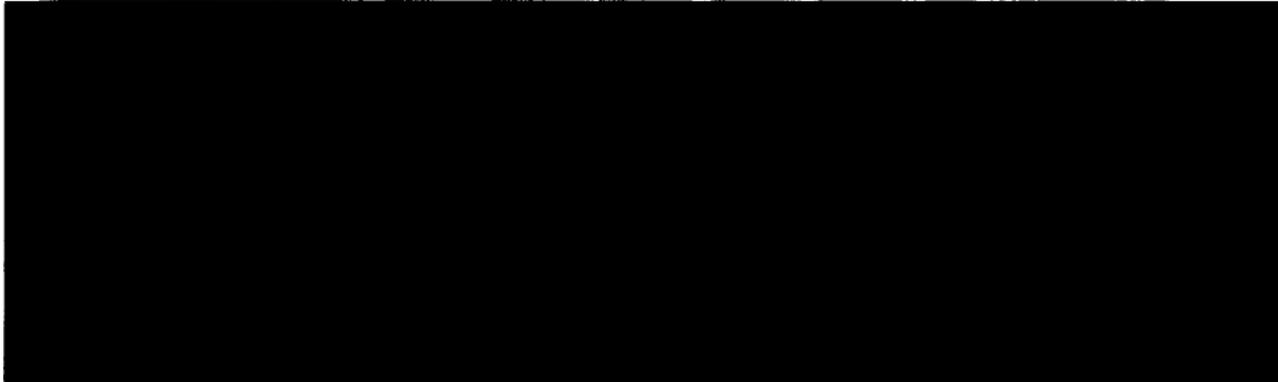


Name of Employer:

Type of Business:



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form with multiple sections for 'Reason For Departure', 'Name of Employer', 'Type of Business', 'Street Address', 'City', 'State', 'Zip Code', 'Starting Date of Employment', 'Ending Date of Employment', 'Name of Supervisor for Reference', 'Supervisor Phone Number', and 'Position/Responsibilities'.



N/A

Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Name and Address of Business:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. Checkboxes for 'open', 'closed', and 'proposed' are present in each section.



N/A

Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip, Starting/Ending Date of Employment, Name of Supervisor, Position/Responsibilities, Reason For Departure, and 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

To Whom this MAY Concern,

As a member of the community I am pleased to help find and organize local property to lease. We need medical marijuana in our community. As a Realtor I am able to help locate and secure appropriate properties. I have been in the real estate business locally for about 30 years

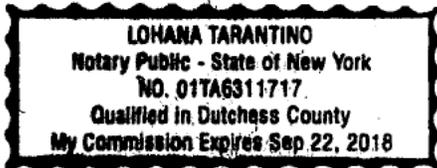
20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

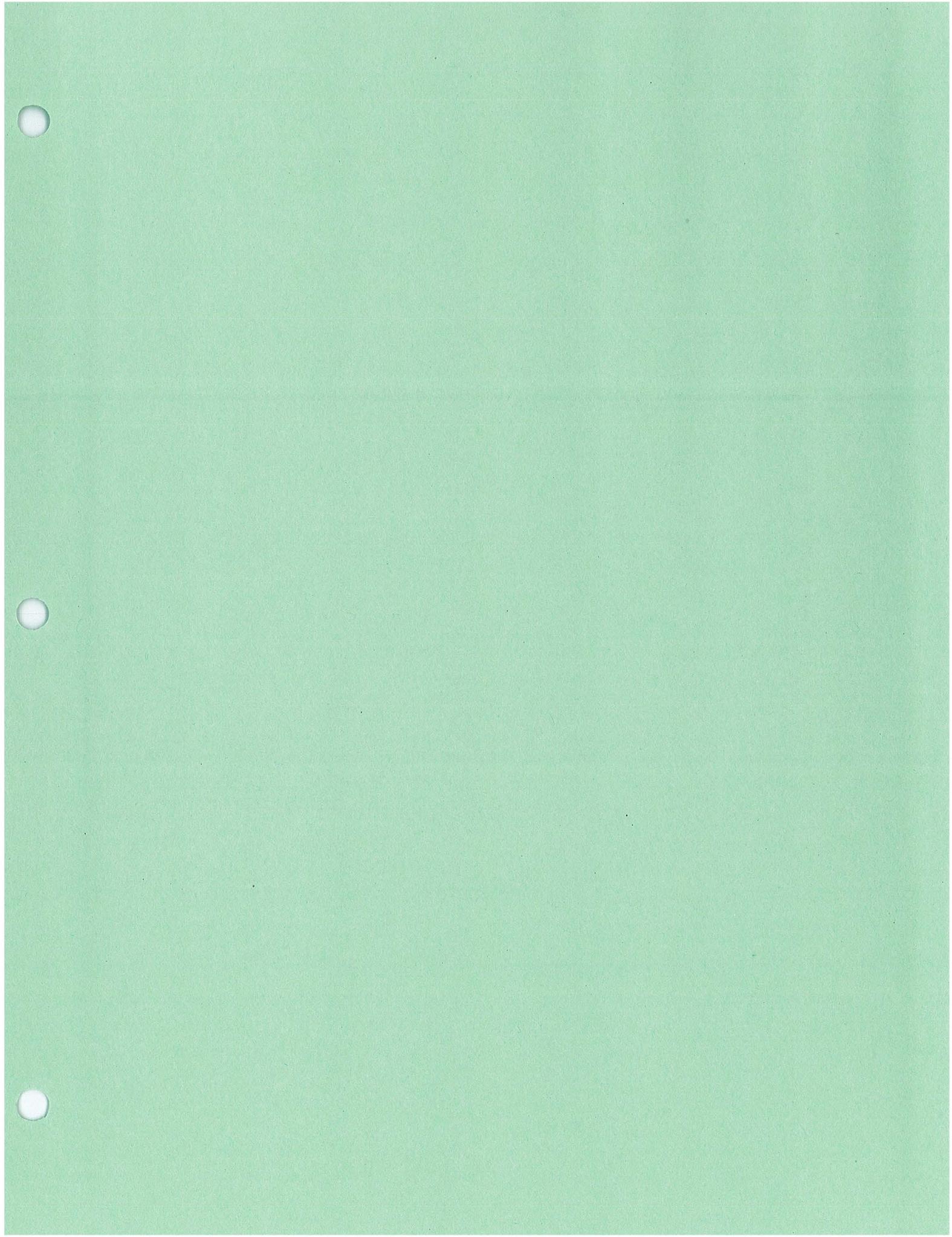
Signature: Rose Goldfine Date: 5.28.2015

Notary Name: Lohana Tarantino Notary Registration Number: 01TA6311717

Notary (Notary Must Affix Stamp or Seal) Date: 5/28/2015

On the 28th of May 2015, Rose Goldfine swore before me.







Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal
stakeholders, directors, and members. For board members, officers, managers, owners, partners,
directors, and members of the applicant that are not natural persons, Appendix A must be completed by
each board member, officer, manager, owner, partner, director and member of that entity, going back to
the level of ownership by a natural person. An Organizational Chart documenting your
organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Kevin Austin King 3. Title: Dispensary Manager
4. Briefly describe the role of this person or entity in the proposed registered organization:
Manage and oversee day to day operations. Maintain records and inventory as well as ensure full compliance
with all regulations and reporting. Prepare and dispense prescriptions to patients pursuant to a valid NYS
prescription. Counsel and educate patients on proper use of their medication. Follow and track patient progress
and discuss medical issues in a safe and professional environment.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[checked] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products,
shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the
procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal
history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using
the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or
greater interest in any other business which manufactured or distributed drugs? [ ] Yes [checked] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of
management or ownership held in such business, and any finding of violations of law or regulation by a
governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
[ ] Yes [x] No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [redacted]

9. Fax

10. Email: [redacted]

11. Residence Address: [redacted]

12. City: [redacted]

13. State: [redacted]

14. ZIP Code: [redacted]

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Row 1: Albany College of Pharmacy, 106 New Scotland Ave, Albany, NY 12208, 2005, 2011, Doctor of Pharmacy, 5/14/11.



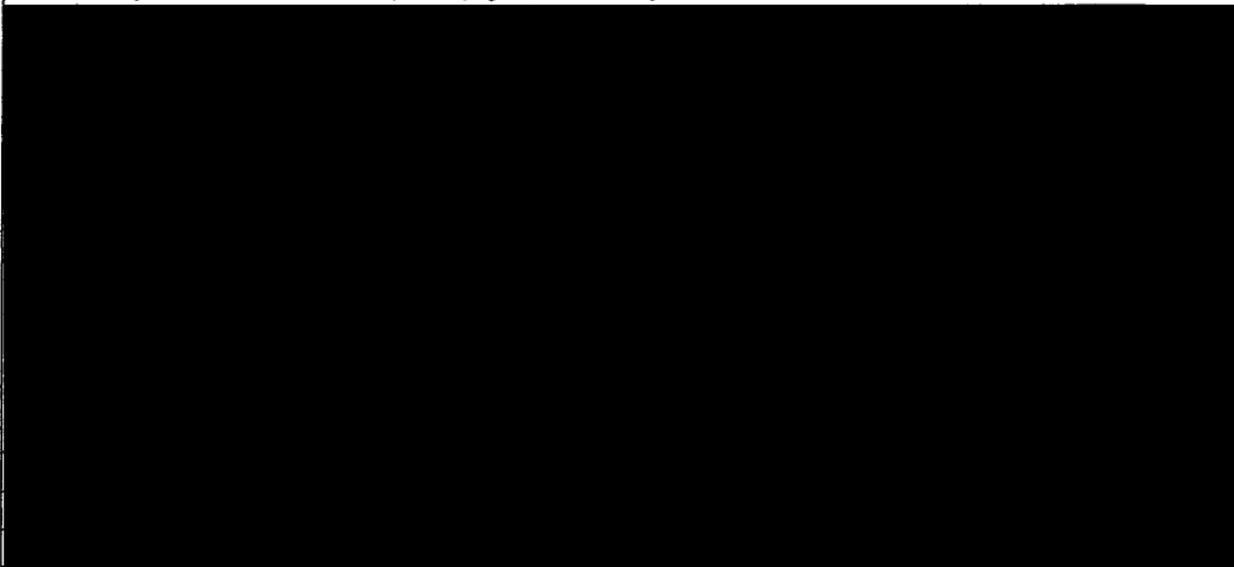
Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

Type of Professional License	License Number	Institution Granting License (Mailing Address, Phone, Email)	Effective Date	Expiration Date
Pharmacy	056232	NYS Office of the Professions State Education Building - 2nd Floor Albany, NY 12234 (518)474-3817	9/6/11	12/31/16
		Email: op4info@nysed.gov		

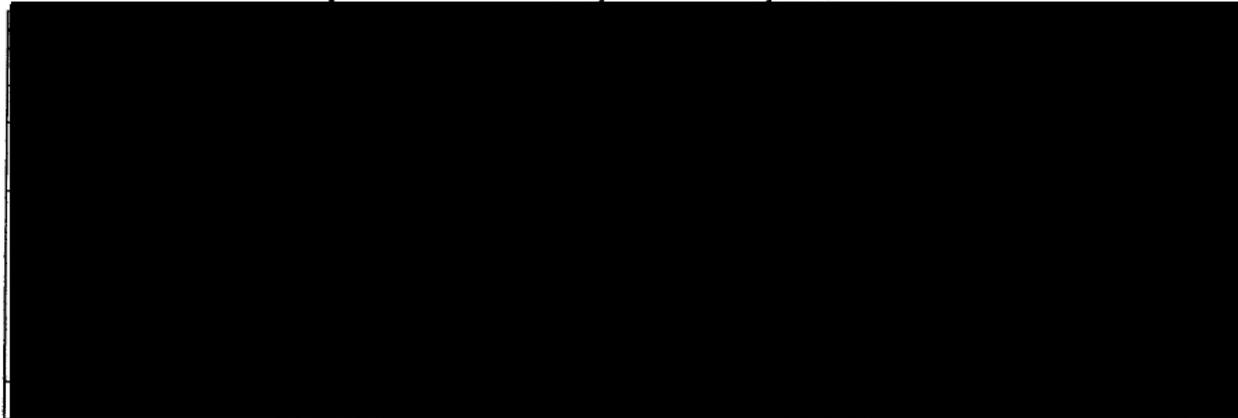
17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form with multiple sections for employer information, including fields for Name of Employer, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, and Reason For Departure.



**Appendix A:**

**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**

Type of Business:		
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
Name of Employer:		Type of Business:
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
<b>18. Offices Held or Ownership Interest in Other Businesses</b> List any affiliations you have been associated with in the past 10 years. Affiliation, for the purpose of this section, includes serving as either a board member, officer, manager, owner, partner, principal stakeholder, director or member of the organization. Organizations outside of New York State must also be disclosed.		
Have you owned or operated a business or had any affiliations with the operations of a business in New York, in the USA, or in other countries? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
From:	Name and Address of Business:	
To:		
Business Type:	Office Held/Nature of Interest:	<input type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:		



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. The 'Office Held/Nature of Interest:' field includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

I was hired by my current employer with the intent to groom me to open and operate a new compounding pharmacy in Syracuse. For the past 4 years I have been learning the industry and how to run a pharmacy and small business. My employers have built a very successful small business and shared their knowledge with me. Unfortunately, in the current state of the profession my investors believe that a new compounding pharmacy would not be financially practical. Our plans to open a compounding pharmacy have been put on hold, but my dream of operating a small business still remains. I believe I am well suited for this position, I am an amputee and through my experiences I have come to know many people in the potential (medical marijuana) patient population, and I believe I understand, can relate to, and empathize with these patients.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature:

[Handwritten signature]

Date:

5/30/15

Notary Name:

Stacey L Kay

Notary Registration Number:

01KA6207422

Notary (Notary Must Affix Stamp or Seal)

[Handwritten signature]

Date:

5/30/15

STACEY L. KAY
Notary Public, State of New York
Residing in Schenectady County
My Commission Expires 11/15/2017
No. 01KA6207422





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.

2. Name: Michael Leigh 3. Title: Cultivation specialist

4. Briefly describe the role of this person or entity in the proposed registered organization:
see attachment and staffing plan

5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[X] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."

6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [X] Yes [ ] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.

[Redacted]
Michael Leigh held various positions of interest beginning with [Redacted] in 2009 and ending with approx. [Redacted] in 2012 at the time of withdrawal from the entities. No findings of violations of law or regulation were ever assessed against Michael Leigh or the entities during his time of ownership.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [Redacted] 9. Fax: [Redacted]

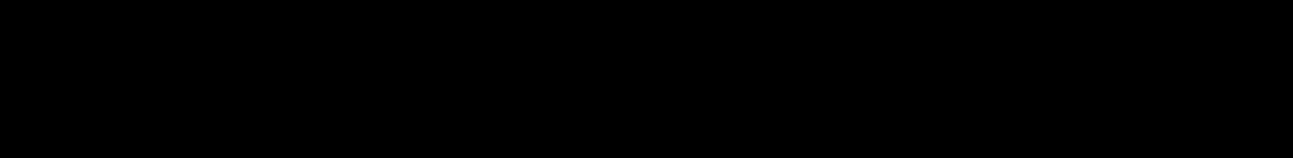
10. Email: [Redacted]

11. Residence Address: [Redacted]

12. City: [Redacted] 13. State: [Redacted] 14. ZIP Code: [Redacted]

15. Formal Education Dates Attended Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Rows include Kent State University and Ohio University.





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

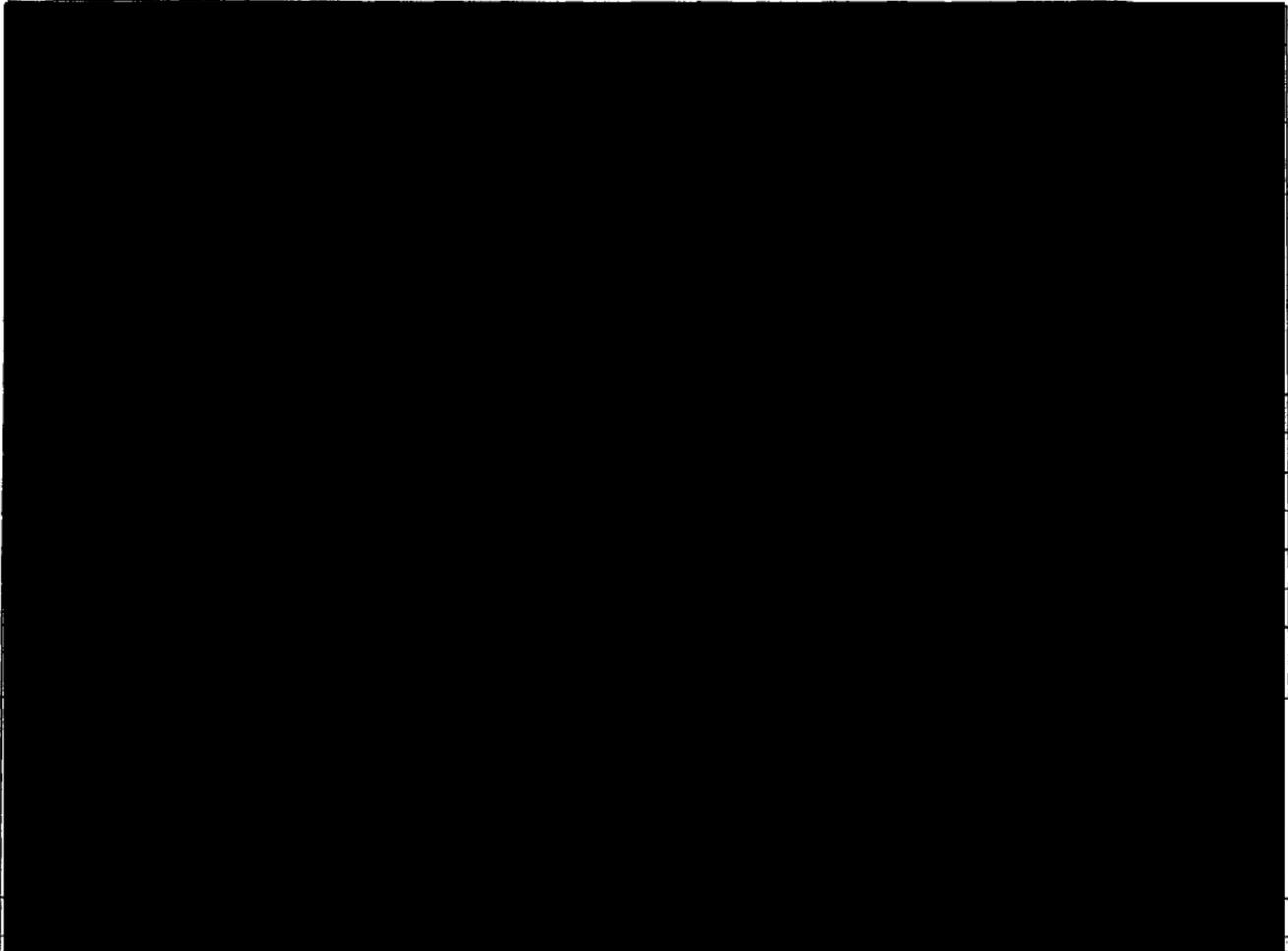
16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

Type of Professional License	License Number	Institution Granting License (Mailing Address, Phone, Email)	Effective Date	Expiration Date
Marijuana Enforcement Support	[REDACTED]	Marijuana Enforcement Division, 455 Sherman St., Denver CO 80203 303-205-8421	2/03/15	2/03/17
Marijuana Enforcement Key	[REDACTED]	II	2010	6/2012

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members



Name of Employer: N/A
Type of Business:
Street Address:
City: State: Zip Code:
Starting Date of Employment: Ending Date of Employment:
Name of Supervisor for Reference: Supervisor Phone Number:
Position/Responsibilities:
Reason For Departure:
Name of Employer: N/A



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, and a section for 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. The 'Office Held/Nature of Interest' field includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

Michael Leigh owned and operated multiple licensed and compliant medical marijuana facilities from 2009 to 2012. Mike has trained and supervised dozens of cultivation employees. Mike specializes in producing high commercial yields without the use of pesticides. Mike is nationally recognized for the quality of his plant medicine and his high standards. A self taught patient grower, Mike understands the needs of patients and is dedicated to producing the cleanest crops possible.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: Michael P Leigh

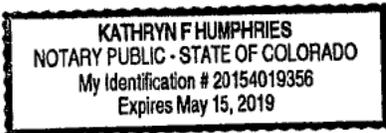
Date: 6/1/15

Notary Name: Kat Humphries

Notary Registration Number: 20154019356

Notary (Notary Must Affix Stamp or Seal)

Date:



6-2-15

Mike Leigh is a seasoned cultivator and entrepreneur in the cannabis industry. A man of many trades, he attended Ohio State University where he studied physical education and has coached high school athletics including football and wrestling. He served in the U.S. Army for a short time after college, before moving to Colorado where, as a patient, he learned to grow his own medicine and eventually began his career as a cannabis cultivator. Mike's career in commercial cultivation started when [REDACTED]

[REDACTED]. The enterprise was a nationally recognized operation known for high quality cannabis and patient education.

As self-taught expert and trailblazer in the cannabis industry, Mike was one of the first cultivators in Colorado to legally grow large quantities of medicinal cannabis. In 2008, Mike designed on of the first legal commercial cultivation facilities in the state. While managing three CDS cultivation operations, he was able to serve thousands of patients with top shelf cannabis on a regular basis. Mike has changed the cannabis industry by refusing to conform to popular methods of cultivation that lack quality and efficiency. He has forever positivity transformed product results, while changing individual perspectives about the nature of the product and the business as a whole.

Mike has dedicated himself to improving the existence of cannabis cultivation through diligent research and experimentations. By refining the environment and

ecosystem of the plant, Mike has developed strategic scientific protocols and has created his own brand of superior products that consistently test high in purity and potency. His technical methodologies are steadfast to the production of maximizing efficient yields that are unaltered by pollutants or toxins commonly found in commercialized cannabis and have been adopted by a national cannabis branding company, Aquarius Cannabis.

Mike utilizes a combination of biostimulants and a calcium-based approach, which work together to improve the plants vigor, production, quality, and tolerance of abiotic stresses. Mike believes in the therapeutic benefits of cannabis, and is passionate about unlocking all of the attributes and medical advantages the plant has to offer. Most recently, Mike has been engaged by several Denver operations to convert them to pesticide free systems after Denver Health quarantined cannabis containing unlawful pesticide residuals.

Mike resides in the [REDACTED] area with his [REDACTED] where they both utilize their talents in the cannabis industry and devote any spare time to their [REDACTED]

[REDACTED]





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Alfonso Liu 3. Title: Manager of Manufacturing
4. Briefly describe the role of this person or entity in the proposed registered organization:
Plan, implement, execute and manage the manufacturing facility. Including, but not limited to, management of clean rooms, laboratory practices, formulation and packaging.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[X] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [X] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.
Eventhough I didn't work with drugs, I worked in [redacted] to manufacture Laboratory devices that are used to test urine, blood, etc. Also, produced Tracked etched membrane to be used to create and growth artificial skin. At ASI, I implemented Class 10k clean room and a program to manufacture DNA testing kits in a class 100 environment.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

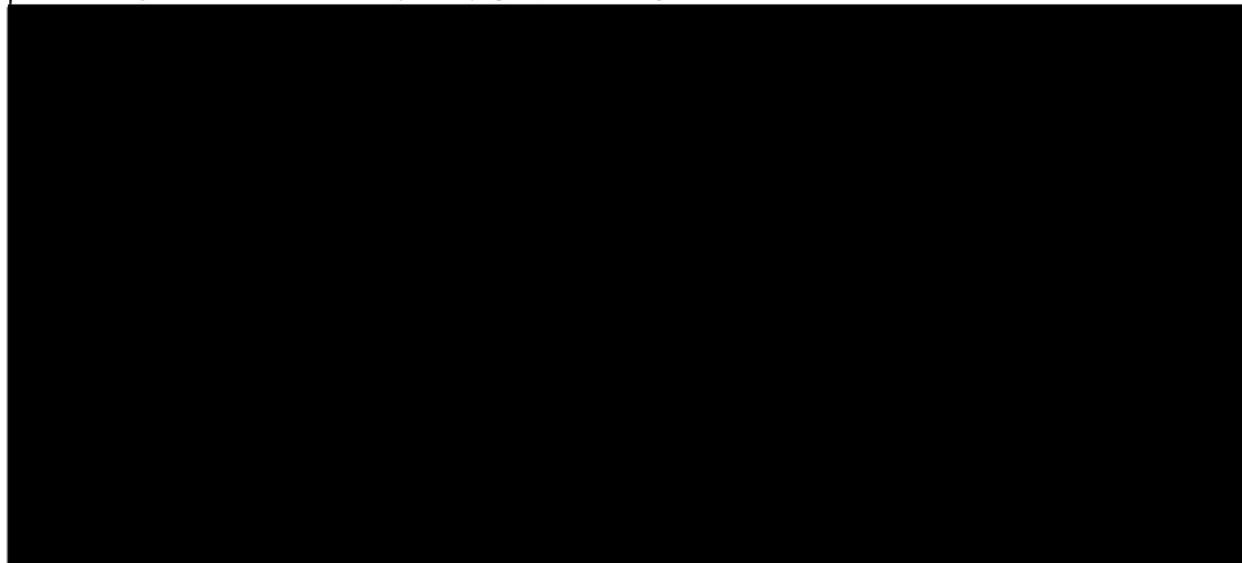
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains two rows of education data: University of Massachusetts and Northeastern University.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

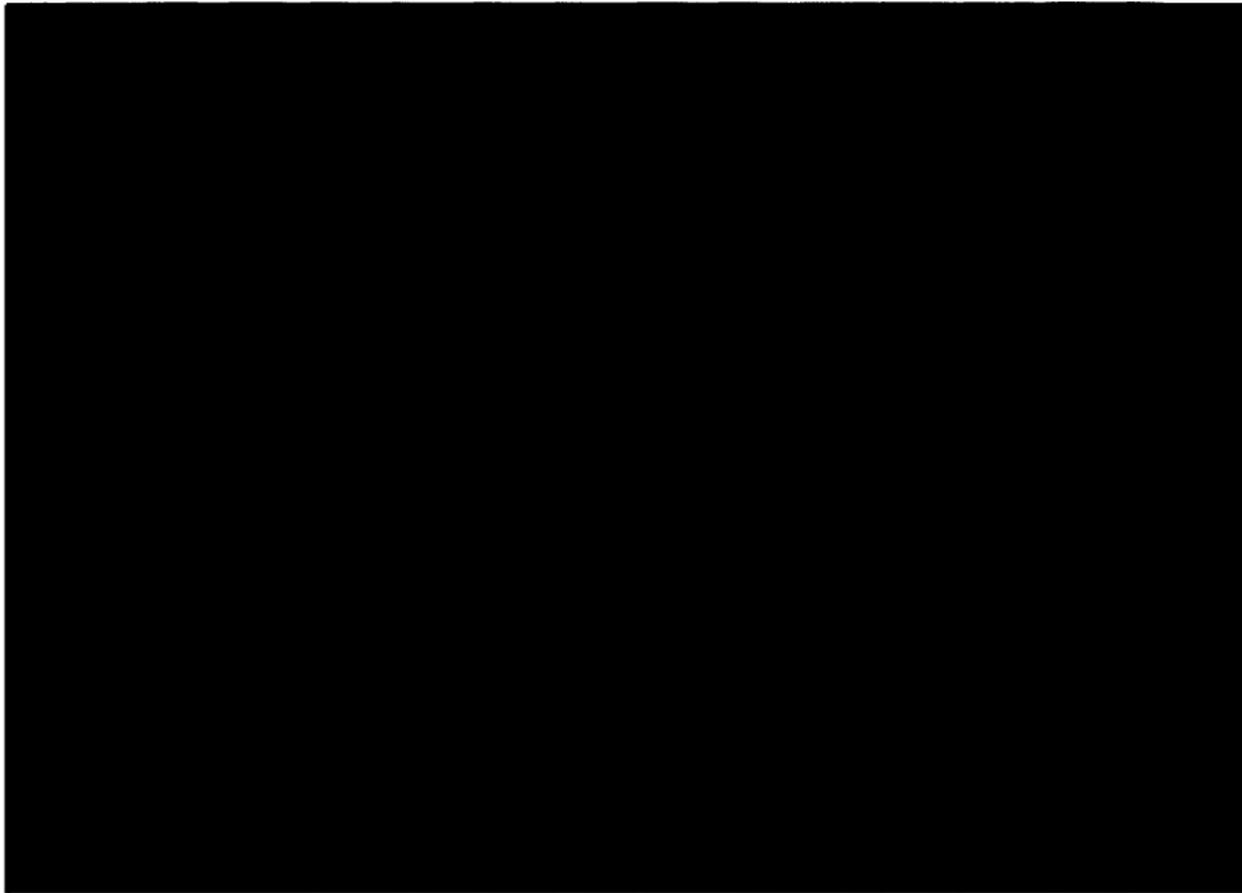
Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 16: Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form with fields: Name of Employer, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer.

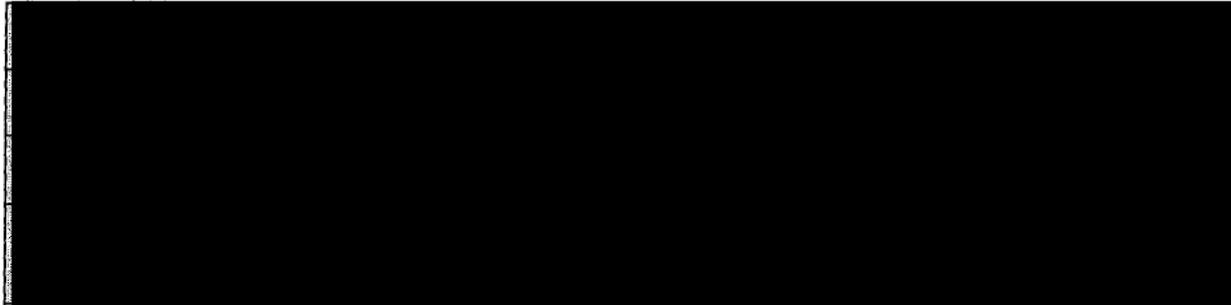


Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, and Position/Responsibilities. Includes a section for Reason For Departure and a section for 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form with two sections. Each section contains fields for 'From:', 'To:', 'Business Type:', 'Name and Address of Business:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. Includes checkboxes for 'open', 'closed', and 'proposed'.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: June 1, 2015

Notary Name: Debbie Ferry Notary Registration Number: 1033776

Notary (Notary Must Affix Stamp or Seal) Date: June 1st 2015
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Debbie L. Ferry, Notary Public
Upper Macungie Twp., Lehigh County
My Commission Expires Dec. 12, 2017
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: <b>ETAIN, LLC</b>	
<b>This is the name that was entered in Section A of the Application for Registration as a Registered Organization.</b>	
2. Name: <b>Lee Mandell</b>	3. Title: <b>Cultivation Training Manager</b>
4. Briefly describe the role of this person or entity in the proposed registered organization: Chief Hydroponicist: to be engaged in Hydroponic system design functionalities and provide Hydroponic Certification education classes to train local employees. (See: "Hydroponics = Systems Operating Manual and Growing Guide" the Boswyck Farms Hydroponic Certification Coursebook - attached as an exhibit to Application Question #83 - for - "manufacturing and standard operating procedures.")	
5. Will this person or entity come into contact with medical marijuana or medical marijuana products? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at <a href="http://www.identogo.com/FP/NewYork.aspx">http://www.identogo.com/FP/NewYork.aspx</a> using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."	
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.	



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
[ ] Yes [X] No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [Redacted]

9. Fax:

10. Email: [Redacted]

11. Residence Address: [Redacted]

12. City: [Redacted]

13. State: [Redacted]

14. ZIP Code: [Redacted]

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains data for Northeastern University and Michigan State University.

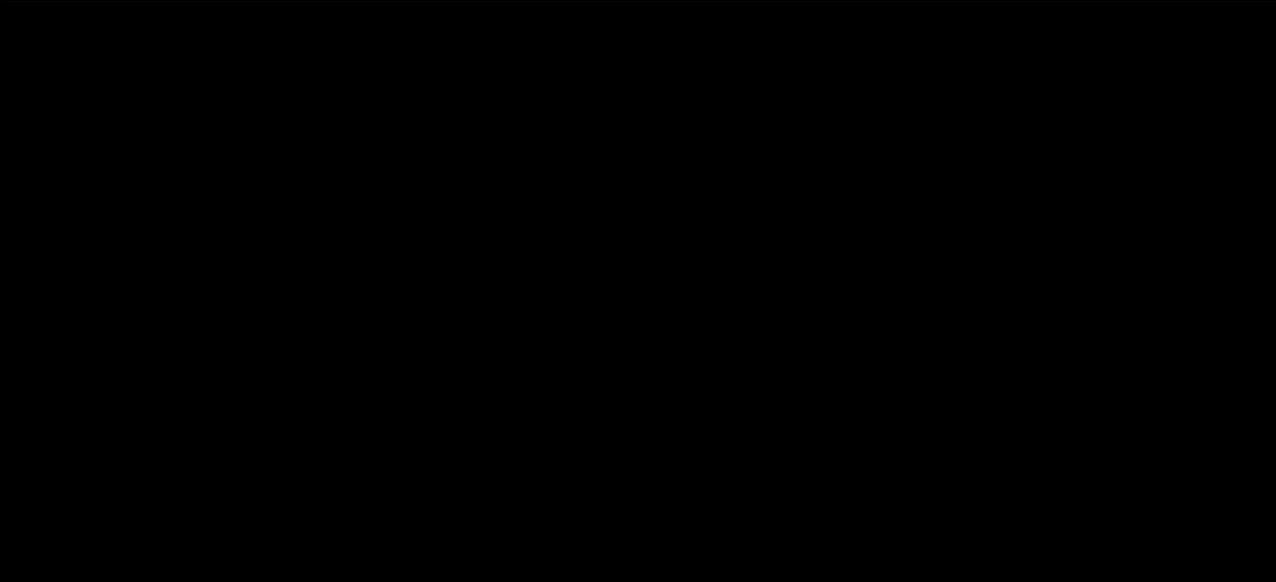


Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

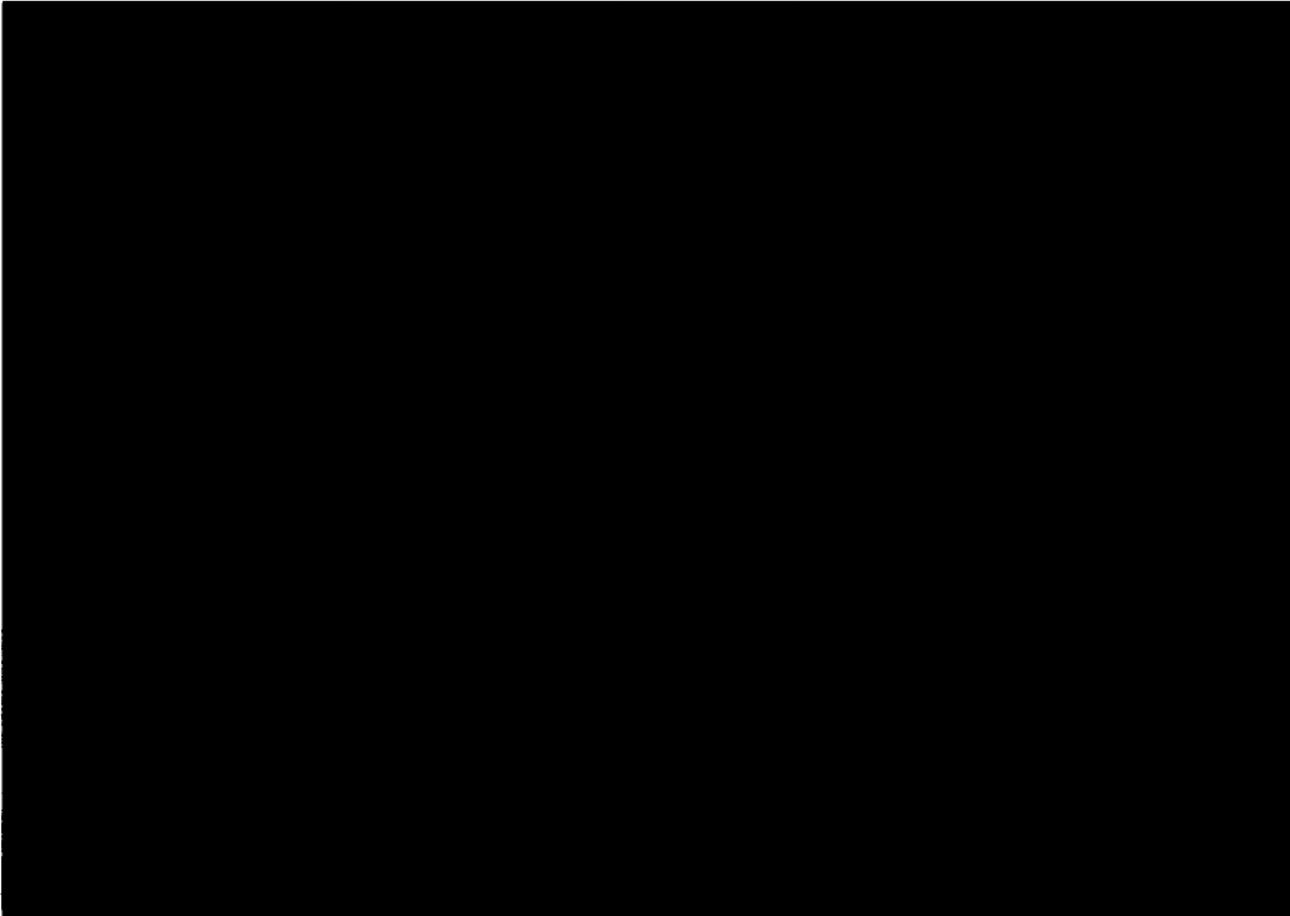
Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 16: Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



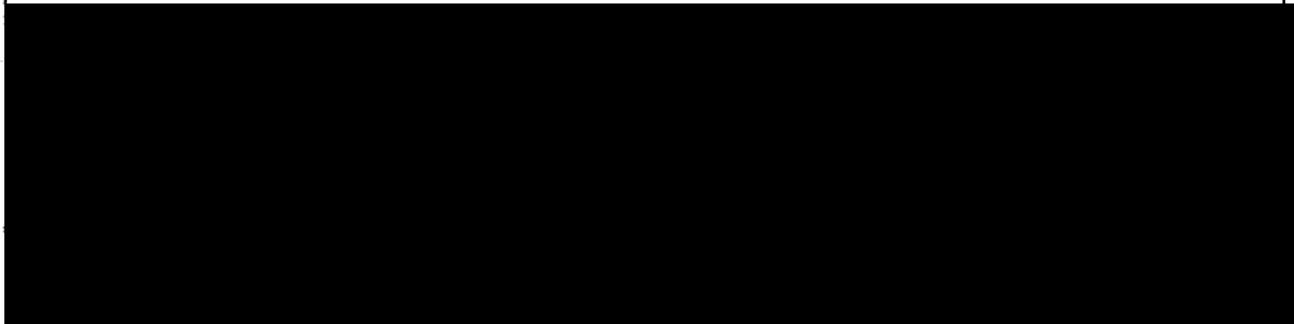
Form with fields: Name of Employer, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor, and Position/Responsibilities.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three entries. Each entry includes fields for 'From' and 'To' years, 'Business Type', 'Office Held/Nature of Interest', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable'. The first entry is for 'Homeless Services' (1994-2008), the second for 'Jewish Congregation' (2002-2007), and the third is blank.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

As [redacted], I have amassed extensive experience conceiving of, designing, managing, and educationally enhancing hydroponics projects with a wide range of communities. The farm began in an attempt to bring healthy food access to traditionally underserved neighborhoods -- so-called "food deserts." Under this mission, I designed and built high production systems for food pantries all over the New York City area, including work with major organizations CAMBA, The Child Development Support Corporation, and Los Sures Southside United HDFC.

[redacted] has also designed and installed therapeutic hydroponics projects at United Cerebral Palsy of NYC, Fountain House, The Educational Alliance, and Project FIND (for which we recently received a shout out from Manhattan Borough President Gale A. Brewer). Our customized approach has allowed us to be innovative with adaptations for use by people with almost any level of physical or mental capacity.

Extending from the mission to provide a farm for any space [redacted] is also at the forefront for aesthetic hydroponic design. My background as a sculptor has led to such projects as Truffula Loraxia, a fully functional hydroponic tree installation that was featured in the 2014 DUMBO Arts Festival. We are currently developing an indoor hydroponic conservatory garden that allows for a full range of aesthetic -- yet functional - hydroponic system design. All [redacted] projects, whether focused on production, therapeutic function, education, or aesthetics include full hydroponics training for managerial staff and volunteers at the host organization.

[redacted] has also developed one of the first Hydroponics Certification programs in the US, for which [redacted] wrote, written and edited our own system manual and coursebook. The certification course has successfully

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

Date: 5/18/2015

Notary Name: John Athanasatos

Notary Registration Number: AT6008526

Notary (Notary Must Affix Stamp or Seal)
John J. Athanasatos
Notary Public, State of New York
No. 01AT6008526
Qualified in Queens County
Certificate Filed in New York County
Commission Expires 06-08-2018

Date:

Complete text for question #19

As [REDACTED] of [REDACTED], I have amassed extensive experience conceiving of, designing, managing, and educationally enhancing hydroponics projects with a wide range of communities. The farm began in an attempt to bring healthy food access to traditionally underserved neighborhoods -- so-called "food deserts." Under this mission, I designed and built high production systems for food pantries all over the New York City area, including work with major organizations CAMBA, The Child Development Support Corporation, and Los Sures Southside United HDFC.

[REDACTED] has also designed and installed therapeutic hydroponics projects at United Cerebral Palsy of NYC, Fountain House, The Educational Alliance, and Project FIND (for which we recently received a shout out from Manhattan Borough President Gale A. Brewer). Our customized approach has allowed us to be innovative with adaptations for use by people with almost any level of physical or mental capacity.

Extending from the mission to provide a farm for any space, [REDACTED] is also at the forefront for aesthetic hydroponic design. My background as a sculptor has led to such projects as Truffula Loraxia, a fully functional hydroponic tree installation that was featured in the 2014 DUMBO Arts Festival. We are currently developing an indoor hydroponic conservatory garden that allows for a full range of aesthetic -- yet functional -- hydroponic system design. All [REDACTED] projects, whether focused on production, therapeutic function, education, or aesthetics include full hydroponics training for managerial staff and volunteers at the host organization.

[REDACTED] has also developed one of the first Hydroponics Certification programs in the US, for which we've written and edited our own custom manual and coursebook. The certification course has successfully trained people for jobs in the urban farming industry for three years now.

My deep commitment to community based growth and education has also been reflected in my volunteer positions with Spare Change, Kahal Braira, and Brooklyn organization Arts in Bushwick. Through these positions, I have acquired additional valuable experience managing large teams of people towards a common goal.



**Education:**

1984-87

Northeastern University, Boston MA

College of Computer Science, B.S. Computer Science with Highest Possible Honors

1980-82

Michigan State University, East Lansing MI

College of Natural Science, Candidate for B.S. in Mathematics

**Farming:**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

Fall 2011

**Bushwick Community High School, NYC, NY.** Taught an 8-week program using hydroponics to teach science and engineering. The students designed their own hydroponic systems. Physics, chemistry, botany and biology were all taught using the systems as a starting place.

**Volunteer Work:**

- 2007 - 2010 Webmaster and operational support, Arts in Bushwick, Brooklyn, NY.
- 1994 - 2008 Homeless Empowerment Project/Spare Change News, Board President 2002-2007, Cambridge, MA
- 2001 - 2006 Homelessness Marathon - Annual 14 hour live radio broadcast to raise awareness around issues of homelessness and poverty, Cambridge, MA
- 2002 - 2007 Kahal B'raira - Boston's Congregation for Humanistic Judaism, Congregation President 2002 - 2004, Boston, MA
- 2001 - 2004 Somerville Arts Council, Board Member, Somerville, MA
- 1998 - 2002 Brickbottom Artists Association, Board Member, Somerville, MA

**Art and Theater:**

- 1994 - Present Visual Art exhibitions and installations, NYC, NY and MA
- 1989 - Present Theater - Technical Direction and Stage Managing, NYC, NY and MA





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain, LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.

2. Name: Martha Rossi McDermott 3. Title: Manager of

4. Briefly describe the role of this person or entity in the proposed registered organization: Community Relations
I will serve as a liason between patient and pharmacist, as well as a general liason between Etain and those in the community is serves, and where it is located.

5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
Yes No

Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."

6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? Yes No

If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [Redacted] 9. Fax:

10. Email: [Redacted]

11. Residence Address [Redacted]

12. City [Redacted] 13. State: [Redacted] 14. ZIP Code: [Redacted]

15. Formal Education Dates Attended Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains handwritten entries for Silver School of Social Work and William Smith College.



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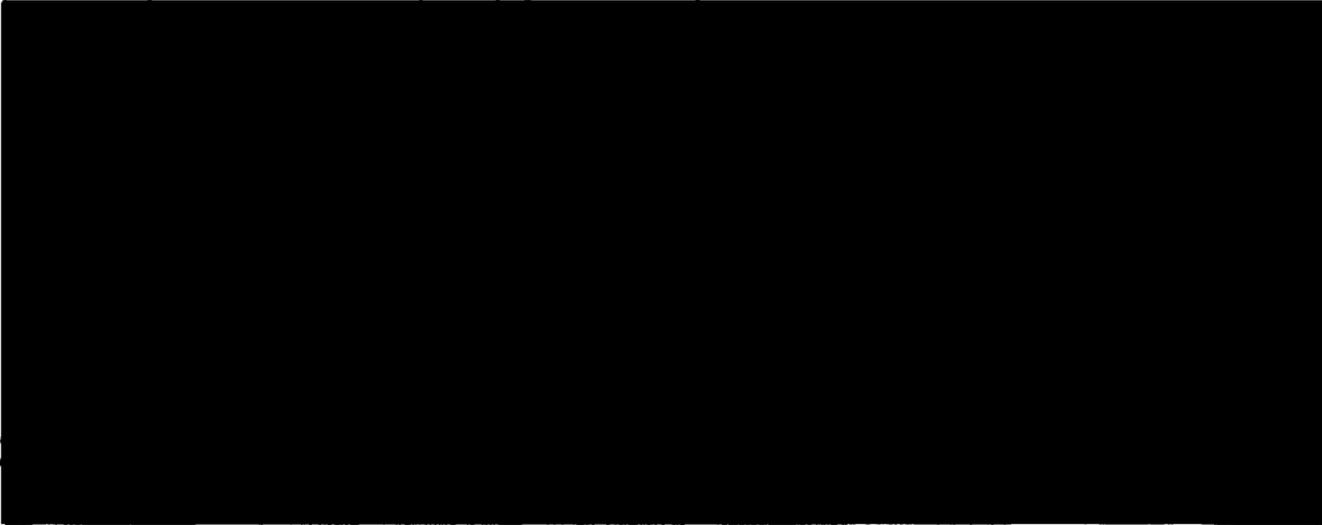
Empty table row



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 16: Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



Name of Employer:
Type of Business:



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for personal and professional information, including address, employment dates, supervisor details, and reasons for departure.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip, Starting/Ending Dates of Employment, Name of Supervisor, and Reason for Departure. Includes handwritten entries for 'Katonah Village Library' and 'Town of Bedford'.



**Appendix A:  
Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**

From:	Name and Address of Business:	
To:		
Business Type:	Office Held/Nature of Interest:	<input type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:		
From:	Name and Address of Business:	
To:		
Business Type:	Office Held/Nature of Interest:	<input type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:		
From:	Name and Address of Business:	
To:		
Business Type:	Office Held/Nature of Interest:	<input type="checkbox"/> open <input type="checkbox"/> closed <input type="checkbox"/> proposed
Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:		



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

My experience as a social worker professionally, my extensive volunteer experience in the community, and my interest in health + wellbeing overall, makes me well suited to interact with patients, managers, ~~some~~ employees, pharmacists and other staff, in the capacity of liason to the community at both sites, and is located, within.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: Martha McDermott

Date: 5/15/15

Notary Name: Patricia A. Gunzel

Notary Registration Number: 01606119561

Notary (Notary Must Affix Stamp or Seal)

Date: 5/15/15

Handwritten signature of Patricia A. Gunzel

PATRICIA A. GUNZEL
Notary Public, State of New York
No. 01GU6119561
Qualified in Westchester County
Commission Expires November 29, 2016





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain, LLC
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Maureen McNamara 3. Title: Dispensary Training Manager
4. Briefly describe the role of this person or entity in the proposed registered organization:
Maureen McNamara will create, customize and facilitate training programs to be implemented pre-opening. And deliver on-going training as needed as people are hired. Additionally, she will provide on going training for professional development.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
[ ] Yes [x] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [x] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone: [Redacted]

9. Fax: -

10. Email: [Redacted]

11. Residence Address: [Redacted]

12. City: [Redacted]

13. State: [Redacted]

14. ZIP Code: [Redacted]

15. Formal Education

Dates Attended

Degree

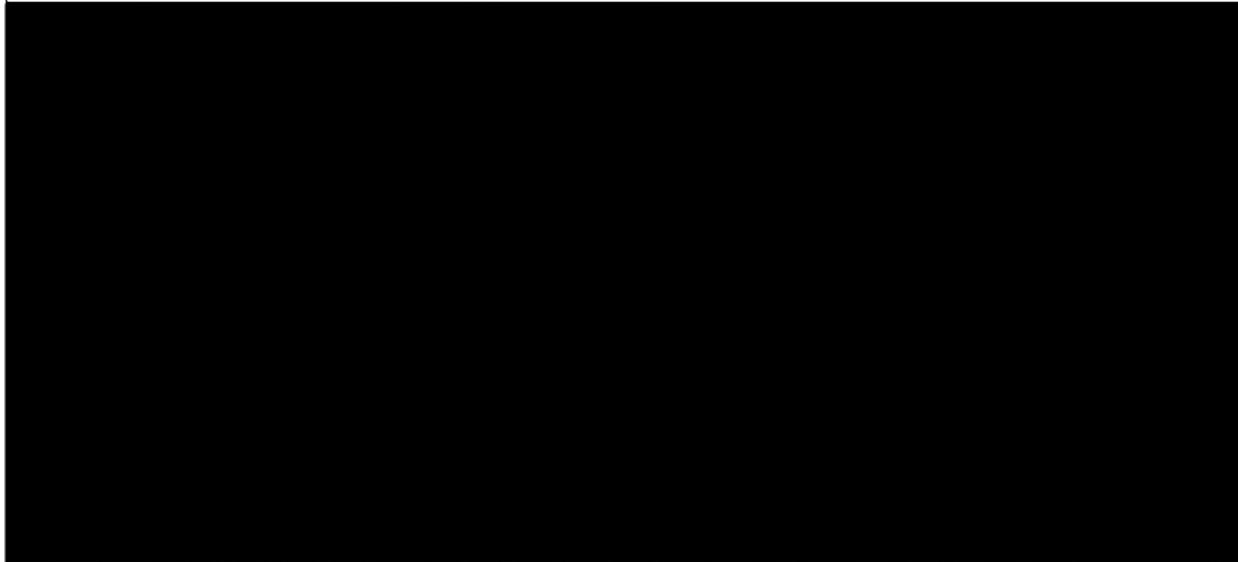
Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Row 1: Saint Michael's College, Winooski, Vermont, 1987, 1991, BA- Philosophy, May, 1991. Row 2: [Redacted].



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 1: 16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

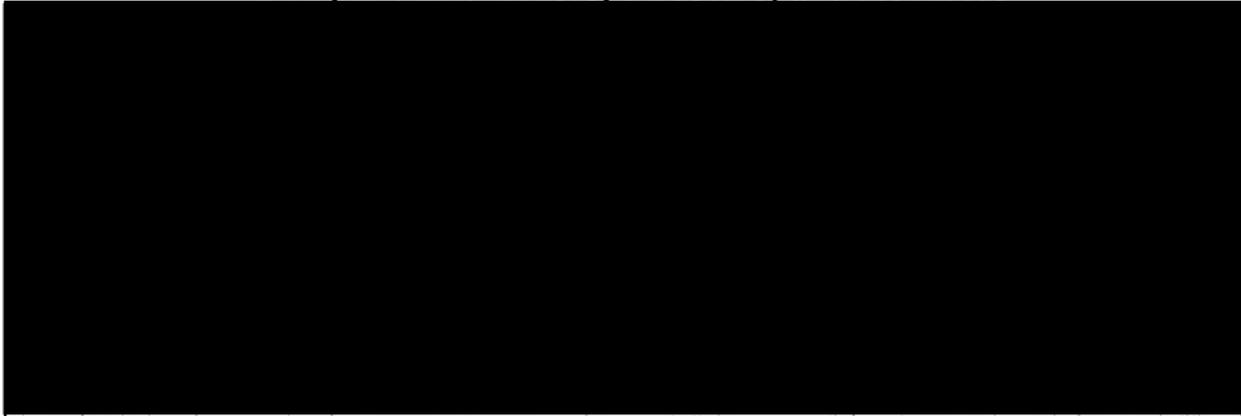
17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members



Form with multiple sections for employer information, including fields for Name of Employer, Type of Business, Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, and Position/Responsibilities. The form is repeated three times.



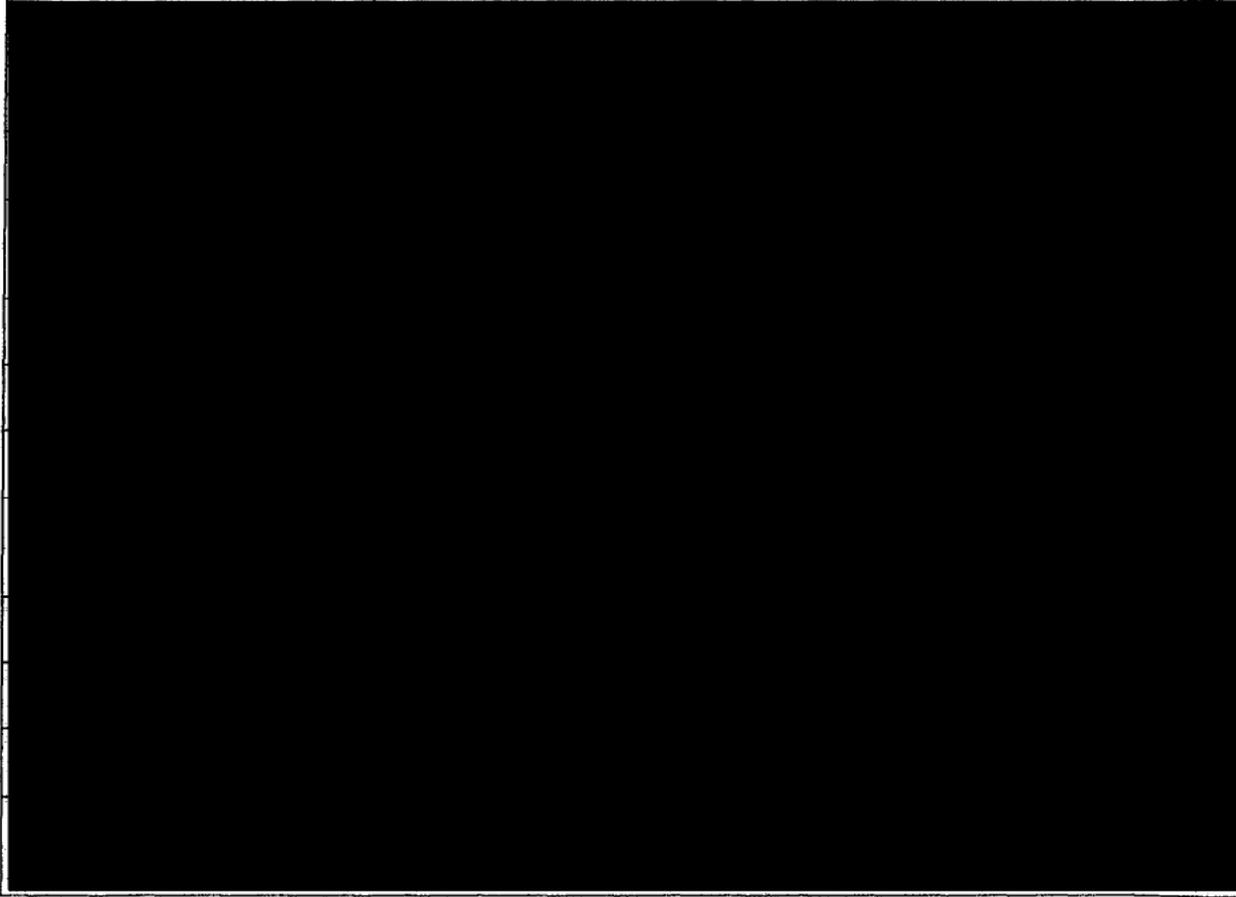
Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting and Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, and a section for other businesses.



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**Appendix A:**  
**Affidavit for Board Members, Officers, Managers, Owners, Partners,  
Principal Stakeholders, Directors, and Members**





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature]

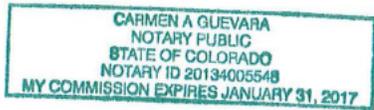
Date: 5-12-15

Notary Name: CARMEN A GUEVARA

Notary Registration Number: 2013-1005548

Notary (Notary Must Affix Stamp or Seal)

Date: May 12, 2015







Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Stani LLC. This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Diane Meier 3. Title: Marketing Director
4. Briefly describe the role of this person or entity in the proposed registered organization: marketing, see staffing plan
5. Will this person or entity come into contact with medical marijuana or medical marijuana products? [X] Yes [ ] No
Any managers who may come in contact with or handle medical marijuana, including medical marijuana products, shall be subject to a fingerprinting process as part of a criminal history background check in compliance with the procedures established by Division of Criminal Justice Services and submission of the applicable fee. Criminal history background checks must be done through Identogo at http://www.identogo.com/FP/NewYork.aspx using the ORI number NY0412500 and the Fingerprint Reason "Control Substance License."
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs? [ ] Yes [X] No
If the answer to this question is yes, provide the name of the business, a statement defining the position of management or ownership held in such business, and any finding of violations of law or regulation by a governmental agency against the business or person or entity.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Rows include University of Pennsylvania, Princeton University, and University of Pennsylvania.

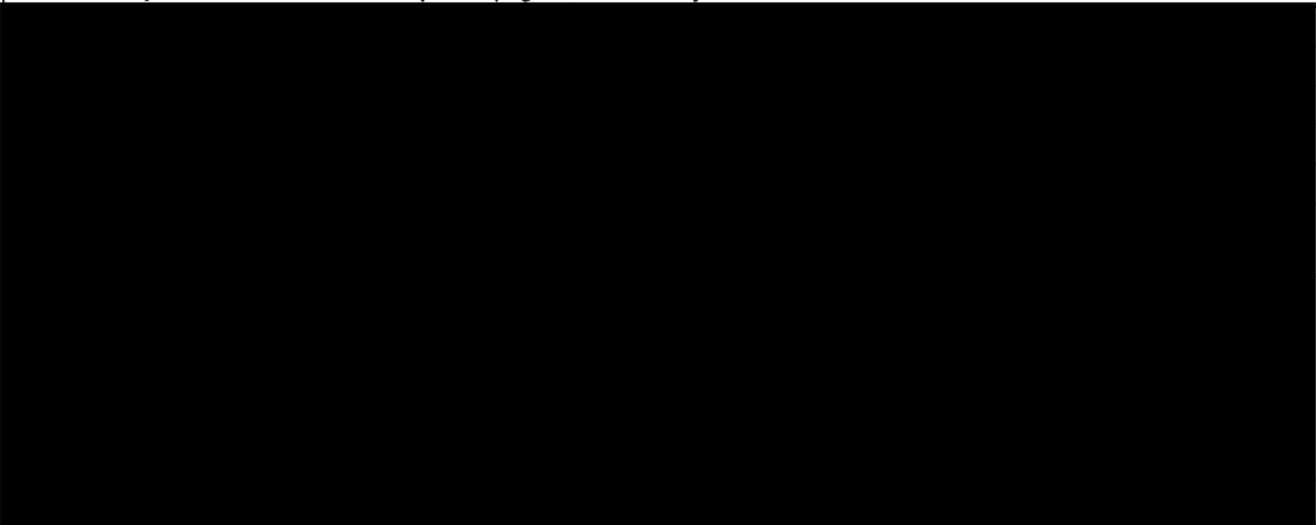


Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. The table contains 6 empty rows.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



Name of Employer:

Type of Business:



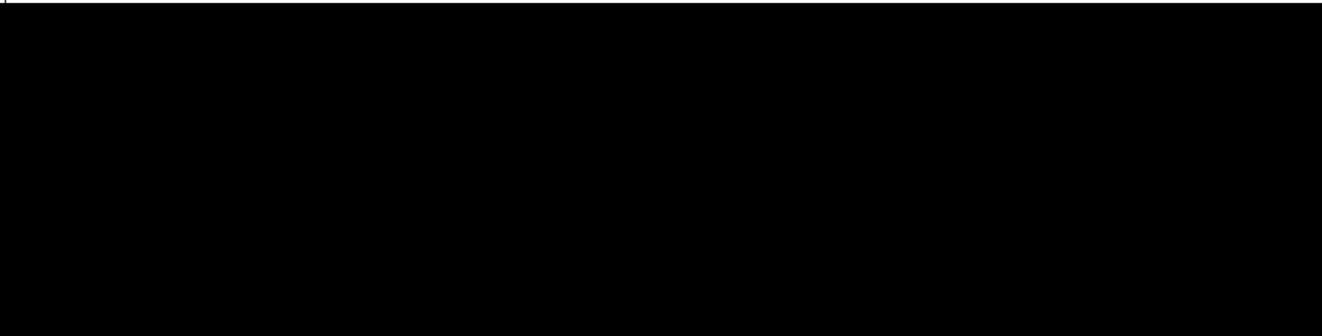
Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for personal and professional information, including fields for Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, and Type of Business.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including fields for Type of Business, Street Address, City, State, Zip Code, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, and Position/Responsibilities. Includes a section for Reason For Departure and a section for 18. Offices Held or Ownership Interest in Other Businesses.





Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Name and Address of Business:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. Radio buttons are provided for 'open', 'closed', and 'proposed'.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

[Redacted] encompasses all aspects of research, insight, brand development and outreach required to take a business to its natural audience and meet its potential. For more than thirty years I have been doing this at the highest possible level, from companies such as [Redacted]. Our work has won every award our industry bestows, some many times, and it has been published in consumer magazines, trade magazines and textbooks that feature marketing and design all across the globe. I have spoken extensively about the nature and importance of an integrated approach to marketing all over America and at some of the top business schools and trade associations in the country.

I was [Redacted]

[Redacted] And I am included in the compendium, "Feminists Who Changed America 1963 - 1975" (Barbara J Love and Nancy Cott).

My philanthropic work has covered both fund-raising and management (GMHC and Fashion Cares) during the HIV-AIDS crisis. And now involves fund raising and problem solving on behalf of libraries and their communities in embracing the change to digital services and the need to provide fellowship, training, exposure, culture and human connection within their communities.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: May 20, 2015
Notary Name: ELSA V. Fontanes Notary Registration Number: 01FO6104982
Notary (Notary Must Affix Stamp or Seal) Date: 20th day of May 2015
ELSA V. FONTANES
Notary Public, State of New York
No. 01FO6104982
Qualified in New York County
Commission Expires Feb. 2, 2016





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

1. Business Name: Etain
This is the name that was entered in Section A of the Application for Registration as a Registered Organization.
2. Name: Michael C. Rego 3. Title: Security Manager
4. Briefly describe the role of this person or entity in the proposed registered organization:
Manager of Security and Security related functions.
5. Will this person or entity come into contact with medical marijuana or medical marijuana products?
6. Has this person or entity held any position of management or ownership during the preceding ten years of a 10% or greater interest in any other business which manufactured or distributed drugs?
No violations



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?
Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax:

10. Email:

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Institution

Address

From

To

Degree Received

Date Received

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains 5 empty rows for data entry.

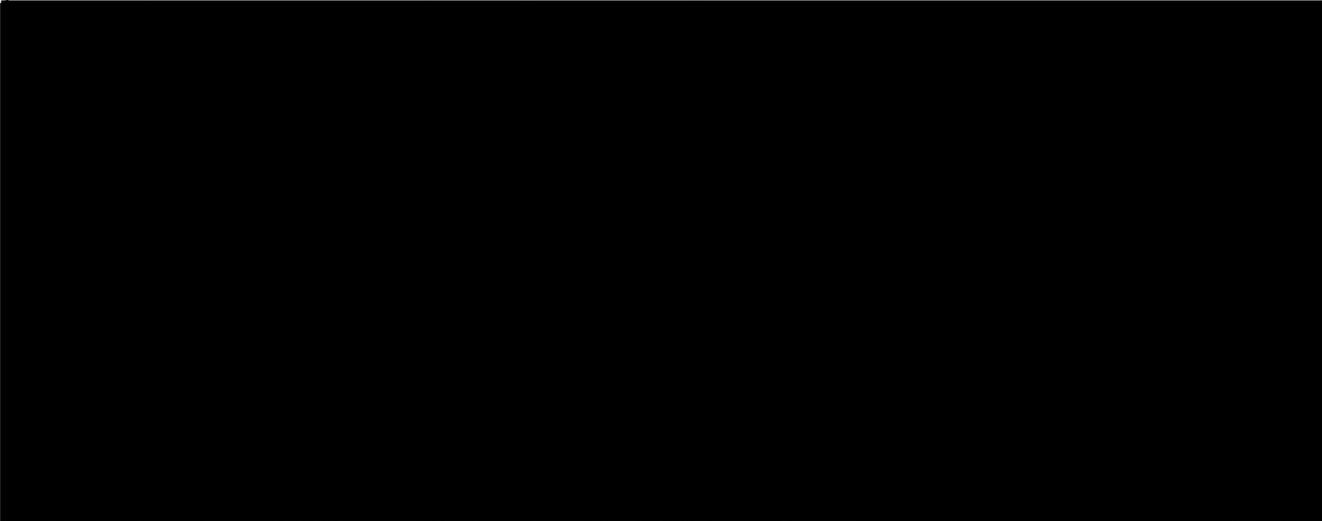


Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

16. Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. The table is currently empty.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



Name of Employer: State of Rhode Island

Type of Business: FDA Tobacco Inspection Program



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Form with multiple sections for employment history. Each section includes fields for Street Address, City, State, Zip Code, Starting Date of Employment, Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, Name of Employer, and Type of Business. The first section describes a role as COORDINATOR of FIELD OPERATIONS / LAW ENFORCEMENT LIASON at the City of Newport, RI. The second section describes a role as DETECTIVE - VICE/NARCOTICS UNIT, JUVENILE DIVISION, CRIMINAL INVESTIGATIONS DIVISION at the City of Newport, RI.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip, Starting/Ending Date of Employment, Name of Supervisor for Reference, Supervisor Phone Number, Position/Responsibilities, Reason For Departure, and 18. Offices Held or Ownership Interest in Other Businesses.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three identical sections for business information. Each section includes fields for 'From:', 'To:', 'Business Type:', 'Office Held/Nature of Interest:', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. Radio buttons are provided for 'open', 'closed', and 'proposed' status.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: [Handwritten Signature] Date: 05/18/15

Notary Name: CLEMENT J. REGO Notary Registration Number:

Notary (Notary Must Affix Stamp or Seal) Date: 5/18/2015

my commission EXPIRES on:
06/23/2017

*Seeking a position where I can contribute my leadership skills, team-player perspective and administrative abilities to your organization*

**SUMMARY**

Highly trained professional, dedicated to a successful law enforcement career. 18 years of service in a city of over 50,000 residents.

Varied and adaptable interests. Substantial experience in percussion (drums), higher education (adjunct instructor), special music events management, and sports coaching. Meticulous, persuasive, and trusted negotiator especially adept at developing and maintaining loyal, long-term relationships.

Recently employed as the [REDACTED] one of [REDACTED] first Medicinal Marijuana Compassion Centers.

Financial and business skills include budgeting, marketing initiatives, and contract administration. Developed ability to deal tactfully with a variety of personalities, proactively define and resolve problems, and cultivate strategic relationships with a variety of business venues. Proven leader, organizer, and collaborator in law enforcement, Medicinal Cannabis and music fields. Willingness and ability to travel.

**CORE COMPETENCIES**

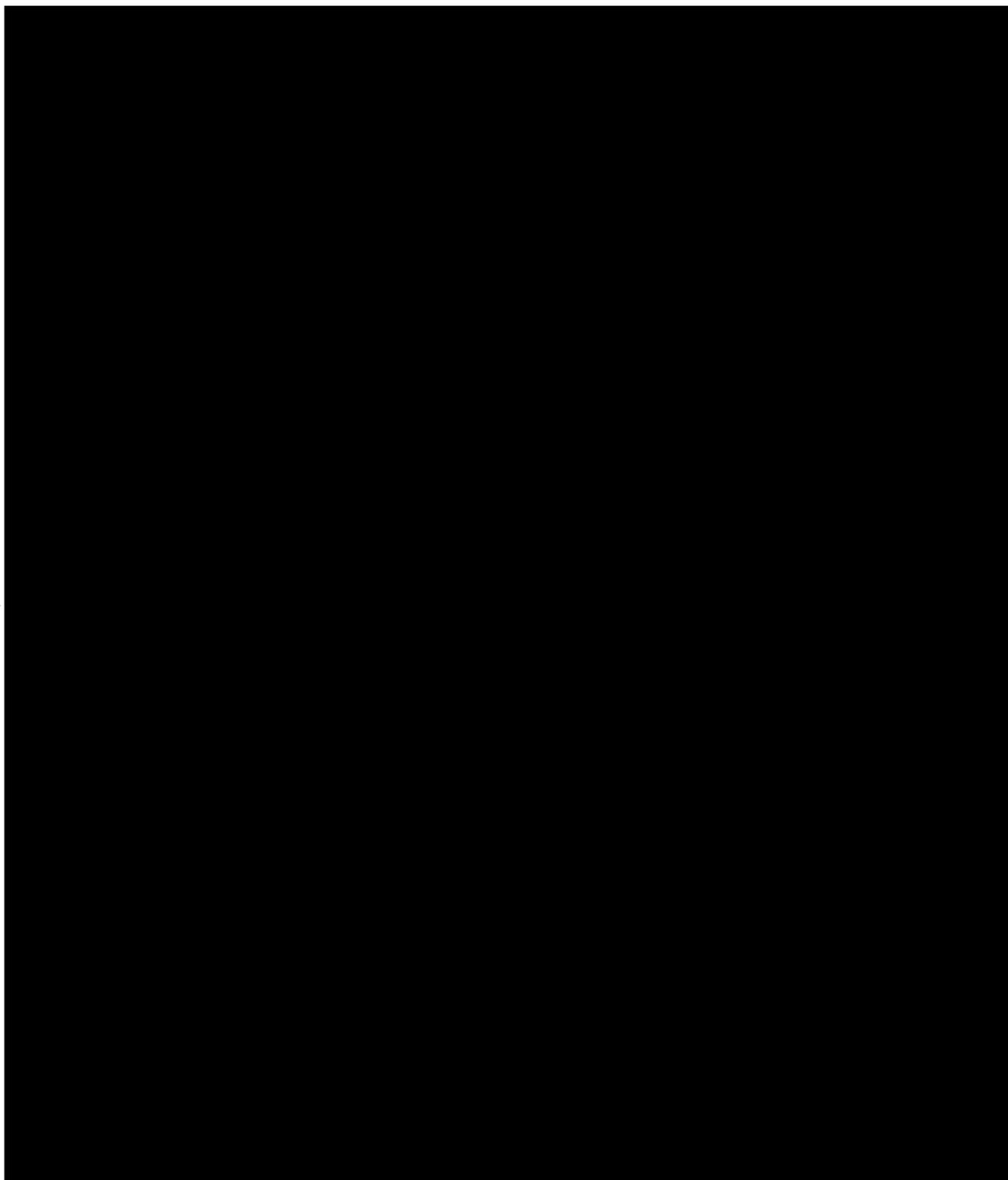
- ◆ Developing and implementing profitable promotional partnerships
- ◆ Securing and maintaining loyal, trusted relationships
- ◆ Adept and trained in dealing with difficult individuals and stressful situations
- ◆ [REDACTED]
- ◆ Writing excellence, and strong oral presentation skills in individual and plenary venues
- ◆ Strategic planning in bringing product or service from concept to market
- ◆ Confident leadership in prioritizing and handling projects in multi-functional environments
- ◆ Crisis negotiation, criminal, background investigations, and wide legal experience in Family, District, Superior, and Federal courts
- ◆ Computer skills include MS Word, MS Excel applications, and internet savvy

**HIGHLIGHTS & DISTINCTIONS**

- ◆ [REDACTED]
- ◆ Newport Police Department Drug Recognition Expert (DRE) and Instructor
- ◆ Newport Police Department Crisis Negotiation Team Leader
- ◆ Newport Police Department Pre-employment Background Police Officer candidate Investigator
- ◆ Newport Police Department "Chief's Award" recipient
- ◆ Newport Police Department recipient of numerous "Letters of Commendation"
- ◆ Newport Fraternal Order of Police Lodge #8 Bargaining Committee member (key participant in extensive arbitration negotiations)

**EXPERIENCE**

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**State of Rhode Island, FDA - Tobacco Inspection Program, Cranston, RI**  
*COORDINATOR of FIELD OPERATIONS / LAW ENFORCEMENT LIASON*

January 2012 – February 2013

A key position for a contract between the federal Food and Drug Administration and the State of RI to enforce certain provisions of the 2009 Tobacco Control Act: and to serve as an alternate to the State Program Coordinator. \*\*\*Due to a signed confidentiality agreement, details of this program cannot be included.\*\*\*

**City of Newport, RI, Newport Police Department, Newport, RI**

*DETECTIVE – VICE/NARCOTICS UNIT, JUVENILE DIVISION, CRIMINAL INVESTIGATIONS DIVISION*

October 1998 – 2010

*PATROL OFFICER (Promoted to Detective in 1998)*

September 1993 – 1998

- Provided criminal investigations
  - Made numerous Drug “Under Cover” Drug Buys for arrest and prosecution
  - Worked with and supervised informants leading to arrest and prosecution
  - Drafted and executed search warrants
  - Prepared criminal cases and court testimony for Family, District, Superior, and Federal Courts
  - Investigative experience and acquired skills using specialized electronic equipment
  - Lead Investigator responsible for developing and managing covert operations
- 

## EDUCATION

Salve Regina University, Newport, RI

*Master of Science Degree in Administration of Justice* May 1992

*Bachelor of Arts Degree in Administration of Justice* May 1989

◆ Dean's List

◆ Semester in Kenya, East Africa, 1987

## AFFILIATIONS / COMMUNITY SERVICE

◆ SRU Men's Varsity Soccer Team; Captain '88, '89; MVP '87, '88, '89

◆ Special Olympics Volunteer

◆ Administration of Justice Club

◆ Portsmouth Youth Baseball and Soccer Coach

◆ Newport Hospital Volunteer

◆ Newport Fraternal Order of Police, Lodge #8, Treasurer, 4 years

*It is evident Detective Rego is a skilled investigator. He is truly an asset to the Newport Police Department.*

- [REDACTED]





Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Appendix A must be completed for all board members, officers, managers, owners, partners, principal stakeholders, directors, and members. For board members, officers, managers, owners, partners, directors, and members of the applicant that are not natural persons, Appendix A must be completed by each board member, officer, manager, owner, partner, director and member of that entity, going back to the level of ownership by a natural person. An Organizational Chart documenting your organizational structure must be included with this application.

Form with fields for Business Name (ETAIN LLC), Name (Phyllis E Underwood), Title (Horticulturalist Manager), role description (Managing and measuring the day to day plant cultural practices), and questions about contact with medical marijuana and other businesses.



Appendix A: Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

7. Has this person or entity been convicted of a felony or had any type of registration or license suspended or revoked in any administrative or judicial proceeding?

Yes No

If the answer to either of these questions is "Yes," a statement explaining the circumstances of the felony, suspension or revocation must be provided below.

8. Phone:

9. Fax:

10. Email

11. Residence Address:

12. City:

13. State:

14. ZIP Code:

15. Formal Education

Dates Attended

Degree

Table with 6 columns: Institution, Address, From, To, Degree Received, Date Received. Contains entries for Adirondack Community College and Skidmore College.



Appendix A:
Affidavit for Board Members, Officers, Managers, Owners, Partners,
Principal Stakeholders, Directors, and Members

Table with 5 columns: Type of Professional License, License Number, Institution Granting License (Mailing Address, Phone, Email), Effective Date, Expiration Date. Row 16: Licenses Held: List any and all licenses issued by a governmental or other regulatory entity.

17. Employment History for the Past 10 Years: Start with MOST RECENT employment and include employment during the last 10 years. Attach additional copies of page 3, if necessary.



Name of Employer:
Type of Business:



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
Name of Employer:		
Type of Business:		
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
Name of Employer:		
Type of Business:		
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
Name of Employer:		
Type of Business:		
Street Address:		
City:	State:	Zip Code:
Starting Date of Employment:		Ending Date of Employment:
Name of Supervisor for Reference:		Supervisor Phone Number:
Position/Responsibilities:		
Reason For Departure:		
Name of Employer:		



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with multiple sections for business information, including Type of Business, Street Address, City/State/Zip, Starting/Ending Dates of Employment, Name of Supervisor, Position/Responsibilities, Reason For Departure, and a section for other businesses held or ownership interest.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

Form with three identical sections for business registration details. Each section includes fields for 'From', 'To', 'Business Type', 'Office Held/Nature of Interest', and 'Name, Address and Phone Number of Licensing/Regulatory Agency, if applicable:'. The first section is pre-filled with 'Saratoga Farmers Market Association' and '110 Spring St Saratoga NY 12866'.



Appendix A:

Affidavit for Board Members, Officers, Managers, Owners, Partners, Principal Stakeholders, Directors, and Members

19. Affirmative Statement of Qualifications

For individuals who have not previously served as a director/officer nor have had managerial experience, please include a statement below explaining how you are qualified to operate the proposed facility. This statement should include, but not be limited to, any relevant community/volunteer background and experience.

I have owned, operated, and managed our hydroponic greenhouse facility for 19 years. We currently employ 4 full time and 2 part time employees. Our operation follows G.A.P. (Good Agricultural Practices) and we are certified and inspected each year by the USDA GAP program.

I am a current volunteer at Saratoga Farmers Market and I have volunteered in the past as: Cub Scout leader, founder and chair of Salem Youth Soccer, co founder and President of Advocates for Academics and Troy Waterfront Farmers Market.

20. The undersigned certifies, under penalty of perjury, that the information contained herein or attached hereto is accurate, true, and complete in all material respects.

Signature: Phyllis E Underwood

Date: 5/12/15

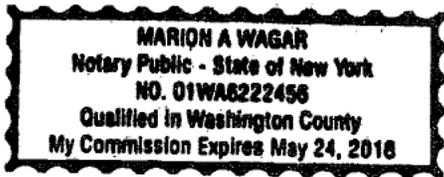
Notary Name: Marion A Wagar

Notary Registration Number:

Notary (Notary Must Affix Stamp or Seal)

Date:

5-12-15



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## **Phyllis Underwood**

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### **Professional Profile**

Management Consultant (10 yrs) & Hydroponic Greenhouse Owner / Grower (19 yrs)

Financial management	Sales & Marketing
Purchaser / Buyer	Hydroponic Cultural skills
Cost Control & Profit Improvement	Measure verify & record growth & production
Manager	Grant writer
	Human Resource Manager

### **Professional Accomplishments**

#### **Consulting**

Reduced operating costs minimum of 15%  
Restructure Organization / reduce # employees  
Time Management reduction in payroll  
Increase sales  
Designed and developed food label packaging

#### **Hydroponic Greenhouse**

Start up hydroponic greenhouse 4 expansions over 14 years  
Successfully shifted production through winter months  
Secured wholesale and retail accounts  
Manage day to day operations

### **Work History**

### **Education**

<b>BA Business</b>	Skidmore, Saratoga Springs NY	1992
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### **References**

References are available upon request.

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**Professional Profile**

Management Consultant (10 yrs) & Hydroponic Greenhouse Owner / Grower (19 yrs)

- Financial management
- Purchaser / Buyer
- Cost Control & Profit Improvement
- Manager
- Sales & Marketing
- Hydroponic Cultural skills
- Measure verify & record growth & production
- Grant writer
- Human Resource Manager

**Professional Accomplishments**

**Consulting**

- Reduced operating costs minimum of 15%
- Restructure Organization / reduce # employees
- Time Management reduction in payroll
- Increase sales
- Designed and developed food label packaging

**Hydroponic Greenhouse**

- Start up hydroponic greenhouse 4 expansions over 14 years
- Successfully shifted production through winter months
- Secured wholesale and retail accounts
- Manage day to day operations

**Work History**

Microsoft Corporation 7/31/2002 3:56 PM  
Formatted: Bullets and Numbering



**Education**

**BA Business** Skidmore, Saratoga Springs NY 1992

**References**

References are available upon request.

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**APPLICATION OF ETAIN, LLC  
FOR REGISTRATION AS A REGISTERED ORGANIZATION  
COMPASSIONATE CARE ACT  
(PHL § 3365)**

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**VOLUME II**

**APPENDIX B: FORM 5146 – ARCHITECTURAL PROGRAM  
MANUFACTURING FACILITY**

**VOLUME III**

**APPENDIX B: MANUFACTURING FACILITY – CONT'D.**

**VOLUME IV**

**APPENDIX B: FORM 5146  
DISPENSING FACILITIES 1 - 4**

**VOLUME V**

**ATTACHMENT A: IDENTIFICATION OF REAL PROPERTY, BUILDINGS AND FACILITIES**

**ATTACHMENT B: EQUIPMENT**

**ATTACHMENT C: PROPERTY AGREEMENTS**

- 1. Manufacturing Facility – Chester*
- 2. Dispensing Facility – Albany*
- 3. Dispensing Facility - Kingston*



4. *Dispensing Facility - Yonkers*

5. *Dispensing Facility - Syracuse*

**ATTACHMENT D: OPERATING PLAN**

*Executive Summary*

*Section 1 – Manufacturing*

*Section 2 – Transport and Distribution*

*Section 3 – Dispensing and Sales*

*Section 4 – Devices*

*Section 5 – Security and Control*

*Section 6 – Standard Operating Procedures*

*Section 7 – Quality Assurance Plans*

*Section 8 – Returns/Complaints/Adverse Effects/Recalls*

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**VOLUME VI**

**ATTACHMENT E: ORGANIZATIONAL DOCUMENTS**

**ATTACHMENT F: LABOR PEACE AGREEMENT**

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**ATTACHMENT J: STAFFING PLAN**



**ATTACHMENT K: PROOF OF INTERNET SERVICE**

**ATTACHMENT L: START-UP TIMELINE**

**ATTACHMENT M: STATEMENT OF COMPLIANCE WITH LAWS**

**SUPPLEMENTAL EXHIBITS TO APPLICATION**

1. *Letters of Support*
2. *Pro Forma Financial Projections*
3. *Employment Manual*
4. *Code of Business Conduct and Ethics*
5. *Workplace Safety Program*
6. *Validation Quality Plan*



Appendix B: Architectural Program

A SEPARATE "APPENDIX B" SHALL BE COMPLETED FOR EACH SEPARATE BUILDING AND/OR FACILITY INCLUDED IN THE ORGANIZATION'S BUSINESS PLAN

COMPANY INFORMATION
Business Name: Etain, LLC
Facility Type: Manufacturing Facility [checked] Dispensing Facility [ ]
Use and Occupancy Classification: F-1: Factory Industrial
Building Construction Type and Classification: Type VB
Facility Address: 6030-6032 US Route 9, Town of Chester, Warren County
Primary Contact Telephone number: (914) 232-0902
Primary Contact Fax number: (914) 232-0909
PART I - ARCHITECTURAL PROGRAM & CONSTRUCTION TIMELINE:
Applicant shall identify planning requirements, including but not limited to:
[checked] TOWN BOARD APPROVAL
[checked] PLANNING BOARD APPROVAL
[ ] ZONING BOARD OF APPEALS APPROVAL
[checked] PREPARATION OF CONSTRUCTION DOCUMENTS
[ ] BUILDING PERMIT
[checked] BIDDING PHASE
[checked] CONTRACT AWARD PHASE PER EACH APPLICABLE CONTRACTOR (Identify all that apply)
[ ] COMMENCEMENT OF CONSTRUCTION
[ ] COMPLETION OF CONSTRUCTION



**Appendix B – Architectural Program**

**PART II – SITE PLAN(S)**

Applicant shall provide the appropriate details for each of the following by identifying the location and dimension on the Site Plan attached to the application for each building location.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Entrance and Exits        | <input checked="" type="checkbox"/> Fire Lane and/or Fire Apparatus Road |
| <input checked="" type="checkbox"/> Public Parking Spaces     | <input checked="" type="checkbox"/> Percentage of Green Space            |
| <input checked="" type="checkbox"/> Staff Parking Spaces      | <input checked="" type="checkbox"/> Location of Emergency Power Systems  |
| <input checked="" type="checkbox"/> Accessible Parking Spaces | <input checked="" type="checkbox"/> Loading & Unloading                  |
| <input checked="" type="checkbox"/> Accessible Route(s)       | <input checked="" type="checkbox"/> Security Gates & Fences              |

**PART III – ENERGY SOURCES & ENGINEERING SYSTEMS:**

Applicant shall provide the following minimum information to outline the specifications relating to the energy sources and engineering systems of each building included in the application.

- Energy Source:
- |                                      |  |  |
|--------------------------------------|--|--|
| <input type="checkbox"/> Natural Gas | <input type="checkbox"/> Oil                             | <input checked="" type="checkbox"/> Electric |
| <input type="checkbox"/> Solar       | <input checked="" type="checkbox"/> Other <u>Propane</u> |  |
- Engineering Systems:
- Heating System: Type Radiant, Size TBD, Efficiency \_\_\_\_\_, Ventilation Requirements TBD
  - Cooling System: Type Split Sys., Size TBD, Efficiency \_\_\_\_\_, Ventilation Requirements TBD
  - Ventilation & Humidification Systems: Type TBD, Size TBD, Efficiency \_\_\_\_\_, Ventilation Requirements TBD
  - Electrical Distribution Available 3-Phase / 13.2 amps
  - Water Supply: Municipal Water Service \_\_\_\_\_ or Private Well Water 25 gal/min
  - Sewage: Municipal Sewer System \_\_\_\_\_ or Private Septic System \_\_\_\_\_
  - Emergency Power System: Type Propane, Size 500 kw, Efficiency N/A



Appendix B – Architectural Program

PART IV – BUILDING CODE COMPLIANCE: (pages 3-13)

CHECK ALL APPLICABLE CODES FOR THE FACILITY

Table with 2 columns: checkbox and code description. Includes codes like 2010 BUILDING CODE OF NYS, 2010 FIRE CODE OF NYS, etc.



**Appendix B – Architectural Program**

<p><b>Select Project Type:</b> Check all that apply. Refer to the Existing Building Code for definitions.</p>	<input type="checkbox"/> New Building <input type="checkbox"/> Repair <input type="checkbox"/> Alteration Level 1 <input type="checkbox"/> Alteration Level 2	<input checked="" type="checkbox"/> Alteration Level 3 <input checked="" type="checkbox"/> Change of Occupancy <input type="checkbox"/> Addition <input type="checkbox"/> Historic Building	<input type="checkbox"/> Demolition <input type="checkbox"/> Chapter 3. Prescriptive Compliance Method <input type="checkbox"/> Chapter 13. Performance Compliance Method
<p><b>Select Work Involved:</b> Check all that apply.</p>	<input checked="" type="checkbox"/> General Construction <input type="checkbox"/> Roofing <input type="checkbox"/> Asbestos Abatement/Environmental <input checked="" type="checkbox"/> Fire Alarm	<input checked="" type="checkbox"/> Structural <input checked="" type="checkbox"/> Mechanical <input checked="" type="checkbox"/> Plumbing <input checked="" type="checkbox"/> Electrical	<input checked="" type="checkbox"/> Site Work <input type="checkbox"/> Sprinkler <input type="checkbox"/> Elevators <input type="checkbox"/> Other: _____

<b>CODE COMPLIANCE REVIEW</b>						
<p>Applicant shall provide all applicable information in regards to the code topic and section listed below.</p> <p>1 Code Compliance Review is based on the 2010 NY State Building Code for New Construction. If any other building code applies to the location or type of construction, provide applicable code and sections that most closely relates and references the code topic and information in the code sections listed below. Provide appropriate abbreviations for other applicable codes, such as: <b>FC: Fire Code, PC: Plumbing Code, MC: Mechanical Code, FGC: Fuel Gas Code, ECCC: Energy Conservation Code.</b></p> <p>2 Provide the Required standard for each applicable code section. (i.e.: area, quantity, classification type, materials, hourly separation, etc.). If section does not apply, indicate one of the following with explanation: <b>NA: Not Applicable, NR: Not Required, NP: Not Permitted</b></p> <p>3 Provide your facilities "Actual" value for each required standard as per applicable code section.</p>						
No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
1	Use & Occupancy Classification	302.1 - 312		Use & occupancy of this facility. Identify all applicable materials, class and quantities regarding Table 307.1.		



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
2	Combustible Storage	413		All combustible storage areas and rooms, as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.		NA
3	Hazardous Materials	414		All hazardous materials stored or used as per applicable Building and Fire Codes.  Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.		NA
4	Hazardous Materials Control Areas	414.2		Provide additional information indicating number, size, materials stored, and quantity of each material.		NA
5	Building Area & Height	501-507		Provide the building area & height Provide all calculations and cite applicable code sections for increased Building Area & Heights allowed per building code(s).		Main Bldg: 6,400 sf Green House: 13,354 sf
6	Incidental Use Areas	508.2		Identify all Incidental Use Areas and required fire separation of occupancies on Building Plans.		Waste Room: 1hr



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
7	Mixed Occupancies	508.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).		N/A
8	Nonseparated Uses	508.3.2		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).		N/A
9	Separated Uses (Ratio < 1)	508.3.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).		None required
10	Construction Classification	602		Provide Construction Classification per each building included in Application.		
11	Fire Resistance Rating Req'm't for Building Elements	Table 601		Provide Fire Resistance Rating per each building element as per Table 601. Identify rating & elements on Building Plans.	None rating required.	N/A



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
12	Exterior Wall Fire-Resistance Rating	Table 602		Identify required fire resistance rating of exterior walls on Building Plan(s).		None required
13	Exterior Fire Separation Distance	Table 602		Identify required fire separation distance of exterior walls between Buildings on Plan.		None required
14	Fire Walls	705		Provide code information and identify all applicable required Fire Wall(s) and fire resistance requirement on Building Plans.	Table 705.4: 3 hrs	Fire wall separating the main bldg and green house: 3 hrs
15	Fire Barriers	706		Provide code information and identify all applicable required Fire Barrier(s) and fire resistance requirement on Building Plans.	1 hr.	1 hr.
16	Shaft Enclosures	707		Provide code information and identify all applicable required Shaft Wall(s) and fire resistance requirement on Building Plans.	1 hr.	1 hr.
17	Fire Partitions	708		Provide code information and identify all applicable required Fire Partition(s) and fire resistance requirement on Building Plans.	1 hr.	1 hr.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
18	Horizontal Assemblies	711		Provide code information and identify all applicable required Horizontal Assemblies and fire resistance requirement on Building Plans.		1 hr. fire rated ceilings in the corridor.
19	Fire Protection: Sprinkler System	903		Indicate Type of Sprinkler System: <input type="checkbox"/> NFPA 13 <input type="checkbox"/> NFPA 13 R <input type="checkbox"/> NFPA 13D Provide code information of all applicable requirements for Automatic Sprinkler Systems with code section cited.		N/A
20	Alt. Fire Extinguishing System	904		Provide code information of all applicable requirements for Alternative Automatic Fire-Extinguishing Systems with code section(s) cited.		N/A
21	Standpipe System	905		Provide code information of all applicable requirements for Standpipe Systems with code section(s) cited.		N/A
22	Fire Alarm & Detection Systems	907		Provide code information of all applicable requirements for Fire Alarm System(s) with code section cited. Indicate Type of Fire Alarm System <input type="checkbox"/> Addressable <input checked="" type="checkbox"/> Hardwired (zoned)		Fire alarm panel will be tied to a 24/7 Monitoring Service via phone line and back up cellular signal.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
23	Emergency Alarm System	908		Provide code information of all applicable requirements for Emergency Alarm Systems with code section cited.		N/A
24	Fire Department Connections	912		Identify Fire Department connections in accordance with NFPA applicable standard.		N/A
25	Exits	1001.1 & 2		Identify on the Building Plans and documents, per each door, the following information: door width, door height, direction of swing, type of construction, hourly rating, and door closures.		Refer to drawing LS-101.
26	Occupant Load	1004 & Table 1004.1.1		Identify the use/name of each room, dimensions of each room, and Occupant Loads per each room on the Building Plans.		Refer to drawing LS-101.
27	Egress Width	1005		Provide egress widths & cite applicable code section(s) and requirement(s) on the Building Plans		Refer to drawing LS-101.
28	Accessible Means of Egress	1007.1		Provide accessible means of egress as per Section 1007 & cite applicable code section(s) and requirement(s) on the Building Plans.		Refer to drawing LS-101.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
29	Doors, Gates, and Turnstiles	1008		Means of egress doors shall meet the requirements of this section.	Exit doors min. width 32".	All exit doors are 36" wide.
30	Interior Stairs	1009		Identify the following information for each stairway on the Building Plan(s): the width of stairways; the height, width, depth and number of risers and treads; dimensions of landings; stairway construction type; and handrail height.		N/A
31	Ramps	1010.1		Identify the following information of each ramp, on the Building Plan(s): width; total vertical rise; length of ramp; and handrail height.		N/A
32	Common Path of Travel	1014.3		Identify on the Building Plan(s): the length of the "Common Path of Travel" per each room as per applicable building code requirements.	Not to exceed 75 ft	20 ft
33	Exit Doorway Arrangement	1015		Identify on the Building Plan(s): applicable building code requirements for all Exits and Exit Access Doorways per each room and required exits in all buildings.		Refer to drawing LS-101.
34	Corridor Fire Rating	1017.1		Identify, on the Building Plan(s): all corridors with required fire resistance and the applicable fire rating.		Refer to drawing LS-101.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
35	Corridor Width	1017.2		Identify on the Building Plan(s): the width of all corridors. Provide applicable code section(s) and requirement(s).		Refer to drawing LS-101.
36	Dead End Corridor	1017.3		Corridors shall not exceed the maximum dead end corridor length as per applicable code.	Max corridor length: 20 ft.	N/A
37	Number of Exits and Continuity	1019		Identify on the Building Plan(s): required number of exits, continuity and arrangement as per the applicable code requirements.		Refer to drawing LS-101.
38	Vertical Exit Enclosures	1020		Identify on the Building Plan(s): all applicable code requirements for each Vertical Exit Enclosure.		Refer to drawing LS-101.
39	Exit Passageways	1021		Identify on the Building Plan(s): all applicable code requirements for each Exit Passageway.		Refer to drawing LS-101.
40	Horizontal Exits	1022		Identify on the Building Plan(s): all applicable code requirements for each Horizontal Exit.		Refer to drawing LS-101.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
41	Exterior Exit Ramps & Stairways	1023		Identify on the Building Plan(s): all applicable code requirements for each exterior exit ramps and stairways.		Refer to drawing LS-101.
42	Exit Discharge	1024		Identify on the Building Plan(s): all applicable code requirements for each Exit Discharge.		Refer to drawing LS-101.
43	Accessibility	1101.1 - 1110 & ICC/A117.1(03)		Identify on the Building Plan(s): all applicable code requirements such that the design and construction of each building/facility provides accessibility to physically disabled persons.		Refer to drawing LS-101.
44	Energy Conservation	2010 NYS ECCC & IECC 2012		Identify the R-Value and U-Value of each construction component and assembly of the building envelope as required in the applicable energy and building code(s).	Min Walls: R-13.3 C.I. Min Roof: R-49	Actual Walls: R-13.3 C.I. Actual Roof: R-49
45	Emergency & Standby Power	2702.1		Identify emergency & Standby Power locations and specifications of the system to be provided.		Propane / 500KW
46	Smoke Control Systems	2702.2.2		Identify the Standby power for smoke control systems in accordance with Section 909.11 of NYS Building Code.		N/A



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
47	Plumbing Fixture Count	2902.1		Identify on the Building Plan(s): the minimum plumbing facilities as per applicable plumbing code(s).		Refer to drawing LS-101.
48	Available Street Water Pressure			Provide the available street or well water pressure.		N/A
49	Fire Apparatus Access Road	FC503.1		Identify on the Site Plan: Fire Apparatus Road, Fire Lane and other Fire Service requirements per applicable Building and Fire Codes.		Refer to site plan C1 (sheet 3 of 8)



































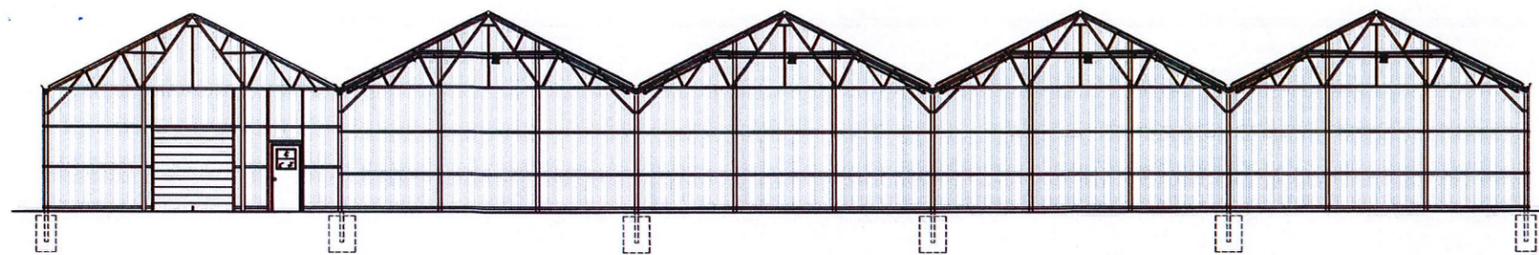


MEDICAL MARIJUANA

# ETAIN, LLC

6030 Rt. 9  
Town of Chester, NY 10918

MAY 28, 2015



## Engel Architects

Architectural Services

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Lancaster, Pennsylvania 17602  
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Mechanical & Electrical Design  
**WENN TECH SERVICES**

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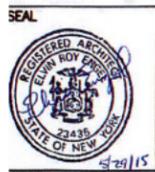
5/28/15

**NOTE:**  
THIS GREENHOUSE IS A PORTION OF A LARGER PROJECT. REFER TO DRAWINGS BY SYVERTSEN RIGOSU ARCHITECTS, PLLC, FOR OVERALL BUILDING CODE INFO (INCL. BUT NOT LIMITED TO: CONSTRUCTION & OCCUPANCY CLASS, BUILDING AREA, ACCESS, FEATURES (INCL. PARKING & RESTROOMS), AND ALL INFO. ON THE RENOVATION OF THE EXISTING BUILDING.

LIST OF ABBREVIATIONS				SYMBOL LEGEND		SCOPE OF WORK FOR GREENHOUSES		LIST OF GREENHOUSE DRAWINGS	
ACQU. ACQUISITION	D/DIA. DIAMETER	GC. GENERAL CONTRACTOR	OPNS. OPENINGS	STD. STANDARD	(1/A) DETAIL NUMBER ABOVE SHEET WHERE LOCATED.	1. CONTRACTOR(S) SHALL PROVIDE THE HIGHEST QUALITY & GREATEST QUANTITY AS REQD. FOR A COMPLETE JOB, USING ONLY SKILLED WORKERS. PROVIDE ALL LABOR & MATERIALS NECESSARY FOR FULLY FUNCTIONING SYSTEMS THAT MEET CODES, WHETHER OR NOT SHOWN ON CONSTRUCTION DOCUMENTS.	8. G.C. TO PROVIDE FIREBLOCKING INSTALLED IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS AT CEIL LEVEL.	<b>ARCHITECTURAL DRAWINGS:</b>	
ALUM. ALUMINUM	DISP. DISPENSER / DISPOSAL	GH. GREENHOUSE	OPC. PRECAST CONCRETE	STL. STORAGE	(1/B) SECTION OR ELEV. NUMBER ABOVE SHEET WHERE LOCATED.	2. CONTRACTOR(S) TO COMPARE ALL DRAWINGS, INCL. BUT NOT LIMITED TO, ARCH. STRUCT., HVAC, PLUMB., ELEC., & SITE, GREENHOUSE SHOP, CONTROL SYSTEMS SHOP AND BRING ANY CONFLICTS TO THE ATTENTION OF THE ARCHITECT PRIOR TO COMMENCING WORK.	9. G.C. TO PROVIDE P.T. WD. WHERE IN CONTACT W/ FLASHING, CONC. OR EARTH. PROVIDE F.R. WOOD WHERE REQD BY CODE. WOOD FASTENERS, ETC. IN CONTACT WITH P.T. WD. TO RECEIVE MIN. G60 GALV. OR GREATER AS REQD BY FASTENER MFR. FOR TYPE OR FIT. CHEMICAL USED AND/OR ENVIRONMENTAL CONDITIONS.	GA01 - COVER SHEET	
APPROX. APPROXIMATE	DN. DOWN	HDR. HARDWARE	PL. PLASTIC LAMINATE	STRUC. STRUCTURAL / STRUCTURE	(1/C) ELEVATION NUMBER (OUTSIDE SYMBOL) AROUND SHEET WHERE LOCATED.	3. DELIVERY, STORAGE, INSTALLATION, CLEANING, & PROTECTION OF ALL MATERIALS SHALL BE IN ACCORDANCE W/ MFR. RECOMM.	10. INSULATIONS SHALL CONFORM TO APPLICABLE FIRE & SMOKE REGTS. OF NYSBC FOR ALL LOCATIONS, INCL. WHERE EXPOSED. PROVIDE VAPOR BARRIERS ON WARM SIDES AS REQD.	GA02 - FLOOR PLAN	
ARCH. ARCHITECT / ARCHITECTURAL	DR. DOOR	HDR. HARDWARE	PLM. PLYWOOD	SURF. SURFACE	(DN) DOOR NUMBER	4. COORDINATE LOCATION & SIZES OF ALL EXT. & INT. OPNS. FOR THE WORK OF ALL TRADES PRIOR TO CONSTRUCTION. VERIFY ALL INSERTS, ANCHORS, BLOCKING, ETC. IN PLACE PRIOR TO POURING OF CONCRETE, INSTALLATION OF GYP. BD., ETC.	1. G.C. TO PROVIDE INTERIOR FINISHES SHALL COMPLY W/ NYSBC.	GA03 - FOUNDATION PLAN	
BD. BOARD	DRS. DRAWING	HST. HEIGHT	PLY. PLYWOOD	SUSP. SUSPENDED	(E) FIRE EXTINGUISHER: MIN. 2-A 10-BC UNO. BRACKET MOUNT W/ TOP OF P.E. AT MAX. 48" AFF. & US. OF P.E. BETHU 6" & 2" AFF.	5. PROVIDE ALL TEMPORARY WORK AS REQUIRED, INCLUDING PROVISION CONTROL, TEMP. UTIL. & HEAT, STORAGE, ETC. PROVIDE CLEANING DURING CONSTRUCTION & FINAL CLEANING AT END.	2. ALL DOOR HARDWARE TO CONFORM W/ H.C. REGTS. INCL. THRESHOLDS & LEVERS. DOOR UNLATCHED BY (U) OPERATION. ADJUST CLOSER SPEEDS TO MEET ACCESS. REGTS. THRESHOLDS TO BE MAX. 1/4" VERT. RISE OR 1/2" RISE IN 1" SLOPE.	GA04 - EXTER. ELEVATIONS	
BETEL. BETHEL	DA. DOWNPOUT	HVL. HOLLOW METAL	PRF. PAINT / FINISHED	SYST. SYSTEM	(T) TACTILE EXIT SIGN	6. CONTRACTORS ARE RESPONSIBLE FOR ALL MEANS OF CONSTRUCTION, INCL. PROVIDING GUYS, BRACINGS, FORMWORK & SHORING AS REQUIRED FOR ALL LOADING CONDITIONS THROUGHOUT CONSTRUCTION AND JOB SITE SAFETY. CONTRACTOR IS NOT TO STORE MATERIALS IN EXCESS OF DESIGN LIVE LOADS W/O APPROVAL OF ARCH. ALL FORMWORK & SHORING TO BE DESIGNED BY P.E. REG. IN VA.	3. G.C. TO PROVIDE INTERIOR FINISHES SHALL COMPLY W/ NYSBC.	GA05 - SECTIONS & DETAILS	
BIT. BITUMINOUS	DET/DTL. DETAIL	HORIZ. HORIZONTAL	PT. PRESSURE TREATED	T./TR. TREAD			4. INSTALL NEW CONTROLS, SWITCHES, & RECEIPTS AT 5" TO 48" AFF. FOR ACCESS. EXCEPT MAX. 48" AFF. ABOVE COUNTERS. MEASURE TO TOP OF UPPER RECEIPT. IN DUPLERS & TO TOP OF LIGHT SWITCHES IN 1/2" POSITION.	MECHANICAL & ELEC. DRAWINGS:	
BLDG. BUILDING	EA. EACH	HTR. HEATER	QT. QUARRY TILE	TBA. TACKBOARD				GH-1 - G.H. AREAS OVERALL HVAC PLAN	
BLDG. BLOCKING	EA. EACH	INCL. INSULATE / INSULATION	R / RAD. RADIUS	TD. TRENCH DRAIN				GH-2 - G.H. AREAS SANITARY WASTE & VENT PLAN	
BM. BEAM	ELEC. ELECTRIC / ELECTRICAL	INCL. INSULATE / INSULATION	R / RL. RIB/R	TD. TRENCH DRAIN				GH-3 - G.H. AREAS PLUMBING - NATURAL GAS & WATER	
BO. BOTTOM OF (MASONRY/STEEL)	ELEV. ELEVATION	INT. INTERIOR	RD. ROOF DRAIN	TAG. TAG				GH-4 - G.H. STORMWATER PIPING PLAN	
BO. BY OTHER / BY OTHERS	ELVTR. ELEVATOR	INT. INTERIOR	REC. RECEPTACLE	TEMP. TEMPERATURE / TEMPERED				GH-5 - G.H. AREAS CONTROL & POWER PLAN	
BOT. BOTTOM	EQ. EQUIPMENT	JAN. JANITOR	REFR. REFRIGERATOR	TOP. TOP OF FOOTER				GH-6 - G.H. AREAS PANEL SCHEDULES, NOTES & SPECS.	
BR. BRICK	EA. EACH SIDE	JT. JOINT	REIN. REINFORCE / REINFORCING	TOP. TOP OF MASONRY				GH-7 - G.H. COMMUNICATIONS SYSTEM PLAN	
BRG. BEARING	EXPST. EXISTING	LAV. LAVATORY	REPAIR. REPAIR	T.O.S. TOP OF STEEL					
BUR. BUILT-UP ROOF	EXP. EXPANSION	MAX/MIN. MAXIMUM / MINIMUM	REPL. REPLACE	TOIL. TOP OF WALL					
C.J. CONTROL JOINT	EXT. EXTERIOR	ME. MECHANICAL	REQ. REQUIRED	TYP. TYPICAL					
CLG. CEILING	EXT. EXTERIOR	ME. MECHANICAL	RO. ROUGH OPENING	UNO. UNLESS NOTED OTHERWISE					
COL. CONCRETE MASONRY UNIT	FR. FRAME / FRAMING	MECH. MECHANICAL	RQ. REQD.	US. UNDERSIDE					
COL. COLUMN	FR. FRAME / FRAMING	MECH. MECHANICAL	RWC. RAIN WATER CONDUCTOR	UV. UNIT VENTILATOR					
CONC. CONCRETE	FD. FLOOR DRAIN	MFR/MANF. MANUFACTURER	S.C. SOLID CORE	V.C.T. VENT. COMPOSITION TILE					
CONSTR. CONSTRUCTION	FDN. FOUNDATION	NO. NUMBER	SCHED. SCHEDULE	VENT. VENTILATION					
CONT. CONTINUE / CONTINUOUS	FE. FIRE EXTINGUISHER	NO. NUMBER	SECT. SECTION	VERT. VERTICAL					
CORR. CORRODOR	FLA. FLOOR	NO. NUMBER	SELV. SHELVING	VSF. VENT. IN FIELD					
COURS. COURSE	FR. FRAME / FRAMING	HTD. HT. MTS. HATCH EXISTING	SH. SHEET	W. WITH					
CT. CERAMIC TILE	FR. FRAME / FRAMING	ME. MECHANICAL	SH. SHEET	WD. WOOD					
CU. CUBIC	FR. FRAME / FRAMING	ME. MECHANICAL	SLP. SLOPE	WDO. WINDOW					
DEL. DOUBLE	FTG. FOOTING	ME. MECHANICAL	SPEC. SPECIFICATIONS	W/O. WITHOUT					
DEPO. DEPOSIT	GALV. GALVANIZED	ME. MECHANICAL	SQ. SQUARE	W/P. WATERPROOF					
	GH. GREENHOUSE	OD. OUTSIDE DIAMETER	SS. STAINLESS STEEL						

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PROJECT NO.  
5091

MANAGED BY  
D. ENGEL

DRAWN BY  
D. KULINA

REVISIONS

DATE  
MAY 28, 2015  
DRAWING TITLE  
FLOOR PLAN

SHEET NO.  
**GA1.1**

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(717) 392-8021, fax 392-7140

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5291  
MANAGED BY  
D. ENGEL  
DRAWN BY  
D. KULINA  
REVISIONS

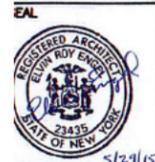
DATE  
MAY 28, 2015  
DRAWING TITLE  
FOUNDATION PLAN

SHEET NO.  
**GA1.2**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

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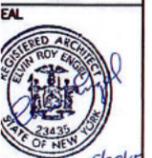
PROJECT NO.  
5091  
MANAGED BY  
J. ENGEL  
DRAWN BY  
J. KULINA  
REVISIONS

DATE  
MAY 28, 2015  
DRAWING TITLE  
EXTER. ELEVATIONS

SHEET NO.  
**GA2.1**

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10918

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J. ENGEL

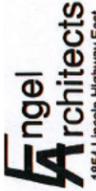
DRAWN BY  
J. KULINA

REVISIONS

DATE  
MAY 28, 2018

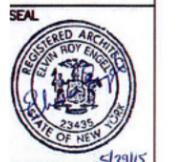
DRAWING TITLE  
SECTION  
DETAILS

SHEET NO.  
GA3.1

	 <p><b>Fengel Architects</b> 1864 Lincoln Highway East Lancaster, PA 17802 (717) 392-8021, fax 392-7140</p>
<p>MEDICAL MARIJUANA</p> <p><b>ETA IN, LLC</b> 6030 Rt. 9 Town of Chester, NY 10918</p>	 <p><b>EAL</b></p> <p><small>THIS DRAWING IS THE PROPERTY OF FENDEL ARCHITECTS. IF ANY PART IS REPRODUCED IN ANY FORM WITHOUT THEIR PERMISSION, THE CONTRACTOR SHALL VERIFY ALL CONDITIONS DIMENSIONS ON SITE PRIOR TO PROCEEDING WITH THE WORK.</small></p> <p>PROJECT NO. H031</p> <p>MANAGED BY J. MICUL</p> <p>DRAWN BY S. SIEGART</p> <p>REVISIONS</p> <p>DATE MAY 28, 2015</p> <p>DRAWING TITLE GREENHOUSE AREAS OVERALL HYAC PLAN</p> <p>SHEET NO. <b>GH1.1</b></p>

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**A**rchitects  
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Lancaster, PA 17602  
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6030 Rt. 9  
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15021  
MANAGED BY  
B. MOUL  
DRAWN BY  
L. SUEIGART  
REVISIONS

DATE  
MAY 28, 2015  
DRAWING TITLE  
GREENHOUSE AREAS  
SANITARY WASTE &  
VENT PLAN  
SHEET NO.  
**GP1.1**

**Fengel Architects**  
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Lancaster, PA 17602  
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PROJECT NO.  
B091

MANAGED BY  
B. MOUL

DRAWN BY  
L. SUEIGART

REVISIONS

DATE  
MAY 28, 2015

DRAWING TITLE  
GREENHOUSE AREAS  
PLUMBING - NATURAL  
GAS & WATER

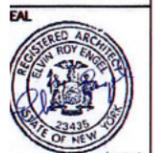
SHEET NO.  
**GP2.1**

	<p><b>Angel Architects</b>          1854 Lincoln Highway East          Lancaster, PA 17602          (717) 392-8021, fax 392-7140</p>
<p>MEDICAL MARIJUANA</p> <p><b>ETA IN, LLC</b>          6030 Rt. 9          Town of Chester, NY 10918</p>	<p></p> <p>5/29/15</p> <p><small>THIS DRAWING IS THE PROPERTY OF ANGEL ARCHITECTS. IT MAY NOT BE REPRODUCED IN ANY FORM WITHOUT THEIR PERMISSION. DO NOT SCALE DRAWING. CONTRACTOR SHALL VERIFY ALL CONDITIONS DIMENSIONS ON SITE BEFORE PROCEEDING WITH THE WORK.</small></p> <p>PROJECT NO. PS1</p> <p>MANAGED BY MCKIL</p> <p>DRAWN BY SWEIGART</p> <p>VISIONS</p> <p>DATE MAY 28, 2015</p> <p>DRAWING TITLE GREENHOUSE PLUMBING DETAILS, LEGEND, NOTES &amp; SCHEDULE</p> <p>SHEET NO. <b>GP3.1</b></p>

	 <p>Engel Architects 1884 Lincoln Highway East Lancaster, PA 17602 (717)392-8021, fax 392-7140</p>
<p>MEDICAL MARIJUANA</p> <p><b>ETA IN, LLC</b> 6030 Rt. 9 Town of Chester, NY 10918</p>	 <p>EAL REGISTERED ARCHITECT STATE OF NEW YORK 23435 5/29/15</p>
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<p>MANAGED BY S. MCUL</p>	<p>DRAWN BY S. SUEIGART</p>
<p>REVISIONS</p>	<p>DATE MAY 28, 2015</p>
<p>DRAWING TITLE GREENHOUSE AREAS STORMWATER PIPING PLAN</p>	<p>SHEET NO. <b>GP4.1</b></p>

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PROJECT NO.  
10291

MANAGED BY  
J. MCUL

DRAWN BY  
S. SUELGART

REVISIONS

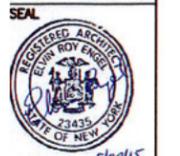
DATE  
MAY 20, 2015

DRAWING TITLE  
GREENHOUSE AREAS  
LIGHTING PLAN

SHEET NO.  
**GE1.1**

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PROJECT NO.

15-091

MANAGED BY

B. MICUL

DRAWN BY

L. SUEIGART

REVISIONS

DATE

MAY 28, 2015

DRAWING TITLE

GREENHOUSE AREAS

CONTROL AND

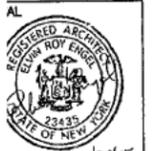
POWER PLAN

SHEET NO.

**GE2.1**

ngel  
**Architects**  
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MEDICAL INSTRUMENTS  
**ETAIN, LLC**  
6030 Rt. 9  
Town of Chester, NY 10918



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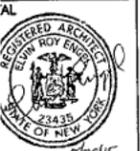
PROJECT NO.  
037  
MANAGED BY  
MOUL  
DRAWN BY  
SUELGART  
REVISIONS

DATE  
MAY 28, 2015  
DRAWING TITLE  
GREENHOUSE AREAS  
SCHEDULES, NOTES  
SPECIFICATIONS

SHEET NO.  
**GE3.1**

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Lancaster, PA 17602  
(717)392-8021, Fax 392-7140

ETAIN, LLC  
6030 Rt. 9  
Town of Chester, NY 10918



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PROJECT NO. 097  
MANAGED BY J. MOUL  
DRAWN BY S. J. BLUEGART  
REVISIONS

DATE MAY 28, 2015  
DRAWING TITLE GREENHOUSE COMMUNICATIONS SYSTEM PLAN  
SHEET NO. **GE4.1**

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Section 87(2) (c), (d), (f) and/or would disclose critical  
infrastructure information.*

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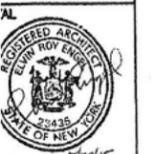






Angel Architects  
1854 Lincoln Highway East  
Lancaster, PA 17602  
(717)392-8021, fax 392-7140

ETAIN, LLC  
6030 Rt. 9  
Town of Chester, NY 10918



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PROJECT NO.  
091

MANAGED BY  
MCOUL

DRAWN BY  
SHEIGART

REVISIONS

DATE  
MAY 28, 2015  
DRAWING TITLE  
GREENHOUSE  
COMMUNICATIONS  
SYSTEM PLAN

SHEET NO.  
GE4.1







Appendix B: Architectural Program

A SEPARATE "APPENDIX B" SHALL BE COMPLETED FOR EACH SEPARATE BUILDING AND/OR FACILITY INCLUDED IN THE ORGANIZATION'S BUSINESS PLAN

COMPANY INFORMATION
Business Name: Etain LLC
Facility Type: Manufacturing Facility [ ] Dispensing Facility [x]
Use and Occupancy Classification: Use Group M - Mercantile for main area, Use Group S2 at garage area
Building Construction Type and Classification: 3B
Facility Address: 402 N. Pearl St., Albany, NY 12207
Primary Contact Telephone number: (914) 232-0902
Primary Contact Fax number: (914)-234-0909
PART I - ARCHITECTURAL PROGRAM & CONSTRUCTION TIMELINE:
Applicant shall identify planning requirements, including but not limited to:
TOWN BOARD APPROVAL [x]
PLANNING BOARD APPROVAL [ ]
ZONING BOARD OF APPEALS APPROVAL [ ]
PREPARATION OF CONSTRUCTION DOCUMENTS [x]
BUILDING PERMIT [x]
BIDDING PHASE [x]
CONTRACT AWARD PHASE PER EACH APPLICABLE CONTRACTOR (Identify all that apply) [x]
COMMENCEMENT OF CONSTRUCTION [x]
COMPLETION OF CONSTRUCTION [x]



**Appendix B – Architectural Program**

**PART II – SITE PLAN(S)**

Applicant shall provide the appropriate details for each of the following by identifying the location and dimension on the Site Plan attached to the application for each building location.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Entrance and Exits        | <input checked="" type="checkbox"/> Fire Lane and/or Fire Apparatus Road |
| <input checked="" type="checkbox"/> Public Parking Spaces     | <input checked="" type="checkbox"/> Percentage of Green Space            |
| <input checked="" type="checkbox"/> Staff Parking Spaces      | <input checked="" type="checkbox"/> Location of Emergency Power Systems  |
| <input checked="" type="checkbox"/> Accessible Parking Spaces | <input checked="" type="checkbox"/> Loading & Unloading                  |
| <input checked="" type="checkbox"/> Accessible Route(s)       | <input type="checkbox"/> Security Gates & Fences                         |

**PART III – ENERGY SOURCES & ENGINEERING SYSTEMS:**

Applicant shall provide the following minimum information to outline the specifications relating to the energy sources and engineering systems of each building included in the application.

- Energy Source:
- |   |                                      |  |
|---|--------------------------------------|--|
| <input checked="" type="checkbox"/> Natural Gas | <input type="checkbox"/> Oil         | <input checked="" type="checkbox"/> Electric |
| <input type="checkbox"/> Solar                  | <input type="checkbox"/> Other _____ |  |
- Engineering Systems:
- Heating System: Type Roof top, Size 6 ton, Efficiency Existing,  
Ventilation Requirements \_\_\_\_\_
- Cooling System: Type Roof top, Size 6 ton, Efficiency Existing,  
Ventilation Requirements \_\_\_\_\_
- Ventilation & Humidification Systems:  
Type \_\_\_\_\_, Size \_\_\_\_\_, Efficiency \_\_\_\_\_,  
Ventilation Requirements Existing system to remain
- Electrical Distribution Available 800 amp/3 phase
- Water Supply: Municipal Water Service X or Private Well Water \_\_\_\_\_
- Sewage: Municipal Sewer System X or Private Septic System \_\_\_\_\_
- Emergency Power System:  
Type See plan, Size \_\_\_\_\_, Efficiency \_\_\_\_\_



Appendix B – Architectural Program

Table with 2 columns: Compliance checkbox and Code description. Includes codes like 2010 BUILDING CODE OF NYS, 2010 FIRE CODE OF NYS, etc.



**Appendix B – Architectural Program**

<p><b>Select Project Type:</b> Check all that apply. Refer to the Existing Building Code for definitions.</p>	<input type="checkbox"/> New Building <input type="checkbox"/> Repair <input type="checkbox"/> Alteration Level 1 <input type="checkbox"/> Alteration Level 2	<input checked="" type="checkbox"/> Alteration Level 3 <input type="checkbox"/> Change of Occupancy <input type="checkbox"/> Addition <input type="checkbox"/> Historic Building	<input type="checkbox"/> Demolition <input type="checkbox"/> Chapter 3. Prescriptive Compliance Method <input type="checkbox"/> Chapter 13. Performance Compliance Method
<p><b>Select Work Involved:</b> Check all that apply.</p>	<input checked="" type="checkbox"/> General Construction <input type="checkbox"/> Roofing <input type="checkbox"/> Asbestos Abatement/Environmental <input type="checkbox"/> Fire Alarm	<input checked="" type="checkbox"/> Structural <input checked="" type="checkbox"/> Mechanical <input checked="" type="checkbox"/> Plumbing <input checked="" type="checkbox"/> Electrical	<input type="checkbox"/> Site Work <input type="checkbox"/> Sprinkler <input type="checkbox"/> Elevators <input type="checkbox"/> Other: _____

<b>CODE COMPLIANCE REVIEW</b>						
Applicant shall provide all applicable information in regards to the code topic and section listed below.						
<sup>1</sup> Code Compliance Review is based on the 2010 NY State Building Code for New Construction. If any other building code applies to the location or type of construction, provide applicable code and sections that most closely relates and references the code topic and information in the code sections listed below. Provide appropriate abbreviations for other applicable codes, such as: <b>FC: Fire Code, PC: Plumbing Code, MC: Mechanical Code, FGC: Fuel Gas Code, ECCC: Energy Conservation Code.</b>						
<sup>2</sup> Provide the Required standard for each applicable code section. (i.e.: area, quantity, classification type, materials, hourly separation, etc.). If section does not apply, indicate one of the following with explanation: <b>NA: Not Applicable, NR: Not Required, NP: Not Permitted</b>						
<sup>3</sup> Provide your facilities "Actual" value for each required standard as per applicable code section.						
No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
1	Use & Occupancy Classification	302.1 - 312		Use & occupancy of this facility. Identify all applicable materials, class and quantities regarding Table 307.1.	Use Group M - Merchantile	Use Group M - Merchantile



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
2	Combustible Storage	413		All combustible storage areas and rooms, as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.	NA	NA
3	Hazardous Materials	414		All hazardous materials stored or used as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.	NA	NA
4	Hazardous Materials Control Areas	414.2		Provide additional information indicating number, size, materials stored, and quantity of each material.	NA	NA
5	Building Area & Height	501-507		Provide the building area & height Provide all calculations and cite applicable code sections for increased Building Area & Heights allowed per building code(s).	Use Group M, construction type 3B = 4 stories/12,500 SF max.	1 story 6612 SF
6	Incidental Use Areas	508.2		Identify all Incidental Use Areas and required fire separation of occupancies on Building Plans.	NA	NA



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
7	Mixed Occupancies	508.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	Separation between Use M and Use S2 = 2 hour	2 hour min masonry wall
8	Nonseparated Uses	508.3.2		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
9	Separated Uses (Ratio < 1)	508.3.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
10	Construction Classification	602		Provide Construction Classification per each building included in Application.	Type 3B	Type 3B
11	Fire Resistance Rating Req'm't for Building Elements	Table 601		Provide Fire Resistance Rating per each building element as per Table 601. Identify rating & elements on Building Plans.	2 hour exterior walls, 0 hour for all other elements	2 hour min masonry exterior walls



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
12	Exterior Wall Fire-Resistance Rating	Table 602		Identify required fire resistance rating of exterior walls on Building Plan(s).	2 hour	2 hour min masonry wall
13	Exterior Fire Separation Distance	Table 602		Identify required fire separation distance of exterior walls between Buildings on Plan.	2 hour required for sep. distance of <= to 5'	2 hour min masonry wall
14	Fire Walls	705		Provide code information and identify all applicable required Fire Wall(s) and fire resistance requirement on Building Plans.	NR	NR
15	Fire Barriers	706		Provide code information and identify all applicable required Fire Barrier(s) and fire resistance requirement on Building Plans.	2 hour	2 hour min masonry wall
16	Shaft Enclosures	707		Provide code information and identify all applicable required Shaft Wall(s) and fire resistance requirement on Building Plans.	NR	NR
17	Fire Partitions	708		Provide code information and identify all applicable required Fire Partition(s) and fire resistance requirement on Building Plans.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
18	Horizontal Assemblies	711		Provide code information and identify all applicable required Horizontal Assemblies and fire resistance requirement on Building Plans.	NR	NR
19	Fire Protection: Sprinkler System	903		Indicate Type of Sprinkler System: <input type="checkbox"/> NFPA 13 <input type="checkbox"/> NFPA 13 R <input type="checkbox"/> NFPA 13D Provide code information of all applicable requirements for Automatic Sprinkler Systems with code section cited.	NR Section 903.2.6 and 903.2.9.1	NR
20	Alt. Fire Extinguishing System	904		Provide code information of all applicable requirements for Alternative Automatic Fire-Extinguishing Systems with code section(s) cited.	NR	NR
21	Standpipe System	905		Provide code information of all applicable requirements for Standpipe Systems with code section(s) cited.	NR	NR
22	Fire Alarm & Detection Systems	907		Provide code information of all applicable requirements for Fire Alarm System(s) with code section cited. Indicate Type of Fire Alarm System <input type="checkbox"/> Addressable <input type="checkbox"/> Hardwired (zoned)	NR for occupancy load less than 500 (Section 907.2.7) Smoke and heat detection if occupied by more than 100	Smoke and heat detection to conform to code requirements



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
23	Emergency Alarm System	908		Provide code information of all applicable requirements for Emergency Alarm Systems with code section cited.	NR	NR
24	Fire Department Connections	912		Identify Fire Department connections in accordance with NFPA applicable standard.	NR	NR
25	Exits	1001.1 & 2		Identify on the Building Plans and documents, per each door, the following information: door width, door height, direction of swing, type of construction, hourly rating, and door closures.	2 exits minimum	As shown on the floor plan
26	Occupant Load	1004 & Table 1004.1.1		Identify the use/name of each room, dimensions of each room, and Occupant Loads per each room on the Building Plans.	1st fl = 30 SF gross/occup. Garage = 200 SF/occup.	See Occupancy Analysis on drawings
27	Egress Width	1005		Provide egress widths & cite applicable code section(s) and requirement(s) on the Building Plans	Stair = 0.3"/occup, other components = 0.2"/occup.	No stairs, all doors = 36"
28	Accessible Means of Egress	1007.1		Provide accessible means of egress as per Section 1007 & cite applicable code section(s) and requirement(s) on the Building Plans.	Section 1019.1 requires 2 means of egress for occup. of less than 500	All means of egress will be accessible.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
29	Doors, Gates, and Turnstiles	1008		Means of egress doors shall meet the requirements of this section.	32" min	All doors will be 36"
30	Interior Stairs	1009		Identify the following information for each stairway on the Building Plan(s): the width of stairways; the height, width, depth and number of risers and treads; dimensions of landings; stairway construction type; and handrail height.	NA	NA
31	Ramps	1010.1		Identify the following information of each ramp, on the Building Plan(s): width; total vertical rise; length of ramp; and handrail height.	NA	NA
32	Common Path of Travel	1014.3		Identify on the Building Plan(s): the length of the "Common Path of Travel" per each room as per applicable building code requirements.	75' max	0'
33	Exit Doorway Arrangement	1015		Identify on the Building Plan(s): applicable building code requirements for all Exits and Exit Access Doorways per each room and required exits in all buildings.		Exits as shown on the plans meet the code requirements
34	Corridor Fire Rating	1017.1		Identify, on the Building Plan(s): all corridors with required fire resistance and the applicable fire rating.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
35	Corridor Width	1017.2		Identify on the Building Plan(s): the width of all corridors. Provide applicable code section(s) and requirement(s).	44" min.	NA - No corridors
36	Dead End Corridor	1017.3		Corridors shall not exceed the maximum dead end corridor length as per applicable code.	20' max	NA - No Dead ends
37	Number of Exits and Continuity	1019		Identify on the Building Plan(s): required number of exits, continuity and arrangement as per the applicable code requirements.	1-500 occupants = 2 exits	Exits as shown on the plans meet the code requirements
38	Vertical Exit Enclosures	1020		Identify on the Building Plan(s): all applicable code requirements for each Vertical Exit Enclosure.	NA	NA
39	Exit Passageways	1021		Identify on the Building Plan(s): all applicable code requirements for each Exit Passageway.	NA	NA
40	Horizontal Exits	1022		Identify on the Building Plan(s): all applicable code requirements for each Horizontal Exit.	NA	NA



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
41	Exterior Exit Ramps & Stairways	1023		Identify on the Building Plan(s): all applicable code requirements for each exterior exit ramps and stairways.	NA	NA
42	Exit Discharge	1024		Identify on the Building Plan(s): all applicable code requirements for each Exit Discharge.	Exits shall discharge to exterior at grade	All exits discharge to exterior at grade
43	Accessibility	1101.1 - 1110 & ICC/A117.1(03)		Identify on the Building Plan(s): all applicable code requirements such that the design and construction of each building/facility provides accessibility to physically disabled persons.		All areas as shown on the floor plan conform to the accessibility requirements.
44	Energy Conservation	2010 NYS ECCC & IECC 2012		Identify the R-Value and U-Value of each construction component and assembly of the building envelope as required in the applicable energy and building code(s).		All construction will conform to Energy Cons. code
45	Emergency & Standby Power	2702.1		Identify emergency & Standby Power locations and specifications of the system to be provided.		New standby emergency generator to power facility
46	Smoke Control Systems	2702.2.2		Identify the Standby power for smoke control systems in accordance with Section 909.11 of NYS Building Code.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
47	Plumbing Fixture Count	2902.1		Identify on the Building Plan(s): the minimum plumbing facilities as per applicable plumbing code(s).	See Occupancy schedule on plan	Plumbing fixture count meets or exceeds the requirements
48	Available Street Water Pressure			Provide the available street or well water pressure.	NA	Available water pressure is sufficient for proposed use
49	Fire Apparatus Access Road	FC503.1		Identify on the Site Plan: Fire Apparatus Road, Fire Lane and other Fire Service requirements per applicable Building and Fire Codes.	Fire access road extends to within 150' of building sides	Criteria is met at all sides of the building







**Appendix B: Architectural Program**

**A SEPARATE “APPENDIX B” SHALL BE COMPLETED FOR EACH SEPARATE BUILDING AND/OR FACILITY INCLUDED IN THE ORGANIZATION’S BUSINESS PLAN**

<b>COMPANY INFORMATION</b>	
Business Name:	Etain LLC
Facility Type:	Manufacturing Facility <input type="checkbox"/> Dispensing Facility <input checked="" type="checkbox"/>
Use and Occupancy Classification:	Use Group M - Mercantile
Building Construction Type and Classification:	5B
Facility Address:	445 State Route 28, Kingston, NY 12401
Primary Contact Telephone number:	(914) 232-0902
Primary Contact Fax number:	(914) 232-0909
<b><u>PART I – ARCHITECTURAL PROGRAM &amp; CONSTRUCTION TIMELINE:</u></b>	
Applicant shall identify planning requirements, including but not limited to:	
<input type="checkbox"/>	TOWN BOARD APPROVAL
<input type="checkbox"/>	PLANNING BOARD APPROVAL
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPROVAL
<input checked="" type="checkbox"/>	PREPARATION OF CONSTRUCTION DOCUMENTS
<input checked="" type="checkbox"/>	BUILDING PERMIT
<input checked="" type="checkbox"/>	BIDDING PHASE
<input checked="" type="checkbox"/>	CONTRACT AWARD PHASE PER EACH APPLICABLE CONTRACTOR (Identify all that apply)
<input checked="" type="checkbox"/>	COMMENCEMENT OF CONSTRUCTION
<input checked="" type="checkbox"/>	COMPLETION OF CONSTRUCTION



**Appendix B – Architectural Program**

**PART II – SITE PLAN(S)**

Applicant shall provide the appropriate details for each of the following by identifying the location and dimension on the Site Plan attached to the application for each building location.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Entrance and Exits        | <input checked="" type="checkbox"/> Fire Lane and/or Fire Apparatus Road |
| <input checked="" type="checkbox"/> Public Parking Spaces     | <input checked="" type="checkbox"/> Percentage of Green Space            |
| <input checked="" type="checkbox"/> Staff Parking Spaces      | <input checked="" type="checkbox"/> Location of Emergency Power Systems  |
| <input checked="" type="checkbox"/> Accessible Parking Spaces | <input checked="" type="checkbox"/> Loading & Unloading                  |
| <input checked="" type="checkbox"/> Accessible Route(s)       | <input type="checkbox"/> Security Gates & Fences                         |

**PART III – ENERGY SOURCES & ENGINEERING SYSTEMS:**

Applicant shall provide the following minimum information to outline the specifications relating to the energy sources and engineering systems of each building included in the application.

- Energy Source:
- |                                      |                                      |  |
|--------------------------------------|--------------------------------------|--|
| <input type="checkbox"/> Natural Gas | <input type="checkbox"/> Oil         | <input checked="" type="checkbox"/> Electric |
| <input type="checkbox"/> Solar       | <input type="checkbox"/> Other _____ |  |
- Engineering Systems:
- Heating System: Type RUUD, Size 2.5 ton Efficiency Existing,  
Ventilation Requirements \_\_\_\_\_
  - Cooling System: Type RUUD, Size 2.5 ton Efficiency Existing,  
Ventilation Requirements \_\_\_\_\_
  - Ventilation & Humidification Systems:  
Type \_\_\_\_\_, Size \_\_\_\_\_, Efficiency \_\_\_\_\_,  
Ventilation Requirements Existing system to remain
  - Electrical Distribution Available 200 amp, single phase
  - Water Supply: Municipal Water Service X or Private Well Water \_\_\_\_\_
  - Sewage: Municipal Sewer System X or Private Septic System \_\_\_\_\_
  - Emergency Power System:  
Type See plan, Size \_\_\_\_\_, Efficiency \_\_\_\_\_



Appendix B – Architectural Program

Table with 2 columns: Compliance checkbox and Code description. Includes codes like 2010 BUILDING CODE OF NYS, 2010 FIRE CODE OF NYS, etc.



**Appendix B – Architectural Program**

<p><b>Select Project Type:</b> Check all that apply. Refer to the Existing Building Code for definitions.</p>	<input type="checkbox"/> New Building <input type="checkbox"/> Repair <input type="checkbox"/> Alteration Level 1 <input type="checkbox"/> Alteration Level 2	<input checked="" type="checkbox"/> Alteration Level 3 <input type="checkbox"/> Change of Occupancy <input type="checkbox"/> Addition <input type="checkbox"/> Historic Building	<input type="checkbox"/> Demolition <input type="checkbox"/> Chapter 3. Prescriptive Compliance Method <input type="checkbox"/> Chapter 13. Performance Compliance Method
<p><b>Select Work Involved:</b> Check all that apply.</p>	<input checked="" type="checkbox"/> General Construction <input type="checkbox"/> Roofing <input type="checkbox"/> Asbestos Abatement/Environmental <input type="checkbox"/> Fire Alarm	<input checked="" type="checkbox"/> Structural <input checked="" type="checkbox"/> Mechanical <input checked="" type="checkbox"/> Plumbing <input checked="" type="checkbox"/> Electrical	<input checked="" type="checkbox"/> Site Work <input type="checkbox"/> Sprinkler <input type="checkbox"/> Elevators <input type="checkbox"/> Other: _____

<b>CODE COMPLIANCE REVIEW</b>						
Applicant shall provide all applicable information in regards to the code topic and section listed below.						
1 Code Compliance Review is based on the 2010 NY State Building Code for New Construction. If any other building code applies to the location or type of construction, provide applicable code and sections that most closely relates and references the code topic and information in the code sections listed below. Provide appropriate abbreviations for other applicable codes, such as: <b>FC: Fire Code, PC: Plumbing Code, MC: Mechanical Code, FGC: Fuel Gas Code, ECC: Energy Conservation Code.</b>						
2 Provide the Required standard for each applicable code section. (i.e.: area, quantity, classification type, materials, hourly separation, etc.). If section does not apply, indicate one of the following with explanation: <b>NA: Not Applicable, NR: Not Required, NP: Not Permitted</b>						
3 Provide your facilities "Actual" value for each required standard as per applicable code section.						
No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
1	Use & Occupancy Classification	302.1 - 312		Use & occupancy of this facility. Identify all applicable materials, class and quantities regarding Table 307.1.	Use Group M - Merchantile	Use Group M - Merchantile



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
2	Combustible Storage	413		All combustible storage areas and rooms, as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.	NA	NA
3	Hazardous Materials	414		All hazardous materials stored or used as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.	NA	NA
4	Hazardous Materials Control Areas	414.2		Provide additional information indicating number, size, materials stored, and quantity of each material.	NA	NA
5	Building Area & Height	501-507		Provide the building area & height Provide all calculations and cite applicable code sections for increased Building Area & Heights allowed per building code(s).	Use Group M, construction type 5b = 1 story/9,000 SF max.	1 story 1873 SF
6	Incidental Use Areas	508.2		Identify all Incidental Use Areas and required fire separation of occupancies on Building Plans.	NA	NA



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
7	Mixed Occupancies	508.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
8	Nonseparated Uses	508.3.2		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
9	Separated Uses (Ratio < 1)	508.3.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
10	Construction Classification	602		Provide Construction Classification per each building included in Application.	Type 5B	Type 5B
11	Fire Resistance Rating Req'm't for Building Elements	Table 601		Provide Fire Resistance Rating per each building element as per Table 601. Identify rating & elements on Building Plans.	0 hour	0 hour



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
12	Exterior Wall Fire-Resistance Rating	Table 602		Identify required fire resistance rating of exterior walls on Building Plan(s).	0 hour	0 hour
13	Exterior Fire Separation Distance	Table 602		Identify required fire separation distance of exterior walls between Buildings on Plan.	0 hour required for separation distance <= 30'	0 hour
14	Fire Walls	705		Provide code information and identify all applicable required Fire Wall(s) and fire resistance requirement on Building Plans.	NR	NR
15	Fire Barriers	706		Provide code information and identify all applicable required Fire Barrier(s) and fire resistance requirement on Building Plans.	NR	NR
16	Shaft Enclosures	707		Provide code information and identify all applicable required Shaft Wall(s) and fire resistance requirement on Building Plans.	NR	NR
17	Fire Partitions	708		Provide code information and identify all applicable required Fire Partition(s) and fire resistance requirement on Building Plans.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
18	Horizontal Assemblies	711		Provide code information and identify all applicable required Horizontal Assemblies and fire resistance requirement on Building Plans.	NR	NR
19	Fire Protection: Sprinkler System	903		Indicate Type of Sprinkler System: <input type="checkbox"/> NFPA 13 <input type="checkbox"/> NFPA 13 R <input type="checkbox"/> NFPA 13D Provide code information of all applicable requirements for Automatic Sprinkler Systems with code section cited.	NR Section 903.2.6	NR
20	Alt. Fire Extinguishing System	904		Provide code information of all applicable requirements for Alternative Automatic Fire-Extinguishing Systems with code section(s) cited.	NR	NR
21	Standpipe System	905		Provide code information of all applicable requirements for Standpipe Systems with code section(s) cited.	NR	NR
22	Fire Alarm & Detection Systems	907		Provide code information of all applicable requirements for Fire Alarm System(s) with code section cited. Indicate Type of Fire Alarm System <input type="checkbox"/> Addressable <input type="checkbox"/> Hardwired (zoned)	NR for occupancy load less than 500 (Section 907.2.7)	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
23	Emergency Alarm System	908		Provide code information of all applicable requirements for Emergency Alarm Systems with code section cited.	NR	NR
24	Fire Department Connections	912		Identify Fire Department connections in accordance with NFPA applicable standard.	NR	NR
25	Exits	1001.1 & 2		Identify on the Building Plans and documents, per each door, the following information: door width, door height, direction of swing, type of construction, hourly rating, and door closures.	2 exist minimum	As shown on the floor plan
26	Occupant Load	1004 & Table 1004.1.1		Identify the use/name of each room, dimensions of each room, and Occupant Loads per each room on the Building Plans.	1st fl = 30 SF gross/occup. Sto/stock/ship=300 SF/occ.	See Occupancy Analysis on drawings
27	Egress Width	1005		Provide egress widths & cite applicable code section(s) and requirement(s) on the Building Plans	Stair = 0.3"/occup, other components = 0.2"/occup.	No stairs, all doors= 36"
28	Accessible Means of Egress	1007.1		Provide accessible means of egress as per Section 1007 & cite applicable code section(s) and requirement(s) on the Building Plans.	Section 1019.1 requires 2 means of egress for occup. of less than 500	All means of egress will be accessible.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
29	Doors, Gates, and Turnstiles	1008		Means of egress doors shall meet the requirements of this section.	32" min	All doors will be 36"
30	Interior Stairs	1009		Identify the following information for each stairway on the Building Plan(s): the width of stairways; the height, width, depth and number of risers and treads; dimensions of landings; stairway construction type; and handrail height.	NA	NA
31	Ramps	1010.1		Identify the following information of each ramp, on the Building Plan(s): width; total vertical rise; length of ramp; and handrail height.	NA	NA
32	Common Path of Travel	1014.3		Identify on the Building Plan(s): the length of the "Common Path of Travel" per each room as per applicable building code requirements.	75' max	0'
33	Exit Doorway Arrangement	1015		Identify on the Building Plan(s): applicable building code requirements for all Exits and Exit Access Doorways per each room and required exits in all buildings.		Exits as shown on the plans meet the code requirements
34	Corridor Fire Rating	1017.1		Identify, on the Building Plan(s): all corridors with required fire resistance and the applicable fire rating.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
35	Corridor Width	1017.2		Identify on the Building Plan(s): the width of all corridors. Provide applicable code section(s) and requirement(s).	44" min.	NA - No corridors
36	Dead End Corridor	1017.3		Corridors shall not exceed the maximum dead end corridor length as per applicable code.	20' max	NA - No Dead ends
37	Number of Exits and Continuity	1019		Identify on the Building Plan(s): required number of exits, continuity and arrangement as per the applicable code requirements.	1-500 occupants = 2 exits	Exits as shown on the plans meet the code requirements
38	Vertical Exit Enclosures	1020		Identify on the Building Plan(s): all applicable code requirements for each Vertical Exit Enclosure.	NA	NA
39	Exit Passageways	1021		Identify on the Building Plan(s): all applicable code requirements for each Exit Passageway.	NA	NA
40	Horizontal Exits	1022		Identify on the Building Plan(s): all applicable code requirements for each Horizontal Exit.	NA	NA



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
41	Exterior Exit Ramps & Stairways	1023		Identify on the Building Plan(s): all applicable code requirements for each exterior exit ramps and stairways.	NA	NA
42	Exit Discharge	1024		Identify on the Building Plan(s): all applicable code requirements for each Exit Discharge.	Exits shall discharge to exterior at grade	All exits discharge to exterior at grade
43	Accessibility	1101.1 - 1110 & ICC/A117.1(03)		Identify on the Building Plan(s): all applicable code requirements such that the design and construction of each building/facility provides accessibility to physically disabled persons.		All areas as shown on the floor plan conform to the accessibility requirements.
44	Energy Conservation	2010 NYS ECCC & IECC 2012		Identify the R-Value and U-Value of each construction component and assembly of the building envelope as required in the applicable energy and building code(s).		All construction will conform to Energy Conserv. code
45	Emergency & Standby Power	2702.1		Identify emergency & Standby Power locations and specifications of the system to be provided.		New standby emergency generator to power facility
46	Smoke Control Systems	2702.2.2		Identify the Standby power for smoke control systems in accordance with Section 909.11 of NYS Building Code.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
47	Plumbing Fixture Count	2902.1		Identify on the Building Plan(s): the minimum plumbing facilities as per applicable plumbing code(s).	See Occupancy schedule on plan	Plumbing fixture count meets or exceeds the requirements
48	Available Street Water Pressure			Provide the available street or well water pressure.	NA	Available water pressure is sufficient for proposed use
49	Fire Apparatus Access Road	FC503.1		Identify on the Site Plan: Fire Apparatus Road, Fire Lane and other Fire Service requirements per applicable Building and Fire Codes.	Fire access road extends to within 150' of building sides	Criteria is met at all sides of the building







**Appendix B: Architectural Program**

**A SEPARATE “APPENDIX B” SHALL BE COMPLETED FOR EACH SEPARATE BUILDING AND/OR FACILITY INCLUDED IN THE ORGANIZATION’S BUSINESS PLAN**

<b>COMPANY INFORMATION</b>	
Business Name:	Etain LLC
Facility Type:	Manufacturing Facility <input type="checkbox"/> Dispensing Facility <input checked="" type="checkbox"/>
Use and Occupancy Classification:	Use Group M - Mercantile for main area, Use Group S2 at garage area
Building Construction Type and Classification:	3B
Facility Address:	2156 Erie Blvd East, Syracuse, NY 13224
Primary Contact Telephone number:	(914) 232-0902
Primary Contact Fax number:	(914)-234-0909
<b><u>PART I – ARCHITECTURAL PROGRAM &amp; CONSTRUCTION TIMELINE:</u></b>	
Applicant shall identify planning requirements, including but not limited to:	
<input type="checkbox"/>	TOWN BOARD APPROVAL
<input type="checkbox"/>	PLANNING BOARD APPROVAL
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPROVAL
<input checked="" type="checkbox"/>	PREPARATION OF CONSTRUCTION DOCUMENTS
<input checked="" type="checkbox"/>	BUILDING PERMIT
<input checked="" type="checkbox"/>	BIDDING PHASE
<input checked="" type="checkbox"/>	CONTRACT AWARD PHASE PER EACH APPLICABLE CONTRACTOR (Identify all that apply)
<input checked="" type="checkbox"/>	COMMENCEMENT OF CONSTRUCTION
<input checked="" type="checkbox"/>	COMPLETION OF CONSTRUCTION



**Appendix B – Architectural Program**

**PART II – SITE PLAN(S)**

Applicant shall provide the appropriate details for each of the following by identifying the location and dimension on the Site Plan attached to the application for each building location.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Entrance and Exits        | <input checked="" type="checkbox"/> Fire Lane and/or Fire Apparatus Road |
| <input checked="" type="checkbox"/> Public Parking Spaces     | <input checked="" type="checkbox"/> Percentage of Green Space            |
| <input checked="" type="checkbox"/> Staff Parking Spaces      | <input checked="" type="checkbox"/> Location of Emergency Power Systems  |
| <input checked="" type="checkbox"/> Accessible Parking Spaces | <input checked="" type="checkbox"/> Loading & Unloading                  |
| <input checked="" type="checkbox"/> Accessible Route(s)       | <input type="checkbox"/> Security Gates & Fences                         |

**PART III – ENERGY SOURCES & ENGINEERING SYSTEMS:**

Applicant shall provide the following minimum information to outline the specifications relating to the energy sources and engineering systems of each building included in the application.

- Energy Source:
- |   |                                      |  |
|---|--------------------------------------|--|
| <input checked="" type="checkbox"/> Natural Gas | <input type="checkbox"/> Oil         | <input checked="" type="checkbox"/> Electric |
| <input type="checkbox"/> Solar                  | <input type="checkbox"/> Other _____ |  |
- Engineering Systems:
- Heating System: Type Roof top, Size 5 ton, Efficiency Existing,  
Ventilation Requirements \_\_\_\_\_
- Cooling System: Type Roof top, Size 5 ton, Efficiency Existing,  
Ventilation Requirements \_\_\_\_\_
- Ventilation & Humidification Systems:  
Type \_\_\_\_\_, Size \_\_\_\_\_, Efficiency \_\_\_\_\_,  
Ventilation Requirements Existing system to remain
- Electrical Distribution Available 200 amp, single phase
- Water Supply: Municipal Water Service X or Private Well Water \_\_\_\_\_
- Sewage: Municipal Sewer System X or Private Septic System \_\_\_\_\_
- Emergency Power System:  
Type See plan, Size \_\_\_\_\_, Efficiency \_\_\_\_\_



Appendix B – Architectural Program

Table with 2 columns: Compliance checkbox and Code description. Includes codes like 2010 BUILDING CODE OF NYS, 2010 FIRE CODE OF NYS, etc.



**Appendix B – Architectural Program**

<p><b>Select Project Type:</b> Check all that apply. Refer to the Existing Building Code for definitions.</p>	<input type="checkbox"/> New Building <input type="checkbox"/> Repair <input type="checkbox"/> Alteration Level 1 <input type="checkbox"/> Alteration Level 2	<input checked="" type="checkbox"/> Alteration Level 3 <input type="checkbox"/> Change of Occupancy <input type="checkbox"/> Addition <input type="checkbox"/> Historic Building	<input type="checkbox"/> Demolition <input type="checkbox"/> Chapter 3. Prescriptive Compliance Method <input type="checkbox"/> Chapter 13. Performance Compliance Method
<p><b>Select Work Involved:</b> Check all that apply.</p>	<input checked="" type="checkbox"/> General Construction <input type="checkbox"/> Roofing <input type="checkbox"/> Asbestos Abatement/Environmental <input type="checkbox"/> Fire Alarm	<input checked="" type="checkbox"/> Structural <input checked="" type="checkbox"/> Mechanical <input checked="" type="checkbox"/> Plumbing <input checked="" type="checkbox"/> Electrical	<input checked="" type="checkbox"/> Site Work <input type="checkbox"/> Sprinkler <input type="checkbox"/> Elevators <input type="checkbox"/> Other: _____

<b>CODE COMPLIANCE REVIEW</b>						
Applicant shall provide all applicable information in regards to the code topic and section listed below.						
<sup>1</sup> Code Compliance Review is based on the 2010 NY State Building Code for New Construction. If any other building code applies to the location or type of construction, provide applicable code and sections that most closely relates and references the code topic and information in the code sections listed below. Provide appropriate abbreviations for other applicable codes, such as: <b>FC: Fire Code, PC: Plumbing Code, MC: Mechanical Code, FGC: Fuel Gas Code, ECCC: Energy Conservation Code.</b>						
<sup>2</sup> Provide the Required standard for each applicable code section. (i.e.: area, quantity, classification type, materials, hourly separation, etc.). If section does not apply, indicate one of the following with explanation: <b>NA: Not Applicable, NR: Not Required, NP: Not Permitted</b>						
<sup>3</sup> Provide your facilities "Actual" value for each required standard as per applicable code section.						
No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
1	Use & Occupancy Classification	302.1 - 312		Use & occupancy of this facility. Identify all applicable materials, class and quantities regarding Table 307.1.	Use Group M - Merchantile	Use Group M - Merchantile



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
2	Combustible Storage	413		All combustible storage areas and rooms, as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.	NA	NA
3	Hazardous Materials	414		All hazardous materials stored or used as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.	NA	NA
4	Hazardous Materials Control Areas	414.2		Provide additional information indicating number, size, materials stored, and quantity of each material.	NA	NA
5	Building Area & Height	501-507		Provide the building area & height Provide all calculations and cite applicable code sections for increased Building Area & Heights allowed per building code(s).	Use Group M, construction type 3B = 4 stories/12,500 SF max.	1 story 2972 SF
6	Incidental Use Areas	508.2		Identify all Incidental Use Areas and required fire separation of occupancies on Building Plans.	NA	NA



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
7	Mixed Occupancies	508.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
8	Nonseparated Uses	508.3.2		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
9	Separated Uses (Ratio < 1)	508.3.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
10	Construction Classification	602		Provide Construction Classification per each building included in Application.	Type 3B	Type 3B
11	Fire Resistance Rating Req'm't for Building Elements	Table 601		Provide Fire Resistance Rating per each building element as per Table 601. Identify rating & elements on Building Plans.	2 hour exterior walls, 0 hour for all other elements	2 hour min masonry exterior walls



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
12	Exterior Wall Fire-Resistance Rating	Table 602		Identify required fire resistance rating of exterior walls on Building Plan(s).	2 hour	2 hour min masonry wall
13	Exterior Fire Separation Distance	Table 602		Identify required fire separation distance of exterior walls between Buildings on Plan.	2 hour required for sep. distance of <= to 5'	2 hour min masonry wall
14	Fire Walls	705		Provide code information and identify all applicable required Fire Wall(s) and fire resistance requirement on Building Plans.	NR	NR
15	Fire Barriers	706		Provide code information and identify all applicable required Fire Barrier(s) and fire resistance requirement on Building Plans.	NR	NR
16	Shaft Enclosures	707		Provide code information and identify all applicable required Shaft Wall(s) and fire resistance requirement on Building Plans.	NR	NR
17	Fire Partitions	708		Provide code information and identify all applicable required Fire Partition(s) and fire resistance requirement on Building Plans.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
18	Horizontal Assemblies	711		Provide code information and identify all applicable required Horizontal Assemblies and fire resistance requirement on Building Plans.	NR	NR
19	Fire Protection: Sprinkler System	903		Indicate Type of Sprinkler System: <input type="checkbox"/> NFPA 13 <input type="checkbox"/> NFPA 13 R <input type="checkbox"/> NFPA 13D Provide code information of all applicable requirements for Automatic Sprinkler Systems with code section cited.	NR Section 903.2.6	NR
20	Alt. Fire Extinguishing System	904		Provide code information of all applicable requirements for Alternative Automatic Fire-Extinguishing Systems with code section(s) cited.	NR	NR
21	Standpipe System	905		Provide code information of all applicable requirements for Standpipe Systems with code section(s) cited.	NR	NR
22	Fire Alarm & Detection Systems	907		Provide code information of all applicable requirements for Fire Alarm System(s) with code section cited. Indicate Type of Fire Alarm System <input type="checkbox"/> Addressable <input type="checkbox"/> Hardwired (zoned)	NR for occupancy load less than 500 (Section 907.2.7) Smoke and heat detection if occupied by more than 100	Smoke and heat detection to conform to code requirements



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
23	Emergency Alarm System	908		Provide code information of all applicable requirements for Emergency Alarm Systems with code section cited.	NR	NR
24	Fire Department Connections	912		Identify Fire Department connections in accordance with NFPA applicable standard.	NR	NR
25	Exits	1001.1 & 2		Identify on the Building Plans and documents, per each door, the following information: door width, door height, direction of swing, type of construction, hourly rating, and door closures.	2 exits minimum	As shown on the floor plan
26	Occupant Load	1004 & Table 1004.1.1		Identify the use/name of each room, dimensions of each room, and Occupant Loads per each room on the Building Plans.	1st fl = 30 SF gross/occup. Sto/stock/ship=300 SF/occ.	See Occupancy Analysis on drawings
27	Egress Width	1005		Provide egress widths & cite applicable code section(s) and requirement(s) on the Building Plans	Stair = 0.3"/occup, other components = 0.2"/occup.	No stairs, all doors = 36"
28	Accessible Means of Egress	1007.1		Provide accessible means of egress as per Section 1007 & cite applicable code section(s) and requirement(s) on the Building Plans.	Section 1019.1 requires 2 means of egress for occup. of less than 500	All means of egress will be accessible.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
29	Doors, Gates, and Turnstiles	1008		Means of egress doors shall meet the requirements of this section.	32" min	All doors will be 36"
30	Interior Stairs	1009		Identify the following information for each stairway on the Building Plan(s): the width of stairways; the height, width, depth and number of risers and treads; dimensions of landings; stairway construction type; and handrail height.	NA	NA
31	Ramps	1010.1		Identify the following information of each ramp, on the Building Plan(s): width; total vertical rise; length of ramp; and handrail height.	NA	NA
32	Common Path of Travel	1014.3		Identify on the Building Plan(s): the length of the "Common Path of Travel" per each room as per applicable building code requirements.	75' max	0'
33	Exit Doorway Arrangement	1015		Identify on the Building Plan(s): applicable building code requirements for all Exits and Exit Access Doorways per each room and required exits in all buildings.		Exits as shown on the plans meet the code requirements
34	Corridor Fire Rating	1017.1		Identify, on the Building Plan(s): all corridors with required fire resistance and the applicable fire rating.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
35	Corridor Width	1017.2		Identify on the Building Plan(s): the width of all corridors. Provide applicable code section(s) and requirement(s).	44" min.	NA - No corridors
36	Dead End Corridor	1017.3		Corridors shall not exceed the maximum dead end corridor length as per applicable code.	20' max	NA - No Dead ends
37	Number of Exits and Continuity	1019		Identify on the Building Plan(s): required number of exits, continuity and arrangement as per the applicable code requirements.	1-500 occupants = 2 exits	Exits as shown on the plans meet the code requirements
38	Vertical Exit Enclosures	1020		Identify on the Building Plan(s): all applicable code requirements for each Vertical Exit Enclosure.	NA	NA
39	Exit Passageways	1021		Identify on the Building Plan(s): all applicable code requirements for each Exit Passageway.	NA	NA
40	Horizontal Exits	1022		Identify on the Building Plan(s): all applicable code requirements for each Horizontal Exit.	NA	NA



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
41	Exterior Exit Ramps & Stairways	1023		Identify on the Building Plan(s): all applicable code requirements for each exterior exit ramps and stairways.	NA	NA
42	Exit Discharge	1024		Identify on the Building Plan(s): all applicable code requirements for each Exit Discharge.	Exits shall discharge to exterior at grade	All exits discharge to exterior at grade
43	Accessibility	1101.1 - 1110 & ICC/A117.1(03)		Identify on the Building Plan(s): all applicable code requirements such that the design and construction of each building/facility provides accessibility to physically disabled persons.		All areas as shown on the floor plan conform to the accessibility requirements.
44	Energy Conservation	2010 NYS ECCC & IECC 2012		Identify the R-Value and U-Value of each construction component and assembly of the building envelope as required in the applicable energy and building code(s).		All construction will conform to Energy Cons. code
45	Emergency & Standby Power	2702.1		Identify emergency & Standby Power locations and specifications of the system to be provided.		New standby emergency generator to power facility
46	Smoke Control Systems	2702.2.2		Identify the Standby power for smoke control systems in accordance with Section 909.11 of NYS Building Code.	NR	NR



Appendix B – Architectural Program

Table with 7 columns: No., Topic, NYS Building Code Section, Other Code, Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s), Required Code Value, Facility's Actual Value. Rows include Plumbing Fixture Count, Available Street Water Pressure, and Fire Apparatus Access Road.







Appendix B: Architectural Program

A SEPARATE "APPENDIX B" SHALL BE COMPLETED FOR EACH SEPARATE BUILDING AND/OR FACILITY INCLUDED IN THE ORGANIZATION'S BUSINESS PLAN

COMPANY INFORMATION
Business Name: Etain LLC
Facility Type: Manufacturing Facility [ ] Dispensing Facility [x]
Use and Occupancy Classification: Use Group M - Mercantile
Building Construction Type and Classification: 3B
Facility Address: 460 Nepperhan Ave, Yonkers, NY 10701
Primary Contact Telephone number: (914) 232-0902
Primary Contact Fax number: (914)-234-0909
PART I - ARCHITECTURAL PROGRAM & CONSTRUCTION TIMELINE:
Applicant shall identify planning requirements, including but not limited to:
[ ] TOWN BOARD APPROVAL
[ ] PLANNING BOARD APPROVAL
[ ] ZONING BOARD OF APPEALS APPROVAL
[x] PREPARATION OF CONSTRUCTION DOCUMENTS
[x] BUILDING PERMIT
[x] BIDDING PHASE
[x] CONTRACT AWARD PHASE PER EACH APPLICABLE CONTRACTOR (Identify all that apply)
[x] COMMENCEMENT OF CONSTRUCTION
[x] COMPLETION OF CONSTRUCTION



**Appendix B – Architectural Program**

**PART II – SITE PLAN(S)**

Applicant shall provide the appropriate details for each of the following by identifying the location and dimension on the Site Plan attached to the application for each building location.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Entrance and Exits        | <input checked="" type="checkbox"/> Fire Lane and/or Fire Apparatus Road |
| <input checked="" type="checkbox"/> Public Parking Spaces     | <input checked="" type="checkbox"/> Percentage of Green Space            |
| <input checked="" type="checkbox"/> Staff Parking Spaces      | <input checked="" type="checkbox"/> Location of Emergency Power Systems  |
| <input checked="" type="checkbox"/> Accessible Parking Spaces | <input checked="" type="checkbox"/> Loading & Unloading                  |
| <input checked="" type="checkbox"/> Accessible Route(s)       | <input type="checkbox"/> Security Gates & Fences                         |

**PART III – ENERGY SOURCES & ENGINEERING SYSTEMS:**

Applicant shall provide the following minimum information to outline the specifications relating to the energy sources and engineering systems of each building included in the application.

- Energy Source:
- |   |                                      |  |
|---|--------------------------------------|--|
| <input checked="" type="checkbox"/> Natural Gas | <input type="checkbox"/> Oil         | <input checked="" type="checkbox"/> Electric |
| <input type="checkbox"/> Solar                  | <input type="checkbox"/> Other _____ |  |
- Engineering Systems:
- Heating System: Type Roof top, Size 3 ton, Efficiency Existing,  
Ventilation Requirements \_\_\_\_\_
- Cooling System: Type Roof top, Size 3 ton, Efficiency Existing,  
Ventilation Requirements \_\_\_\_\_
- Ventilation & Humidification Systems:  
Type \_\_\_\_\_, Size \_\_\_\_\_, Efficiency \_\_\_\_\_,  
Ventilation Requirements Existing system to remain
- Electrical Distribution Available \_\_\_\_\_
- Water Supply: Municipal Water Service X or Private Well Water \_\_\_\_\_
- Sewage: Municipal Sewer System X or Private Septic System \_\_\_\_\_
- Emergency Power System:  
Type See plan, Size \_\_\_\_\_, Efficiency \_\_\_\_\_



Appendix B – Architectural Program

Table with 2 columns: Compliance checkbox and Code description. Includes codes such as 2010 BUILDING CODE OF NYS, 2010 FIRE CODE OF NYS, 2010 PLUMBING CODE OF NYS, etc.



**Appendix B – Architectural Program**

<p><b>Select Project Type:</b> Check all that apply. Refer to the Existing Building Code for definitions.</p>	<input type="checkbox"/> New Building <input type="checkbox"/> Repair <input type="checkbox"/> Alteration Level 1 <input type="checkbox"/> Alteration Level 2	<input checked="" type="checkbox"/> Alteration Level 3 <input checked="" type="checkbox"/> Change of Occupancy <input type="checkbox"/> Addition <input type="checkbox"/> Historic Building	<input type="checkbox"/> Demolition <input type="checkbox"/> Chapter 3. Prescriptive Compliance Method <input type="checkbox"/> Chapter 13. Performance Compliance Method
<p><b>Select Work Involved:</b> Check all that apply.</p>	<input checked="" type="checkbox"/> General Construction <input type="checkbox"/> Roofing <input type="checkbox"/> Asbestos Abatement/Environmental <input type="checkbox"/> Fire Alarm	<input checked="" type="checkbox"/> Structural <input checked="" type="checkbox"/> Mechanical <input checked="" type="checkbox"/> Plumbing <input checked="" type="checkbox"/> Electrical	<input type="checkbox"/> Site Work <input checked="" type="checkbox"/> Sprinkler <input type="checkbox"/> Elevators <input type="checkbox"/> Other: _____

<b>CODE COMPLIANCE REVIEW</b>						
Applicant shall provide all applicable information in regards to the code topic and section listed below.						
<sup>1</sup> Code Compliance Review is based on the 2010 NY State Building Code for New Construction. If any other building code applies to the location or type of construction, provide applicable code and sections that most closely relates and references the code topic and information in the code sections listed below. Provide appropriate abbreviations for other applicable codes, such as: <b>FC: Fire Code, PC: Plumbing Code, MC: Mechanical Code, FGC: Fuel Gas Code, ECCC: Energy Conservation Code.</b>						
<sup>2</sup> Provide the Required standard for each applicable code section. (i.e.: area, quantity, classification type, materials, hourly separation, etc.). If section does not apply, indicate one of the following with explanation: <b>NA: Not Applicable, NR: Not Required, NP: Not Permitted</b>						
<sup>3</sup> Provide your facilities "Actual" value for each required standard as per applicable code section.						
No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
1	Use & Occupancy Classification	302.1 - 312		Use & occupancy of this facility. Identify all applicable materials, class and quantities regarding Table 307.1.	Use Group M - Merchantile	Use Group M - Merchantile



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
2	Combustible Storage	413		All combustible storage areas and rooms, as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.	NA	NA
3	Hazardous Materials	414		All hazardous materials stored or used as per applicable Building and Fire Codes. Identify all combustible stored materials, area and room dimensions, all required fire separations, and exit requirements.	NA	NA
4	Hazardous Materials Control Areas	414.2		Provide additional information indicating number, size, materials stored, and quantity of each material.	NA	NA
5	Building Area & Height	501-507		Provide the building area & height Provide all calculations and cite applicable code sections for increased Building Area & Heights allowed per building code(s).	Use Group M, construction type 3B = 4 stories/50,000 SF max./story w/ sprinkler	1 story 25,000 SF
6	Incidental Use Areas	508.2		Identify all Incidental Use Areas and required fire separation of occupancies on Building Plans.	NA	NA



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
7	Mixed Occupancies	508.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	M with S1 with sprinkler = 1 hour separation	1 hour min masonry walls
8	Nonseparated Uses	508.3.2		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
9	Separated Uses (Ratio < 1)	508.3.3		Provide analysis with code cited, and required fire separation of occupancies. Identify required fire separation of occupancies on Building Plan(s).	NA	NA
10	Construction Classification	602		Provide Construction Classification per each building included in Application.	Type 3B	Type 3B
11	Fire Resistance Rating Req'm't for Building Elements	Table 601		Provide Fire Resistance Rating per each building element as per Table 601. Identify rating & elements on Building Plans.	2 hour exterior walls, 0 hour for all other elements	2 hour min masonry exterior walls



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
12	Exterior Wall Fire-Resistance Rating	Table 602		Identify required fire resistance rating of exterior walls on Building Plan(s).	2 hour	2 hour min masonry wall
13	Exterior Fire Separation Distance	Table 602		Identify required fire separation distance of exterior walls between Buildings on Plan.	2 hour required for sep. distance of <= to 5'	2 hour min masonry wall
14	Fire Walls	705		Provide code information and identify all applicable required Fire Wall(s) and fire resistance requirement on Building Plans.	NR	NR
15	Fire Barriers	706		Provide code information and identify all applicable required Fire Barrier(s) and fire resistance requirement on Building Plans.	NR	NR
16	Shaft Enclosures	707		Provide code information and identify all applicable required Shaft Wall(s) and fire resistance requirement on Building Plans.	NR	NR
17	Fire Partitions	708		Provide code information and identify all applicable required Fire Partition(s) and fire resistance requirement on Building Plans.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
18	Horizontal Assemblies	711		Provide code information and identify all applicable required Horizontal Assemblies and fire resistance requirement on Building Plans.	NR	NR
19	Fire Protection: Sprinkler System	903		Indicate Type of Sprinkler System: <input checked="" type="checkbox"/> NFPA 13 <input type="checkbox"/> NFPA 13 R <input type="checkbox"/> NFPA 13D Provide code information of all applicable requirements for Automatic Sprinkler Systems with code section cited.	NFPA 13 as per Section 903.2.8	NFPA 13
20	Alt. Fire Extinguishing System	904		Provide code information of all applicable requirements for Alternative Automatic Fire-Extinguishing Systems with code section(s) cited.	NR	NR
21	Standpipe System	905		Provide code information of all applicable requirements for Standpipe Systems with code section(s) cited.	NR	NR
22	Fire Alarm & Detection Systems	907		Provide code information of all applicable requirements for Fire Alarm System(s) with code section cited. Indicate Type of Fire Alarm System <input type="checkbox"/> Addressable <input type="checkbox"/> Hardwired (zoned)	NR for occupancy load less than 500 (Section 907.2.7) Smoke and heat detection if occupied by more than 100	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
23	Emergency Alarm System	908		Provide code information of all applicable requirements for Emergency Alarm Systems with code section cited.	NR	NR
24	Fire Department Connections	912		Identify Fire Department connections in accordance with NFPA applicable standard.	NR	NR
25	Exits	1001.1 & 2		Identify on the Building Plans and documents, per each door, the following information: door width, door height, direction of swing, type of construction, hourly rating, and door closures.	2 exits minimum	As shown on the floor plan
26	Occupant Load	1004 & Table 1004.1.1		Identify the use/name of each room, dimensions of each room, and Occupant Loads per each room on the Building Plans.	1st fl = 30 SF gross/occup. Sto/stock/ship=300 SF/occ.	See Occupancy Analysis on drawings
27	Egress Width	1005		Provide egress widths & cite applicable code section(s) and requirement(s) on the Building Plans	Stair = 0.3"/occup, other components = 0.2"/occup.	No stairs, all doors = 36"
28	Accessible Means of Egress	1007.1		Provide accessible means of egress as per Section 1007 & cite applicable code section(s) and requirement(s) on the Building Plans.	Section 1019.1 requires 2 means of egress for occup. of less than 500	All means of egress will be accessible.



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
29	Doors, Gates, and Turnstiles	1008		Means of egress doors shall meet the requirements of this section.	32" min	All doors will be 36"
30	Interior Stairs	1009		Identify the following information for each stairway on the Building Plan(s): the width of stairways; the height, width, depth and number of risers and treads; dimensions of landings; stairway construction type; and handrail height.	NA	NA
31	Ramps	1010.1		Identify the following information of each ramp, on the Building Plan(s): width; total vertical rise; length of ramp; and handrail height.	NA	NA
32	Common Path of Travel	1014.3		Identify on the Building Plan(s): the length of the "Common Path of Travel" per each room as per applicable building code requirements.	75' max	0'
33	Exit Doorway Arrangement	1015		Identify on the Building Plan(s): applicable building code requirements for all Exits and Exit Access Doorways per each room and required exits in all buildings.		Exits as shown on the plans meet the code requirements
34	Corridor Fire Rating	1017.1		Identify, on the Building Plan(s): all corridors with required fire resistance and the applicable fire rating.	NR	NR



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
35	Corridor Width	1017.2		Identify on the Building Plan(s): the width of all corridors. Provide applicable code section(s) and requirement(s).	44" min.	NA - No corridors
36	Dead End Corridor	1017.3		Corridors shall not exceed the maximum dead end corridor length as per applicable code.	20' max	NA - No Dead ends
37	Number of Exits and Continuity	1019		Identify on the Building Plan(s): required number of exits, continuity and arrangement as per the applicable code requirements.	1-500 occupants = 2 exits	Exits as shown on the plans meet the code requirements
38	Vertical Exit Enclosures	1020		Identify on the Building Plan(s): all applicable code requirements for each Vertical Exit Enclosure.	NA	NA
39	Exit Passageways	1021		Identify on the Building Plan(s): all applicable code requirements for each Exit Passageway.	NA	NA
40	Horizontal Exits	1022		Identify on the Building Plan(s): all applicable code requirements for each Horizontal Exit.	NA	NA



**Appendix B – Architectural Program**

No.	Topic	NYS Building Code Section	Other Code <sup>1</sup> (as Stated Above) & Section	Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s)	Required Code Value <sup>2</sup> /Allowed Code Value	Facility's Actual Value <sup>3</sup>
41	Exterior Exit Ramps & Stairways	1023		Identify on the Building Plan(s): all applicable code requirements for each exterior exit ramps and stairways.	NA	NA
42	Exit Discharge	1024		Identify on the Building Plan(s): all applicable code requirements for each Exit Discharge.	Exits shall discharge to exterior at grade	All exits discharge to exterior at grade
43	Accessibility	1101.1 - 1110 & ICC/A117.1(03)		Identify on the Building Plan(s): all applicable code requirements such that the design and construction of each building/facility provides accessibility to physically disabled persons.		All areas as shown on the floor plan conform to the accessibility requirements.
44	Energy Conservation	2010 NYS ECCC & IECC 2012		Identify the R-Value and U-Value of each construction component and assembly of the building envelope as required in the applicable energy and building code(s).		All construction will conform to Energy Cons. code
45	Emergency & Standby Power	2702.1		Identify emergency & Standby Power locations and specifications of the system to be provided.		New standby emergency generator to power facility
46	Smoke Control Systems	2702.2.2		Identify the Standby power for smoke control systems in accordance with Section 909.11 of NYS Building Code.	NR	NR



Appendix B – Architectural Program

Table with 7 columns: No., Topic, NYS Building Code Section, Other Code, Minimum Information Required to be Identified for this building/facility on the Building or Site Plan(s), Required Code Value, Facility's Actual Value. Rows include Plumbing Fixture Count, Available Street Water Pressure, and Fire Apparatus Access Road.





**Exhibit 1 to Attachment A**





Rock-Av

Grandview-Rt 6032 U.S. 9

9

Grandview-Dr

© 2015 Google  
SPOT IMAGE

Imagery Date: 5/26/2013 43°37'46.21" N 73°47'56.30" W

G

**Exhibit 2 to Attachment A**

402 N Pearl Albany, NY 12207

Street View · Search nearby



Map data ©2015 Google 50 mi



**Exhibit 3 to Attachment A**

445 NY-28, Kingston, NY 12401

Street View · Search nearby





G

© 2015 Google

Imagery Date: 9/19/2013 41°58'20.64" N 74°04'39.19" W et

**Exhibit 4 to Attachment A**





GO

Imagery Date: 6/17/2010 40°56'30.44" N 73°53'02.58" W elev

**Exhibit 5 to Attachment A**

2140 Erie Blvd Syracuse, NY 13224

Street View · Search nearby



Map data ©2015 Google 50 mi



2140 Erie Blvd E

Beattie St

Bruce St

5

© 2015 Google

G

Imagery Date: 6/2/2011 43°03'10.54" N 76°06'43.21" W

## **ATTACHMENT A – IDENTIFICATION OF REAL PROPERTY, BUILDINGS AND FACILITIES**

### **Manufacturing Facility**

6030-6032 State Route 9  
Chester, New York 12187  
Warren County

Leased by Etain, LLC; commencement upon award of medical marijuana license

Not located on the same street or avenue and within one thousand (1,000) feet of a building occupied exclusively as a school, church, synagogue or other place of worship

Located in close proximity to north/south and east/west highways for delivery to Etain dispensaries in Albany, Kingston, Yonkers and Syracuse

Free-standing existing structure (secured)

One story

Sufficient on-site parking

Dimensions – 100 feet x 30 feet, approximately twelve feet in height (plus slope of roof)

Foundation – Concrete slab with crushed stone

Construction material – Steel frame with corrugated metal siding; metal roof

Restrooms

Build-out to be constructed in accordance with site plan

Four greenhouses to be constructed in accordance with site plan

Dimensions – 100 feet x 30 feet, approximately twelve feet in height (plus slope of roof)

Foundation – Concrete slab

See “Exhibit 1” to Attachment A for a map and aerial photograph of the Etain manufacturing facility

## **Dispensing Facilities**

### **Dispensary 1 – Albany, New York**

402 North Pearl Street  
Albany, New York 12207  
Albany County

Leased by Etain, LLC; commencement upon award of medical marijuana license

Not located on the same street or avenue and within one thousand feet of a building occupied exclusively as a school, church, synagogue or other place of worship

Located in close proximity to north/south and east/west highways for Certified Patient access in the Capital Region; in close proximity to Etain’s manufacturing facility in Chester, New York

Secured first-floor store front

Separate entry and exit with sufficient parking

Approximately 4,800 square feet to be constructed in accordance with renovation plans

Masonry exterior with wood frame

Restrooms

See “Exhibit 2” to Attachment A for a map and aerial photograph of Etain’s Albany dispensing facility

**Dispensary 2 – Kingston, New York**

445 State Route 28

Kingston, New York 12401

Ulster County

Leased by Etain, LLC; commencement upon award of medical marijuana license

Not located on the same street or avenue and within one thousand feet of a building occupied exclusively as a school, church, synagogue or other place of worship

Located in close proximity to north/south highways for Certified Patient access in the Hudson Valley region

Free-standing existing structure (secured)

One story

Sufficient on-site parking

Approximately 1,873 square feet

Masonry exterior

Restrooms

Build-out to be constructed in accordance with renovation plans

See “Exhibit 3” to Attachment A for a map and aerial photograph of Etain’s Kingston dispensing facility

**Dispensary 3 – Yonkers, New York**

460 Nepperhan Avenue  
Yonkers, New York 10701  
Westchester County

Leased by Etain, LLC; commencement upon award of medical marijuana license

Not located on the same street or avenue and within one thousand feet of a building occupied exclusively as a school, church, synagogue or other place of worship

Accessible to Certified Patients located near New York City by highway and public transit

Existing structure (secured)

One story

Sufficient parking

Approximately 3,000 square feet to be constructed in accordance with renovation plans

Masonry exterior with wood frame and interior

Restrooms

See “Exhibit 4” to Attachment A for a map and aerial photograph of Etain’s Yonkers dispensing facility

**Dispensary 4 – Syracuse, New York**

2140 Erie Boulevard East  
Syracuse, New York 13224  
Onondaga County

Leased by Etain, LLC; commencement upon award of medical marijuana license

Not located on the same street or avenue and within one thousand feet of a building occupied exclusively as a school, church, synagogue or other place of worship

Located in close proximity to east/west highways for Certified Patient access in Central and Western New York

Existing structure (secured)

One story

Sufficient on-site parking

Approximately 2,972 square feet

Masonry exterior with wood frame and interior

Restrooms

Build-out to be constructed in accordance with renovation plans

See “Exhibit 5” to Attachment A for a map and aerial photograph of Etain’s Syracuse dispensing facility

# Equipment List

Item No.	Operating Unit	Qty	Item Name	Item / Model No	Manufacturer	Description/Purpose	Special Consideration
1	Cultivation	4	Chemical spill cabinet	19-034-968	Fisherbrand	Safety equipment	
2	Cultivation	18	CO2 System		Argus	Environmental control	HVAC - negative pressure
3	Cultivation	18	Greenhouse Master Controller		Argus	Environmental control	Electric load
4	Cultivation	384	1,000W DE Complete Fixture		Gavita Pro	Flowering phase	Electric load
5	Cultivation	84	1000W Digital Ballast MH		Lumatek	Flowering phase	Electric load
6	Cultivation	768	GreenPower LED production		Phillips	Flowering phase	Electric load
7	Cultivation	168	Raptor Dual Reflector - 8 in. Flange AC		Raptor	Flowering phase	
8	Cultivation	20	Steel Secure Container- 24 Gallon Capacity	T9F240712BK	Global Industries	General equipment	Secured waste container
9	Cultivation	60	24-Hour Plug Timer		-	General equipment	
10	Cultivation	6	Air Pump 6 Outlets		-	General equipment	
11	Cultivation	6	Cabinet Humidifier		Hydra	General equipment	
12	Cultivation	6	Combo Meter		BlueLab	General equipment	
13	Cultivation	288	Flood Tables	Various	HydroFarm	General equipment	
14	Cultivation	6	Humidifier 13 Gal/Day		Hydra	General equipment	
15	Cultivation	60	Hygrometer		Taylor	General equipment	
16	Cultivation	936	Light Ratchet		HydroFarm	General equipment	
17	Cultivation	6	NTEP Certified Scale with 0.01g precision		Mettler Toledo	General equipment	
18	Cultivation	36	Submersible Pump		-	General equipment	
19	Cultivation	6	Sump Pump		-	General equipment	
20	Cultivation	12	1 Roll 2.25 x 1.25 Direct Thermal Label for INVENTORY BARCODES			Hardware	BioTrackTHC Recommended Hardware
21	Cultivation	12	21.5 LED Monitor		Dell	Hardware	BioTrackTHC Recommended Hardware
22	Cultivation	12	A & D FX 1200iN INTEGRATED SCALE		A&D	Hardware	BioTrackTHC Recommended Hardware
23	Cultivation	12	APG Universal Cable - 320 MultiPRO Cable Kit		APG	Hardware	BioTrackTHC Recommended Hardware
24	Cultivation	12	Barcode Scanner		Motorola	Hardware	
25	Cultivation	12	Class 3 NTEP Approved Table Top High Precision Balance Scale		A&D	Hardware	BioTrackTHC Recommended Hardware
26	Cultivation	12	HONEYWELL 1300 SCANNER with stand		Honeywell	Hardware	BioTrackTHC Recommended Hardware
27	Cultivation	12	Label Printer		Zebra	Hardware	
28	Cultivation	12	Scale Connector - USB to RS232 Serial Converter SCALE CONNECTOR		-	Hardware	BioTrackTHC Recommended Hardware
29	Cultivation	12	Scale Connector -DB9 Female to Female Gender Changer SCALE CONNECTOR		-	Hardware	BioTrackTHC Recommended Hardware
30	Cultivation	12	Server - Dell Inspiron 3000 Desktop PC		Dell	Hardware	BioTrackTHC Recommended Hardware
31	Cultivation	12	Tablet		Dell	Hardware	

32	Cultivation	12	USB 2.0 to Serial 9-pin DB9 RS-232 Adapter Cable with Thumbscrews		-	Hardware	BioTrackTHC Recommended Hardware
33	Cultivation	12	Waterproof Label Printer		Zebra	Hardware	
34	Cultivation	18	Cloning system		General Hydroponics	Propagation phase	
35	Cultivation	18	Heat Mat		ViaGrow	Propagation phase	
36	Cultivation	6	T5 4x4 Tube Fixture	FLP44	Phillips	Propagation phase	Electric load
37	Cultivation	6	Chemical spill cabinet	19-034-968	Fisherbrand	Safety equipment	
38	Cultivation	12	CO2 Detector	RI-215	RKI Industries	Safety equipment	
39	Cultivation	60	Eye protection			Safety equipment	
40	Cultivation	6	Eye wash station	WRB644988	Speakman SE-580	Safety equipment	
41	Cultivation	6	Fixed Gas Monitoring Controller	GMA 200-MT	GFG	Safety equipment	
42	Cultivation	1	Flame proof storage cabinet	H-1564M-R	Uline	Safety equipment	
43	Cultivation	2	Gas monitoring system	CC28	GFG	Safety equipment	Must be sufficient for area covered
44	Cultivation	6	Oxygen Sensor	EC30	GFG	Safety equipment	
45	Cultivation	3	Ozone sterilization system	#400110	Ozilla Laboratory Sterilization System	Safety equipment	
46	Cultivation	24	Personal respirator	6000	3M	Safety equipment	
47	Cultivation	60	Personal respirator filters	4JG28	3M	Safety equipment	
48	Cultivation	12	BioTrack THC Software		BioTrack THC	Software	
49	Cultivation	12	TriQ Crop Management Software		TriQ	Software	
50	Cultivation	168	1,000W MH Lamp		Phillips	Vegetative phase	Electric load
51	Cultivation	768	GreenPower LED production		Phillips	Vegetative phase	Electric load
52	Cultivation	24	T5 4' Linear Fluorescent Lamp		Phillips	Vegetative phase	Electric load
53	Cultivation	6	RO System		GE	Water equipment	Plumbing
54	Laboratory	1	Dispenser	500-2.5uL	SCILogex	Alfatoxin analysis	
55	Laboratory	1	Dispenser	5mL	SCILogex	Alfatoxin analysis	
56	Laboratory	1	Filter Pump	-	-	Alfatoxin analysis	
57	Laboratory	1	Fluorometer		Quantus	Alfatoxin analysis	
58	Laboratory	1	Pump Stand	-	-	Alfatoxin analysis	
59	Laboratory	4	Barcode Scanner		Motorola	General equipment	
60	Laboratory	4	Calibration Weights	ISO 17025		General equipment	
61	Laboratory	1	Centrifuge		Thermo Fisher Scientific	General equipment	
62	Laboratory	1	Digital Vortex Mixer		Benchmark	General equipment	
63	Laboratory	1	Freezer		Kenmore	General equipment	
64	Laboratory	1	Fume Hood		Cole Palmer	General equipment	
65	Laboratory	25	Gilson Pipetman 10µL		Quasar Instruments	General equipment	
66	Laboratory	25	Gilson Pipetman 100µL		Quasar Instruments	General equipment	

67	Laboratory	25	Gilson Pipetman 1000µL		Quasar Instruments	General equipment	
68	Laboratory	25	Gilson Pipetman 200µL		Quasar Instruments	General equipment	
69	Laboratory	4	Hot Plate		Thermo Fisher Scientific	General equipment	
70	Laboratory	25	Infrared Thermometer		Taylor Precision	General equipment	
71	Laboratory	1	Lab Oven		Thermo Fisher Scientific	General equipment	Electric load
72	Laboratory	1	Microcentrifuge		Thermo Fisher Scientific	General equipment	Electric load
73	Laboratory	1	Analytical Balance	NV212	Ohaus	General equipment	
74	Laboratory	1	Analytical Balance	NV1101	Ohaus	General equipment	
75	Laboratory	1	pH Meter	2700	Oakton	General equipment	
76	Laboratory	1	pH Probe	93X21889	Oakton	General equipment	
77	Laboratory	2	Printer		HP	General equipment	
78	Laboratory	1	Refrigerator/Freezer		Kenmore	General equipment	Electric load
79	Laboratory	4	Ultrasonic Cleaner		Northern Industrial	General equipment	
80	Laboratory	1	Ultrasonicator		Covaris	General equipment	
81	Laboratory	2	Vortex Mixer		Benchmark	General equipment	
82	Laboratory	6	Steel Secure Container- 24 Gallon Capacity	T9F240712BK	Global Industries	General equipment	Secured waste container
83	Laboratory	1	IPC-MS	NexION 350	Perkin Elmer	Heavy metals analysis	See site prep guide
84	Laboratory	1	ACQUITY Advanced Polymer		Waters	Micro analysis	See site prep guide
85	Laboratory	1	Analytical Balance	MSA524P	Sartorius	Micro analysis	
86	Laboratory	1	Autoclave 2540 E-B/L		Tuttnauer	Micro analysis	See site prep guide
87	Laboratory	1	Automated Nucleic Acid Extractor	771-886	Kingfisher	Micro analysis	
88	Laboratory	1	Centrifuge		Thermo Fisher Scientific	Micro analysis	Electric load
89	Laboratory	2	Incubator		Thermo Fisher Scientific	Micro analysis	
90	Laboratory	1	Isotemp Stir/Hot plate		Fisher	Micro analysis	
91	Laboratory	1	Laptop		Dell	Micro analysis	
92	Laboratory	2	MaxiMix		Thermo Fisher Scientific	Micro analysis	
93	Laboratory	1	PCR Hood	140593261A	Fisher	Micro analysis	External venting required
94	Laboratory	1	Pipetfiller S1	141188	Thermo Fisher Scientific	Micro analysis	
95	Laboratory	1	Pipetfiller S2	141191	Thermo Fisher Scientific	Micro analysis	
96	Laboratory	1	Series A2 flow hood	144667-1897	Thermo Fisher Scientific	Micro analysis	External venting required
97	Laboratory	1	Spectrophotometer	N241	Thermo Fisher Scientific	Micro analysis	

98	Laboratory	1	Vortex Mixer		Benchmark	Micro analysis	
99	Laboratory	1	Water Activity Meter		AquaLab	Micro analysis	
100	Laboratory	1	Computer	Optiplex 9010	Dell	Micro workstation	
101	Laboratory	1	Keybaord	KB212-B	Dell	Micro workstation	
102	Laboratory	1	Monitor	02GFKN	Dell	Micro workstation	
103	Laboratory	1	Mouse	MS111L	Dell	Micro workstation	
104	Laboratory	1	Argon Regulator	HPT500/15/4 F/4F	Victor Technologies	Pesticide instrument	
105	Laboratory	1	Nitrogen Regulator	HPS500/80/4 F/4F	Victor Technologies	Pesticide instrument	
106	Laboratory	1	Waters Acquity PDA Detector	H-Class	Waters	Pesticide instrument	See site prep guide
107	Laboratory	1	Waters Acquity Quaternary Sample Manager	H-Class	Waters	Pesticide instrument	See site prep guide
108	Laboratory	1	Waters Acquity Sample Manager	H-Class	Waters	Pesticide instrument	See site prep guide
109	Laboratory	1	Waters Acquity TQ Detector	H-Class	Waters	Pesticide instrument	See site prep guide
110	Laboratory	1	Computer	Optiplex 9010	Dell	Pesticide workstation	
111	Laboratory	1	Keybaord	M-BAC-DEL5	Dell	Pesticide workstation	
112	Laboratory	1	Monitor	REV A00	Dell	Pesticide workstation	
113	Laboratory	1	Mouse	Vostro 400	Dell	Pesticide workstation	
114	Laboratory	1	Speakers	-	Dell	Pesticide workstation	
115	Laboratory	1	Waters Acquity PDA Detector $\alpha$	H-Class	Waters	Potency instrument	See site prep guide
116	Laboratory	1	Waters Acquity PDA Detector $\beta$	H-Class	Waters	Potency instrument	See site prep guide
117	Laboratory	1	Waters Acquity Quaternary Solvent Manager $\alpha$	H-Class	Waters	Potency instrument	See site prep guide
118	Laboratory	1	Waters Acquity Quaternary Solvent Manager $\beta$	H-Class	Waters	Potency instrument	See site prep guide
119	Laboratory	1	Waters Acquity Sample Manager $\alpha$	H-Class	Waters	Potency instrument	See site prep guide
120	Laboratory	1	Waters Acquity Sample Manager $\beta$	H-Class	Waters	Potency instrument	See site prep guide
121	Laboratory	1	Computer	Optiplex 9010	Dell	Potency workstation	
122	Laboratory	1	Keybaord	M-BAC-DEL5	Dell	Potency workstation	
123	Laboratory	1	Monitor	RT7D50	Dell	Potency workstation	
124	Laboratory	1	Monitor		Dell	Potency workstation	
125	Laboratory	1	Mouse	Vostro 400	Dell	Potency workstation	
126	Laboratory	1	Agilent GC Oven	6890	Agilent	Residual solvent analysis	Electric load
127	Laboratory	2	Air Regulator	HPT500/125/4 F/4F	Victor Technologies	Residual solvent analysis	
128	Laboratory	1	GC System	6890 Series	Agilent	Residual solvent analysis	See site prep guide
129	Laboratory	1	Headspace Autosampler	7000	Tekmar	Residual solvent analysis	
130	Laboratory	1	Helium Regulator	HPT500/125/4 F/4F	Victor Technologies	Residual solvent analysis	

131	Laboratory	1	Helium Regulator	Y12-N145F	Airgas	Residual solvent analysis	
132	Laboratory	1	Hydrogen Regulator	HPT500/125/4 F/4F	Victor Technologies	Residual solvent analysis	
133	Laboratory	1	Hydrogen Regulator	CB200/2 9D 350	Airgas	Residual solvent analysis	
134	Laboratory	1	Sample Holder		Tekmar	Residual solvent analysis	
135	Laboratory	1	Thermo GC/FID	Trace1300	Thermo Fisher Scientific	Residual solvent analysis	See site prep guide
136	Laboratory	1	Thermo GC/FID	TriPlus RSH	Thermo Fisher Scientific	Residual solvent analysis	See site prep guide
137	Laboratory	1	Thermo GC/FID	Mixer	Thermo Fisher Scientific	Residual solvent analysis	
138	Laboratory	1	Thermo GC/FID	Sample Holder	Thermo Fisher Scientific	Residual solvent analysis	
139	Laboratory	2	Dell Computer	Optiplex 9010	Dell	Residual solvent workstation	
140	Laboratory	2	Dell Keyboard	KB212-B	Dell	Residual solvent workstation	
141	Laboratory	2	Dell Monitor	02GFKN	Dell	Residual solvent workstation	
142	Laboratory	2	Dell Mouse	MS111L	Dell	Residual solvent workstation	
143	Laboratory	4	Chemical spill cabinet	19-034-968	Fisherbrand	Safety equipment	
144	Laboratory	4	CO2 Detector	RI-215	RKI Industries	Safety equipment	
145	Laboratory	60	Eye protection			Safety equipment	
146	Laboratory	6	Eye wash station	WRB644988	Speakman SE-580	Safety equipment	
147	Laboratory	2	Fixed Gas Monitoring Controller	GMA 200-MT	GFG	Safety equipment	
148	Laboratory	4	Flame proof storage cabinet	H-1564M-R	Uline standard flame proof storage	Safety equipment	
149	Laboratory	2	Oxygen Sensor	EC30	GFG	Safety equipment	
150	Laboratory	1	Ozone sterilization system	#400110	Ozilla Laboratory Sterilization System	Safety equipment	
151	Laboratory	12	Personal respirator	3M #6000	3M	Safety equipment	
152	Laboratory	24	Personal respirator filters	4JG28	3M	Safety equipment	
153	Laboratory	6	LabWare LIMS and ELN Laboratory Management and Automation Software		LabWare	Software	
154	Laboratory	1	GC	AutoSpec Premier Dioxin System	Waters	Terpene analysis	See site prep guide
155	Laboratory	1	Promixer	V-Blender	Torpac	Terpene analysis	
156	Laboratory	1	Computer	Optiplex 9010	Dell	Terpene workstation	

157	Laboratory	1	Monitor	REV A00	Dell	Terpene workstation	
158	Manufacturing	1	1L vessel heater		Waters	Extraction equipment	
159	Manufacturing	1	5L vessel heater		Waters	Extraction equipment	
160	Manufacturing	1	ABPR Purification		Waters	Extraction equipment	
161	Manufacturing	1	CO2 extraction unit	SFE	Waters	Extraction equipment	See site prep guide
162	Manufacturing	1	CO2 pump	p-200	Waters	Extraction equipment	See site prep guide
163	Manufacturing	1	CO-solvent pump	p-50	Waters	Extraction equipment	See site prep guide
164	Manufacturing	1	Mass flow meter		Waters	Extraction equipment	See site prep guide
165	Manufacturing	1	Purification machine	100	Waters	Extraction equipment	See site prep guide
166	Manufacturing	1	Relay module	RA	Waters	Extraction equipment	
167	Manufacturing	1	Relay module	20RA	Waters	Extraction equipment	
168	Manufacturing	4	Rotary Evaporator, One Ascending Condenser, One 20L Evaporating Flask, One 10L Receiving Flask	36072050	Hei-VAP Industrial	Extraction equipment	
169	Manufacturing	2	Air Compressor		Campbell Hausfield	General equipment	To power air actuated packaging units (piston fillers)
170	Manufacturing	1	Centrifuge		Thermo Scientific Sorvall ST 8	General equipment	
171	Manufacturing	1	Circulating bath		Waters	General equipment	
172	Manufacturing	1	CNG temp control		Waters	General equipment	
173	Manufacturing	112	Food safe plastic storage bins for plant material		Rubbermaid food safe storage	General equipment	
174	Manufacturing	1	Freezer (locking door, set point security)	UGL2320A	Thermo Scientific Revco - 20C Lab Freezer	General equipment	Electric load
175	Manufacturing	6	Hot plate	HPA2240MQ	Thermo Scientific	General equipment	
176	Manufacturing	6	Hot Plate Stirrers	97042-754	VWR	General equipment	
177	Manufacturing	24	Hot plate, stirring	SP131325Q	Thermo Scientific Cimarec Ceramic 7x7	General equipment	
178	Manufacturing	1	Manufacturing grinder	4246	Hobart	General equipment	
179	Manufacturing	2	Manufacturing scale	MS32001L #11145028	Mettler Toledo	General equipment	
180	Manufacturing	15	Mobile shelving	Metro 1872NK3	18" deep five tier high density	General equipment	
181	Manufacturing	2	R&D benchtop herb grinder	FP41	Hobart	General equipment	
182	Manufacturing	2	R&D benchtop scale	ML802E #11145303	Mettler Toledo	General equipment	
183	Manufacturing	1	Recycle chiller		Waters	General equipment	Electric load
184	Manufacturing	1	Refrigerated desiccator			General equipment	Electric load
185	Manufacturing	1	Refrigerator (locking door)	MR 49SS-SARE-TS	Thermo Scientific GP Lab Refrigerator, 49 cu ft.	General equipment	Electric load

186	Manufacturing	24	Stainless steel solvent trap	Custom		General equipment	
187	Manufacturing	1	Utensil pan washer	UW50	Hobart	General equipment	
188	Manufacturing	4	Steel Secure Container- 24 Gallon Capacity	T9F240712BK	Global Industries	General equipment	Secured waste container
189	Manufacturing	18	1 Roll 2.25 x 1.25 Direct Thermal Label for INVENTORY BARCODES			Hardware	BioTrackTHC Recommended Hardware
190	Manufacturing	18	21.5 LED Monitor		Dell	Hardware	BioTrackTHC Recommended Hardware
191	Manufacturing	18	A & D FX 1200iN INTEGRATED SCALE		A&D	Hardware	BioTrackTHC Recommended Hardware
192	Manufacturing	18	APG Universal Cable - 320 MultiPRO Cable Kit		APG	Hardware	BioTrackTHC Recommended Hardware
193	Manufacturing	18	Class 3 NTEP Approved Table Top High Precision Balance Scale		A&D	Hardware	BioTrackTHC Recommended Hardware
194	Manufacturing	18	HONEYWELL 1300 SCANNER with stand		Honeywell	Hardware	BioTrackTHC Recommended Hardware
195	Manufacturing	18	Magnetic Stripe Reader			Hardware	BioTrackTHC Recommended Hardware
196	Manufacturing	18	Scale Connector - USB to RS232 Serial Converter SCALE CONNECTOR		-	Hardware	BioTrackTHC Recommended Hardware
197	Manufacturing	18	Scale Connector -DB9 Female to Female Gender Changer SCALE CONNECTOR		-	Hardware	BioTrackTHC Recommended Hardware
198	Manufacturing	18	Server - Dell Inspiron 3000 Desktop PC		Dell	Hardware	BioTrackTHC Recommended Hardware
199	Manufacturing	18	USB 2.0 to Serial 9-pin DB9 RS-232 Adapter Cable with Thumbscrews		-	Hardware	BioTrackTHC Recommended Hardware
200	Manufacturing	18	Zebra Thermal Printer	S4M00-2104-0100D		Hardware	
201	Manufacturing	2	Laboratory chemical hood	12' (60-100 ft./minute capture)		Laboratory Equipment	External venting required
202	Manufacturing	1	MHDG microwave		hydro diffusion with gravity	Laboratory Equipment	
203	Manufacturing	3	NuGenesis lab management software		NuGenesis	Laboratory Equipment	
204	Manufacturing	1	Tissue homogenizer	EQ02520-300-RD000.0	Bertin, Preccellys Evolution	Laboratory Equipment	
205	Manufacturing	2	UPLC		Waters	Laboratory Equipment	See site prep guide
206	Manufacturing	1	UPS power supply		APC Smart-UPS	Laboratory Equipment	
207	Manufacturing	1	Bottle to box packaging line	Custom for each form	Alphapac pharmaceutical packaging line	Packaging equipment	Electric load
208	Manufacturing	1	Bottling	ST200	Apacks	Packaging equipment	Piston Filler For Topical Formulations
209	Manufacturing	6	Continuously Adjustable Repeater Pipette w/ disposable tip	RxFill	Gilson	Packaging equipment	Filling Gel Caps (small scale, less than 500 units) and Vape Pen Cartridges
210	Manufacturing	1	Counter / Bottler	Labo-LIQFIL LABO	BellatRx	Packaging equipment	Count and Bottle Gel Caps
211	Manufacturing	1	Gel Capsule Filling Machine	FPV-1025-WZ	Qualicaps	Packaging equipment	Highly Accurate Gel Cap Filling for large production batches (greater than 500)

212	Manufacturing	6	Piston Filler For Syringes	Distrimin w/ F164120 Distritips	Tridak	Packaging equipment	Fill 5ml-30ml Syringes
213	Manufacturing	1	Precision Fill and Seal Line	Custom	Mystic Pharmasutical Packaging	Packaging equipment	
214	Manufacturing	1	Precision filling system	Custom	Robotanical	Packaging equipment	
215	Manufacturing	1	Precision Form and Package Line	Custom	Need info here.	Packaging equipment	
216	Manufacturing	1	Stick Packaging Machine	CE7001	Viking Masek	Packaging equipment	Package cannabis oils in to 1ml single unit dose packs
217	Manufacturing	1	10' Laboratory Hood	112036002	Labconco	Safety equipment	
218	Manufacturing	5	48" Air curtain	#PH1048	Mars	Safety equipment	
219	Manufacturing	5	Chemical spill cabinet	19-034-968	Fisherbrand	Safety equipment	
220	Manufacturing	3	CO2 Detector	RI-215	RKI Industries	Safety equipment	
221	Manufacturing	5	Eye protection			Safety equipment	
222	Manufacturing	5	Eye wash station	WRB644988	Speakman SE- 580	Safety equipment	
223	Manufacturing	3	Fixed Gas Monitoring Controller	GMA 200-MT	GFG	Safety equipment	
224	Manufacturing	5	Flame proof storage cabinet	H-1564M-R	Uline standard flame proof storage	Safety equipment	
225	Manufacturing	5	Gas monitoring system	CC28	GFG	Safety equipment	Must be sufficient for area covered
226	Manufacturing	5	Oxygen Sensor	EC30	GFG	Safety equipment	
227	Manufacturing	1	Ozone sterilization system	#400110	Ozilla Laboratory Sterilization System	Safety equipment	
228	Manufacturing	12	Personal respirator	3M #6000	3M	Safety equipment	
229	Manufacturing	24	Personal respirator filters	4JG28	3M	Safety equipment	
230	Manufacturing	18	BioTrack THC Software		BioTrack THC	Software	
231	Manufacturing	3	Instant GMP		InstantGMP	Software	
232	Dispensary	8	Server - Dell Inspiron 3000 Desktop PC		Dell	Hardware	
234	Dispensary	8	Zebra Thermal Printer	S4M00-2104- 0100D	Zebra	Hardware	
235	Dispensary	8	Zebra Printer Cable	ZB2.6	Zebra	Hardware	
234	Dispensary	4	Futronic Finger Print Scanner		Futronic	Hardware	
235	Dispensary	8	LED Monitor		Samsung	Hardware	
236	Dispensary	8	Dell Magnetic Strip Reader		Dell	Hardware	
237	Dispensary	8	Zebra Printer	LP2824	Zebra	Hardware	
238	Dispensary	8	Motorola Barcode Scanner	LS2280	Motorola	Hardware	
239	Dispensary	8	Motorola Barcode Scanner	LI4278	Motorola	Hardware	
240	Dispensary	8	APG Series Cash Draw	APG100	APG	Hardware	
241	Dispensary	8	Universal Cable	MP320	APG	Hardware	
242	Dispensary	8	Star Thermal Receipt Printer	TSP143II	Star	Hardware	
243	Dispensary	1	Thermal Lables		Lableplus	Lables	

244	Security	1	Ford Armor Van	E-350	Ford	Transportation	
245	Security	5	Security Control Panel	DMPXR550	DMP	Security hardware	
246	Security	5	Key Pad	DMP-760	DMP	Security hardware	
245	Security	5	Bux Extender	BUS780	DMP	Security hardware	
246	Security	5	Zone Expander	BMP714	DMP	Security hardware	
247	Security	5	Data Isolator	DMP708	DMP	Security hardware	
248	Security	5	Data Bux Splitter	DMP710	DMP	Security hardware	
249	Security	200	Door Strikes	DMP009	DMP	Security hardware	
250	Security	15	Interior Siren	DMP809	DMP	Security hardware	
251	Security	5	Panel Auxillary Power Supply	DMP770	DMP	Security hardware	
252	Security	200	Motion Detectors	DMP900	DMP	Security hardware	
253	Security	50	Fixed location panic buttons	DMP909	DMP	Security hardware	
254	Security	56	Personal panic buttons	DMP910	DMP	Security hardware	
255	Security	8	Outdoor Siren	DMP107	DMP	Security hardware	
256	Security	1	Telephone entry system	CCDL01	DMP	Security hardware	
257	Security	52	Vandal resistant CCTV Camera	CCDL90	DMP	Security hardware	
258	Security	200	Dome security camera	CCDL88	DMP	Security hardware	
559	Security	1	Long range card reader		DMP	Security hardware	
560	Security	200	Card Swipe		DMP	Security hardware	
561	Security	5	Ouside guard station PC	GS880	DMP	Security hardware	
562	Security	16	Led Monitor	SMT-3231	Samsung	Security hardware	
563	Security	4	Dispensary Vault	DS4	Berry Safe	Vault	
564	Security	4	Narcotic Vault	S2	Medixsafe	Safe	
565	Security	6	Secure Transport Cart		Metromax	Transport	



## **ATTACHMENT C**

### **PROPERTY AGREEMENTS**

### **DISPENSING FACILITY - ALBANY**

# ATTACHMENT C – ETAIN PROPERTY AGREEMENTS

## DISPENSING FACILITY

402 North Pearl Street  
Albany, New York 12207

- Sub-Lease Agreement
- Lease Agreement



**SUBLEASE AGREEMENT  
BETWEEN  
KDBF VENTURES, LLC as Sub-Landlord  
And  
ETAIN LLC as Sub-Tenant**  
Redacted pursuant to N.Y. Public Officers Law, Art. 6

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**402 NORTH PEARL, LLC**

**As Landlord**

**and**

**KDBF VENTURES, LLC**

**As Tenant**

**Effective June 1, 2015**

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**LEASE AGREEMENT**

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**Premises: 402 North Pearl Street, Albany, New York**

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**LEASE AGREEMENT**

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## **ATTACHMENT C**

### **PROPERTY AGREEMENTS**

### **DISPENSING FACILITY - YONKERS**

## ATTACHMENT C – ETAIN PROPERTY AGREEMENTS

### DISPENSING FACILITY

460 Nepperhan Avenue  
Yonkers, New York 10701

- Sub-Lease Agreement
- Lease Agreement



**SUBLEASE AGREEMENT  
BETWEEN  
KDBF VENTURES, LLC as Sub-Landlord  
And  
ETAİN LLC as Sub-Tenant**

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**LEASE AGREEMENT  
BETWEEN  
i.park N-VALLEY SOUTH, LLC  
AND  
KDBF VENTURES LLC**

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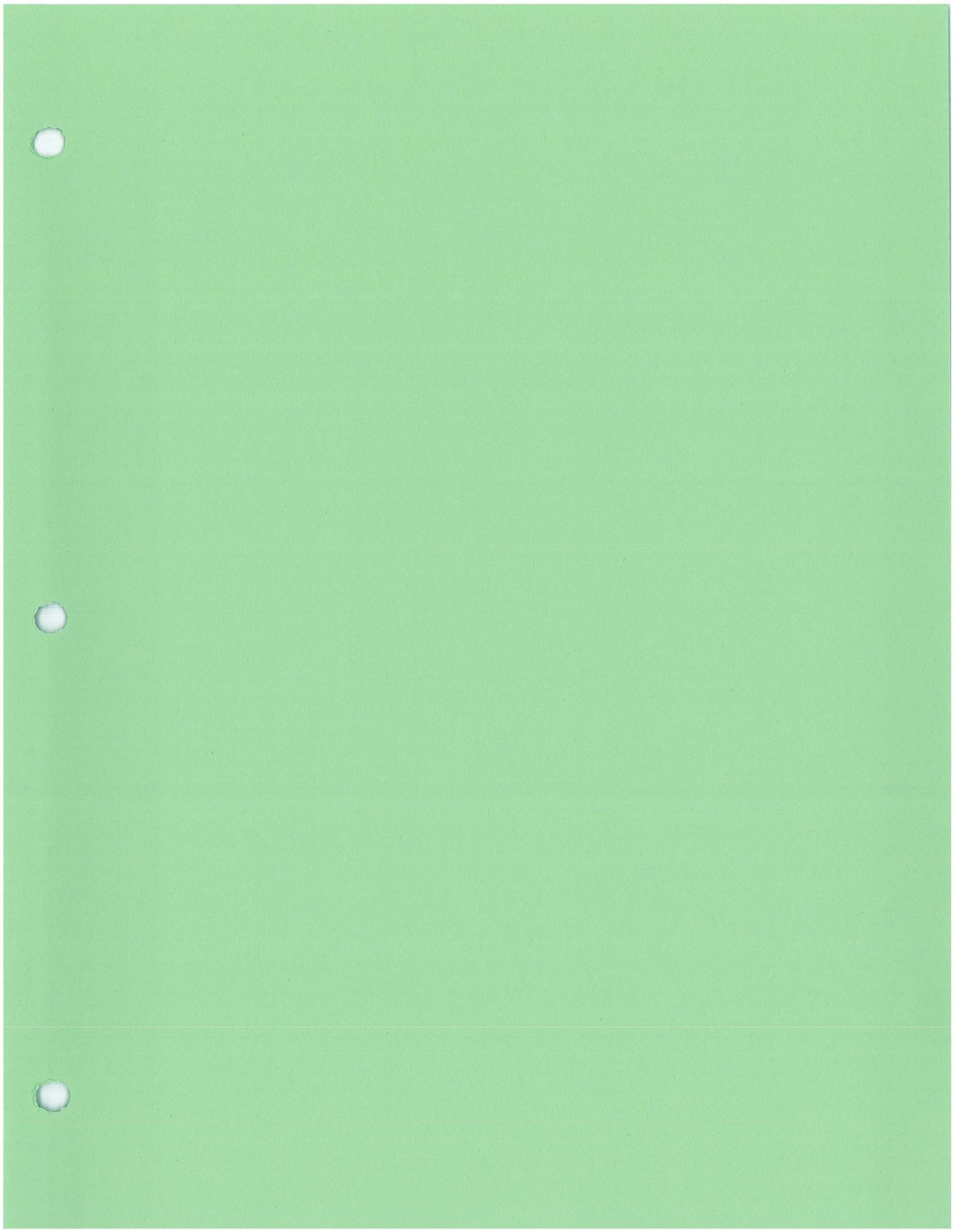
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## **ATTACHMENT C**

### **PROPERTY AGREEMENTS**

#### **DISPENSING FACILITY - SYRACUSE**

## ATTACHMENT C – ETAIN PROPERTY AGREEMENTS

### DISPENSING FACILITY

2146 Erie Boulevard East  
Syracuse, New York

- Sub-Lease Agreement
- Lease Agreement



**SUBLEASE AGREEMENT  
BETWEEN  
KDBF VENTURES, LLC as Sub-Landlord  
And  
ETAIN LLC as Sub-Tenant**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

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**LEASE AGREEMENT  
BETWEEN  
2140 ERIE BLVD. EAST, LLC  
AND  
KDBF VENTURES LLC**

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**ATTACHMENT D: OPERATING PLAN**

**SECTION 1: MANUFACTURING**

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Manufacturing*

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**ATTACHMENT D – ETAIN OPERATING PLAN**

**SECTION 2: TRANSPORT AND DISTRIBUTION (§ 1004.5(b)(4))**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

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**ATTACHMENT D – ETAIN OPERATING PLAN**

**SECTION 3: DISPENSING AND SALE (§ 1004.5(b)(4))**

Redacted pursuant to N.Y. Public Officers Law, Art. 6































**ATTACHMENT D – ETAIN OPERATING PLAN**

**SECTION 4: DEVICES (§1004.5(b)(4)(i))**

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*Devices*

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**ATTACHMENT D – ETAIN OPERATING PLAN**

**SECTION 5: SECURITY AND CONTROL (§1004.5(b)(4)(ii))**

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**ATTACHMENT D – ETAIN OPERATING PLAN**

**SECTION 6: STANDARD OPERATING PROCEDURES MANUAL  
(§ 1004.5(b)(4)(iii))**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

*Etain, LLC*

*Attachment D – Section 6  
Standard Operating Procedures*

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# Good Agricultural Practices Standard Operating Procedures MANUAL

## Table of Contents

### Standard Operating Procedures

- Cleaning and Sanitizing Contact Surfaces
- Controlling Time and Temperature During Preparation
- Personal Hygiene
- Preventing Contamination of Marijuana
- Preventing Cross-Contamination During Storage and Preparation
- Receiving Deliveries
- Storing and Using Poisonous or Toxic Chemical
- Transporting Marijuana
- Using and Calibrating Thermometers
- Using Suitable Utensils
- Washing Hands

### Standard Operating Procedures Record Keeping

- Damaged or Discarded Product Log
- Contact Surfaces Cleaning and Sanitizing Log
- Production Log



























































































	<p align="center"><b>Etain LLC</b>  29 Old Aspetong Road  Katonah NY 10536</p>	
	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Licensed Operations	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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	<p align="center"><b>Etain LLC</b>  29 Old Aspetong Road  Katonah NY 10536</p>	
	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: General Operations	
Author		
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	<b>Standard Operating Procedures</b>	
Program: Cultivation	Subject: Good Handling Practices	
Author		
Version	1.0	(Replaces Version _____)
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	<p align="center"><b><u>Etain LLC</u></b>  29 Old Aspetong Road  Katonah NY 10536</p>	
	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: General Plant Care	
Author		
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	<b><u>Etain LLC</u></b> 29 Old Aspetong Road Katonah NY 10536	
	<b>Standard Operating Procedures</b>	
Program: Cultivation	Subject: Infected Handler Guidelines	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Limited Access Areas	
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	<b>Standard Operating Procedures</b>	
Program: Cultivation	Subject: Monitoring and Record Keeping	
Author		
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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Safety	
Author		
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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Best Management Practice	
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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Cultivation Methods	
Author		
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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Water Quality	
Author		
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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Environmental Controls	
Author		
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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Fertilizer and Soil Management	
Author		
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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Nutrient Balance	
Author		
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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Propagation	
Author		
Version	1.0	
Effective Date	06/01/15	

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	<p align="center"><b><u>Etain LLC</u></b>  29 Old Aspetong Road  Katonah NY 10536</p>	
	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Crop and Supply Management	
Author		
Version	1.0	
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	<b>Etain LLC</b> 29 Old Aspetong Road Katonah NY 10536	
	<b>Standard Operating Procedures</b>	
Program: Cultivation	Subject: Procedure Variance	
Author		
Version	1.0	(Replaces Version _____)
Effective Date	06/01/15	

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	<p align="center"><b><u>Etain LLC</u></b>  29 Old Aspetong Road  Katonah NY 10536</p>	
	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: CO2 Systems	
Author		
Version	1.0	(Replaces Version: )
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**Etain LLC**

29 Old Aspetong Road

Katonah NY 10536

**Standard Operating Procedures**

Program: Cultivation

Subject: Spray and Feed Protocol

Author

Version

1.0

Effective Date

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	<p align="center"><b><u>Etain LLC</u></b>  29 Old Aspetong Road  Katonah NY 10536</p>	
	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Disease Management	
Author		
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Effective Date	06/01/15	

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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Integrated Pest Management	
Author		
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**Etain LLC**

29 Old Aspetong Road  
Katonah NY 10536

**Standard Operating Procedures**

Program: Cultivation

Subject: Secure Operations

Author

Version

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Effective Date

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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Interdepartmental Transfer	
Author		
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	<p align="center"><b><u>Etain LLC</u></b>  29 Old Aspetong Road  Katonah NY 10536</p>	
	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: All	Subject: Marijuana Waste Disposal Procedure	
Author		
Version	1.0	(Replaces Version: _____)
Effective Date	06/01/15	

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**Etain LLC**

29 Old Aspetong Road  
Katonah NY 10536

**Standard Operating Procedures**

Program: Extraction	Subject: Removal of Extraction Basket	
Author:		
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Effective Date	06/01/15	

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**Etain LLC**

29 Old Aspetong Road  
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**Standard Operating Procedures**

Program: Extraction

Subject: Filing the CO2 Extractor

Author:

Version:

1.0

(Replaces Version: N/A)

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**Etain LLC**

29 Old Aspetong Road  
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**Standard Operating Procedures**

Program: Extraction	Subject: Verifying Separator Configuration	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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**Standard Operating Procedures**

Program: Production	Subject: Extraction Standard Operating Procedures	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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**Etain LLC**

29 Old Aspetong Road  
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**Standard Operating Procedures**

Program: Extraction	Subject: Operation of Extraction Equipment	
Author:		
Version:	1.0	(Replaces Version: N/A)
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**Standard Operating Procedures**

Program: Extraction	Subject: CO2 Machine Cleaning	
Author:		
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	<b><u>Etain LLC</u></b> 29 Old Aspetong Road Katonah NY 10536	
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Program: Production	Subject: Accessioning Trim, Quarantining, Testing	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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**Etain LLC**

29 Old Aspetong Road  
Katonah NY 10536

**Standard Operating Procedures**

Program: Production

Subject: Extraction and Mixing

Author:

Version:

1.0

(Replaces Version: N/A)

Effective Date

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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Production	Subject: Tinctures and Infusions	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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**Etain LLC**

29 Old Aspetong Road

Katonah NY 10536

**Standard Operating Procedures**

Program: Production

Subject: Production Oral Spray

Author

Version

1.0  
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**Etain LLC**

29 Old Aspetong Road  
Katonah NY 10536

**Standard Operating Procedures**

Program: Production

Subject: Production Vaporizer

Author

Version

1.0

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**Etain LLC**

29 Old Aspetong Road  
Katonah NY 10536

**Standard Operating Procedures**

Program: Production

Subject: Production Capsules

Author:

Version:

1.0

(Replaces Version: N/A)

Effective Date

06/01/15

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**Etain LLC**

29 Old Aspetong Road  
Katonah NY 10536

**Standard Operating Procedures**

Program: QA	Subject: General Quality Assurance Standard Operating Procedures	
Author:		
Version:	1.0	
Effective Date	06/01/15	

Redacted pursuant to N.Y. Public Officers Law, Art. 6





	<b><u>Etain LLC</u></b> 29 Old Aspetong Road Katonah NY 10536	
	<b>Standard Operating Procedures</b>	
Program: QA	Subject: Document Control System	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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	<b><u>Etain LLC</u></b> 29 Old Aspetong Road Katonah NY 10536	
	<b>Standard Operating Procedures</b>	
Program: QA	Subject: Written Procedures Policy	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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**Etain LLC**

29 Old Aspetong Road  
Katonah NY 10536

**Standard Operating Procedures**

Program: QA

Subject: Determination of Cannabinoid

Author:

Version:

1.0

(Replaces Version: N/A)

Effective Date

06/01/15

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	<b>Etain LLC</b> 29 Old Aspetong Road Katonah NY 10536	
	<b>Standard Operating Procedures</b>	
Program: QA	Subject: Timer Calibration	
Author:		
Version:	1.0	
Effective Date	06/01/15	

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	<b>Etain LLC</b> 29 Old Aspetong Road Katonah NY 10536	
	<b>Standard Operating Procedures</b>	
Program: QA	Subject: General Waste Disposal Procedures	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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	<b>Etain LLC</b> 29 Old Aspetong Road Katonah NY 10536	
	<b>Standard Operating Procedures</b>	
Program: QA	Subject: Quality Control	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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	<b>Etain LLC</b> 29 Old Aspetong Road Katonah NY 10536	
	<b>Standard Operating Procedures</b>	
Program: QA	Subject: Manufacturing Operations Safety Guide	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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	<b><u>Etain LLC</u></b> 29 Old Aspetong Road Katonah NY 10536	
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Program: QA	Subject: Competency of Manufacturing Personnel	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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	<p align="center"><b>Standard Operating Procedures</b></p>	
Program: Cultivation	Subject: Thermometer Calibration & Temperature Monitoring	
Author:		
Version:	1.0	(Replaces Version: N/A)
Effective Date	06/01/15	

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**ATTACHMENT D -- ETAIN OPERATING PLAN**

**Section 7: QUALITY ASSURANCE PLANS (§ 1004.5(b)(4))**

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*Etain, LLC*

*Attachment D – Section 7  
Quality Assurance Plans*

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Quality Assurance Plans*

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*ELAIN, LLC*

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**ATTACHMENT D – ETAIN OPERATING PLAN**

**SECTION 8: RETURNS, COMPLAINTS, ADVERSE EVENTS, RECALLS  
(§1004.5(b)(4)(v))**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

*Etain, LLC*

2

*Attachment D – Section 8  
Returns Complaints Adverse Effects Recalls*

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19

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20

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*Etain, LLC*

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*Etain, LLC*

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**ATTACHMENT D - OPERATING PLAN**

**SECTION 9 – PRODUCT QUALITY ASSURANCE (1004.5(b)(4)(vi))**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

*Etain, LLC*

2

*Attachment D – Section 9  
Product Quality Assurance*

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*Etain, LLC*

5

*Attachment D – Section 9  
Product Quality Assurance*

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*EMM, LLC*

7

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Product Quality Assurance*

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*Etain, LLC*

5

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Product Quality Assurance*

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**ATTACHMENT D – ETAIN OPERATING PLAN**

**SECTION 10: Recordkeeping (§1004.5(b)(4)(vii))**

Redacted pursuant to N.Y. Public Officers Law, Art. 6

*Etain, LLC*

1

*Attachment D – Section 10  
Recordkeeping*

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*Etain, LLC*

2

*Attachment D – Section 10  
Recordkeeping*

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*Etain, LLC*

*Attachment D – Section 10  
Recordkeeping*

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*Etain, LLC*

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Recordkeeping*

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Recordkeeping*

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## **ATTACHMENT E**

### **ORGANIZATIONAL DOCUMENTS**

FILING RECEIPT

=====

ENTITY NAME: ETAIN, LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM LLC)

COUNTY: WEST

=====

FILED: 12/19/2014 DURATION: \*\*\*\*\* CASH#: 141219000536 FILM #: 141219000495  
DOS ID: 4682926

FILER:

EXIST DATE

-----  
GARRY P MCCORMACK  
29 OLD STONE CHURCH ROAD

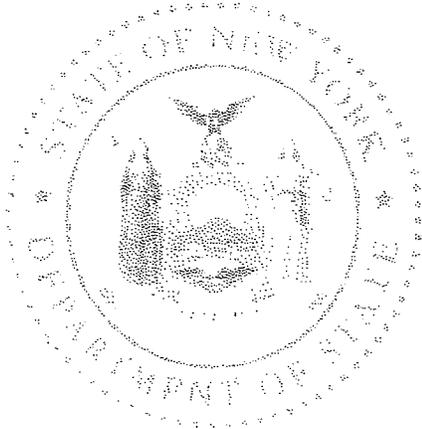
-----  
12/19/2014

UPPER SADDLE RIVER, NJ 07458

ADDRESS FOR PROCESS:

-----  
THE LLC  
29 ASPETONG ROAD  
KATONAH, NY 10536

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the biennial statement is due will only be made via email. Please go to [www.email.ebiennial.dos.ny.gov](http://www.email.ebiennial.dos.ny.gov) to provide an email address to receive an email notification when the Biennial Statement is due.

=====

SERVICE COMPANY: CORPORATION SERVICE COMPANY - 45

SERVICE CODE: 45 \*

FEES 285.00  
-----  
FILING 200.00  
TAX 0.00  
CERT 0.00  
COPIES 10.00  
HANDLING 75.00

PAYMENTS 285.00  
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CASH 0.00  
CHECK 0.00  
CHARGE 0.00  
DRAWDOWN 285.00  
OPAL 0.00  
REFUND 0.00

=====

427699KXX

DOS-1025 (04/2007)

# ***STATE OF NEW YORK***

## ***DEPARTMENT OF STATE***

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on December 22, 2014.

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State

CSC 45  
Drawdown

141219000 495

New York State Department of State  
Division of Corporations, State Records  
and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231  
www.dos.ny.gov

*(This form must be printed or typed in black ink)*

ARTICLES OF ORGANIZATION  
OF

ETAIN, LLC

*(Insert name of Limited Liability Company)*

Under Section 203 of the Limited Liability Company Law

**FIRST:** The name of the limited liability company is:

ETAIN, LLC

**SECOND:** The county within this state in which the office of the limited liability company is to

be located is: County of Westchester

**THIRD:** The Secretary of State is designated as agent of the limited liability company upon whom process against it may be served. The address within or without this state to which the Secretary of State shall mail a copy of any process against the limited liability company served upon him or her is:

29 Aspetong Road, Katonah, New York 10536



*(signature of organizer)*

Garry P. McCormack

*(print or type name of organizer)*

CSC 45  
Drawdown

495

ARTICLES OF ORGANIZATION  
OF

ETAIN, LLC

*(Insert name of Limited Liability Company)*

Under Section 203 of the Limited Liability Company Law

Filed by: Garry P. McCormack  
*(Name)*  
29 Old Stone Church Road  
*(Mailing address)*  
Upper Saddle River, New Jersey 07458  
*(City, State and ZIP code)*

Cust. Ref # 427699 KXK

NOTE: This form was prepared by the New York State Department of State for filing articles of organization for a domestic limited liability company. It does not contain all optional provisions under the law. You are not required to use this form. You may draft your own form or use forms available at legal stationery stores. The Department of State recommends that legal documents be prepared under the guidance of an attorney. The certificate must be submitted with a \$200 filing fee made payable to the Department of State.

llc

RECEIVED  
2014 DEC 19 AM 10:03

2014 DEC 19 PM 2:51

FILED

536



**State of New York  
Department of State } ss:**

*I hereby certify, that ETAIN, LLC a NEW YORK Limited Liability Company filed Articles of Organization pursuant to the Limited Liability Company Law on 12/19/2014, and that the Limited Liability Company is existing so far as shown by the records of the Department.*



\*\*\*

*Witness my hand and the official seal  
of the Department of State at the City  
of Albany, this 21st day of May  
two thousand and fifteen.*

*Anthony Giardina*

Anthony Giardina  
Executive Deputy Secretary of State



**OPERATING AGREEMENT  
OF  
ETAIN, LLC**

THIS OPERATING AGREEMENT, dated as of December 18, 2014 (this "Agreement"), is entered into by and between the following individuals (each a "Member" and collectively with any other Persons who may become members of the Company, the "Members"): HILLARY A. PECKHAM ("Hillary"), KEELEY M. PECKHAM ("Keeley"), JOHN D. PECKHAM and GREGORY D. PECKHAM, each residing at [REDACTED], [REDACTED]

**RECITALS**

A. The Members desire to form a limited liability company (the "Company") pursuant to the Limited Liability Company Law of the State of New York (as amended from time to time, the "LLCL").

B. The Members desire to establish their respective rights and obligations pursuant to the LLCL in connection with forming such limited liability company.

Accordingly, the Members hereby agree as follows:

**ARTICLE I  
CERTAIN DEFINITIONS**

1.1 Definitions. As used in this Agreement, the following terms shall have the meanings set forth below:

"Adjusted Capital Account Deficit" means, with respect to any Member, the deficit balance, if any, in such Member's Capital Account as of the end of the relevant Fiscal Year, after giving effect to the following adjustments:

(a) Credit to such Capital Account any amount which such Member is obligated to restore or is deemed obligated to restore pursuant to Treas. Reg. §§1.704-2(g)(1) and 1.704-2(i)(5); and

(b) Debit to such Capital Account the items described in Treas. Reg. §1.704-1(b)(2)(ii)(d)(4), (5) and (6).

"Articles of Organization" shall mean the Articles of Organization of the Company filed December 18, 2014 with the New York Secretary of State, as the same may be amended from time to time.

"Assumed Tax Rate" means the highest effective marginal combined federal, state and local income tax rate or the tax rate applicable to capital gains (to the extent that this definition is operative with respect to such gains) prescribed for an individual resident of Westchester County, New York, in a Fiscal Year (taking into account deductibility of the state and local income taxes for federal income tax purposes).

"Capital Account" means, for each Member, the sum of (a) such Member's Capital Contribution, if any, plus (b) the Net Profits and other items of Company income and gain allocated to such Member pursuant to Article V, minus (c) the aggregate amount of Distributions of cash made to such Member, minus (d) the Net Losses and other items of Company loss and deduction allocated to such Member pursuant to Article VII, minus (e) the Gross Asset Value of the allocable share of Company assets distributed to such Member in-kind, and (f) otherwise adjusted in accordance with Treas. Reg. §1.704-1. All such contributions, allocations and Distributions shall be credited or charged, as the case may be, to the appropriate Capital Accounts of the respective Members to whom they apply, as of the time the contributions, allocations or Distributions are made.

"Capital Contribution" shall mean any contribution by a Member to the capital of the Company in cash, property or services rendered, or a promissory note or other obligation to contribute cash or property or to render services (net of any liabilities of such Member that the Company is considered to assume or take subject to under Section 752 of the Code).

"Cash Flow" means, for any given Fiscal Year or other period, the amount, if any, by which (a) the sum, without duplication, of (i) the actual gross cash receipts of the Company during such period from whatever source derived and (ii) the reduction of any previously established reserves described in clause (b)(ii) hereof to the extent such reduction exceeds the amount of expenses paid from such reserve, exceeds (b) the sum, without duplication, of (i) all operating expenses (including taxes, insurance, and debt service) actually paid during such periods and (ii) such reserves, if any, as the Managers determine are required to maintain reasonable reserves and working capital for operating expenses and capital expenditures of the Company, provided, however, that Cash Flow shall not be debited by expenses paid from reserves set aside in prior years.

"Code" shall mean the Internal Revenue Code of 1986, as amended, or any superseding federal revenue statute.

"Company" shall refer to ETAIN, LLC.

"Company assets" shall mean any property real or personal, tangible or intangible (including goodwill), including money, and any legal or equitable interest in such property, but excluding services.

"Distribution" shall mean any cash and other assets paid to a Member by the Company from the operations of the Company.

"Fiscal Year" shall mean the taxable year of the Company, which shall be the calendar year or such other taxable year as is required by Section 706(b) of the Code.

"Gross Asset Value" means, with respect to any Company asset, the adjusted basis of the Company asset for federal income tax purposes, except as follows:

(a) The initial Gross Asset Value of any Company asset contributed by a Member to the Company shall be the gross fair market value of such Company asset as of the date of such contribution, as determined in good faith by the Managers;

(b) The Gross Asset Value of each Company asset shall be adjusted to equal its respective gross fair market value, as determined in good faith by the Managers, as of the following times: (i) the acquisition of an additional interest in the Company by any new or existing Member in exchange for more than a de minimis Capital Contribution; (ii) the distribution by the Company to a Member of more than a de minimis amount of Company assets (other than cash) as consideration of such Member's Membership Interest unless the Managers determine that such adjustment is not necessary to reflect the relative economic interests of the Members in the Company; and (iii) the liquidation of the Company within the meaning of Treas. Reg. §1.704-1(b)(2)(ii)(g);

(c) The Gross Asset Value of each Company asset shall be increased or decreased, as the case may be, to reflect any adjustments to the adjusted basis of such Company asset pursuant to Section 734(b) or Section 743(b) of the Code, but only to the extent that such adjustments are taken into account in determining Capital Accounts pursuant to Treas. Reg. §1.704-1(b)(2)(iv)(m); provided, however, that Gross Asset Values shall not be adjusted pursuant to this subparagraph (c) to the extent that the Managers determine that an adjustment pursuant to subparagraph (b)(ii) above is necessary or appropriate in conjunction with a transaction that would otherwise result in an adjustment pursuant to this subparagraph; and

(d) If the Gross Asset Value of a Company asset has been determined or adjusted pursuant to subparagraphs (a), (b) or (c) above, such Gross Asset Value shall thereafter be adjusted to reflect the depreciation or amortization taken into account with respect to such Company asset for purposes of computing Net Profits and Net Losses.

"Gross Income" shall mean for any Fiscal Year or fraction thereof, the gross income of the Company for such period as determined for federal income tax purposes.

"Manager" shall mean, initially, each of Hillary and Keeley and any other person who shall, from time to time, be designated as a Manager pursuant to Article IV of this Agreement.

"Membership Interest" shall mean a Member's aggregate rights in the Company, including: (i) the Member's right to a share of the profits and losses of the Company; (ii) the Member's right to receive Distributions from the Company; and (iii) the Member's right to vote

and participate in the management of the Company, and shall be equal to the ratio of the value of the Capital Contribution of the Member to the aggregate value of all Capital Contributions of all Members, as set forth on Schedule A.

"Minimum Gain" means, with respect to each nonrecourse liability of the Company, the amount of gain (of whatever character), if any, that would be realized by the Company if it disposed of (in a taxable transaction) the Company's property subject to such liability in full satisfaction thereof (and for no other consideration), and then aggregating the amounts so computed. A Member's share of Minimum Gain shall, at the end of any Fiscal year, equal the excess of (x) the sum of the nonrecourse deductions allocated to such Member (and such Member's predecessors in interest) and the aggregate Distributions to such Member (and such Member's predecessor in interest) up to that time of proceeds of nonrecourse liabilities that are allocable to any increase in Minimum Gain over (y) the sum of such Member's (and such Member's predecessors in interest) aggregate share of the net decreases in Minimum Gain up to that time and such Member's (and such Member's predecessors in interest) aggregate share of the decreases up to that time in Minimum Gain resulting from revaluations of Company property subject to one or more nonrecourse liabilities of the Company as computed in accordance with the provisions of Treas. Reg. §1.704-2(g).

"Net Profits" or "Net Losses" means, for each Fiscal Year or other period, an amount equal to the Company's taxable income or loss for such Fiscal Year or other period, determined in accordance with Section 703(a) of the Code, which for this purpose shall include all items of income, gain, loss or deduction required to be stated separately pursuant to Section 703(a)(1) of the Code, with the following adjustments:

- (a) Any income of the Company that is exempt from Federal income tax and not otherwise taken into account in computing Net Profits or Net Losses pursuant to this definition shall be added to such taxable income or loss;
- (b) Any expenditures of the Company described in Section 705(a)(2)(B) of the Code or treated as expenditures under Section 705(a)(2)(B) of the Code pursuant to Treas. Reg. § 1.704-1(b)(2)(iv)(i) (other than expenses in respect of which an election is properly made under Section 709 of the Code), and not otherwise taken into account in computing Net Profits or Net Losses pursuant to this definition shall be subtracted from such taxable income or loss;
- (c) In the event the Gross Asset Value of any Company asset is adjusted pursuant to subparagraphs (b) and (c) of the definition of Gross Asset Value, the amount of such adjustment shall be taken into account as gain or loss from the disposition of such Company asset for purposes of computing Net Profits or Net Losses;
- (d) Gain or loss resulting from any disposition of any Company asset with respect to which gain or loss is recognized for federal income tax purposes shall be computed by reference to the Gross Asset Value of the Company asset disposed of,

notwithstanding that the adjusted tax basis of such Company asset may differ from its Gross Asset Value;

(e) Depreciation with respect to any Company asset shall be computed by reference to the adjusted Gross Asset Value of such asset, notwithstanding that the adjusted tax basis of such Company asset differs from its Gross Asset Value; and

(f) Any item of income, gain, loss or deduction allocated under Section 7.3, 7.4, or 7.5 of this Agreement shall be excluded.

"Person" shall mean any individual, corporation, governmental authority, limited liability company, partnership, trust, unincorporated association or other entity.

"Quarterly Estimated Tax Amount" of a Member for any calendar quarter of a Fiscal Year means the excess, if any, of (a) the product of (i) a quarter ( $\frac{1}{4}$ ) in the case of the first calendar quarter of the Fiscal Year, a half ( $\frac{1}{2}$ ) in the case of the second calendar quarter of the Fiscal Year, three quarters ( $\frac{3}{4}$ ) in the case of the third calendar quarter of the Fiscal Year, and one (1) in the case of the fourth calendar quarter of the Fiscal Year, and (ii) the amount estimated by the Managers to be the tax liability at the Assumed Tax Rate in respect of the Net Profits (if any) of the Company allocated to such Member for such Fiscal Year over (b) all Distributions previously made during such Fiscal Year to such Member.

"Regulatory Allocations" shall have the meaning specified in Section 7.5 of this Agreement.

"Selling Member" shall mean a Member desiring to sell a Membership Interest.

"Treasury Regulations" shall mean all proposed, temporary and final regulations promulgated under the Code as from time to time in effect.

## ARTICLE II ORGANIZATION

2.1 Formation. One or more Persons has acted or will act as an organizer or organizers to form a limited liability company by preparing, executing and filing with the New York Secretary of State the Articles of Organization pursuant to the LLCL.

2.2 Name. The name of the Company is ETAIN, LLC.

2.3 Principal Place of Business. The principal place of business of the Company within the State of New York shall be 29 Old Aspetong Road, Katonah, New York 10536. The Company may establish any other places of business as the Managers may from time to time deem advisable.

2.4 Term. The term of the Company shall be perpetual, unless the Company is dissolved pursuant to this Agreement or the LLCL.

2.5 Purposes. The Company has been organized primarily to establish, engage in, operate, participate in and otherwise deal with and in the business of investment, development, siting, sourcing, cultivation, manufacture, processing, secure storage, delivery, transport and sale of marijuana for medical use and any ancillary activities permitted under applicable law including the LLCL.

### ARTICLE III MEMBERS

3.1 Names and Address. The names and address of the initial Members are set forth in the first paragraph of this Agreement.

3.2. Additional Members. A Person may be admitted as a member after the date of this Agreement upon the vote or written consent of Members holding at least a majority of the Membership Interests.

3.3 Limitation of Liability. No Member, Manager or agent of the Company (nor any Person acting in one or more of those capacities) shall be liable for any debts, obligations or liabilities of the Company or each other, whether arising in tort, contract or otherwise, solely by reason of being such a Member, Manager or agent or acting (or omitting to act) in such capacities or participating (as an employee, consultant, contractor or otherwise) in the conduct of the business of the Company.

3.4 Sale of All Assets. The Members shall have the right, by the vote or written consent of those Members holding at least a majority of all Membership Interests, to approve the sale, lease, exchange or other disposition of all or substantially all of the assets of the Company, or a merger or consolidation transaction in which the Company is a party. \_\_\_\_\_

3.5 Priority and Return of Capital. No Member shall have priority over any other Member to assets of the Company, whether for the return of a Capital Contribution, a Distribution or otherwise; provided, however, that this Section 3.5 shall not apply to payment of a loan or other indebtedness (as distinguished from a Capital Contribution) made by a Member to the Company.

3.6 Financial Adjustments. No Members admitted after the date of this Agreement shall be entitled to any retroactive allocation of losses, income or expense deductions realized or incurred by the Company. The Managers may, at the discretion of the Managers, at the time a Member is admitted, close the books and records of the Company (as though the Fiscal Year had ended) or make pro rata allocations of loss, income and expense deductions to

such Member for that portion of the Fiscal Year in which such Member was admitted in accordance with applicable provisions of the Code.

#### ARTICLE IV MANAGEMENT

4.1 Management. Management of the Company shall be vested solely in the Managers.

4.2 Number, Tenure and Qualifications of Managers. The Company shall initially have two Managers, Hillary A. Peckham and Keeley M. Peckham. Any vacancy in an office of Manager from time to time may be filled by the vote or written consent of Members holding at least a majority of all Membership Interests. Managers of the Company need not be residents of the State of New York or Members of the Company.

4.3 Powers of Managers. Except as set forth in this Agreement, the Managers, by action of a majority by vote or written consent of the Managers, shall have the exclusive power and authority, on behalf of the Company, to do all acts necessary or convenient for the Company's business activities, including to: (a) purchase, lease or otherwise acquire any property from, or sell, lease or otherwise dispose of any property to any Person; (b) open bank accounts and otherwise invest the funds of the Company; (c) purchase insurance on the business and assets of the Company; (d) borrow money for proper Company purposes, and secure loans with assets of the Company; (e) commence and defend lawsuits and other proceedings; (f) enter into any agreement, instrument or other writing; (g) retain accountants, attorneys or other agents; (h) use, improve, convey, mortgage, pledge, exchange, lease, license or otherwise dispose of property, including Company assets; (i) guaranty obligations and incur liabilities; (j) lend money, invest and reinvest Company funds, including, without limitation, loans to Members; (k) set compensation for agents of the Company, and pay agents (including employees); (l) participate in partnerships, joint ventures, other limited liability companies, corporations and other associations of any kind; (m) exercise any discretion of the Managers under this Agreement; or (n) take any other lawful action that the Managers consider necessary, convenient or advisable in connection with any business of the Company. Any Manager may act on behalf of the Company in the exercise of such power and authority of the Managers as may have been delegated in writing to such Manager (whether by power of attorney or otherwise), solely to the extent and within the stated limitations of such delegation.

4.4 Meetings of the Managers. The Managers shall meet at the principal office of the Company or at such other place (either within or outside the State of New York), and at such dates and times, as may be determined from time to time by the Managers. A special meeting of the Managers, for any purpose or purposes, may be called by any Manager on not less than ten (10) days' notice to the other Managers stating the date and time of the meeting and setting forth the purpose or purposes of the meeting. Meetings of the Managers may be held either in person or by means of telephone or video conference or other communications device that permits all Managers participating in the meeting to hear each other. A majority of the Managers shall constitute a quorum for the transaction of business. At all times when the Managers are conducting business at a meeting of the Managers, a quorum must be present at such meeting. If a quorum shall not be

present at any meeting of the Managers, then the Managers present at the meeting may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present. Any Manager may participate in a meeting of the Managers by means of telephone or video conference or other communications device that permits all Managers participating in the meeting to hear each other, and participation in a meeting by such means shall constitute presence in person at such meeting. A Manager may vote or be present at a meeting either in person or by written proxy. The affirmative vote of a majority of the Managers, at a meeting at which a quorum is present and acting, shall constitute the action of the Managers.

4.5 Action in Writing. Notwithstanding anything in this Agreement to the contrary, any action of the Managers may be taken without a meeting if a written consent of a majority of the Managers shall approve such action. Such consent shall have the same force and effect as a vote at a meeting where a quorum was present.

4.6 No Management by Members; Binding Authority. Except as otherwise expressly provided in this Agreement, no Member, other than the Managers in their capacity of Managers, shall take part in the day-to-day management, or the operation of the business and affairs, of the Company. No Person shall have any power or authority to bind the Company unless such Person has been authorized by the Managers to act on behalf of the Company in accordance with this Article IV.

4.7 Liability for Certain Acts. A Manager shall not be personally liable to the Company or its Members for damages for any breach of duty as a Manager, except for any matter in respect to which such Manager shall be liable by reason that, in addition to any and all other requirements for such liability, there shall have been a judgment or other final adjudication adverse to such Manager that establishes that such Manager's acts or omissions were in bad faith or involved intentional misconduct or a knowing violation of law or that such Manager personally gained in fact a financial profit or other advantage to which such Manager was not legally entitled, or that with respect to a Distribution which is the subject of Section 508 of the LLCL, such Manager's acts were not performed in accordance with Section 409 of the LLCL. Neither the amendment nor the repeal of this Section 4.7 shall eliminate or reduce the effect of this Section 4.7 with respect to any matter occurring, or any cause of action, suit or claim that, but for this Section 4.7, would accrue or arise, prior to such amendment, repeal or adoption of an inconsistent provision.

4.8 No Exclusive Duty to Company. A Manager shall not be required to participate in the management of the Company as the Manager's sole and exclusive function, and the Managers may each have other business interests and engage in other activities in addition to those relating to the Company, including trading and investing for her own or related accounts. Neither the Company nor any Member shall have any right pursuant to this Agreement to share or participate in such other business interests or activities or to the income or proceeds derived therefrom. A Manager shall not incur liability to the Company or any Member as a result of engaging in any other business interests or activities.

4.9 Indemnification. The Company shall indemnify and hold harmless each Manager and each Member, and may indemnify and hold harmless any agents (including employees) from and against all claims and demands to the maximum extent permitted under the LLCL.

4.10 Resignation. A Manager may resign at any time by giving written notice to the Company. The resignation of a Manager shall take effect upon receipt of such notice or at any later time specified in such notice. Unless otherwise specified in such notice, the acceptance of the resignation shall not be necessary to make it effective. The resignation of a Manager shall not affect the Manager's rights as a Member (if she is a Member) and shall not constitute the withdrawal of a Member.

4.11 Vacancies. Except as otherwise provided in this Article IV, any vacancy occurring for any reason with respect to the Manager may be filled by the vote or written consent of Members holding at least a majority of all the Membership Interests.

4.12 Fees, Salaries. etc. Except as otherwise agreed to by the Managers in accordance with Section 4.2, a Manager shall not, in her capacity as Manager, receive any salary or draw for services rendered on behalf of the Company; provided, however, that the Company shall reimburse each Manager for all reasonable and necessary out-of-pocket expenses incurred by her on behalf of the Company.

## ARTICLE V MEETINGS OF MEMBERS

5.1 Meetings. A meeting of the Members, for any purpose or purposes, may be called by the Managers or any Member or Members holding not less than fifty percent of the Membership Interests.

5.2 Place of Meetings. Whenever the Members of the Company are required or permitted to take action by vote, a meeting of the Members may be held at any place, within or outside the State of New York, as may be designated in any notice of such meeting or, if not designated, shall be held at the principal office of the Company. Members may participate in the meeting by means of telephone or video conference or other communications device that permits all Members participating in the meeting to hear each other, and participation in a meeting by such means shall constitute presence in person at such meeting. A Member may vote or be present at a meeting either in person or by written proxy.

5.3 Notice of Meeting. Written notice stating the place, day and hour of the meeting, indicating that it is being issued by or at the direction of the person or persons calling the meeting, stating the purpose or purposes for which the meeting is called, shall be delivered no fewer than ten nor more than sixty (60) days before the date of the meeting.

5.4 Record Date. For the purpose of determining the Members entitled to notice of or to vote at any meeting of Members or any adjournment of such meeting, or Members entitled to receive payment of any Distribution, or to make a determination of Members for

any other purpose, the date on which notice of the meeting is mailed or the date on which the resolution declaring such Distribution is adopted, as the case may be, shall be the record date for making such a determination. When a determination of Members entitled to vote at any meeting of Members has been made pursuant to this Section 5.4, the determination shall apply to any adjournment of the meeting.

5.5 Quorum. Members holding not less than a majority of all Membership Interests, represented in person or by written proxy, shall constitute a quorum at any meeting of Members. In the absence of a quorum at any meeting of Members, a majority of the Membership Interests so represented may adjourn the meeting from time to time for a period not to exceed sixty (60) days without further notice. However, if the adjournment is for more than sixty (60) days, or if after the adjournment a new record date is fixed for the adjourned meeting, a notice of the adjourned meeting shall be given to each Member of record entitled to vote at such meeting. At an adjourned meeting at which a quorum shall be present or represented, any business may be transacted that might have been transacted at the meeting as originally noticed.

5.6 Manner of Acting. If a quorum is present at any meeting, the vote or written consent of Members holding not less than a majority of Membership Interests of Members present at the meeting shall be the act of the Members, unless the vote of a greater proportion or number is otherwise required by the LLCL, the Articles of Organization or this Agreement. Members may vote by written proxy.

5.7 Action by Members Without a Meeting.

(a) Whenever the Members of the Company are required or permitted to take any action by vote, such action may be taken without a meeting, without prior notice and without a vote, if a consent or consents in writing, setting forth the action so taken shall be signed by the Members who hold the voting interests having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all of the Members entitled to vote thereon were present and voting and shall be delivered to the principal office of the Company or to the Manager. Delivery made to the principal office of the Company shall be by hand or by certified or registered mail, return receipt requested.

(b) Prompt notice of the taking of the action without a meeting by less than unanimous written consent shall be given to each Member who has not consented in writing but who would have been entitled to vote thereon had such action been taken at a meeting.

5.7 Waiver of Notice. Notice of a meeting need not be given to any Member who submits a signed waiver of notice, in person or by written proxy, whether before or after the meeting. The attendance of any Member at a meeting, in person or by written proxy, without protesting prior to the conclusion of the meeting the lack of notice of such meeting, shall constitute a waiver of notice by such Member.

ARTICLE VI  
CAPITAL CONTRIBUTIONS

6.1 Capital Contributions. Each Member has contributed, or shall contribute, capital in an amount proportionate to each member's interest as set forth on Schedule A to this Agreement.

6.2 Additional Contributions. Except as set forth in Section 6.1 of this Agreement, no Member shall be required to make any additional Capital Contribution.

6.3 Capital Accounts. A Capital Account shall be maintained for each Member. Each Member's Capital Account shall be increased by the value of each Capital Contribution made by the Member.

6.4 Deficit Capital Account. Except as otherwise required in the LLCL or this Agreement, no Member shall have any liability to restore all or any portion of a deficit balance in a Capital Account.

6.5 Withdrawal or Reduction of Capital Contributions. A Member shall not receive from the Company any portion of a Capital Contribution until all indebtedness, liabilities and obligations of the Company, except any indebtedness, liabilities and obligations to Members on account of their Capital Contributions, have been paid or there remains property of the Company sufficient, in the discretion of the Managers, to pay them. A Member, irrespective of the nature of the Capital Contribution of such Member, has only the right to demand and receive cash in return for such Capital Contribution.

ARTICLE VII  
ALLOCATIONS AND ELECTIONS

7.1 Allocations.

(a) After giving effect to the allocations described in Sections 7.2 through 7.5, Net Profits for any Fiscal Year shall be allocated as follows:

(i) first, to each Member pro rata, according to such Member's Membership Interest until the Net Profits allocated to each Member under this Section 7.1(a)(i) equal the aggregate amount of Net Losses allocated to such Member under Section 7.1(b) of this Agreement in all prior periods (net of any prior allocations under this Section 7.1(a)(i)); and

(ii) thereafter, to each Member pro rata, according to such Member's Membership Interest.

(b) After giving effect to the allocations described in Sections 7.2 through 7.5, Net Losses for any Fiscal Year shall be allocated as follows:

(i) first, to each Member pro rata, according to such Member's Membership Interest until each Member has been allocated Net Losses equal to the Net Profits allocated to such Member under Section 7.1.(a) (net of any prior allocations under this Section 7.1(b)(ii)); and

(ii) thereafter, to each Member pro rata, according to such Member's Membership Interest.

7.2 Certain Book-Ups. To the extent an adjustment to the adjusted tax basis of any Company asset (i) pursuant to Code Sections 734(b) or 743(b) is required or (ii) pursuant to Treas. Reg. § 1.704-1(b)(2)(iv)(t) is permitted to be taken into account in determining Capital Accounts, the amount of such adjustment to the Capital Accounts shall be treated, as provided in Treas. Reg. § 1.704-1(b)(2)(iv)(m), or Treas. Reg. § 1.704-1(b)(2)(iv)(g), respectively, as an item of Net Profit (if the adjustment increases the basis of the asset) or Net Loss (if the adjustment decreases such basis) and such Net Profit or Net Loss shall be specifically allocated to the Members in a manner consistent with the manner in which their Capital Accounts are required to be adjusted pursuant to such Sections of the Treasury Regulations.

7.3 Minimum Gain Charge-Back. Notwithstanding any other provision of this Article VII, if there is a net decrease in Minimum Gain during any Fiscal Year, each Member shall be specially allocated items of Company income and gain for such Fiscal Year (and, if necessary, subsequent Fiscal Years) in an amount equal to the greater of such Member's share of the net decrease in Minimum Gain or the Adjusted Capital Account Deficit of such Member (determined before any allocation of Company income, gain, loss deduction or Code Section 705(a)(2)(b) expenditure for such year). The items to be so allocated shall first consist of gains recognized from the disposition of the Company's assets subject to one or more nonrecourse liabilities of the Company to the extent of the decrease in Minimum Gain attributable to the disposition of such items of property and the remainder shall consist of a pro rata portion of the other items of Company income and gain for that year.

7.4 Qualified Income Offset. Notwithstanding anything in this Article VII to the contrary (other than Section 7.3 of this Agreement), in the event any Member unexpectedly receives any adjustments, allocations or distributions described in Treas. Reg. § 1.704-1(b)(2)(ii)(d)(4), (5) or (6), items of Company income and gain (including Gross Income) shall be specially allocated to such Member in an amount and manner sufficient to eliminate the Adjusted Capital Account Deficit created by such adjustments, allocations or distributions as quickly as possible. This Section 7.4 is intended to comply with the qualified income offset requirement in Treas. Reg. § 1.704-1(b)(2)(ii)(d) and shall be interpreted consistently therewith.

7.5 Curative Allocations. The allocations set forth in Sections 7.2, 7.3 and 7.4 of this Agreement (the "Regulatory Allocations") are intended to comply with certain requirements of Treas. Reg. § 1.704-1(b). Notwithstanding any other provisions of this Article VII (other than the Regulatory Allocations), the Regulatory Allocations shall be taken into account in allocating other Net Profits and Net Losses and items of income, gain, loss and

deduction among Members so that, to the extent possible, the net amount of such allocations of other Net Profits and Net Losses and other items and the Regulatory Allocations to each Member shall be equal to the net amount that would have been allocated to such Member if the Regulatory Allocations had not occurred.

#### 7.6 Allocations for Tax Purposes.

(a) In accordance with Section 704(c) of the Code and the Treasury Regulations thereunder, income, gain, loss, and deduction with respect to any property contributed to the capital of the Company shall, solely for tax purposes, be allocated among the Members so as to take account of any variation between the adjusted basis of such property to the Company for federal income tax purposes and its initial Gross Asset Value.

(b) In the event the Gross Asset Value of any Company asset is adjusted pursuant to Section 7.2 of this Agreement, subsequent allocations of income, gain, loss, and deduction with respect to such asset shall take account of any variation between the adjusted basis of such asset for federal income tax purposes and its Gross Asset Value in a manner determined by the Manager and permitted under Section 704(c) of the Code and the Treasury Regulations thereunder.

(c) Except as provided in Sections 7.6(a) and (b) of this Agreement, for federal, state and local income tax purposes, the income, gains, losses and deductions of the Company shall, for each taxable period, be allocated among the Members in the same manner and in the same proportion that such items have been allocated among the Members' respective Capital Accounts.

7.7 Company Adjustments. In the event of a transfer of all or any part of the interest of a Member or the distribution of securities or other assets in-kind to a Member, the Managers shall, upon the request of the Member transferring her interest or receiving a Distribution in-kind, or if no such request is made, the Manager may, but shall not be required to, cause the Company to elect to adjust the basis of the Company assets pursuant to Section 754 of the Code.

### ARTICLE VIII DISTRIBUTIONS

8.1 Cash Flow Distributions. Cash Flow (including undistributed Cash Flow from prior Fiscal Years) may be distributed to any or all of the Members, and in such amounts (which may be non pro rata), as the Managers may determine, from time to time, in the discretion of the Managers, but consistent with the respective Membership Interests of the Members.

8.2 Tax Distributions. Subject to the Managers' sole discretion to retain amounts necessary to satisfy the Company's obligations, at least five (5) days before each date prescribed by the Code for a calendar-year corporation to pay quarterly installments of estimated tax, the

Company shall use commercially reasonable efforts to distribute cash to each Member in proportion to and to the extent of such Member's Quarterly Estimated Tax Amount for the applicable calendar quarter. If the aggregate Distributions made to any Member for any Fiscal Year exceed the actual tax liability at the Assumed Tax Rate in respect of the Net Profits (if any) of the Company allocated to such Member for such Fiscal Year, then, in the discretion of the Managers, such excess amount shall reduce subsequent Distributions that would be made to such Member pursuant to this Section 8.2. If, at any time after the final Quarterly Estimated Tax Amount has been distributed pursuant to this Section 8.2 with respect to any Fiscal Year, the aggregate Distributions to any Member with respect to such Fiscal Year are less than actual tax liability at the Assumed Tax Rate in respect of the Net Profits (if any) of the Company allocated to such Member for such Fiscal Year, the Company shall use commercially reasonable efforts to distribute, before the 75th day of the next succeeding Fiscal Year, cash in proportion to and to the extent the amount of such Member's shortfall.

8.3 **Liability of a Member for Distributions.** A Member who receives a Distribution made by the Company in violation of this Agreement or the LLCL, including a Distribution made when the Company's liabilities exceed its assets (after giving effect to such Distribution), shall be liable to the Company for the amount of such Distribution.

## ARTICLE IX TAXES

9.1 **Tax Returns.** The Managers shall cause to be prepared and filed all necessary federal, state and local income tax returns for the Company. Each Member shall furnish to the Managers all pertinent information in her possession relating to Company operations that is necessary to enable the Company's income tax returns to be prepared and filed.

9.2 **Tax Elections.** The Company shall make the following elections on the appropriate tax returns:

- (a) To adopt the calendar year as the Fiscal Year.
- (b) To adopt the cash method of accounting and keep the Company's books and records on the income tax method;
- (c) If a distribution as described in Section 734 of the Code occurs or if a transfer of a Membership Interest described in Section 743 of the Code occurs, upon the written request of any Member, to elect to adjust the basis of the property of the Company pursuant to Section 754 of the Code;
- (d) To elect to amortize the organizational expenses of the Company and the start-up expenditures of the Company under Section 195 of the Code ratably over a period of sixty months as permitted by Section 709(b) of the Code; and any other election that the Managers may deem appropriate and in the best interest of the Members. Neither the Company nor any Member may make an election for the Company to be excluded from the application of

Subchapter K of Chapter 1 of Subtitle A of the Code or any similar provisions of applicable state law, and no provisions of this Agreement shall be interpreted to authorize any such election.

## ARTICLE X TRANSFERABILITY

101       General. Except as set forth in this Agreement, no Member shall gift, sell, assign, pledge, hypothecate, exchange or otherwise transfer to another Person ("Transfer") any portion of a Membership Interest, provided, however, that any Member shall have the right freely to Transfer her Membership Interest, but only in its entirety, to her spouse, children, or descendants or a trust solely for the benefit of any of the foregoing ("Family Transferees").

102       Offer to Acquire. If a Member desires to sell a Membership Interest to another Person other than a Family Transferee, such Member shall obtain from such Person a bona fide written offer to purchase such Membership Interest, stating the terms and conditions upon which the purchase is to be made. Such Member shall give written notification to the other Members of her intention to sell such Membership Interest and a copy of such bona fide written offer.

103       Right of First Refusal. Each Member other than the Selling Member, on a basis pro rata to the Membership Interests of each Member exercising her right of first refusal, or on any other basis acceptable to the Members entitled to exercise such right, shall have the right to purchase all (but not less than all) of the Membership Interest proposed to be sold by the Selling Member upon the same terms and conditions as stated in the bona fide written offer by giving written notification to the Selling Member of her intention to do so within sixty (60) days after receiving written notice from the Selling Member. The failure of the Members to so notify the Selling Member within such sixty-day period of an election to exercise such right of first refusal shall result in the termination of such right of first refusal, and the Selling Member shall be entitled to consummate the sale of her Membership Interest to the Person making the offer to buy pursuant to the same terms set forth in the bona fide written offer. If the Selling Member does not sell her Membership Interest within thirty (30) days after receiving the right to do so, her right to do so terminates and the terms and conditions of this Section shall again be in effect.

104       Closing. If any Member (or Members) gives timely written notice to the Selling Member of her desire to exercise such right of first refusal and to purchase all of the Selling Member's Membership Interest, offered for sale upon the same terms and conditions as are stated in the written offer, such Member(s) shall have the right to designate the time, date and place of closing within one hundred twenty (120) days after receipt of written notification from the Selling Member of the bona fide offer.

105       Transferee Not a Member. No Person acquiring a Membership Interest pursuant to this Article X or otherwise, other than a Member, and other than a Family Transferee, shall become a Member, unless such Person is approved by the vote or written consent of Members holding at least a majority of Membership Interests. Any such approval may be subject to any terms and conditions imposed by such Members. If no such approval is obtained, such

Person's Membership Interest shall only entitle such Person to receive the Distributions and allocations of profits and losses to which the Member from whom such Person received such Membership Interest would be entitled. Family Transferees shall be entitled to become Members, unless they are legally disqualified from becoming Members. Any Person, other than a Member, acquiring a Membership Interest pursuant to this Article X or otherwise must, as a condition to such acquisition, agree in writing, in form and substance satisfactory to the Managers, to be a party to and bound by the terms and conditions of this Agreement.

106 Effective Date. Any acquisition of a Membership Interest or admission of a Member pursuant to this Article 10 shall be deemed effective as of the last day of the calendar month in which such acquisition or admission occurs.

107 Maintaining MWBE Qualification. Notwithstanding any other provision of this Article X, no Transfer of any Membership Interest, in whole or in part, shall be authorized, consummated or deemed effective if such Transfer would cause the Company to cease to qualify as a minority- and/or women-owned business enterprise ("MWBE") under Article 15-A of the Executive Law of the State of New York, unless the Members shall have unanimously consented to such Transfer in a writing acknowledging that the Company will (or may) cease to be qualified as a MWBE as a result of such Transfer.

## ARTICLE XI ACCOUNTING

11.1 Books. The Managers shall keep or cause to be kept full and true books of account and such additional records required to be maintained pursuant to Section 1102 of the LLCL. Such books of account shall at all times be maintained at the principal office of the Company and shall be open to the inspection and examination of the Members, at reasonable intervals, upon reasonable notice and at reasonable hours of the business day for any purposes reasonably related to a Member's interest as a Member of the Company.

11.2 Annual Statements. Annual statements of the Company's gross receipts and operating expenses as prepared by the Company's accountants within a reasonable period of time after the close of each Fiscal Year, shall be transmitted to each of the Members and a report shall be transmitted to each Member setting forth her share of the profit or loss of the Company for such year for income tax purposes.

11.3 Funds of the Company. All funds of the Company are to be deposited in the Company's name in such bank account or accounts as shall be designated by the Managers. Withdrawals from any such bank account or accounts shall be made upon such signature or signatures as the Managers may designate. Managers may be authorized signatories on such accounts.

ARTICLE XII  
DISSOLUTION

12.1 Dissolution. The Company shall be dissolved and its affairs shall be wound up upon the first to occur of the following:

(a) The date on which the Company is required to dissolve under this Agreement or the LLCL; or

(b) The vote or written consent of Members holding at least a majority of the Membership Interests of all Members; or

(c) The bankruptcy, death, dissolution, expulsion, incapacity or withdrawal of any Member or the occurrence of any other event that terminates the continued membership of any Member, unless within one hundred twenty (120) days after such event the Company is continued by the vote or written consent of Members holding a majority in Membership Interests of all of the remaining Members.

12.2 Winding Up. Upon the dissolution of the Company the Managers may, in the name of and for and on behalf of the Company, prosecute and defend suits, whether civil, criminal or administrative, sell or close the Company's business, dispose of and convey the Company's property, discharge the Company's liabilities and distribute to the Members any remaining assets of the Company, all without affecting the liability of Members. Upon winding up of the Company, the assets shall be distributed as follows:

(a) To creditors, including any Member who is a creditor, to the extent permitted by law, in satisfaction of liabilities of the Company, whether by payment or by establishment of adequate reserves, other than liabilities for distributions to Members under Section 507 or Section 509 of the LLCL;

(b) To Members and former Members in satisfaction of liabilities for distributions under Section 507 or Section 509 of the LLCL; and

(c) To Members pro rata in accordance with their respective Membership Interests.

12.3 Articles of Dissolution. Within ninety (90) days following the dissolution and the commencement of winding up of the Company, or at any other time there are no Members, articles of dissolution shall be filed with the New York Secretary of State pursuant to the LLCL.

12.4 Deficit Capital Account. Upon a liquidation of the Company within the meaning of Section 1.704-1(b)(2)(ii)(g) of the Treasury Regulations, if any Member has a Deficit Capital Account (after giving effect to all contributions, Distributions, allocations and other adjustments for all Fiscal Years, including the Fiscal Year in which such liquidation occurs),

the Member shall have no obligation to make any Capital Contribution, and the negative balance of any Capital Account shall not be considered a debt owed by the Member to the Company or to any other Person for any purpose.

12.5 Nonrecourse to Other Members. Except as provided by applicable law or as expressly provided in this Agreement, upon dissolution, each Member shall receive a return of her respective Capital Account solely from the assets of the Company. If the assets of the Company remaining after the payment or discharge of the debts and liabilities of the Company are insufficient to return the full value of the Capital Account of any Member, such Member shall have no recourse against any other Member.

12.6 Termination. Upon completion of the dissolution, winding up, liquidation, and distribution of the assets of the Company, the Company shall be deemed terminated.

### ARTICLE XIII GENERAL PROVISIONS

13.1 Notices. Any notice, demand or other communication required or permitted to be given pursuant to this Agreement shall have been sufficiently given for all purposes if (a) delivered personally to the party or if not a natural person, to an executive officer of the party to whom such notice, demand or other communication is directed or (b) sent by registered or certified mail, postage prepaid, or by Federal Express, DHL, UPS or other recognized courier service addressed to the Member or the Company, as the case may be, at her or its address set forth in this Agreement. Except as otherwise provided in this Agreement, any such notice shall be deemed to be given when delivered, or if mailed, five (5) business days after the date on which it was deposited in a regularly maintained receptacle for the deposit of United States mail, addressed and sent as set forth in this Section, or if by courier service, ten (10) days after delivery to such courier service.

13.2 Amendments. This Agreement contains the entire agreement among the Members with respect to the subject matter of this Agreement, and supersedes each course of conduct previously pursued or acquiesced in, and each oral agreement and representation previously made by the Members with respect thereto, whether or not relied or acted upon. No course of performance or other conduct subsequently pursued or acquiesced in, and no oral agreement or representation subsequently made, by the Members, whether or not relied or acted upon, and no usage of trade, whether or not relied or acted upon, shall amend this Agreement or impair or otherwise affect any Member's obligations pursuant to this Agreement or any rights and remedies of a Member pursuant to this Agreement. No amendment to this Agreement shall be effective unless made in a writing duly executed by all Members and specifically referring to each provision of this Agreement being amended.

13.3 Construction. Whenever the singular number is used in this Agreement and when required by the context, the same shall include the plural and vice versa, and the feminine gender shall include the masculine and neuter genders and vice versa. When used in this Agreement, the

words "include," "includes" and "including" shall be deemed to be followed by the words "without limitation."

13.4 Headings. The headings in this Agreement are for convenience only and shall not be used to interpret or construe any provision of this Agreement.

13.5 Waiver. No failure of a Member to exercise, and no delay by a Member in exercising, any right or remedy under this Agreement shall constitute a waiver of such right or remedy. No waiver by a Member of any such right or remedy under this Agreement shall be effective unless made in a writing duly executed by all Members and specifically referring to each such right or remedy being waived.

13.6 Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. However, if any provision of this Agreement shall be prohibited by or invalid under such law, it shall be deemed modified to conform to the minimum requirements of such law or, if for any reason it is not deemed so modified, it shall be prohibited or invalid only to the extent of such prohibition or invalidity without the remainder thereof or any other such provision being prohibited or invalid.

13.7 Binding. This Agreement shall be binding upon and inure to the benefit of all Members, and each of the heirs, executors, administrators, personal representatives, successors or assigns of the Members, except that rights or obligations of a Member under this Agreement may not be assigned by such Member to another Person other than in connection with the Transfer, in whole or in part, of her Membership Interest in the Company.

13.8 Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same instrument.

13.9 Governing Law. This Agreement shall be governed by, and interpreted and construed in accordance with, the laws of the State of New York, without regard to principles of conflict of laws.

[Signature page follows.]

EXECUTION

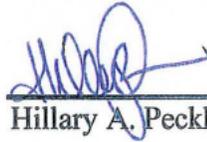
IN WITNESS WHEREOF, the Members have executed this Agreement as of the date first above written.



\_\_\_\_\_  
John D. Peckham

\_\_\_\_\_  
Gregory D. Peckham

\_\_\_\_\_  
Keeley M. Peckham



\_\_\_\_\_  
Hillary A. Peckham

EXECUTION

IN WITNESS WHEREOF, the Members have executed this Agreement as of the date first above written.

\_\_\_\_\_  
John D. Peckham

*Gregory D. Peckham*  
\_\_\_\_\_  
Gregory D. Peckham

\_\_\_\_\_  
Keeley M. Peckham

\_\_\_\_\_  
Hillary A. Peckham

EXECUTION

IN WITNESS WHEREOF, the Members have executed this Agreement as of the date first above written.

---

John D. Peckham

---

Gregory D. Peckham



---

Keeley M. Peckham

---

Hillary A. Peckham

**SCHEDULE A**  
**MEMBERS SCHEDULE**

<b>Member Name</b>	<b>Membership Interest</b>
HILLARY A. PECKHAM	
KEELEY M. PECKHAM	
JOHN D. PECKHAM	
GREGORY D. PECKHAM	
<b>Total:</b>	100%





[Help](#) | [Apply for New EIN](#) | [Exit](#)

## EIN Assistant

---

- Your Progress:
- 1. Identity
- 2. Authenticate
- 3. Addresses
- 4. Details
- 5. EIN Confirmation

**Congratulations! The EIN has been successfully assigned.**

EIN Assigned: XXXXXXXXXX

Legal Name: **ETAIN**

The confirmation letter will be mailed to the applicant. This letter will be the applicant's official IRS notice and will contain important information regarding the EIN. Allow up to 4 weeks for the letter to arrive by mail.

**We strongly recommend you print this page for your records.**

Click "Continue" to get additional information about using the new EIN.

[Continue >>](#)

### Help Topics



[Can the EIN be used before the confirmation letter is received?](#)

[IRS Privacy Policy](#)



## **ATTACHMENT F**

### **LABOR PEACE AGREEMENT**

**Local 338**

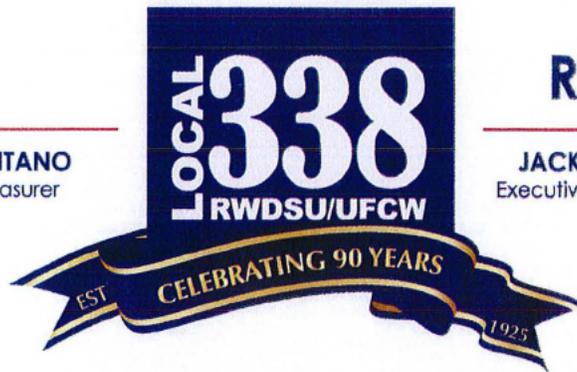
**JOHN R. DURSO**  
President

**JOSEPH FONTANO**  
Secretary-Treasurer

**RWDSU/UFCW**

**JACK CAFFEY JR.**  
Executive Vice President

**DEBRA BOLLBACH**  
Recorder



Howard Zucker  
Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, New York 12237

May 26, 2015

Re: Labor Peace Agreement between Local 338, RWDSU/UFCW and ETAIN, LLC

Dear Commissioner Zucker,

Local 338, RWDSU/UFCW ("Local 338") is a labor organization, as defined in 29 U.S.C. § 402(i) and 29 U.S.C. § 152(5), representing close to 20,000 employees in New York State and its environs.

The enclosed document entitled, Neutrality Agreement, is intended in part to satisfy and comply with the requirement, under the New York Public Health Law, that an applicant (ETAIN, LLC) seeking a license to conduct business relating to the use of medical marijuana in New York State submit proof that it has entered into a labor peace agreement with a bona-fide labor organization that is actively engaged in representing or attempting to represent the applicant's employees. See Public Health Law §§ 3360(14), 3365(1)(III), 3365(3)(VII), 3365(6)(IV), and 3365(7).

The Neutrality Agreement contains explicit language which protects the State's proprietary interests by prohibiting Local 338 from engaging in picketing, work stoppages, boycotts, and any other economic interference with the business of an entity licensed to engage in the business relating to the use of medical marijuana in New York State.

Should any changes in the Neutrality Agreement be necessary for an applicant to comply with the Public Health Law, please feel free to communicate with us directly.

Thank you for your consideration.

Sincerely,



Joseph Fontano  
Secretary-Treasurer

**STRONGER | TOGETHER**

*Our Mission: To Better The Lives Of Our Members And All Working People.*  
1505 Kellum Place • Mineola, NY 11501 • (516) 294-1338 • [www.local338.org](http://www.local338.org)



**NEUTRALITY AGREEMENT**  
**BY AND BETWEEN**  
**ETAIN, LLC**  
**AND**  
**LOCAL 338, RWDSU/UFCW**

By this Agreement dated May 1, 2015, Etain, LLC (the "Employer") and Local 338, RWDSU/UFCW, 1505 Kellum Place, Mineola, New York (the "Union") (and collectively the "parties") hereby establish the following procedure to address the Union's efforts to organize employees in any existing or new facility owned or operated by the Employer in which the employees are not represented by a labor organization:

1. The term, "employees," used herein shall include all full time and part-time employees, including, but not limited to, pharmacists, pharmacy technicians, dispensaries, consultants, drivers, growers, retail, manufacturers, trimmers, and anyone else performing work for or on behalf of the Employer, and shall exclude only those who are statutorily excluded by the National Labor Relations Act ("NLRA").
2. Within ten (10) days after receiving written notice of the Union's intent to organize the employees, the Employer agrees to furnish the Union with a complete list of employees in the shop designated in the notice, including job classifications, departments, street addresses, telephone numbers and e-mail addresses. The Employer agrees to thereafter provide updated lists as reasonably requested. The Employer waives the right under the NLRA to file any petition with the National Labor Relations Board for any election in connection with the invocation of this Agreement and agrees to refrain from directly or indirectly supporting any such petition.
3. The Employer agrees to take a neutral approach to unionization of employees. Neutrality means that the Employer will neither help nor hinder the Union's organizing effort by, for example, directly or indirectly demeaning by word or deed the Union or its representatives, or directly or indirectly supporting or assisting in any way any person or group who may oppose the Union. The Employer agrees not to communicate to any employee that it disfavors the Union or the signing of authorization cards, or that they may suffer adverse consequences for supporting the Union or signing cards. The Employer also agrees that it, and its managers, supervisors and other representatives will refer to the Union by name and not as "third party," "outsider" or in similar manner. The parties will conduct themselves with mutual respect for each other during any organizing effort.
4. During organizing efforts, the Employer's managers, supervisors and other representatives will remain neutral and will refrain from communicating with employees about how they should respond to the Union. The Employer agrees to inform all of its managers, supervisors and representatives of this obligation and that the Employer has no objection to employees supporting the Union or engaging in union activities, including meeting with Union representatives or signing authorization cards. The Employer will promptly take reasonable action to terminate any violation of this provision and immediately act to discourage any additional violation, including disciplining any manager or supervisor or including terminating

its relationship with any independent contractor representative who violates it. For purposes of this paragraph, "independent contractor representative" shall mean a manager, supervisor or officer of such contractor but shall not include any employee or laborer. The Employer agrees to take prompt action to mitigate the effects of any violation, including informing employees of the Employer's position on organizing and the rights of employees to organize.

5. The Employer agrees to permit Union representatives access to the workplace to communicate with employees, including through the distribution of materials. Union representatives will not disrupt the Employer's operations or unreasonably interfere with employee production. At no time will the Union hold group meetings (3 or more employees) during work hours without Employer's consent.

6. The facility's highest level manager will meet with and tell employees that the Employer has no objection to employees meeting with Union representatives, supporting the Union or signing authorization cards. That manager will also tell employees that the Employer is neutral in their selection of union representation.

7. If the Union provides evidence in support of its claim that a majority of employees have designated the Union as their collective bargaining representative, the Employer will recognize the Union as such representative of the employees in the bargaining unit described in the Union's notice invoking this provision and will extend this Agreement to them.

8. If both the Union and the Employer mutually agree that additional Agreement provisions are necessary for the new unit or if the National Labor Relations Board or a court determines that the parties may not lawfully extend this Agreement to the unit, the parties agree to bargain in good faith over a collective bargaining agreement to cover the employees. The parties agree to commence bargaining within 20 business days from the date the neutral verifies the Union's majority. If they are unable to agree to a collective bargaining agreement, the parties agree to submit all open provisions and issues to final and binding interest arbitration. If they are unable to select an arbitrator, the parties shall select an arbitrator to set the open provisions and resolve any other issues in accordance with the procedures of this Agreement's arbitration provision.

9. The parties agree to resolve any dispute over the interpretation of any provision of this Agreement through expedited arbitration. The parties will invoke expedited arbitration by requesting an arbitrators list from the American Arbitration Association. Within 10 days of receiving AAA's arbitrators' list, the parties will submit their struck lists to the AAA. The parties agree that AAA will follow its labor arbitration rules to select an arbitrator based on the list or lists the parties submit. The AAA will strictly apply its rule requiring struck lists to be timely submitted in accordance with this provision. The arbitrator will hear the dispute on either the first or second date the arbitrator is available and issue an award within 20 days thereafter. The parties will equally share the arbitrator's fees and costs.

10. The parties agree that the arbitrator has the authority to direct the breaching party to specifically perform its obligations under this provision. The arbitrator may award a penalty of up to \$10,000 for willful breaches. A willful breach is one that clearly violates this Agreement

and for which remediation was not undertaken within a reasonable period of time after the aggrieved party provided notice of it to the violating party. The parties consent to the entry of the arbitrator's award as the order of judgment of a United States District Court, without notice.

11. The Union and the Employer recognize that this Agreement is in their mutual best interests and therefore agree to prevent evasion of the terms of this Agreement through the use of contractors and/or subcontractors. To comply with the spirit of this Agreement, the Employer shall, as a condition of its relationship with any contractor and/or subcontractor require that: (a) the contractor and/or subcontractor enter into a neutrality agreement with the Union; and (b) immediately notify the Union when seeking to form a business relationship with the contractor and/or subcontractor.

12. Labor Peace Agreement: In the event that Local 338 attempts to organize the Employer's employees or actually represents the Employer's employees at any particular location, then Local 338 hereby promises that it will not at any time covered by this agreement engage in any picketing, work stoppages, boycotts or any other economic interference with the Employer's business at that location, provided the employer has not violated any of the terms of this agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed this 1st day of May, 2015, by their duly authorized representatives.

LOCAL 338 RWSDU/UFCW

By: 

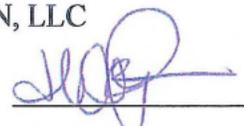
Date: 5/1/15

Name: Joseph Fontano

Title: Secretary-Treasurer

Witness: 

ETAIN, LLC

By: 

Date: 5-9-15

Name: Hillary Peckham

Title: Managing Member

Witness: 



## **ATTACHMENT G**

### **STATEMENT OF BUSINESS TRANSACTIONS**

**ATTACHMENT G – STATEMENT OF BUSINESS TRANSACTIONS  
CONNECTED WITH THE APPLICATION**

This Statement of Business Transactions sets forth the elements and details of Etain, LLC's transactions connected with preparing its Registered Organization Application.

Redacted pursuant to N.Y. Public Officers Law, Art. 6



















## **ATTACHMENT H**

### **SECURITY PLAN**

**ATTACHMENT H – ETAIN SECURITY PLAN**

Redacted pursuant to N.Y. Public Officers Law, Art. 6













































**ATTACHMENT I**

**GAAP FINANCIALS**

**ETAIN, LLC  
(A Limited Liability Company)**

**Financial Statements and  
Independent Accountant's Compilation Report**

**December 19, 2014 (Inception)  
through May 15, 2015**





















## **ATTACHMENT J**

### **STAFFING PLAN**

# **ATTACHMENT J - STAFFING PLAN**

## **INTRODUCTION**

### **PART I- MANAGEMENT OVERVIEW**

Etain Board of Advisors (also referred to as Board of Directors)  
Executive Management Team

### **PART II - MANAGEMENT STAFF**

Pharmaceutical Management  
Community Relations Management  
General Management  
Production/Manufacturing Management  
Cultivation Management  
Director of Security

### **PART III - EXISTING STAFF POSITIONS JOB DESCRIPTIONS**

Pharmacists  
Production Manufacturing Manager  
Quality Assurance Officer  
Master Marijuana Cultivator (Grower)  
Cultivation Manager  
Director of Security  
Customer Service and Community Relations Manager

### **PART IV-PROPOSED STAFF JOB DESCRIPTIONS**

President  
Medical Director  
Inventory Agent  
Dispensary General Manager  
IT Manager  
HR Manager  
Dispensing Agent  
Laboratory Technician  
Sanitation and Waste Manager  
Sanitation Assistant  
Packers  
Mother/Clone/Vegetation Managers OR Mother/Clone/Manager  
Vegetation Manager  
Gardener – Cultivation Assistants

Extraction Specialist  
Laboratory Technician  
Trimming Manager  
Trimmers  
Manual Laborers  
Electrical/Mechanical/System Engineers  
Order Fulfillment Director

#### **PART V- STAFFING TIMELINE**

#### **PART VI- HIRING PROCESS**

Hiring Protocols  
Recordkeeping  
Training  
Performance Evaluations  
Disciplinary Actions  
Employment Contracts

#### **PART VII- HUMAN RESOURCES GENERAL POLICIES**

Recruitment and Hiring  
Labor Agreement  
Equal Employment Opportunity  
Harassment Policy  
Compensation  
Employee Benefits  
Performance Appraisals and Evaluations  
Fair and Ethical Conduct  
Open Door Policy  
Job Training

#### **PART VIII- ATTACHMENTS**

## INTRODUCTION

As required under §1004.5(b)(18), Etain submits this staffing plan, which outlines all positions that will be involved in activities related to the cultivation, manufacturing, and dispensing of medical marijuana, or having oversight thereof. Please also refer to the Etain LLC Organizational Chart provided herein. As directed by NYSDOH, Etain has identified positions already staffed as well as currently vacant positions which are staff that will be hired if Etain is granted a registration by NYSDOH.

As required under §1004.5(b)(18), Etain affirmatively states that:

- all Etain staff will be twenty-one (21) years of age or older,
- all staff involved in manufacturing will be trained in and conform to good general sanitary practices, and
- at no time shall Etain employ anyone who would come into contact with or handle medical marijuana who has been convicted of any felony of sale or possession of drugs, narcotics or controlled substances in accordance with NY State law.

Pursuant to §1004.5(b)(18)(i), Etain identifies Phyllis Underwood as its senior staff member, who has over 15 years of experience in good agricultural practices (“GAP”). Pursuant to §1004.5(b)(18)(ii), Etain identifies Crispin Ginn as its quality assurance officer with over 20 years of experience who shall exercise oversight of Etain’s practices and procedures.

Below are brief biographies of Etain’s Board members, management and senior staff members. Job descriptions for existing managers, senior staff and for anticipated hires are found in Parts III and IV of this Staffing Plan.

Also included herein is Etain’s staffing timeline, training requirements, and human resource policies. While not specifically required to be submitted, Etain is also providing with this Application, its Employee Manual and Employee Code of Conduct in the Supplemental Exhibits.

## **PART I - MANAGEMENT OVERVIEW**

### **Etain Board of Advisors (also referred to as Board of Directors)**

The following are members of Etain's Board of Advisors, who will be responsible for overseeing and guiding Etain's Executive Management Team.

#### **Brian Saltzman, M.D.**

Brian R. Saltzman M.D. is an internist in private practice in Manhattan, with a subspecialty in Infectious Diseases, and additional training in Medical Oncology. A [REDACTED], Dr. Saltzman was at the epicenter of the AIDS epidemic in 1981 when he graduated medical school from New York University. During his residency and fellowship in Infectious Diseases at Montefiore Medical Center in the Bronx, he published seminal research, in collaboration with the National Centers for Disease Control, on the lack of household transmission of HIV, heterosexual transmission of HIV, and clinical and survival differences among different demographic and risk populations. He has also been involved in clinical drug trials. In the early 2000's, Saltzman [REDACTED]

Dr. Saltzman's experience in the use of medical marijuana has been with the pharmaceutical preparation known as dronabinol (a man-made form of marijuana), used in patients with AIDS-related anorexia and wasting, and for treatment of chemotherapy-induced nausea and vomiting. As a pioneer in AIDS research, Dr. Saltzman learned to conduct clinical research on a limited budget, and sees many similarities between the early years of the AIDS epidemic and the emerging use of medical marijuana. He recognizes that, while there is anecdotal evidence of the benefits of medical marijuana, there is a need for continuing well-designed prospective scientific trials evaluating its use. Dr. Saltzman will continue his research in overseeing the design and conduct of rigorous clinical and epidemiologic research in the emerging field of medical marijuana use.

#### **Sandy Choi, Esq.**

Sandy Choi will direct regulatory compliance and training for Etain employees. Sandy Choi attended the State University of New York at Binghamton where she received a Bachelor of Arts in English Literature. She has also earned a Juris Doctor from Pace Law School. She has spent

the majority of her life [REDACTED] and working in New York and is an attorney licensed to practice in New York and New Jersey. She is currently employed by [REDACTED]  
[REDACTED] In her role as an attorney for one of the [REDACTED], she investigates and evaluates potential exposure under commercial general liability policies for various commercial entities. Her strong analytical and organizational skills along with excellent communication, negotiation and investigation skills are valuable and germane to all facets of Etain's business plan, particularly risk management and compliance.

### **Jazmin Hupp**

Jazmin Hupp is the [REDACTED] and [REDACTED], [REDACTED]  
[REDACTED]  
[REDACTED] She is also the creator of [REDACTED]  
[REDACTED]. Because of her work in the marijuana industry, Ms. Hupp has recently been awarded by Forbes Magazine the title as one of the "Leading Women in the Marijuana Industry."

Prior to entering the marijuana industry, Ms. Hupp launched [REDACTED] in [REDACTED]  
[REDACTED]  
[REDACTED]. During her tenure, the brand expanded its reach from the [REDACTED]  
[REDACTED]  
[REDACTED].

## **Benjamin Blum**

Benjamin Blum has over five years of experience in the biotech and pharmaceutical industries, and is actively involved in the development of protein therapeutics. While working for [REDACTED] Mr. Blum authored CMC sections of submissions to the FDA, supervised technology transfer for the GMP production of biologics, and performed research on the engineering and analysis of several protein therapeutic candidates, spanning multiple technology platforms. Mr. Blum also worked on implementing data tracking systems, is an inventor of two patent applications, and has general management experience for a local not-for-profit organization.

## **Charles Yurgalevitch**

Charles Yurgalevitch, Director at the School of Professional Horticulture at the New York Botanical Gardens ("NYBG"), will guide Etain on the best cultivation methods and training resources for employees. As Team Leader of the Mobile Irrigation Lab, Mr. Yurgalevitch led the Mobile Irrigation Labs around the State to standardize how irrigation evaluations were to be conducted and reported. At the University of Florida's Miami-Dade Cooperative Extension Service, Mr. Yurgalevitch was the first extension agent in the State to create and teach workshops to landscape architects about plants.

Mr. Yurgalevitch is a highly competent, motivated and enthusiastic administrator with experience in working as part of a team in a busy office environment. Besides being responsible for the day-to-day operations of the School of Professional Horticulture, he guides students with special group projects, plant studies, reviews, and field trips. He also coordinates with the School's Advisory Board, which is comprised of instructors, education and horticulture staff, and representatives from horticultural businesses, to periodically meet and review school policies and curriculum. Additionally he is responsible for compliance with NY State Education Department's Bureau of Proprietary School Supervision, the Accrediting Council for Continuing Education & Training, the U.S. Department of Veterans Affairs, and serves as the School's Primary Designated Official (PDO) with the U.S. Department of Education and the U.S. Department of Homeland Security. His international experience includes working with grain and vegetable farmers in México and working on a vineyard in Tuscany, Italy.

## **Monica Lombardo, MBA**

Monica Lombardo is currently a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Monica Lombardo will bring her financial acumen and human resources experience to Etain's management team.

**Rachel Speegle, R.N., MSN**

Rachel Speegle manages the medical marijuana dispensary operations of the [REDACTED], a [REDACTED]. Ms. Speegle's medical background allows her to also provide patient guidance for the safe use of medical marijuana. Ms. Speegle holds a Bachelor's Degree in chemistry and, together with her managerial and educational experience, she has been an invaluable asset to the [REDACTED]. For example, she developed an exclusive inventory tracking system, and implemented Quality Control measures in the production process of the [REDACTED]. Under her guidance, the [REDACTED].

Ms. Speegle also lobbies for public health causes and health-care reform, an example of her personal passion and commitment to the health industry. Beyond Ms. Speegle's commitment to patient care, she is a generous supporter and volunteer to numerous organizations providing emergency care, such as providing massage therapy for women in shelters who were victims of sexual abuse. She brings scientific and medical experience, in addition to her personal commitment to compassionate care into the emerging field of medical marijuana, and will effectively guide Etain in its business development.

## **Executive Management Team**

Collectively, the Executive Management Team will oversee all Corporate Governance responsibilities including:

- Etain's day-to-day operations, either directly or through subordinates;
- Operational strategies and policies;
- Fiduciary matters;
- Human resources;
- Information technology; and
- Corporate compliance.

Reporting to the Board of Directors is Etain's Executive Management Team:

- Amy K. Peckham, Chief Executive Officer (CEO)
- Richard R. Levine, CPA, Chief Financial Officer (CFO)
- Keeley M. Peckham, Chief Horticulture Officer (CHO)
- Hillary Anne Peckham, Chief Operations Officer (COO)
- Joseph Stevens, Chief Compliance Officer (CCO)

## **Chief Executive Officer**

Amy K. Peckham (CEO) is specifically charged with overseeing Etain, LLC and will specifically focus day-to-day concerns for Community Relations and Marketing. Ms. Peckham attended Catholic University in Washington, DC, and received her bachelor's degree from Iona College, in New Rochelle, New York. Her extensive experience includes 15 years as a paralegal, and holding [REDACTED] and [REDACTED] responsibilities in [REDACTED]

[REDACTED], where she is responsible for policy, strategic planning and strategic plan implementation; oversight and management of land use, public relations, financing, capitalization, regulatory compliance, crisis management and succession planning activities. She holds similar corporate and management positions with [REDACTED]

Ms. Peckham [REDACTED]. Ms. Peckham will direct a unique program in Etain, where employees will be offered the opportunity to join the Foundation Grants committee so that they will be able to choose and direct gifting to community programs.

## **Chief Financial Officer**

Richard R. Levine, CPA (CFO), received his master's degree in accounting from SUNY Albany. He is a certified public accountant licensed with the New York State Department of Education. He has 29 years of experience as an accountant, and is a partner with [REDACTED]

[REDACTED] As CFO, Mr. Levine will develop and implement strategies, practices and policies to address the financial and accounting requirements for Etain. He will perform highly specialized accounting operations, functional analyses and financial reporting, and summarizing and evaluating the output and analyses of accounting professionals in developing consolidated views of financial results/position. This will entail preparing and reviewing consolidated financial statements and accompanying analyses in accordance with IRS regulations and GAAP. In addition, he will analyze trends, provide financial forecasts and identify potential problems and performance exposures. He will conduct thorough research and work with external accountants, as needed. In his position, he will be resolving technical accounting issues, as well as formulating accounting practices and standard procedures. Among his other duties are designing and preparing required consolidated disclosures as well as developing and recommending necessary changes to schedules, notes and other disclosures consistent with changes in business operations.

## **Chief Horticulture Officer**

Keeley M. Peckham (CHO), is a NYBG Certified Horticultural Therapist with formal business training from Tulane University. She will direct all aspects of cultivation, including plant inventory. Ms. Peckham will oversee all cultivation activities, following all seed-to-harvest protocols. Together with premier horticultural experts like Charles Yurglavich, Director of Horticultural Education at the NYBG, Lee Mandell, hydroponic systems expert and educator, and Master Grower Michael Leigh, the Etain team will implement leading proprietary methodologies for cultivation and revolutionary horticultural technology within Etain's operations. These efforts will be enhanced through professional relationships with noted physicist William John-Pier Duhe.

Ms. Peckham is a [REDACTED]. Through that experience she has acute awareness of the rigors of regulatory compliance in a [REDACTED]. Against this backdrop, Ms. Peckham together with the Etain executive team, are committed to the mission and vision of making new marijuana-based therapies available to those suffering from debilitating diseases. All Etain staff will employ this philosophy to produce the best plants and products possible, starting with Etain's "Green Team." Under Ms. Keeley's leadership, Etain will set the standard for medical-grade marijuana product uniformity, quality and safety.

## **Chief Operations Officer**

Hillary Anne Peckham (COO) will supervise Human Resources, Dispensary Operations, Patient Education, Extraction, Formulation, and Production. Utilizing her business administration education and hands-on experience, Ms. Peckham has established relationships with premier marijuana experts such as Scott Van Rixel, CEO of the [REDACTED], Jazmin Hupp and Melissa Meyer of [REDACTED], and Rachel Speegle, COO of the [REDACTED]. She has been at the forefront of evolving Etain's strategic planning efforts, and leveraging marijuana-industry relationships to secure Etain's exclusive access to proprietary best practices and top talent. She has further spearheaded Etain's community outreach efforts by advancing the company's vision and mission throughout the State and obtaining endorsements from municipal officials where Etain intends to locate facilities. Her involvement in her [REDACTED] [REDACTED] that has been in existence for nearly a century, and has been recognized for its commitment to excellence, has galvanized her corresponding commitment to make new marijuana therapies available in New York State through innovation and industry-specific competitive advantages.

## **Chief Compliance Officer**

Joseph Stevens (CCO) will be responsible for Security, Regulatory Compliance, and Inventory. Mr. Stevens is a pioneer in the east coast medical marijuana industry. Mr. Stevens single handedly navigated through [REDACTED] highly complex and restrictive Compassionate Use of Medicinal Marijuana Act ([REDACTED] Marijuana Act) and its implementing regulations, opening [REDACTED] in December 2012, the first operational facility in the state. He worked hand in hand with the [REDACTED] Department of Health and Senior Services to meet the stringent state compliance requirements that included security, inventory management, risk assessment, personnel management, cultivation procedures, and safe patient access. He assisted the Department of Health in establishing laboratory testing including the development of protocol for isolating and identifying quantities of THC, THC-A and CBD's, which set the standard for the remaining licensees to meet in order to become fully approved and operational.

Mr. Stevens is regarded for his vigorous leadership on behalf of the industry in challenging the [REDACTED] elected officials and agency leaders to develop and implement the [REDACTED] Marijuana Act program, making him highly sought out by applicants in other states wishing to open similar facilities. Joseph consulted for [REDACTED] to assist with their marijuana production facility application. [REDACTED] was one [REDACTED] [REDACTED]

in January 2014. He has also provided consulting services in [REDACTED] for [REDACTED]  
[REDACTED]

Mr. Stevens has donated countless hours to working with parents of children with autism and seizure disorders who are interested in CBD treatment. He has also consulted with many elected officials and regulatory personnel in New York, Delaware, and Oregon to provide insight into the application processes, development of rules and regulations, and compliance matters as they relate to the introduction of state marijuana programs.

## **PART II - MANAGEMENT STAFF**

### **PHARMACEUTICAL MANAGEMENT**

The Pharmacists will oversee dispensing medical marijuana to patients and caregivers, and will review daily inventory reports to ensure product sales and current inventories reconcile with the inventory control system. They will also actively engage in research regarding the efficacy of medical marijuana. Etain has engaged three pharmacists to manage each of our dispensaries upon award of the registration. Our pharmacists include: Sang Choi, Erika Fallon, and Kevin King. Etain pharmacists will also act as the Dispensary Managers, who will provide oversight of all day-to-day dispensary operations.

#### **Sang Choi, B.S. Pharmacy**

Sang Choi, a licensed pharmacist for 15 years in New York, specializes in issues related to HIV/AIDS, oncology and transplants, and will coordinate community relations for Etain. She holds a B.S. in Pharmacy from the Arnold and Marie Schwartz College of Pharmacy at Long Island University. She worked as specialty pharmacist from the onset of his career, with roles ranging from staff pharmacist to managing pharmacist. She regularly sees HIV/AIDS and cancer patients that suffer from wasting syndromes. As studies have shown that medical marijuana helps relieve pain and stimulate appetite, she is encouraged that the medical marijuana program will assist those patients she sees on a daily basis. She looks forward to contributing his experiences and expertise to Etain in this emerging field and groundbreaking business.

### **Erika Fallon, PharmD**

Erika Fallon is a Doctor of Pharmacy (PharmD) and registered as a pharmacist in the State of New York. She has 5 years' experience as supervising pharmacist at [REDACTED]. At [REDACTED], Erika primarily serves the community by providing customized compounded medications and creating unique solutions to patients' needs that are not otherwise met by traditional medications.

It is this experience that will allow Ms. Fallon to greatly enhance the lives of medical marijuana patients. Similar to compound pharmaceutical applications, medical marijuana is on the cutting edge of 21<sup>st</sup> century medical treatment to improve the quality of life to those intended to be served under the Compassionate Care Act. Indeed, Ms. Fallon has [REDACTED] with the benefits of appropriate and regulated use of medical marijuana. A [REDACTED] who resides in [REDACTED] and [REDACTED] from [REDACTED] is and has been under a lawful and appropriately prescribed medical marijuana protocol that has had distinct benefits in the quality of life of that [REDACTED]. She has also participated in programs where medical marijuana was lawfully and appropriately prescribed to HIV/AIDS patients that once again produced similar quality of life benefits.

### **Kevin King, PharmD**

Kevin King received his Doctor of Pharmacy from the Albany College of Pharmacy, and is a licensed pharmacist in New York. He was the [REDACTED] pharmacy supervisor at [REDACTED], where he provided guidance and recommendations to patients concerning dietary and lifestyle, in addition to developing, preparing and dispensing custom-formula compound medications.

## **GENERAL MANAGEMENT**

### **Community Relations Coordinator**

Martha McDermott, MSW, will hold the position of community relations coordinator for Etain, in which she will lead company outreach efforts in the areas of substance abuse, compassionate needs, environmental awareness, and patient medical access. Ms. McDermott successfully completed training as an approved mediator in New York State through the [REDACTED]. She enjoys working with people who are experiencing challenges in their lives. Ms. McDermott is well-trained to serve in a communications position, having professional training and education that emphasizes listening, compassionate communication.

As the medical marijuana industry evolves, Ms. McDermott hopes to develop a specialty in the field of agricultural mediation, with particular emphasis on the medical marijuana industry. With her MSW and mediator's training, Ms. McDermott can contribute to the resolution of professional, as well as personal conflict or question, without the burden of litigation. Ms. McDermott also looks forward to working within the communities that Etain will service, as well as in the State on a greater level, to educate, inform and allay any fear or concern that may arise for the general population.

### **Marketing Manager**

Diane Meier, a principal of [REDACTED] a [REDACTED], will manage Etain's marketing program. Diane Meier opened [REDACTED]. Since then, her work on behalf of an extensive roster of exclusive clients won her numerous top prizes offered in the advertising and marketing industries for strategy, copywriting, graphics and design. Her clients included [REDACTED], [REDACTED], among many others.

Ms. Meier was also [REDACTED] for the [REDACTED] during its formative and most active years in the 1970s. Meier's professional work is particularly focused on issues for and about women. She was formerly [REDACTED], [REDACTED], with special attention to [REDACTED], [REDACTED], and mentor to its [REDACTED]. She is featured in the book authored by Barbara Love, "The Feminists Who Changed America, 1963– 1975".

## **CULTIVATION MANAGEMENT**

### **Cultivation Manager**

Etain identifies Phyllis Underwood, as its senior staff member who has a minimum of one year experience in good agricultural practices (GAP). Phyllis Underwood has owned and operated [REDACTED] growing organic produce for over 14 years. Ms. Underwood is knowledgeable in all aspects of both cultivation and business development. Holding a bachelor's degree in business from Skidmore College, she also has undertaken management consulting for the past ten years, applying her skills in financial management, procurement, cost control and profit improvement, sales and marketing, and design and development of food label packaging. Having grown and sold organic vegetables year-round in Washington County, Ms. Underwood is fully familiar with the physical, environmental and economic challenges that Etain's proposed Chestertown cultivation site may encounter.

### **Cultivation Training Manager**

Lee Mandell is the [REDACTED] and [REDACTED] at [REDACTED], a hydroponic research, design, and education company based in Astoria, Queens. He brings to Etain over 20 years' experience in developing systems matched to programmatic goals and available resources, applied across the fields of computer programming, visual arts, theater production, community organizing, and urban farming. Mr. Mandell is working to challenge the hydroponics status quo, seeking to maximize both productivity and the beauty of functional design. Lee has designed and developed highly efficient hydroponic grow rooms for a variety of clients throughout the New York City area, including CAMBA, Los Sures Southside United HDFC, the Child Development Support Corporation, and others. His expertise in hydroponics, together with his extensive experience in education (both K through 12, and adult) makes him well-suited to act as Etain's cultivation training manager.

Mr. Mandell is recognized by his peers in the field of hydroponics, and has been invited to serve as an advisor for a variety of organizations including Agritecture, the NYBG, The Horticultural Society, and The Brooklyn Food Coalition, among others. At [REDACTED], Mr. Mandell leads one of the country's only Hydroponics Certification programs.

### **Master Marijuana Cultivator (Grower)**

Michael Leigh, is a seasoned marijuana cultivator and entrepreneur in the marijuana industry. His career in commercial cultivation started when he co-founded and operated [REDACTED]

██████████ together with his ██████████ This company, later rebranded as ██████████  
██████████  
██████████. The enterprise is a nationally-recognized operation known for high quality marijuana and also for patient education.

Mr. Leigh has dedicated himself to improving marijuana cultivation through diligent research and experimentation. By refining the environment and ecosystem of the plant, he developed strategic scientific protocols and created his own brand of superior products that consistently test high in purity and potency. His cultivation techniques and methodologies are integral to producing maximum yields of product that are free from pollutants or toxins commonly found in commercialized marijuana. His cultivation protocols have been adopted by a national marijuana branding company, ██████████ Most recently, Mr. Leigh was engaged by several Denver, Colorado operations to convert them to pesticide-free systems after the State issued general quarantines on marijuana containing unlawful pesticide residuals.

Matthew Bickel spent the past nine years in Colorado managing and assisting dispensary and cultivation operations. His work is centered solely on the cultivation aspect of the business, pursuing strain-specific processes that provide continuously high-quality cannabis yields that test high in purity and potency. A tenured researcher and educator in the cultivation field, he has studied the diversity and benefits of the marijuana plant for over a decade, both domestically and internationally. Mr. Bickel established his cultivation knowledge through practicing self-taught scientific techniques, and also as a student of the Cannabis College in Amsterdam. Mr. Bickel has been instrumental in leading the industry-wide transition to cultivation through simple, efficient, and compliant procedures using organic hydroponic traditional growing methods.

Mr. Bickel devotes his time to educate entrepreneurs in the field by simplifying repetitive processes and developing highly effective protocols without compromising the quality of the yields produced. He has provided exceptional cultivation advise and services to his customers. As a Baylor graduate with a degree in education, Matt excels in training individuals in both cultivation and compliance protocols. He has built a reputation for developing revenue generating businesses using his “quality-over-monetary” incentive models.

## **PRODUCTION/MANUFACTURING MANAGEMENT**

### **Manufacturing Manager**

Alfonso Lui brings over 25 years as a senior manager in a cross functional/matrix organization with experience in all facets of medical device, bio-tech multi-global manufacturing sites and

operations, including new product research and development. He is skilled in project management and task management at all levels. He is experienced in consolidating business operation sites, new product introduction and transfer, scheduling, and budgeting. He also has extensive experience in developing and implementing regional and nationwide product automation, product development, Lean Manufacturing, Six Sigma, ISO, FDA and Quality systems, and relocation programs. He is [REDACTED]

### **Quality Assurance Officer**

Cris Ginn has been employed for over 20 years in continuous manufacturing environments, acquiring and utilizing quality standard skills. He has considerable experience with both FDA and ISO quality systems as well as Good Manufacturing Practices (GMPs) and he will be tasked with initiating, developing, and maintaining GMPs, which will serve Etain's customers by delivering standardization, consistency, and quality product output, including prevention of and mitigation of microbial risks to the plants. In addition, Mr. Ginn is a machinist, fabricator, and welder. He will be actively involved in the development and implementation of the extraction process, both in setting processing procedures and standards as well as overseeing and troubleshooting the day-to-day functioning of the extraction equipment to assure consistent quality coordination from harvest to product.

### **Formulation Chemist (to be hired)**

Etain will hire a formulation chemist pursuant to the terms of its agreement with the Bhang Corporation. The terms of the agreement sets forth the training requirements for the formulation chemist and Etain will hire and train him or her according to those terms.

## **Director of Security**

Michael Rego, a recently-retired law enforcement detective who holds an MS in Administration of Justice, will be Etain's Director of Security. He is an expert in crisis/emergency management and negotiations, and has testified extensively on forensics in state and federal courts.

In addition, Mr. Rego taught classes in [REDACTED] as well as a teaching drug recognition for law enforcement professionals. He provides experienced, principle-based competencies and is a proven leader, organizer and collaborator in several municipality-focused education fields.

Most recently, Mr. Rego was a co-founder of [REDACTED], one of Rhode Island's first medical marijuana dispensaries. He has also been providing unique consulting services through [REDACTED] in the medical marijuana industry, focusing on security, establishment of law enforcement liaison programs, and general public information.

## **PART III - EXISTING STAFF POSITIONS JOB DESCRIPTIONS**

### **Pharmacists**

Names: Sang Choi, Erika Fallon, Kevin King

Basic Function and Scope of Responsibilities: Pharmaceutical Management Directors will develop and implement Etain's overall medical and clinical strategies. They will be responsible for the scientific and medical capability (intellectual assets) of the business and will lead development of products and technologies. The Pharmaceutical Management Directors will ensure patient well-being is at forefront of organization's objectives.

Education Requirements: New York State Pharmacy License

#### Essential Duties:

- Lead medical/clinical evaluation and development of new marijuana derivative products and routes of administration
- Develop policies and procedures to ensure safety and monitoring of products, including processes to address product issues, recalls, and product complaints
- Lead adverse event investigation and response
- Coordinate with Medical Director to interface with physicians and/or patients related to medical inquiries associated with products
- Develop and maintain relationships with key opinion leaders
- Participate in executive strategic planning
- Assist with the development and implementation of in-house laboratory testing protocols
- Assist in responding to regulatory inquiries related to medical matters or patient safety
- Assist in recruiting, hiring, and evaluating the performance of personnel involved in patient consultation, patient safety, and patient education and product testing

#### Other Qualification Requirements:

- Unrestricted pharmacy licensure in at least one U.S. state
- High level of medical competence
- Experience understanding good manufacturing practices and good laboratory practices
- Solid track record of interaction with regulatory agencies
- Good leadership skills and collaborative mindset
- Good communication skills and experience in patient consultation and education

## **Manufacturing Manager**

Name: Alfonso Lui

Education Requirements: Bachelor's Degree

Basic Function and Scope of Responsibilities: The production manager will have oversight of the inventory control system of the marijuana derivative product-manufacturing environment.

Essential duties:

- Maintain employee scheduling
- Plan, organize and direct the extraction derivative marijuana product manufacturing and production operations
- Oversee destruction of marijuana derivative products
- Initiate, plan, process and minimize manufacturing costs through effective utilization of manpower, equipment, facilities, materials, and capital
- Assure attainment of business objectives and production schedules while insuring product standards that exceeds customers' expectations
- Implement manufacturing strategies and action plans to ensure that the facility supports the company's strategic initiatives
- Establish group and individual accountabilities throughout assigned departments for problem solving and cost reduction, both on a permanent and ad-hoc basis, depending on need
- Encourage use of new techniques and focus on fact-based problem solving
- Improve manpower utilization within existing departments and processes
- Schedule stability that allows for maximum return on productivity
- Manage spending against budget, controlling spending in relation to changes in production volume
- Control inventory of the marijuana derivative product
- Handle batch tracking and record keeping
- Be familiar with provisions of New York law and regulations and current Good Manufacturing Practices
- Satisfy licensed dispensary organization application requirements and obtain security clearance

Experience Requirements: Manufacturing oversight of a commercial facility. The job requires a Bachelor's Degree, ten years of work-related experience with strong process/product knowledge. Strong communication and team leadership skills may be substituted in lieu of degree.

## **Quality Assurance Officer**

Name: Crispin Ginn

Education: Bachelor's Degree

Basic Function and Scope of Responsibilities: Manage quality systems to assure their effective implementation throughout the company and provide management information to facilitate continuous improvement

### Essential Duties:

- Develop, maintain and direct quality assurance programs
- Review production records to assure that no errors have occurred or, if errors have occurred, that they have been fully investigated and resolved
- Directly involve with customers as required by external audits, root cause analysis of complaints and/or returns
- Supervise workers engaged in inspection and testing activities to ensure high productivity and high technical integrity
- Ensure production, packaging, labeling, and storage of marijuana indoors and in accordance with the Site Security Plan
- Design, develop and implement quality control assurance programs through written procedures
- Prepare annual reports to management regarding Corrective and Preventive Actions (CAPAs)
- Communicate proactively and interactively with production management to maximize product reliability and minimize costs
- Provide and oversee inspection activity for product throughout production cycle with full rejection authority over product and procedure affecting product
- Perform other duties as required by company management or changing regulations
- Ensure microbial and chemical contaminants of dried marijuana stay within generally accepted tolerance limits for products for human consumption

Experience Requirements: Minimum of five years' experience in quality assurance for dietary supplement or pharmaceutical industry

## **Master Marijuana Cultivators**

Names: Michael Leigh and Mathew Bickel

Basic Function and Scope of Responsibilities: To manage all operations of the manufacturing facility and supervise/oversee all personnel working in the manufacturing facility

Education Requirements: High school diploma

### Essential Duties:

- Monitor all environmental systems of the manufacturing facility
- Manage the performance of the cultivators/growers and assistants, including conducting regular employee performance evaluations on an annual basis
- Monitor stock of cultivation supplies and equipment, and order replacement supplies and equipment when necessary
- Develop informational tools to monitor actual production and all things that influence production on a batch-by-batch basis, as well as a room-by-room basis
- Administer to the needs of the plants regarding illumination, watering, nutrients, pruning, training, and pest and disease control
- Manage efforts required for the germination and cloning of plants
- Direct and assist with the harvesting, drying, and curing of medicinal marijuana
- Perform regular physical inventory reconciliations to inventory records
- Keep the facility in a clean and orderly manner at all times
- Prepare reports for management
- Assist with preparation of operating budgets as required

Experience Requirements: Must have at least five years of experience as a cultivator in the commercial marijuana cultivation industry, with a majority of that experience in the indoor growing arena. Must have experience directing and monitoring the performance of up to five employees working directly under the position. Must be computer literate, with basic skills in Microsoft Word and Excel software.

## **Cultivation Manager**

Name: Phyllis Underwood

Basic Function and Scope of Responsibilities: Hands-on position working with Master Cultivator and cultivation staff to ensure overall health of marijuana plants and maintenance of propagation facilities, workspaces, and equipment

Education Requirements: Bachelor's Degree

Essential Duties:

- Oversee maintenance, improvement, and repair of propagation facilities, workspaces, and equipment
- Oversee horticultural maintenance tasks, including planting, pruning, fertilizing, thinning, watering, and harvesting of plants
- Assist with recruitment, training, supervision, and evaluation of cultivation staff
- Oversee development and implementation of policies and procedures for cultivation of marijuana plants
- Lead implementation of cutting edge modern growing practices, techniques, and equipment
- Coordinates growing activities with Master Cultivator and production department
- Maintain proper records and reporting of data
- Ensure implementation and adherence to quality, health, and safety procedures
- Ensure organization and proper storage of all tools and equipment parts
- Oversee and ensure proper irrigation and drainage
- Assist with response to regulatory inquiries and attends any inspections
- Assist with recalls

Experience Requirements: High level of practical experience cultivating produce for human consumption, experience with product tracing and recalls, experience with regulatory compliance, leadership ability, and strong communication skills

## **Director of Security**

Name: Michael Rego

Basic Function and Scope of Responsibilities: Responsible for both physical site safety and security, as well as for information security. Maintain safe and secure environment for patients and employees by monitoring premises and personnel. Responsible for activities related to availability, integrity, privacy, and security of patient, employee and business information. The Director of Security will be stationed primarily at the manufacturing facility and will travel regularly to check on all aspects of security, from cultivation through dispensing.

Education Requirements: High school diploma

### Essential Duties:

- Implement and oversee security system implemented by ADT and Mahoney Alarms, Inc.
- Monitor surveillance equipment and set building and equipment controls
- Report irregularities, inform violators of policy and procedures, restrain trespassers
- Maintain records of surveillance activities and occurrences
- Follow manufacturer or vendor instructions with respect to operation and maintenance of equipment
- Assist in development and implementation of workplace safety protocols
- Assist in development and implementation of information security policies and procedures
- Assist in implementation and monitoring of technical information security controls
- Lead response to privacy and security incidents
- Oversee compliance by personnel with workplace safety protocols and information security policies and procedures, including HIPAA policies and procedures
- Oversee training of workforce on workplace safety and information security, including HIPAA training
- Coordinate development and implementation of business continuity processes

Experience Requirements: Experience with information security standards in the industry. Knowledge of network infrastructure and database applications. Professionalism.

## **Customer Service and Community Relations Manager**

Name: Martha McDermott

Basic Function and Scope of Responsibilities: The Community Relations Coordinator will work with the CEO in projects related to partnerships with Companies, medical facilities, community groups, and similar organizations. The Community Relations Coordinator will help build new partnership and maintain existing ones. This will be achieved by actively engaging potential partners through various means of communication.

Education: Bachelor's Degree

### Essential Duties and Responsibilities:

- Research companies and organizations for possible partnerships
- Assist with the planning and marketing of organizational events
- Assist with special projects as needed
- Public speaking at events
- Utilize and be active on social media to promote One Day's Wages (Facebook, Twitter)
- Assist CEO as company partnerships liaison
- Draft blogs, campaign pages, and other web material

Experience Requirements: Retail experience (at least two years). Experience in a complex, fast faced environment. Two or more years of management experience, defined as follows: direct supervision of five or more employees; responsible for training and developing teams; coach employees and planning for succession of a team; responsible for scheduling hours or controlling overtime. One or more years of experience training employees to comply with policies, rules, guidelines and standards. Good organization and planning skills, with strong operational skills in a customer-service environment. Supervisory and team-building skills. Ability to communicate clearly and concisely, both orally and in writing. Ability to build relationships, and handle confidential and sensitive information. Working knowledge of business processes and system development

## **PART IV-PROPOSED STAFF JOB DESCRIPTIONS (To be hired upon granting of registration)**

### **Medical Director**

Basic Function and Scope of Responsibilities: Oversee and manage policies and procedures related to patient safety, sanitation, emergency response, compliance, privacy, quality assurance, and testing. Report to President.

Education Requirements: Pharmaceutical or Medical Degree

#### Essential Duties:

- Assist with the development and implementation of policies and procedures related to emergency response, sanitation, compliance with regulations regarding privacy, quality assurance, disease prevention, and proper testing procedures for potency and contamination of marijuana products
- Oversee protocols related to patient safety and use of marijuana derivative products
- Oversee quality assurance protocols throughout the cultivation, processing, and dispensing processes, as well as decisions related to adverse events and recalls
- Handle clinical complaints
- Respond to all communications from Department of Health and local municipalities regarding compliance with rules and regulations and community health and public safety concerns
- Assist in the development of training Etain's principals at least annually to assure compliance with the Compassionate Care Act of 2014 and the rules and regulations promulgated thereunder by the Department of Health
- Conduct compliance inspections
- Provide training to all Etain staff members regarding administration, use, and risks of marijuana derivative products, patient consultation
- Develop and assist in the implementation of a patient education program
- Assist with the development and implementation of in-house laboratory testing protocols

Experience Requirements: Unrestricted medical licensure in the State of New York, high level of medical competence, experience understanding good manufacturing practices and good laboratory practices, good leadership skills and collaborative mindset, good communication skills and experience in patient consultation and education

## **Inventory Supervisor**

Basic Function and Scope of Responsibilities: Responsible for maintaining accountability of all raw materials, finished products, and any by-products. Responsible for acquisition of necessary supplies and equipment, and ensuring optimum levels of inventory that meet quality standards are maintained.

Education Requirements: Bachelor's Degree

Essential Duties:

- Prepare purchase orders, receiving, storing, and managing stock levels
- Maintain computerized inventory records that track plants from seed to sale and any returns or recalls
- Oversee employees that conduct supply inventories, plant inventories, and finished product inventories
- Take action with respect to inventory discrepancies to identify errors and implement corrective actions
- Conduct monthly inventory audits
- Account for supply invoices and purchase orders
- Assist with identification of sources of supply

Experience Requirements: Experience with inventory management, accounting, project management, logistics or similar work. Demonstrate a collaborative work style and strong leadership skills. Ability to make decisions and take proper action in difficult situations. Good communication, organization, planning, and clerical skills.

## **Dispensary General Manager**

Basic Function and Scope of Responsibilities: Managing the dispensary, hire and train dispensary employees, prepare reports, and set specific department goals.

Education Requirements: New York State Pharmacy License

### Essential Duties:

- Acquire tools and set objectives for the dispensary
- Develop schedules and ensure they are adhered by the dispensary
- Participate in developing specific policies and procedures
- Manage dispensary staff
- Hire, train, and terminate workers as needed
- Attend and preside over meetings
- Maintain employee records
- Manage and direct overall dispensary operations
- Set goals for the dispensary
- Clearly communicate goals to board members
- Measure the success of the dispensary
- Delegate responsibilities
- Generate and present reports to the board on how goals are being met
- Participate in seminars and conferences related to the continuing education of work duties
- Motivate and encourage dispensary employees
- Ensure high quality for the dispensary
- Ensure the dispensary inventory is stocked with high-quality products, which are regularly replenished to guarantee uninterrupted flow of necessary goods required for operations

## **IT Director**

Basic Function and Scope of Responsibilities: Directs and coordinates activities of workers engaged in computer operations by performing the following duties personally or through subordinate supervisors. Directly supervises one employee in the IT Department. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

Education and/or Experience Requirements: Master's degree, or equivalent; or four to ten years related experience and/or training; or equivalent combination of education and experience.

### Essential Duties:

- Monitor sanitation performance as needed to verify guidelines and procedures costing specifications and system data
- Plan and develop policies and procedures for carrying out computer operations
- Meet with subordinate to discuss progress of work, resolve problems, and ensure that standards for quality and quantity of work are met
- Adjust hours of work, priorities, and staff assignments to ensure efficient operation, based on work load
- Review daily logs and reports to detect recurring slowdowns or errors.
- Consult with software and hardware vendors and other establishment workers to solve problems impeding computer processing
- Meet with users to determine quality of service and identify needs
- Meet with personnel of the organization to determine impact of proposed changes in hardware or software on computer operations and service to users
- Evaluate new software and hardware to determine usefulness and compatibility with existing software and hardware
- Evaluate proposed data processing projects to assess adequacy of existing hardware, and recommend purchase of equipment
- Develop budget and monitor expenditures.
- Direct and coordinate activities of storage library

## **Human Resources Director**

Basic Function and Scope of Responsibilities: Plans and administers policies relating to all phases of human resources activity by performing the following duties personally or through subordinate supervisors.

Education and/or Experience Requirements: Bachelor's degree or four to five years related experience and/or training; or equivalent combination of education and experience.

### Essential Duties:

- Direct and coordinate activities of storage library
- Identify legal requirements and government reporting regulations affecting human resources functions and ensure policies, procedures, and reporting are in compliance
- Recruit, interview, test, and select employees to fill vacant positions; conduct new employee orientation.
- Keep records of benefits plans participation such as insurance and pension plan, personnel transactions such as hires, promotions, transfers, performance reviews, and terminations, and employee statistics for government reporting
- Coordinate management training in interviewing, hiring, terminations, promotions, performance review, safety, and sexual harassment
- Advise management in appropriate resolution of employee relations issues
- Administer performance review program to ensure effectiveness, compliance, and equity within organization
- Administer salary administration program to ensure compliance and equity within organization
- Administer benefits programs such as life, health, dental and disability insurances, pension plans, vacation, sick leave, leave of absence, and employee assistance
- Investigate accidents and prepare reports for insurance carrier, and represent organization at personnel-related hearings and investigations
- Conduct wage surveys; prepare budget of human resources operations.
- Prepare employee separation notices and related documentation; conduct exit interviews, prepare reports and recommend procedures.

## **Dispensing Agent**

Basic Function and Scope of Responsibilities: Take and complete orders from qualified patients and caregivers without exceeding legal limits. Assist with selection of support merchandise. Assist with maintenance of retail space.

Education Requirements: High school diploma

### Essential Duties:

- Verify client identity, place of residence, and shipping address and registration of client on Compassionate Care Registry.
- Verify medical document is provided by a licensed physician authorized to prescribe marijuana
- Receive orders
- Ensure patient or caregiver does not exceed possession limit when leaving the dispensary, and enter the required information into electronic verification system
- Process sales
- Label and complete transactions
- Assist General Manager with, or accomplish, opening and closing of the facility
- Maintain display inventory
- Assist General Manager with the performance of physical inventory reconciliations to inventory records
- Maintain the facility in a clean and orderly manner at all times
- Assist with the tracking of marijuana derivative products and support merchandise inventory into and out of the dispensary
- Operate computer using sales and customer tracking software

Experience Requirements: Retail experience desirable. Must be computer literate with basic computer skills. Must be personable and able to interface with customer base.

## **Laboratory Technician**

Basic Function and Scope of Responsibilities: Performs laboratory tests to determine chemical and physical characteristics or composition of solid, liquid, or gaseous materials for such purposes as quality control, process control, or product development by performing the following duties.

Education Requirements: Bachelor's Degree

Essential Duties:

- Set up, adjust and operate laboratory equipment and instruments such as microscopes, centrifuge, agitators, viscosimeter, chemical balance scales, spectrophotometer, gas chromatograph, colorimeter, and other equipment
- Test materials used as ingredients in the production or marijuana related products
- Test materials for presence and content of elements or substances such as mycotoxins, cannabinoid levels, heavy metal and related contaminants
- Test samples of manufactured products to verify conformity to specifications.
- Record test results on standardized forms and write test reports describing procedures used.
- Prepare graphs and charts
- Clean and sterilize laboratory equipment
- Calibrate laboratory instruments
- Prepare chemical solutions according to standard formulas
- Add chemicals or raw materials to process solutions or product batches to correct or establish formulation required to meet specifications.

Experience Requirements: One to two years related experience and/or training or equivalent combination of education and experience.

## **Sanitation and Waste Manager**

Basic Function and Scope of Responsibilities: The Sanitation Manager will be responsible for supervising the cleaning and sanitizing of manufacturing facilities and equipment in a timely manner in accordance with all Etain and regulatory requirements. He/she will confer with multiple extraction and production departments to schedule sanitizing and cleaning assignments in response to reports of problems or issues. He/she will supervise on a daily basis all activities necessary for the cleaning and sanitizing of extraction and production packaging storage areas and equipment while ensuring that all duties are performed in accordance with Etain policies and procedures and cGMPs (current Good Manufacturing Practices).

### Essential duties:

- Monitor sanitation performance as needed to verify guidelines and procedures costing specifications and system data
- Prepare and compile mandatory company and government reports within required deadlines and retain for audits
- Investigate ways to reduce waste, increase efficiency, and improve equipment in a continuous effort to improve systems
- Manage and lead sanitation employees
- Interview employees
- Ensure employees receive proper training in sanitation
- Conduct performance appraisals and administer disciplinary and termination action when necessary
- Effectively utilize employee's skills
- Develop housekeeping safety utilization of required personal protective equipment policy
- Schedule cost control and coordinate crew's sanitation activities in facilities
- Adjust daily work schedule as needed to meet sanitation requirements
- Ensure all company and regulatory USDA requirements are met
- Conduct business in a manner consistent with company mission values code of ethics policies and other standards of conduct

Experience Requirements: Experience in industrial sanitation or clean room sanitation

## **Sanitation Assistant**

Basic Function and Scope of Responsibilities: The Sanitation Assistant will be responsible for cleaning and sanitizing of manufacturing facilities and equipment in a timely manner in accordance with all Sanitation Manager, Company, and compliance regulations. Clean and sanitize production packaging storage areas, and production equipment, on a daily basis. All duties must be performed in accordance with Etain policies and procedures and cGMPs (current Good Manufacturing Practices).

### Essential Duties:

- Monitor sanitation needs and maintain cleanliness of facility
- Retain production and food safety audits required in food manufacturing
- Investigate ways to reduce waste, increase efficiency, and improve equipment in a continuous effort to improve systems
- Assist in the managing and leading of sanitation employees
- Help Sanitation Manager ensure employees receive proper training
- Effectively utilize employee skill development
- Adjust daily work schedule as needed to meet sanitation requirements
- Conduct himself or herself in a manner consistent with company mission, values, code of ethics policies and other standards of conduct

Experience Requirements: Prior sanitation experience is not required.

## **Packaging Personnel**

Basic Function and Scope of Responsibilities: The Packers will package finished product either manually or with machines for distribution or transport.

### Essential Duties:

- Take care of the whole packing process, both manual and machine related tasks
- Cover and pack the ready products in child-resistant and tamperproof packaging such that no single unit contains more than appropriate supply of marijuana
- Ensure proper labeling
- Take care of all the packaging materials. Any container must protect the contents from contamination and must not impart any toxic or deleterious substance to the usable marijuana or marijuana product.
- Maintain inventory for the packed products
- Be able to move, lift heavy packages

Experience Requirements: Prior packing experience is not required.

## **Mother/Clone/Vegetation Manager OR Mother/Clone/Manager**

Basic Function and Scope of Responsibilities: Responsible for coordinating and implementing activities related to mother, clone or vegetation stages of plant life. Plan, organize and lead gardening team by identifying goals, objectives, methods, resources, scheduling, and routes of communication needed to carry out responsibilities. Organize resources to achieve goals in optimal fashion. Establish effective communications and guide project members to accomplish objectives.

Education Requirements: Level II Gardener

### Essential Duties:

- Acquire tools and set objectives for the Mother/Clone department
- Develop schedules and ensure they are adhered to by the Mother/Clone department
- Participate in developing specific policies and procedures
- Manage Mother/Clone staff
- Hire, train, and terminate workers as needed
- Attend and preside over meetings
- Maintain employee records
- Manage and direct overall Mother/Clone operations
- Set goals for the Mother/Clone department
- Clearly communicate goals to Board members
- Measure the success of the Mother/Clone department
- Delegate responsibilities
- Generate and present reports to the Board on how goals are being met
- Participate in seminars and conferences related to the continuing education of work duties
- Motivate and encourage Mother/Clone employees
- Ensure high quality for the Mother/Clone department
- Ensure the Mother/Clone department inventory is stocked with high-quality products, which are regularly replenished to guarantee uninterrupted flow of goods necessary for operations

Experience Requirements: Minimum of five years' experience in marijuana or similar plant cultivation

## **Vegetation Manager**

Basic Function and Scope of Responsibilities: Responsible for coordinating and implementing activities related to the vegetation stages of plant life. The Vegetation Manager will be responsible for managing the Vegetation department within the facility. The Vegetation Manager will also hire and train Vegetation employees, prepare reports, and set specific department goals.

Education Requirements: Gardener

### Essential Duties:

- Acquire tools and set objectives for the Vegetation department
- Develop schedules and ensure they are adhered by the Vegetation department staff
- Participate in developing specific policies and procedures
- Manage Vegetation staff
- Hire, train, and terminate workers as needed
- Attend and preside over meetings
- Maintain employee records
- Manage and direct overall Vegetation operations
- Set goals for the Vegetation department
- Clearly communicate goals to Board members
- Measure the success of the Vegetation department
- Delegate responsibilities
- Generate and present reports to the Board on how goals are being met
- Participate in seminars and conferences related to the continuing education of work duties
- Motivate and encourage Vegetation employees
- Ensure high quality for the Vegetation department
- Ensure the Vegetation department inventory is stocked with high-quality products, which are regularly replenished to guarantee uninterrupted flow of necessary goods required for operations

Experience Requirements: Minimum of five years' experience in marijuana or similar plant cultivation

## **Gardener – Cultivation Assistants**

Basic Function and Scope of Responsibilities: Implement activities related to the production of marijuana as directed by production facility managers

Education: Gardener

Essential Duties:

- Abide by all policies and procedures set forth by production managers
- Attend and preside over meetings
- Maintain production records
- Participate in production activities at all stages of plant growth
- Be responsible for implementing actions to achieve production goals
- Ensure the production department inventory is stocked with high-quality products, which are regularly replenished to guarantee uninterrupted flow of necessary goods required for operations

Experience Requirements: Minimum of ten (10) harvest cycles

## **Extraction Specialist**

Basic Function and Scope of Responsibilities: Directs, plans, and organizes activities of profound ideas connected to pharmaceutical production, and consumption.

Education Requirements: Degree in Pharmacy, Chemistry or related field

### Essential Duties:

- Manage and direct overall Trimming operations and staff
- Responsible for all R&D projects, operations and staff consisting specialists and experts in the area of formulation, analytical development and technology. Other duties may be assigned
- Advise and assist business development in the multi-year development plan of new products, to be proposed and approved by top management
- Ensure that department meets the timelines and managing delays as well as negotiating delivery time
- Work in close cooperation with other departments (e.g. quality, regulatory) and management as well as external partners
- Ensure proper risk management and improve effectiveness of all processes on site
- Manage R&D budget and assessment of needs in terms of both infrastructure investment and human resources

Experience Requirements: Minimum 10 years' experience in Pharmaceutical R&D, including minimum five years of team management experience; experience in development of generic drugs, including modified release solids and experience in managing high volume of projects; knowledge of GMP standards in Pharmaceutical industry

## **Trimming Manager**

Basic Function and Scope of Responsibilities: Responsible for managing the Trimming department within the facility. The Trimming Manger also hires and trains employees, prepares reports, and sets specific department goals.

Education Requirements: Level II Gardener, Bachelor's Degree or PhD

Experience Requirements: Minimum of five years' experience in marijuana or similar plant cultivation

### Essential Duties:

- Manage and direct overall Trimming operations and staff
- Acquire tools and set objectives for the Trimming department
- Develop schedules and ensure they are adhered by the Trimming department
- Hire, motivate, train, and terminate workers as needed
- Attend and preside over meetings
- Maintain employee records
- Communicate goals to board members
- Delegate responsibilities
- Generate and create reports to present how goals are being met
- Ensure high quality for the Trimming department

## **Trimming Assistants**

Basic Function and Scope of Responsibilities: Trimming the finished product at every harvest

Education: Degree Not Required

Essential Duties:

- Report to Trimming Manager to ensure all trimming goals are met
- Be flexible in scheduling to accommodate varying plant harvest schedules
- Adjust to Company-adopted production procedures as necessary to ensure efficiency and compliance

Experience: Prior experience is not required.

## **Manual Laborers**

Basic Function and Scope of Responsibilities: Manual Laborers will be responsible for assisting staff in completing their assigned tasks. They will be expected to assist with the delivery of water and collection of garbage, assist with cleaning equipment and tools, and provide manual labor services as needed.

### Essential Duties:

- Operate equipment in a safe and efficient way according to policies and procedures
- Clean equipment as scheduled or required
- Ensure equipment is safely and securely stored
- Clean water tank and nutrient reservoirs as necessary
- Pick up refuse in areas as required
- Dispose of garbage according to compliant procedures

Experience Requirements: Prior experience is not required.

## **Additional Production Facility Roles**

### **Electrical/Mechanical/System Engineers**

Education: Bachelor's Degree

Essential Duties:

- Maintain electrical system
- Maintain and upgrade all equipment
- Manage the lighting
- Manage the HVAC

Experience Requirements: Minimum of five years' experience in engineering

### **Order Fulfillment Director**

Education: Bachelor's Degree

Essential Duties:

- Train and develop Fulfillment team
- Schedule hours and control overtime
- Use organization and planning skills to operate in a customer-service environment
- Communicate clearly and concisely, both orally and in writing
- Build relationships
- Handle confidential and sensitive information

Experience Requirements: Five or more years of retail and management experience. Experience analyzing financial reports. Experience working in a complex, fast-paced environment.

## **PART V- STAFFING TIMELINE**

**Phase I (Weeks 1-10):** Phase I outlines the staff required after the build-out of the Etain facilities has been completed.

The following team will be required for weeks 1-10:

- Senior Management – CEO, CFO, COO, CHO, CCO
- Cultivation Manager
- Security Officer
- Manufacturing Manager
- IT Manager

**Phase II (Weeks 10- 24):** Phase II adds additional staff to process the finished product.

The following team will be required for weeks 10-24:

- Master Cultivator
- Inventory Agent
- Sanitation Agent
- Quality Assurance Team
- Extraction Assistants
- Trimmers
- Packers
- Security Drivers
- Cultivation Assistants
- Dispensary General Managers
- Dispensing Agents
- Pharmacists

## **PART VI- HIRING PROCESS**

### **Hiring Protocols**

The COO, Hillary Anne Peckham, will be responsible for all employee supervision at Etain. There will be three intermediary managers: Master Cultivator, Extraction Manager, and the Dispensary General Manager (the “Managers”). All cultivation employees will report to the Master Cultivator; all extraction employees will report to the Extraction Manager; and all dispensary employees will report to the Dispensary General Manager. The COO will be responsible for staff planning and hiring according to the Hiring Protocol below.

Recruitments provide opportunities to departments such as aligning staff skill sets to initiatives and goals, and planning for departmental and individual growth. Although there is work involved in the hiring process, proper planning and evaluation of needs lead to hiring the right person for the role and team.

### **Newly Created Position**

When it is determined a new position is needed, it is important to:

- Understand and take into consideration strategic goals for the business and/or department;
- Conduct an analysis of core competencies, skills missing from a department and those which may be needed in the future
- Conduct a job analysis for new departmental positions

### **Replacement**

When attrition occurs, replacing the role is typically the logical step to take. Before advertising the position, however, consider the following:

- As with a newly created position, it may be helpful to conduct a job analysis in order to tailor the position to what is currently required and to ensure proper classification
- Review the role and decide if there are changes required as certain tasks and the new person may not perform responsibilities performed by the previous person
- Carefully evaluate any changes needed for the following:
  - Skill level required to perform these tasks; determine appropriate classifications;
  - Tasks carried out by the previous employee;

- Tasks to be removed or added if any of the work will be transferred within department;
- Supervisory or lead responsibility;
- Budget responsibility (if any);
- Work hours.

### **Developing an Adequate Candidate Pool**

A job description is the core of a successful recruitment process as interview questions, interview evaluations, and reference check questions will be developed from this description.

A well-written job description:

- Creates a first and often, lasting impression of Etain to the candidate;
- Clearly articulates responsibilities and qualifications to attract the best-suited candidates;
- Improves retention as turnover is highest with newly hired employees. Employees tend to be dissatisfied when they are performing duties they were not originally hired to perform;
- Provides an opportunity to clearly articulate the value proposition for the role;
- Optimizes search engine results by ensuring job postings rank highly in candidate online search results;
- Serves as documentation to help prevent, or defend against, discrimination complaints by providing written evidence that employment decisions were based on rational business needs;
- Identifies tasks, workflow and accountability, enabling the department to plan how it will operate and grow;
- Assists in establishing performance objectives;
- A proper position overview is used for career planning and training by providing clear distinctions between levels of responsibilities and competencies required. A well-written job description can be used as a benchmark to ensure internal and external equity.

### **Hiring Action Steps**

A hiring committee will be established and will be responsible for the following:

- Determining availability of funds for new position for current and next fiscal year;
- Confirming availability of funds with the Executive Team and Human Resources;
- Developing relevant hiring criteria (e.g., communication skills, computing skills, technology, problem-solving, direct experience with gardening or documentation writing);
- Developing a draft job description by revisiting prior descriptions and revising in light of current needs;
- Reviewing draft job description with incumbent, when applicable;
- Reviewing and identifying new tasks;
- Reviewing and identifying educational/training requirements;
- Reviewing and identifying experience/skills;
- Sending final draft job description to Human Resources and Executive Team;
- Obtaining necessary documentation

Once job funding and description is approved, HR will internally post an employment opportunity to Etain staff for a minimum of five days. If there are no internal responses received after five days, or if the internal applicants are not suitable, the hiring supervisor will consult with HR to determine appropriate means of advertising externally.

Upon receiving qualified applications, HR will:

- Conduct interviews;
- Meet to consider interviewees and assess which best met established job criteria; and
- Check references of final candidate prior to making offer.

### **Background Screening**

Etain believes that hiring qualified individuals contributes to our overall strategic success. Background checks serve as an important part of the selection process. The information we collect will help Etain promote a safe work environment for our current and future employees as well as for our customers. In addition, New York law requires that all owners and managers of Etain successfully pass background screening. Background checks also help us obtain information necessary to determine an applicant's overall employability and to ensure the protection of Etain's physical property, proprietary information and other assets. Etain complies with all applicable federal, state and local laws, including fair employment practices and equal employment opportunity, when conducting background checks.

Etain will conduct background checks on all job applicants applying for sensitive positions. These include positions involving security and financial responsibilities, as well as other positions determined by Etain to be sensitive. Etain will use a third party agency to conduct

background checks to verify the accuracy of the information provided by the applicants during the selection process.

For required screening pursuant to NYSDOH regulations for owners and managers, background checks will be conducted by Director of Security or one of Etain's approved vendors, and the report will be sent directly to the NYSDOH.

Information collected by the third party agency will include past employment, education, character, and finances. Etain will ensure that all background checks are conducted in compliance with all applicable federal and state statutes, such as the Fair Credit Reporting Act ("FCRA") and the Americans with Disabilities Act. The information that can be collected from previous employers and other sources will be limited to that which is job-related and pertains to the quality and quantity of work performed by the applicant and to the applicant's attendance record, education and other lawful, work-related inquiries. The CFO will be primarily responsible for the background check process.

Information that may be collected includes:

- Arrest and conviction records
- Etain may check criminal arrest and conviction records as part of the applicant selection process. In accord with the Equal Employment Opportunity Commission's current interpretation of Title VII of the Civil Rights Act of 1964, this information cannot be used as a basis for denying employment, unless it is determined to be job-related and consistent with business necessity.
- Credit reports
  - Etain may collect applicant credit information consistent with the guidelines set forth by the federal FCRA. The FCRA requires organizations to obtain a candidate's written authorization before obtaining a credit report. When doing this, the employer must:
    - Certify to the consumer-reporting agency that the employer is in compliance with the FCRA and will not misuse the information it receives
    - Disclose to the applicant or employee, on a separate form, its plans to obtain a consumer or investigative consumer report and that the information received will be used solely for employment purposes,
    - Inform the individual of his or her right to request additional information on the nature of the report and the means through which such information may be obtained,
    - Inform the applicant that the report will include information about the individual's character, general reputation and personal characteristics, and

- Provide the individual with a summary of his or her rights under the FCRA.
- If the results of the credit check are negative, Etain will inform the applicant before taking adverse action based on the results, provide the applicant with a Statement of Consumer Rights from the Federal Trade Commission, offer the applicant the opportunity to review a copy of the credit report, and advise the applicant of his or her rights to dispute inaccurate information. Applicants will be granted reasonable time to dispute the information (approximately three to five days).

### **Recordkeeping**

Etain assures applicants that all information obtained from the background check process will only be used as part of the employment process and will be kept strictly confidential. Etain human resources will maintain a log that will include the position the applicant applies for, his/her name and the date of the background check. Only the CFO and COO and appropriate Etain human resource personnel will have access to this information. Etain complies with all federal and state laws regarding the collection, storing and disposal of applicant information, such as the Fair and Accurate Credit Transactions Act (“FACTA”).

### **Training**

In addition to the programs and experts brought in to support employee education, managers will conduct in-person and hands-on training for all new employees upon hire and for all current employees no less than annually. Such training will cover no less than two (2) hours of instruction and will be documented with sign-in and sign-out sheets for every employee that indicate the time, date, place, and substance of such training. Training topics will include:

- Employee handbook and job descriptions
- Employment laws and employee rights
- HIPAA and privacy and security of patient information
- Operations and administration (This will differ for cultivation staff, production staff, and dispensary staff)
- For dispensary staff, product safety, patient education and data collection will be included as part of the training

### **Performance Evaluations**

The Managers will conduct in-person employee performance evaluations for all new employees after six months of employment and for all current employees no less than annually.

### **Disciplinary Actions**

Etain managers will be responsible for taking disciplinary actions against any employees and will follow the guidelines in Etain's Progressive Discipline Policy when doing so. They will document disciplinary action according to the requirements of the Progressive Discipline Policy.

### **Employment Contracts**

Etain will not utilize written employment contracts with any of its employees. All of the employees will be employed under verbal, at-will contracts, subject to the terms and conditions of Etain's Employee Handbook.

## **PART VII- HUMAN RESOURCES GENERAL POLICIES**

### **Recruitment and Hiring**

Etain is committed to recruiting and hiring local top-quality employees whose background and experience match each position's requirements per the job descriptions. Etain will recruit candidates via a wide variety of resources including, but not limited to, industry associations and the New York State Career Centers, while remaining focused on empowering women entering or re-entering the workforce.

Etain will not consider applicants with industry experience unless such experience was gained by working in legalized organizations.

All potential candidates for Etain employment will submit to an extensive background check, which includes: criminal background investigations, obtaining reference checks on previous employment, verifying educational history, conducting drug testing, verifying eligibility for lawful employment in the US, and obtaining motor vehicle records when applicable. Any applicant's refusal to submit to drug screening will immediately eliminate their candidacy.

### **Labor Agreement**

Etain has entered into a labor peace agreement with Local #338 (see Attachment F to this Application). In the event that Local #338 organizes and is elected to represent Etain employees, Etain will be fully committed to cooperating with the union to adopt a collective bargaining agreement with fair wages, benefits, and employment practices for all members.

### **Equal Employment Opportunity**

Etain considers employees as one of our most valuable resources. Etain is committed to the principles of equal employment opportunity, affirmative action and compliance with all federal, state and local laws concerning employment discrimination. To this end, Etain ensures equal opportunity to all employees and applicants regardless of race, color, religion, age, sex, sexual orientation, gender identity, marital status, national origin or ancestry, citizenship, lawful alien status, physical/mental disability, veteran status or service in the U.S. Armed Forces or any other basis protected by federal, state, or local law or ordinance or regulation.

The policy of equal opportunity will be observed with respect to all employment practices, including, without limitation, recruiting, hiring (or failure to hire or refusal to hire), transfer,

termination, compensation, benefits, facility-sponsored training, education and tuition assistance, and other working conditions, obligations and privileges of employment. Etain believes equal opportunity is not only consistent with good business practices, but more importantly, is a moral concern and obligation for each of us. Throughout every department, Etain will remain particularly focused on empowering women entering or re-entering the work force.

### **Harassment Policy**

Etain will attempt to maintain a cooperative and professional working environment where all employees are treated with respect and dignity. Etain will not tolerate or condone behavior that may be construed as harassment of any employee on the basis of any of the protected classifications listed in the equal opportunity policy. In particular, Etain prohibits all harassment, which includes, but is not limited to, verbal harassment (epithets, derogatory statements, slurs), physical harassment (assault, physical interference with normal work or movement), visual harassment (posters, cartoons, drawings), or sexual harassment (unwanted sexual statements or advances).

### **Compensation**

Etain's compensation philosophy is to pay at or above market wages for all positions. Etain will also provide bonus-incentives for meeting production goals. The reason for this is threefold:

- To retain top quality employees,
- To maintain morale and productivity, and
- To deter any economic reason for employee diversion of products.
- To incentivize performance and give employees empowerment to increase their wages

Etain will regularly survey market wages and make adjustments as necessary. Each non-union position at Etain will have a salary range. Based upon qualifications and experience, newly hired employees will be placed in the appropriate area of the pre-established range.

### **Employee Benefits**

Etain will establish a variety of employee benefit programs designed to assist employees and their eligible dependents in meeting the financial burdens that can result from illness and disability, and to help plan for retirement. In addition to statutory worker's compensation coverage, Etain will establish and contribute toward employee health and welfare to assist employees with securing comprehensive medical insurance. As our organization expands, we intend to offer a comprehensive benefits package including: medical, dental and vision programs,

short-term disability insurance, life insurance, and a retirement savings program. (See Etain's Employee Manual contained in the Supplemental Exhibits to the Application in Appendix C)

Etain believes that the skills and knowledge of its employees are critical to the success of the organization. Etain will offer educational assistance to eligible employees who are interested in job advancement.

Etain believes that people need time off from work for rest and relaxation in order to be alert and enthusiastic on the job. Thus, it is Etain's policy to provide paid time off for holidays, vacation, sick, and personal leave to eligible employees based on length of service. If called for jury duty, Etain will provide a limited paid leave to employees.

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

### **Performance Appraisals and Evaluations**

Company-wide performance appraisals for employees will be conducted annually. Nonetheless, managers and employees will be strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations may be conducted to provide both managers and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

### **Fair and Ethical Conduct**

Etain's successful business operation and reputation will be built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. Every employee will be educated with the Employee Code of Business Conduct and Ethics prior to commencing work. (See Etain's Code of Conduct attached in the Supplemental Exhibits to this Application)

The continued success of Etain will be dependent upon our patients' trust, and we are dedicated to preserving that trust. Employees owe a duty to Etain and its patients to act in a way that will merit the continued trust and confidence of the public. Serve Safe™ and Sell Safe™ classes and certifications will be required for all employees interacting with any customers and will be provided by Marijuana Trainer's Maureen McNamara.

Etain will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In the interest of keeping Etain a company in which the employees enjoy working for, and all of our patients enjoy visiting, certain types of conduct are prohibited. Generally, Etain expects employees to conduct themselves in a professional and business-like manner. Failure to abide by this standard and to exercise good business judgment, among other things, may result in corrective action up to and including immediate termination of employment, depending on the circumstances, at the discretion of the Company.

### **Open Door Policy**

One of the advantages of being a “start-up” company is the opportunity Etain offers for personal acquaintance and attention. Etain will maintain an “open door” policy to our employees throughout the company for discussion of any business-related concerns. Employees should feel free to discuss any business related matter with their managers, or with any other member of management. Etain welcomes the opportunity to respond to employee suggestions or problems. For that reason, it encourages employees to “speak up”.

### **Job Training**

All Etain employees will be given the proper tools and training to become successful on the job. Training will be provided upon hire, and all Etain employees will receive refresher training on an annual basis. In the event that an employee is failing to perform adequately in any of the training areas, he or she will receive refresher training immediately. Training will be conducted by Etain management, outside vendors, and through online offerings. Successful completion of training will be documented and maintained in personnel files. At a minimum, each employee will be trained on the following:

- Compliance
  - In addition to Etain’s Business Code of Conduct and Ethics, Etain will operate in regulatory compliance with all state and local rules and regulations including MGL 369, An Act for the Humanitarian Use of Marijuana for Medical Purposes; confidentiality and preservation of business information (including medical records) and information systems; workplace conduct and employment practices including conflict of interest, diversity, harassment, health and safety, and

personal use of business resources; marketing practices; environmental compliance; and business courtesies.

- Etain will provide education to employees modeled after HIPAA: HIPAA law; Protected Health Information (“PHI”); Notice of Privacy Practices; patient authorization and disclosure; handling incidental disclosures or other potential breaches; information security and sensitive data; and penalties for violations.
- Medical Marijuana Education
  - Etain will have quarterly staff meetings to share current research and developments in the fields of medicinal marijuana including regulatory developments and medicinal research. Members of the medical community, on an as-needed basis, will be invited to provide presentations to employees.

## **PART VIII- ATTACHMENTS**

1. Employee Manual (see Supplemental Exhibits to Application)
2. Code of Business Conduct and Ethics (see Supplemental Exhibits to Application)
3. Workplace Safety Program Guidelines (see Supplemental Exhibits to Application)
4. Security (see Attachment D, Section 5)
5. Seed to Sale Tracking (see Attachment D, Section 10)



## **ATTACHMENT K**

### **PROOF OF INTERNET SERVICE**

# **ATTACHMENT K – PROOF OF INTERNET CONNECTIVITY**

## **MANUFACTURING FACILITY**

6032 State Route 9

Chester, New York

Confirmation of High Speed Internet Connectivity from Time Warner Cable

Account Executive: Briana Powell  
 Phone: (866) 967-7510 ext:1721534  
 Phone:  
 : (704) 973-6343  
 Email: briana.powell@twcable.com

Order # 5893078

<b>Business Name</b>	Etain, LLC	<b>Customer Type:</b>
<b>Federal Tax ID</b>	<b>Tax Exempt Status</b>	<b>Tax Exempt Certificate #</b>
<b>Billing Address</b>		<b>Account Number</b>
<b>Attention To:</b>		
6032 State Route 9 Chestertown NY 12817		
<b>Billing Contact</b>	<b>Billing Contact Phone</b>	<b>Billing Contact Email Address</b>
Matt Webb	(914) 949-2000	mwebb@peckham.com
<b>Authorized Contact</b>	<b>Authorized Contact Phone</b>	<b>Authorized Contact Email Address</b>
Matt Webb	(914) 949-2000	mwebb@peckham.com
<b>Technical Contact</b>	<b>Technical Contact Phone</b>	<b>Technical Contact Email Address</b>

Internet and Video Order Information For 870 State Route 9 Queensbury NY 12804

Service Type

High Speed Internet (HSD)

**New and Revised Services and Monthly Charges At** 402 N Pearl St , Albany NY 12207

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

do not include taxes and fees.

**New and Revised Services and Monthly Charges At 6032 State Route 9 , Chestertown NY 12817**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 870 State Route 9 , Queensbury NY 12804**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 445 State Route 28 , Kingston NY 12401**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 7M x 768K	1	\$49.99	\$49.99	36 Months
<b>*Total</b>			<b>\$49.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 4671 Onondaga Blvd , Syracuse NY 13219**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 7M x 768K	1	\$49.99	\$49.99	36 Months
<b>*Total</b>			<b>\$49.99</b>	

\*Prices do not include taxes and fees.

**One Time fees At 402 N Pearl St , Albany NY 12207**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

**One Time fees At 445 State Route 28 , Kingston NY 12401**

Description	Quantity	Sales Price	Total
Install Single Play 1YR	1	\$200.00	\$200.00
HSD Installation Discount	1	(\$150.05)	(\$150.05)
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

**One Time fees At 4671 Onondaga Blvd , Syracuse NY 13219**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.



**One Time fees At 870 State Route 9 , Queensbury NY 12804**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

**One Time fees At 6032 State Route 9 , Chestertown NY 12817**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.



**Special Terms**

**Electronic Signature Disclosure**

By signing and accepting below you are acknowledging that you have read and agree to the terms and conditions outlined in this document.

\_\_\_\_\_  
**Authorized Signature for Time Warner Cable Enterprises LLC**

\_\_\_\_\_  
**Authorized Signature for Customer**

\_\_\_\_\_  
**Printed Name and Title**

\_\_\_\_\_  
**Printed Name and Title**

\_\_\_\_\_  
**Date Signed**

\_\_\_\_\_  
**Date Signed**



# Service Agreement



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Time Warner Cable Information	
Time Warner Cable Enterprises LLC	
Street:	Contact: Briana Powell
City:	Telephone: (866) 967-7510 1721534
State:	Facsimile: (704) 973-6343
Zip Code:	

Customer Information				
Customer Name (Exact Legal Name): Etain, LLC			Federal ID No:	
Billing Address: 6032 State Route 9	Suite:	City: Chestertown	State: NY	Zip Code: 12817
Billing Contact Name: Matt Webb	Phone: (914) 949-2000		E-mail: mwebb@peckham.com	
Authorized Contact Name: Matt Webb	Phone: (914) 949-2000		E-mail: mwebb@peckham.com	

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### Electronic Signature Disclosure

Authorized Signature for Time Warner Cable Enterprises LLC	Authorized Signature for Customer
By:	By:
Time (printed):	Name (printed):
Title:	Title:
Date:	Date:



# **ATTACHMENT K – PROOF OF INTERNET CONNECTIVITY**

## **DISPENSING FACILITY**

402 North Pearl Street  
Albany, New York 12207

Confirmation of High Speed Internet Connectivity from Time Warner Cable.

Account Executive: Briana Powell  
 Phone: (866) 967-7510 ext:1721534  
 Phone:  
 : (704) 973-6343  
 Email: briana.powell@twcable.com

**Order # 5893078**

<b>Business Name</b>	Etain, LLC	<b>Customer Type:</b>
<b>Federal Tax ID</b>	<b>Tax Exempt Status</b>	<b>Tax Exempt Certificate #</b>
<b>Billing Address</b>		<b>Account Number</b>
<b>Attention To:</b>		
6032 State Route 9 Chestertown NY 12817		
<b>Billing Contact</b>	<b>Billing Contact Phone</b>	<b>Billing Contact Email Address</b>
Matt Webb	(914) 949-2000	mwebb@peckham.com
<b>Authorized Contact</b>	<b>Authorized Contact Phone</b>	<b>Authorized Contact Email Address</b>
Matt Webb	(914) 949-2000	mwebb@peckham.com
<b>Technical Contact</b>	<b>Technical Contact Phone</b>	<b>Technical Contact Email Address</b>

**Internet and Video Order Information For** 870 State Route 9 Queensbury NY 12804

**Service Type**  
High Speed Internet (HSD)

**New and Revised Services and Monthly Charges At** 402 N Pearl St , Albany NY 12207

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

do not include taxes and fees.

**New and Revised Services and Monthly Charges At 6032 State Route 9 , Chestertown NY 12817**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 870 State Route 9 , Queensbury NY 12804**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 445 State Route 28 , Kingston NY 12401**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 7M x 768K	1	\$49.99	\$49.99	36 Months
<b>*Total</b>			<b>\$49.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 4671 Onondaga Blvd , Syracuse NY 13219**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 7M x 768K	1	\$49.99	\$49.99	36 Months
<b>*Total</b>			<b>\$49.99</b>	

\*Prices do not include taxes and fees.

**One Time fees At 402 N Pearl St , Albany NY 12207**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

**One Time fees At 445 State Route 28 , Kingston NY 12401**

Description	Quantity	Sales Price	Total
Install Single Play 1YR	1	\$200.00	\$200.00
HSD Installation Discount	1	(\$150.05)	(\$150.05)
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

**One Time fees At 4671 Onondaga Blvd , Syracuse NY 13219**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.



**One Time fees At 870 State Route 9 , Queensbury NY 12804**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

**One Time fees At 6032 State Route 9 , Chestertown NY 12817**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.



**Special Terms**

[Empty box for Special Terms]

**Electronic Signature Disclosure**

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**Authorized Signature for Time Warner Cable Enterprises LLC**

\_\_\_\_\_  
**Authorized Signature for Customer**

\_\_\_\_\_  
**Printed Name and Title**

\_\_\_\_\_  
**Printed Name and Title**

\_\_\_\_\_  
**Date Signed**

\_\_\_\_\_  
**Date Signed**



# Service Agreement



This Time Warner Cable Business Class Service Agreement ("Service Agreement") in addition to the Time Warner Cable Business Class Terms and Conditions ("Terms and Conditions") and any Time Warner Cable Business Class Service Orders (each, a "Service Order"), constitute the Master Agreement by and between customer identified below ("Customer") and Time Warner Cable ("TWC" or "Operator") and is effective as of the date last signed below.

## Time Warner Cable Information

Time Warner Cable Enterprises LLC

Street: \_\_\_\_\_ Contact: Briana Powell  
 City: \_\_\_\_\_ Telephone: (866) 967-7510 1721534  
 State: \_\_\_\_\_ Facsimile: (704) 973-6343  
 Zip Code: \_\_\_\_\_

## Customer Information

Customer Name (Exact Legal Name): Etain, LLC			Federal ID No:	
Billing Address: 6032 State Route 9	Suite:	City: Chestertown	State: NY	Zip Code: 12817
Billing Contact Name: Matt Webb	Phone: (914) 949-2000		E-mail: mwebb@peckham.com	
Authorized Contact Name: Matt Webb	Phone: (914) 949-2000		E-mail: mwebb@peckham.com	

## Agreement

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### Electronic Signature Disclosure

Authorized Signature for Time Warner Cable Enterprises LLC	Authorized Signature for Customer
By:	By:
Name (printed):	Name (printed):
Title:	Title:
Date:	Date:



**ATTACHMENT K – PROOF OF INTERNET CONNECTIVITY**

**DISPENSING FACILITY**  
445 State Route 28  
Kingston, New York 12401

Confirmation of High Speed Internet Connectivity from Time Warner Cable.

Account Executive: Briana Powell  
 Phone: (866) 967-7510 ext:1721534  
 Cell Phone:  
 Fax: (704) 973-6343  
 Email: briana.powell@twcable.com

Order # 5893078

<b>Business Name</b>	Etain, LLC	<b>Customer Type:</b>
<b>Federal Tax ID</b>	<b>Tax Exempt Status</b>	<b>Tax Exempt Certificate #</b>
<b>Billing Address</b>		<b>Account Number</b>
<b>Attention To:</b>		
6032 State Route 9 Chestertown NY 12817		
<b>Billing Contact</b>	<b>Billing Contact Phone</b>	<b>Billing Contact Email Address</b>
Matt Webb	(914) 949-2000	mwebb@peckham.com
<b>Authorized Contact</b>	<b>Authorized Contact Phone</b>	<b>Authorized Contact Email Address</b>
Matt Webb	(914) 949-2000	mwebb@peckham.com
<b>Technical Contact</b>	<b>Technical Contact Phone</b>	<b>Technical Contact Email Address</b>

**Internet and Video Order Information For** 870 State Route 9 Queensbury NY 12804

**Service Type**

High Speed Internet (HSD)

**New and Revised Services and Monthly Charges At** 402 N Pearl St , Albany NY 12207

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 6032 State Route 9 , Chestertown NY 12817**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 870 State Route 9 , Queensbury NY 12804**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 10M x 1M	1	\$69.99	\$69.99	36 Months
<b>*Total</b>			<b>\$69.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 445 State Route 28 , Kingston NY 12401**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 7M x 768K	1	\$49.99	\$49.99	36 Months
<b>*Total</b>			<b>\$49.99</b>	

\*Prices do not include taxes and fees.

**New and Revised Services and Monthly Charges At 4671 Onondaga Blvd , Syracuse NY 13219**

Description	Quantity	Sales Price	Monthly Recurring Total	Contract Term
Q2 2015 Acq - 7M x 768K	1	\$49.99	\$49.99	36 Months
<b>*Total</b>			<b>\$49.99</b>	

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**One Time fees At 402 N Pearl St , Albany NY 12207**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

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Description	Quantity	Sales Price	Total
Install Single Play 1YR	1	\$200.00	\$200.00
HSD Installation Discount	1	(\$150.05)	(\$150.05)
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

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Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

**One Time fees At 870 State Route 9 , Queensbury NY 12804**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.

**One Time fees At 6032 State Route 9 , Chestertown NY 12817**

Description	Quantity	Sales Price	Total
HSD Installation Discount	1	(\$150.05)	(\$150.05)
HSD Installation Single Play	1	\$200.00	\$200.00
<b>Total</b>			<b>\$49.95</b>

\*Prices do not include taxes and fees.





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Customer Information				
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Billing Address: 6032 State Route 9	Suite:	City: Chestertown	State: NY	Zip Code: 12817
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By:	By:
Name (printed):	Name (printed):
Title:	Title:
Date:	Date:



# **ATTACHMENT K – PROOF OF INTERNET CONNECTIVITY**

## **DISPENSING FACILITY**

460 Nepperhan Avenue  
Yonkers, New York 10701

Confirmation of High Speed Internet Connectivity from Verizon FIOS.

To: "[mwebb@peckham.com](mailto:mwebb@peckham.com)" <[mwebb@peckham.com](mailto:mwebb@peckham.com)>

# Purchase Summary

<image001.png>

Dear Valued Business Customer,

Jun 01, 2015

Thank you for your recent order with Verizon. Below is a summary of your order, along with your approximate monthly charges. Please note that your first bill may be higher due to partial month prorated charges. An estimate is included below in the *What to Expect on Your Next Bill* section.

For additional information regarding the status of your order, please visit our [What's Next](#) website which will provide you with a description of your services, list of assigned telephone number(s) and important updates on your installation process. If you have further questions, please contact us at [888-756-7244](tel:888-756-7244).

To track your order on [What's Next](#), you will need your Order Number and Zip Code for the location needing service installation.

Your Order Number is: **NY00260720269**

Order Due Date is: **Jul 01, 2015**

**Address** 460 NEPPERHAN AV , YONKERS, NY, 10701



**ATTACHMENT K – PROOF OF INTERNET CONNECTIVITY**

**DISPENSING FACILITY**  
2146 Erie Boulevard East  
Syracuse, New York

Proof of Dedicated Internet Connection from Northland Communications.

# Etain LLC

## TELECOMMUNICATIONS SOLUTION

Proposed by



Stephany Dlugozima, Senior Account Executive: 315.671.6255

June 2, 2015

Northland Communications is pleased to submit the following proposal for Etain LLC.

Voice services are an integral part of your business--employee call management, lengthy bill review and service troubleshooting are not. Using Northland Communications' highly reliable fiber optic network and the newest technologies, Northland provides an unlimited local and long distance calling solution coupled with high speed internet bandwidth for customers that want to keep it simple.

## VOICE AND DATA BUNDLED SERVICES

### Business Simple

Business Simple is a traditional service providing a minimum of 3 business (POTS) lines over a fiber optic network, ensuring exceptional clear voice communications quality. This is combined with Northland's high-speed, **symmetrical** Internet bandwidth ranging from 10M to 50M. Business telephone lines include all local and long distance calls within US. One static IP address is provided and additional IP addresses are available for a nominal monthly fee.

### PRICING OPTIONS:

2146 Erie Boulevard East, Syracuse NY

#### OPTION 1 – Lines & Internet

<u>Qty</u>	<u>Description</u>
3	Business Lines: including ALL Local and Outbound Long Distance Usage
10	10 M Dedicated Internet Connection
1	Static IP Address

**Business Simple package:**

**\$221.22\* per month (plus applicable taxes)**

\*FCC and CAC charges have been included in this quote

#### OPTION 2 – Internet Only

<u>Qty</u>	<u>Description</u>
10	10 M Dedicated Internet Connection

**Monthly Recurring Charges:**

**\$300.00\* per month (plus applicable taxes)**

*Pricing based upon a Three Year Agreement with installation of \$200.00 per location.*

*Pricing is valid until July 1, 2015.*

*Taxes and surcharges are not included in this proposal.*

*A lead time of 90 days will be required from contract execution to cutover/conversion*

*Any private network circuits with Northland or any other provider require a 30 day written notification to cancel the circuits to the appropriate provider.*

*Pricing is subject to change without the bundled services of Northland Communications which may include local usage, long distance, dedicated Internet, communications equipment and/or data services.*

### **OPTIONAL INTERNET UPGRADE PRICING:**

At any point during the contract term, Internet bandwidth can be increased to the following increments for the additional monthly fee listed:

10M to 25M = \$100/month

25M to 50M = \$100/month

*Taxes and surcharges are not included in this proposal.*

*A lead time of 30 days will be required from order to upgrade.*

*A \$70 one-time upgrade fee will apply.*

## Installation and Support Details

### Northland will provide:

- Pre-planning services such as site survey of communication room/space, scheduling of installation with designated staff, coordination with other carriers, if required
- Extensive testing after cutover to include local, long distance and International inbound and outbound calling, as well as faxing
- Access to web-based Internet graphs
- Customer portal that provides online bill access

### Customer will provide:

- For installation during business hours (8am to 4pm, Monday - Friday). If conversion is required outside of normal business hours, a \$500 fee will apply
- Minimum of 2'x2' wall space at each location for mounting equipment
- Management and support of all equipment required beyond Ethernet hand-off of Internet service

### Conversion Process:

- Operations technicians perform a detailed customer premise Site Survey for voice requirements and compare these findings with the Customer Service Records from your existing carriers. In the event there are discrepancies, these are relayed back to the Sales/ Customer Relations representatives in order to proactively resolve prior to the conversion.
- Cut-over dates are coordinated through our Network Operations Center with your current carrier to ensure a smooth transfer of services.
- Northland's Network Operations Center coordinates with you to determine the proper date and time for conversion of service. Conversion can take place during business hours (recommended to ensure proper testing can take place) or after-hours should your organization prefer. (There is a \$500.00 fee for scheduled conversions outside Northland's business hours of 8am to 4pm, Monday - Friday.)



## **ATTACHMENT L**

### **START-UP TIMELINE**

# Etain, LLC

## Attachment L: Start-Up Timeline

Etain's estimated timeline for construction, growing marijuana, and production of a finished product is set forth in the following table. To summarize, upon issuance of registration, Etain is prepared to immediately commence construction activities. The general contractor will complete primary cultivation areas first so that horticultural activities can begin while construction in other areas is ongoing. It is anticipated that, by approximately 90 days post-award, construction activities will be sufficiently complete so that plantings can begin. By approximately 160 days post-award, Etain anticipates that harvesting, extraction and product formulation and testing will be complete. Final product will be ready for sale 172 days post-award. The table below sets forth operational milestone (the most significant construction and horticultural benchmarks) and expected dates of achievement for each.

<b>Operational Milestone</b>	<b>Days Post-Award of Registration</b>
New York State Awards Medical Marijuana Permits	Day 0
Construction Phase	Days 1 – 5
Connecting Corridor and Mechanical Room	Days 6 – 72
Existing Building Renovations	Days 9 – 86
First Plantings	Day 86
First Harvest (45 Days)	Day 130
Second Harvest (60 Days)	Day 146
Extraction	Days 138 – 141
Product Formulation	Days 142 – 148
Product Packaging	Days 150 – 156
Product Testing	Day 157 – 163
Product Delivery to Dispensaries	Day 170
Final Product Ready for Sale	Day 172



## **ATTACHMENT M**

### **STATEMENT OF COMPLIANCE WITH LAWS**

## **ATTACHMENT M – STATEMENT OF COMPLIANCE**

As documented in the Application Materials submitted by Etain herewith, including any and all forms, attachments, exhibits, appendices, contracts, plans, specifications, statements and other documents, Etain is able to comply with all state and local laws and regulations pertaining to the activities Etain intends to engage in pursuant to the registration.

**eTain\***

**SUPPLEMENTAL  
EXHIBITS TO APPLICATION**

**LETTERS OF SUPPORT**

SENATOR  
ANDREA STEWART-COUSINS  
DEMOCRATIC CONFERENCE LEADER  
STEWARTCOUSINS.NYSENATE.GOV



THE SENATE  
STATE OF NEW YORK

May 29, 2015

Howard Zucker, Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, NY 12247

ALBANY OFFICES:  
907 LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-2985  
FAX (518) 426-6811

315 CAPITOL  
ALBANY, NEW YORK 12247  
(518) 455-2715  
FAX (518) 426-6844

DISTRICT OFFICE:  
28 WELLS AVENUE, BUILDING 3  
YONKERS, NEW YORK 10701  
(914) 423-4031  
FAX (914) 423-0979

NYC OFFICE:  
250 BROADWAY, SUITE 1930  
NEW YORK, NEW YORK 10007  
(212) 298-5585  
FAX (212) 298-5610

Dear Commissioner Zucker:

Please accept this letter in support of Etain LLC's application to establish and operate a medical marijuana dispensary in New York State. Etain is a New York-based, women-owned business whose mission is to optimize quality of life for patients by providing medical cannabis to those in need.

The company is run by the Peckham Family which is known in the Hudson Valley for their construction company Peckham Industries. Amy, Keeley and Hillary Peckham launched Etain as a separate entity. Nevertheless, the Peckham family has decades of experience working in a highly-regulated and vertically-integrated industry. They are also outstanding community partners, having undertaken significant philanthropic work in Westchester County.

In competing for a New York State medical marijuana license, Etain not only hopes to help New York State open a new market, generate tax revenue, and create jobs, but they also hope to provide much-needed relief to the patients they will serve.

As New York State embarks on this important medical marijuana initiative, please consider Etain's application for a license. Should you have any questions, please do not hesitate to contact me at 914-423-4031.

Sincerely,

A handwritten signature in black ink that reads "Andrea Stewart-Cousins". The signature is written in a cursive, flowing style.

Andrea Stewart-Cousins  
New York State Senate, 35th District  
Senate Democratic Leader

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154	ROLL CALL	AUTHORIZING THE COUNTY TREASURER TO TRANSFER FUNDS FROM THE AIRPORT REPAIR & PROJECTS RESERVE ACCOUNT TO BUDGET CODE A.9950 910 TRANSFERS-CAPITAL PROJECTS, INTERFUND TRANSFERS TO INCREASE AIRPORT CAPITAL PROJECT NO. H306.9550 280 LAND/AVIGATION EASEMENT - FOREST ENTERPRISES PARCEL AND AMENDING 2015 WARREN COUNTY BUDGET
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168		INTRODUCING PROPOSED LOCAL LAW No. 4 OF 2015 AND AUTHORIZING PUBLIC HEARING THEREON; A LOCAL LAW ENTITLED "A LOCAL LAW AMENDING LOCAL LAW No. 3 OF 2011 - DELETING AND REPLACING SECTION 4 IMPOSITION OF FEES FOR GIS AND E-911 ADDRESSING SERVICES PROVIDED BY THE WARREN COUNTY PLANNING DEPARTMENT"
169		AUTHORIZING ACQUISITION OF PROPERTY AND PAYMENT OF JUST COMPENSATION TO INDIVIDUAL PROPERTY OWNERS FOR LAND NECESSARY FOR THE BLAIR ROAD OVER MILL BROOK BRIDGE REPLACEMENT PROJECT (PIN 1759.13) IN THE TOWN OF HORICON; AUTHORIZING CHAIRMAN TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS

**Special meeting** of the Town of Chester Town Board was held on **March 2, 2015** at 7:00 pm at the Town Hall, 6307 State Route 9, Chestertown, NY.

**Roll Call:**

Mike Packer, Edna Wells, Karen DuRose, Frederick H. Monroe, and Steve Durkish.

The purpose of the Special meeting was to discuss a tentative plan to pursue a Medical Marijuana growing and processing license in the Town of Chester by the Peckham Family.

Peter Simoneau, Vice President of Peckham Industries, began the presentation by stating that Peckham had been striving to grow its business, located on the west side of Route 9 in the Town of Chester, but due to limitations of the APA regulatory and permit issues, the quarry operations have been restricted. A few years ago, Peckham had acquired property across Route 9, the former Ross Farm, which was designated during Zoning changes to the Town, as an Industrial Zone. It is currently occupied by a log storage operation. Mr. Simoneau continued that a marijuana operation would involve erection of a new structure (warehouse), located in front of the former horse barn. Other ventures proposed for the property are a wood pellet processing plant, and possible solar farm. Mr. Simoneau explained that the Marijuana project could not be a subsidiary of another group. The project would need to be up and running by January 1<sup>st</sup> of 2016, so they want to begin the regulatory process now.

In attendance for the presentation of the Medical Marijuana project were Amy Peckham, and daughter Hillary Peckham, along with Joe Stevens, a project consultant. Amy Peckham, along with daughters Hillary and Keeley, are partners in a business that is separate from Peckham Industries, known as "Etain, LLC". With Amy Peckham having Gaelic roots, the new company is named for a legendary Gaelic woman, who embodied multiple roles at the same time. (A true multi-tasker!)

"Etain" is vying for one of five licenses to be issued in this State sometime later in the year. The project would require Planning and Zoning approval.

Hillary Peckham did an outstanding job offering a Power Point presentation to the Board and attending guests. She began by explaining that "Etain" is a totally Women owned business. Her

Amy wanted to pursue this venture due to

Hillary explained that her

had

, and

she had [REDACTED] for about [REDACTED] [REDACTED] her [REDACTED] by [REDACTED]. Her [REDACTED] had tried to entice her into using medical marijuana to alleviate her pain, but she refused. She was a law abiding citizen, Hillary explained, with her worst offense being speeding. When laughter from the audience erupted, Hillary was quick to explain that she would sometimes exceed the speed limit.

She continued that she has a [REDACTED] who [REDACTED] from [REDACTED] [REDACTED], a [REDACTED] [REDACTED] that can cause up to [REDACTED]. Medical marijuana cannot cure such a disease, or any other, but it could go a long way in controlling some of the symptoms for a better quality of life. Benefits of Medical Cannabis, with support from the NE Journal of Medicine, The American Nurses Association, and the American Academy of Family Physicians, and others, prove it relieves muscle spasms from neurological disorders, alleviates nausea from Chemotherapy, and aids patients with chronic and debilitating pain associated with Cancer, AIDS, and MS, to name a few. Some of the other diseases which would benefit are ALS, Parkinson's, Spinal Cord injuries with spasticity, Epilepsy, Neuropathy, Huntington's Disease, and Inflammatory Bowel Disease.

Any patient seeking to use Medical Cannabis must have one of these diseases with symptoms, such as wasting syndrome (because they cannot eat), pain resulting in limitation of function, severe nausea, seizures, or severe muscle spasms. Doctor's must be licensed to prescribe Medical Cannabis, having to complete a 4 hour certification course, and are restricted to prescribing only a 30 day supply. State Law mandates that Medical Cannabis cannot be produced in a smokeable form, but will be extracted as an oil for use in a pill form, or tincture. The State is granting only five licenses, but each can be affiliated with 4 dispensaries, which gives a total of 20 dispensaries within the State. Each dispensary must be staffed with a State licensed Pharmacist and must be in a location separate from the processing plant.

Extraction is regulated. Some in the current industry rely on use of dangerous organic solvents like Butane, which extract unwanted materials, and leave trace amounts of toxins in the finished product. It is also highly explosive, and NY State regulations prohibit the use of Butane for extraction. Instead, a complicated CO<sub>2</sub> system will be utilized. Every plant is tracked and accounted for. The processing plant would have security guards and surveillance cameras for protection. Distribution would be done by armored vehicles.

There are also tax advantages for the regions where Medical Marijuana is processed and dispensed. 7% excise tax goes to the Commissioner of Taxation and Finance. Of that 7% revenue, .22.5% goes to the counties in NY State where Medical Marijuana is manufactured. .22.5% goes to the counties in NY State where Medical Marijuana is dispensed, .5% goes to the Division of Criminal Justice Services, and .5% goes to the Office of Alcoholism and Substance Abuse Services for prevention, counseling and treatment. The rest goes to the State. "Etain" would also qualify for tax breaks on improvements made to the property. Initially, the new construction would be assessed at 50% for the first five years, and then increase at a rate of 5% per year until it reaches 100%.

There is an initial expectation of between 20 and 30 jobs, with approximately 1,900 patients being served. These highly skilled, living wage jobs would include construction, security, transportation, property management, horticultural, culinary, chemical engineering, pharmaceutical, and administrative.

Hillary stated that this will create a new Industry and a new set of jobs in an undeveloped area. The family is hoping that in the next few years, the State will amend legislation to add other conditions for which the drug can be prescribed. Some of these would include posttraumatic stress disorder, rheumatoid arthritis, depression, anxiety and chronic pain. They also hope the state will allow for wholesale distribution throughout the state, and that the Federal Government will decriminalize marijuana which could expand the number of potential patients to 5,000. Obviously as the business grows, the more jobs can be added. The state has not yet finished drafting the regulations, so she is not sure when the review process will start. They are supposed to start producing plants by January 1<sup>st</sup>, of 2016, so they would need to begin planting in October of this year. The Governor and the Commissioner of Health will make the decision on who receives the licenses, based on points for quality of submission, and moral character of the applicant. They want to be sure that applicants are going into this venture for the right reasons, and giving back to the community.

The company is working with a Real Estate Agent to find suitable locations for dispensaries. Each dispensary has to be located at least 1,000 feet from schools, places of worship, and public parks. It should be stated that all product is sent to a laboratory for testing to be sure of the quality and that each patient is given a consistent dose of medication.

The audience was extremely receptive to the concept, and the Board reviewed and approved the draft resolution for a Medical Marijuana cultivation-manufacturing Facility.

**RESOLUTION #27: APPROVE DRAFT RESOLUTION FOR VOTE FOR MEDICAL MARIJUANA CULTIVATION/MANUFACTURING FACILITY:**

Introduced by Mr. Monroe, seconded by Mr. Packer, approve the draft resolution for vote for Medical Marijuana Cultivation-Manufacturing Facility: contingent on review by Attorney for the Town:

WHEREAS, on July 5, 2014, Governor Cuomo signed into law the New York Medical Marijuana Law; and

WHEREAS, the New York State Department of Health has established specific regulation under which businesses are licensed as Registered Organizations for medical marijuana cultivation, production and sale; and

WHEREAS, there is ample evidence that marijuana is beneficial to people suffering from the chronic and debilitating pain associated with cancer, AIDS and multiple sclerosis, and has also proven effective in alleviating nausea associated with chemotherapy, and muscle spasms from neurological disorders; and

WHEREAS, the American Nurses Association, American Academy of Family Physicians, Lymphoma Foundation of America, American Preventive Medical Association, American Public Health Association, Gray Panthers, and the New England Journal of Medicine have endorsed the medical use of marijuana; and

WHEREAS, a 2014 Quinnipiac University poll found that 88 percent of all New Yorkers think allowing medical marijuana at the recommendation of a doctor is a good idea - with strong support amongst all groups; and

WHEREAS, New York State Licensed Registered Organizations provide high skill and living wage jobs and operate under Labor Peace Agreements with labor unions; and

WHEREAS, Local innovators and entrepreneurs in the medical marijuana industry seek to drive local economic growth; and

WHEREAS, the Town Board has a vested interest in ensuring that Town of Chester residents have access to all viable medical options that could address symptoms associated with chronic, painful, or terminal diseases; and

NOW THEREFORE BE IT RESOLVED: In accordance with the request therefore, the Town Board supports New York Assembly Bill 6357 signed into law by Governor Andrew Cuomo on July 5, 2014; and it is further

RESOLVED that the Town of Chester welcomes and encourages appropriately licensed, registered and regulated medical marijuana businesses, including cultivation, processing facilities and dispensaries; and it is further

RESOLVED that the Town of Chester current laws and codes do not prohibit medical marijuana businesses, including cultivation, processing facilities and dispensaries.

ROLL CALL VOTE:

Steve Durkish	AYE
Edna Wells	AYE
Michael Packer	AYE
Frederick Monroe	AYE
Karen DuRose	AYE

**Memorandum of Understanding.**

A memorandum of understanding regarding aquatic invasive species prevention was brought to the Governor back in January, but was unsigned by municipalities and lake associations at that time, because they were waiting for input from DEC. Revisions were then made by DEC, and they will sign it, and get the Dept. of State to sign, along with APA and maybe Dept. of Transportation. Mr. Monroe brought it to Warren County this morning, where the committee for invasive species passed it. He then received an email this afternoon from the Deputy DEC Commissioner for Natural Resources who said that DEC Commissioner Joe Martens and this Executive Deputy Commissioner are encouraging the Governor to do a press conference saying that this is being done, and being signed by municipalities and lake associations all over the Adirondacks. We would like to have it signed as added ammunition when the press conference is given. It is a non-binding resolution and is an Adirondack wide prevention plan. Basically it states that we realize there is a problem, and we will work together to solve it.

**RESOLUTION #28: APPROVE AND AUTHORIZE SIGNING OF MOU REGARDING AQUATIC INVASIVE SPECIES PREVENTION IN THE ADIRONDACK REGION.**

Introduced by Mrs. Wells, seconded by Mr. Durkish, approve and authorize signing of the Memorandum of Understanding among public and private Organizations regarding aquatic invasive species prevention in the Adirondack Region.

Aye 5 NO 0

On a motion by Mr. Monroe, seconded by Mrs. DuRose, meeting adjourned at 8:55 pm.

Respectfully submitted,

---

Town Clerk



**CITY OF ALBANY**  
**OFFICE OF THE MAYOR**  
24 EAGLE STREET  
ALBANY, NEW YORK 12207  
TELEPHONE (518) 434-5100  
WWW.ALBANYNY.ORG

**KATHY SHEEHAN**  
MAYOR

June 2, 2015

Howard Zucker, Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, NY 12247

Re: **Etain LLC**

Dear Commissioner Zucker:

Please accept this letter in support of Etain, LLC (Etain) establishing and operating a medical marijuana dispensary in the City of Albany. Etain not only hopes to help open a new market, generate tax revenue, and create jobs, but they also hope to provide much-needed relief to the patients they will serve.

Etain has demonstrated its willingness to work with my office towards balancing its own needs with the interests of our community. Etain has shown a desire to cooperate with the city, by proposing to place its dispensary in the warehouse district of North Albany, recognizing the city's effort to revitalize that portion of the city.

Once Etain has secured its license to establish and operate a medical marijuana dispensary, they will work with local officials and police to ensure that Etain occupies a suitable location that complies with the New York Compassionate Care Act (the "Act"), the Medicinal Marijuana Program Rules implementing the Act, and the City of Albany's code and ordinances. My office will work closely with Etain to assist them in selecting a location that is an appropriate distance from all schools and child-related facilities, has easy access for patients, and is best secured from crime-related activity.

**I appreciate Etain considering the City of Albany as a site for this resource and support their application.**

**Sincerely,**

A handwritten signature in black ink, appearing to read 'Kathy M. Sheehan', with a long horizontal flourish extending to the right.

**Kathy M. Sheehan**

**Mayor, City of Albany**

# ULSTER COUNTY EXECUTIVE

244 Fair St., P.O. Box 1800, Kingston, New York 12402

Telephone: 845-340-3800

Fax: 845-334-5724

MICHAEL P. HEIN  
*County Executive*

ADELE B. REITER  
*Chief of Staff*



ROBERT SUDLOW  
*Deputy County Executive*

KENNETH CRANNELL  
*Deputy County Executive*

February 5, 2015

To Whom It May Concern:

Please accept this letter in support of Etain LLC establishing and operating a medical marijuana dispensary in Ulster County.

Once Etain has secured its permit to establish and operate a medical marijuana dispensary, the Ulster County Office of Economic Development will assist Etain in every way possible so that Etain can ensure it occupies a suitable location that complies with the New York Compassionate Care Act (the "Act"), the Medicinal Marijuana Program Rules Implementing the Act, and Ulster County's local codes and ordinances. The Office of Economic Development will work closely with Etain, so that Etain can ensure that its location is at an appropriate distance from all schools and child-related facilities, has easy access for patients, and is best secured from crime-related activity.

Etain appears to have a strong business plan and I am impressed with the relationship it has established within our community. Etain has demonstrated its willingness to work cooperatively with Ulster County towards balancing its needs with the interests of our community.

Please feel free to contact my office if you need additional information.

Very truly yours,

Michael P. Hein  
County Executive



OFFICE OF THE MAYOR  
MIKE SPANO

May 29, 2015

New York State Department of Health  
Bureau of Narcotic Enforcement  
Medical Marijuana Program  
150 Broadway  
Albany, NY 12204

Commissioner:

On behalf of the City of Yonkers, please accept this letter as my support of ETAIN, LLC's application to open and operate a medical marijuana dispensary in the City of Yonkers.

As Mayor I support ETAIN, LLC's proposed operation in Yonkers and believe it will advance Governor Cuomo's goal of implementing a comprehensive, safe and effective medical marijuana program that meets the needs of New Yorkers with serious health conditions, while simultaneously promoting new industry and job creation.

For the foregoing reasons I hereby support ETAIN, LLC's application and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Spano", written over a large, stylized initial "M".

**MIKE SPANO**  
Mayor



County of Onondaga  
**Office of the County Executive**

John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street, Syracuse, New York 13202

Phone: 315.435.3516 Fax: 315.435.8582

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

**Joanne M. Mahoney**  
*County Executive*

**Ann Rooney**  
*Deputy County Executive, Human Services*

**William P. Fisher**  
*Deputy County Executive*

**Mary Beth Primo**  
*Deputy County Executive, Physical Services*

June 4, 2015

NY State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, New York 12237

To Whom It May Concern:

Please accept this letter in support of the application from Etain, LLC ("Etain") to establish and operate a licensed dispensary at 2156 Erie Boulevard East, Syracuse, in the County of Onondaga and State of New York.

The leadership team of Etain has reached out to our community, we believe that Etain has our best interests in mind by siting and operating a dispensary in Central New York.

Etain's plan to establish and operate a medical marijuana dispensary indicate they will work with all necessary municipal officials, boards, and law enforcement to ensure that the proposed facility complies with the New York Compassionate Care Act, the Medicinal Marijuana Program regulations and all local law.

Thank you for your consideration of their application.

Sincerely,

Joanne M. Mahoney  
Onondaga County Executive



**SUPPLEMENTAL  
EXHIBITS TO APPLICATION**

**PRO FORMA FINANCIAL PROJECTIONS**





















**etain**

**SUPPLEMENTAL  
EXHIBITS TO APPLICATION**

**EMPLOYMENT MANUAL**



**Etain**



**Employment Manual**

Etain, LLC  
29 Aspetong Road  
Katonah, New York 10536

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Supplemental Exhibits to Application  
Employment Manual

Etain, LLC

## At-Will Disclaimer

To answer some of the questions you may have concerning Etain, LLC, its subsidiaries and affiliates (hereinafter "Etain" or the "Company") and their policies, we have produced this Employee Manual. Please read it thoroughly. The policies stated in this manual are guidelines only and are subject to change at the sole discretion of Etain, as are all other policies, procedures, benefits and other programs of Etain. From time to time, you may receive updated information concerning changes in policy. If you have any questions, please ask your supervisor or refer directly to this manual.

This manual is not a contract, expressed or implied, guaranteeing employment for any specific duration. Although we hope that your employment relationship with us will be long term, either you or Etain may terminate this relationship at any time, for any reason, with or without cause or notice. Please understand that no supervisor, manager, or representative of Etain other than the CEO, has the authority to enter into any agreement with you for employment for any specific period of time or to make any promises or commitments contrary to the foregoing. Further, any employment agreement entered into by the CEO shall not be enforceable unless it is a formal written agreement and signed by both you and the CEO of Etain. Please also understand that no supervisor, manager, or other representative of Etain has the authority to make any verbal promises, commitments, or statement of any kind regarding Etain's policies, procedures or any other issues that are legally binding on Etain.

Please note this employee manual applies to the employees of Etain, LLC, as well as the employees of its subsidiaries and affiliates. Nothing in this manual, including the preparation and use of a common manual for all the Etain entities, or Etain, LLC's administrative role as a paymaster for the Etain entities, alters or reduces the independent corporate status of each of the Etain entities. Your employer continues to be the specific Etain entity which employed you, and no other parent, subsidiary or affiliate entity.

## Foreword

Keeping you fully informed about our policies, procedures, practices and benefits promotes fair treatment of all employees. This manual is intended to provide you with basic information to let you know what you can expect from us, as your employer, and what we can expect from you, the employee.

Etain, LLC ("Etain") reserves the right to interpret all policies in this manual. We believe in keeping employees fully informed about our policies, procedures, practices, benefits, what employees can expect from the Company, and the obligations assumed as an employee of Etain or one of its subsidiaries/affiliates. This practice is designed to provide fair treatment of employees. All employees are expected to become familiar with the policies, procedures, practices, and benefits of Etain. This manual is intended to provide employees with basic information. The policies and practices described in this manual reflect a great deal of concern for the people who make it possible for Etain to be successful . . . its employees.

Because Etain is a growing, changing organization, it reserves full discretion to add to, modify, or delete provisions of this manual or any of the policies referenced herein at any time without advance notice. Questions about Etain's policies and procedures should be directed to the Human Resources Department.

All employment at Etain is *at will*. "At will" means that both employees and Etain have the right to terminate employment at any time, with or without advance notice, and with or without cause. No one other than the President/Chairman of Etain has the authority to alter this agreement, to enter into an agreement for employment for a specified period of time, or to make any agreement contrary to this policy, and any such agreement must be in writing and must be signed by the CEO of Etain.

Descriptions of various fringe benefits such as group insurance are summaries only and you should refer to the formal plan documents (where applicable) for the details of these benefits. Should the descriptions in this manual differ with any formal agreement or document, the formal agreement or document shall be considered correct.

The policies, procedures, practices and benefits described in this manual replace all earlier written and unwritten ones.

In the event of any conflict between the provisions of this manual and the provisions in any applicable Collective Bargaining Agreement, the Collective Bargaining Agreement shall govern in all cases with respect to employees covered by such agreement.

## Management Philosophy

Etain's employees and their welfare are very important to the success of our Company. Our long-range objective is the continuous development of a growing and prospering business through which both the employees and the Company will benefit. Every employee is considered a member of our Company team. Our success as a Company is built on the recognition of the skills and efforts made by each employee. It is our policy to work with all members of our team in a fair and friendly manner and to treat each team member with dignity and respect.

The management of Etain will work continually for the benefit of our present and prospective customers as well as our employees to improve the competitive position of our Company. This will enable us to provide excellent jobs for our team members. General conditions such as safety, cleanliness, and employee accommodations will be evaluated periodically for possible improvement and will always strive to compare favorably with good industry practice. We will be pleased to meet with any employee to discuss suggested improvements in working conditions.

We strive to be an important part of the communities in which we work, and to be viewed as a positive force within these communities. The management of Etain will work continuously to improve our appearance and minimize our impacts on our neighbors. Employees and management shall devote our best effort to handling any complaints or concerns fairly, quickly and with the utmost courtesy.

We will devote our best effort to conducting an expanding business within which will prevail an atmosphere of harmony with opportunity for all employees of Etain.

Sincerely,

Amy K. Peckham, CEO  
Etain, LLC

## Definitions

Throughout this Manual you will see the terms “Etain,” the “Company” and “Senior Management.” Their meanings are listed below:

**ETAIN and COMPANY** – Etain, LLC, its subsidiaries and affiliates. The list of entities which constitute the subsidiaries and affiliates of Etain, LLC is subject to change without notice.

**SENIOR MANAGEMENT** – the Etain President/Chairman of the Board, Vice President(s) and Chief Financial Officer.

DRAFT

## SECTION 1 Employment

### 1.1 APPLICATION FOR EMPLOYMENT

All candidates for employment with Etain must fully complete, date, and sign the Company's standard employment application form. (A resume will not be accepted in lieu of a completed employment application.)

It is the policy of Etain to request information from previous employers in order to obtain the prospective employee's work record as it pertains to his/her application for employment. The Company may investigate any portion of the requested information and may deny or later terminate the employment of anyone giving false, misleading, or incomplete information. The completed employment application forms will be made part of the personnel file of those applicants accepted for employment.

An employment application form completed by an applicant not selected for available openings will be maintained in an active file in the Human Resources Department for a minimum of twelve (12) months and reviewed as suitable openings occur.

### 1.2 EQUAL EMPLOYMENT OPPORTUNITY ("EEO") DATA

In order for the Company to comply with federal government regulations regarding its practice to employ people without discrimination, it is necessary for the Company to compile and maintain detailed information on each candidate for employment and those who are hired. To capture this information, which includes the candidate's or employee's gender, race, disability status, and veteran's status including service in the Vietnam era, employees are asked to fill out the applicable voluntary self-identification forms.

### 1.3 IMMIGRATION LAW COMPLIANCE

Etain is committed to employing U.S. citizens and aliens who are authorized to work in the United States and will not unlawfully discriminate on the basis of citizenship or national origin.

As a condition of employment and in compliance with the Federal Immigration and Reform Control Act ("IRCA") of 1986 as amended, each new employee, upon hire and no later than the first day of employment, must complete an Employment Eligibility Verification form (Form I-9) and present documents that establish identity and employment eligibility. Identity can be established by providing documentation such as a current state issued driver's license, a state-issued identification card, or similar document such as a school I.D. with photograph, voter's registration card, or military service record. Employment eligibility documents include a Social Security card, a birth certificate, or an immigration document.

Documents which can be used to satisfy both identity and eligibility requirements include a U.S. passport, Permanent Resident Card, and unexpired Employment Authorization Document that contains a photograph.

Other acceptable documents are listed on the I-9 form. Documents used must not be expired.

If proper identity and employment eligibility documents are not provided by the third day of employment, an employee will not be allowed to continue employment.

#### **1.4 BACKGROUND CHECKS**

To ensure that Etain is in compliance with State and Federal Law and does not unknowingly employ ineligible individuals, a series of background checks will be conducted upon hire and as required thereafter.

All new applicants will be subject to application interview and review. Applicants for positions within Etain that have driving requirements will have their license checked via the Department of Motor Vehicles Database. Driver's licenses must be Valid.

##### **1.4.1 CRIMINAL BACKGROUND CHECK**

All new applicants that are hired for positions that are subject to the Criminal Background Check law will also need to be fingerprinted and their fingerprints referenced against New York State and FBI criminal record databases.

New York State regulations require Etain to request criminal history information on all prospective employees. For the duration of employment, Etain will receive ongoing notifications of arrests for any employee subject to criminal background checks.

##### **1.4.2 PROFESSIONAL LICENSURE**

All new applicants who are hired for a position that requires a New York State Professional License will have their license and registration verified through The New York State Department of Education. Thereafter, Etain will check the status of all professional licenses and registrations on an annual basis.

##### **1.4.3 EXCLUSION LISTS**

No individual who is listed on a federal health care program exclusion list (the List of Excluded Individuals and Entities maintained by the Office of Inspector General of the Department of Health and Human Services, the United States General Services Administration Excluded Parties List System, or the exclusion list maintained by the New York Office of Medicaid Inspector General) is eligible for employment at Etain. All new hires are screened against the exclusion lists prior to commencement of employment, and all employees are screened monthly thereafter. If a current employee is found to be excluded by a federal health care program, such employee will be

terminated. It is Etain's policy not to employ, or contract with, any individual or entity that has been excluded from any government program.

## 1.5 MEDICAL EXAMINATION

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

Applicants to whom conditional offers of employment have been extended may be required to undergo medical examinations that are job-related and consistent with the Company's business needs.

The medical examination will be conducted at the Company's expense. Employment and assignment will be conditional pending the receipt of a satisfactory physician's report.

Current employees may also be required to undergo medical examinations. When necessary, these exams will evaluate an employee's ability to perform the essential functions of the position or need for possible accommodation. Such examinations will be conducted for all employees in the same job category and will be scheduled at reasonable times and intervals.

All such exams will be conducted at the Company's expense. All medical records will be maintained as confidential and stored by the Human Resources Department, securely and separately from the employees' personnel files.

## 1.6 DRUG TESTING

Etain is committed to providing a safe, efficient, and productive environment for all employees. Therefore, potential hires to whom an offer of employment has been extended and current employees may be asked to provide body substance samples (such as urine) to determine illegal use of drugs. Employees should refer to SECTION 12 of this manual for a complete outline of the Etain Drug Testing Policy.

Questions concerning this policy should be directed to the Etain Human Resources Department.

## 1.7 MOTOR VEHICLE RECORD ("MVR") INQUIRY

Employees may be expected to drive Company vehicles or personal vehicles on Company business and must provide the Company with current and acceptable motor vehicle driving information, including but not limited to evidence of insurance of private vehicles in an amount acceptable to Etain. Employment and/or assignment will be conditional pending the receipt of a satisfactory report from the department of motor vehicles or other service providing the similar information. A DMV inquiry is made on all new drivers. Annual inquiries are conducted for all current Company drivers.

## 1.8 CREDIT CHECK

The Company reserves the right to request and obtain reports from Credit Reporting Agencies (such as TRW) for employees and applicants in selected positions. Upon the request, an employee or applicant will be informed whether a report was requested and, if so, will be told the name and address of the consumer reporting agency that furnished the consumer report. If a report is obtained and information contained in that report is deemed unsatisfactory, the Company will so advise the employee or applicant, orally, in writing, or electronically. Specifically, the Company will make a copy of the report available to the employee and provide the employee with notice of the employee's right to dispute the accuracy or completeness of any information in his or her report and to obtain an additional free report from the company that supplied the credit or other background information to Etain if requested within 60 days.

## 1.9 EEO POLICY

Etain was built upon teamwork and equal opportunity. We will continue to be successful when people are treated fairly and allowed to advance and achieve their full potential. We are proud of the fact that we extend equal employment opportunities to all qualified employees and applicants for employment without regard to race, color, religion, sex, age, national origin, physical or mental disability, creed, marital status, sexual orientation, political activities, military status, domestic violence victim status, victim of stalking status and any other protected status under local, state, or federal antidiscrimination laws.

All phases of employment including, but not limited to, recruiting, hiring, selection for training, promotion, demotion, discipline, rates of pay or other compensation, benefits, transfer and conditions of employment, layoff, termination, recall, use of all facilities, and participation in all Company-sponsored activities will be administered so as to further the Company's equal employment opportunity policy.

Employees' questions or concerns regarding this policy should be referred to the Human Resources Department.

Appropriate disciplinary action may be taken against any employee who violates this policy.

## 1.10 AFFIRMATIVE ACTION PLAN

Etain shall continue to base decisions on employment so as to further the principles of equal employment opportunity by hiring and employing qualified, reliable, productive employees without regard to race, color, religion, sex, age, national origin, physical or mental disability, creed, marital status, sexual orientation, political activities, military status, and any other protected status under local, state, or federal antidiscrimination laws.

In order to implement this policy, the Company has adopted an affirmative action program.

Etain will cooperate with federal, state, or local government agencies that have the responsibility of observing our actual compliance with various laws relating to employment. The Company will furnish such reports, records, and other matters as requested in order to foster the program of equal opportunity for all persons.

The Company has designated the Affirmative Action Officer as its Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer is responsible for coordinating all aspects of the Equal Employment Opportunity process to assure non-discrimination and compliance with all applicable orders and guidelines. Questions and/or complaints concerning equal employment opportunity should be directed to the Company's Equal Employment Opportunity Officer.

### 1.11 ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

Etain is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA"), and disability discrimination provisions of the New York Human Rights Law ("NYHRL"). It is Etain's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability, or record of disability so long as the employee can perform the essential functions of the job with or without reasonable accommodation. Consistent with this policy, Etain will provide reasonable accommodations to a qualified individual with a disability, as defined by applicable law, who has made Etain aware of his or her disability, provided that such accommodation does not constitute an undue hardship.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Department. Etain encourages individuals with disabilities to come forward and request reasonable accommodation.

### 1.12 CATEGORIES OF EMPLOYEES

Employees are categorized based on federal and state wage and hour law guidelines. Employees paid hourly and entitled to earn overtime generally are Non-Exempt. Salaried employees, not entitled to overtime pay, generally are Exempt. All employees, non-exempt and exempt are grouped into one of the following types for the purpose of compensation and benefit eligibility. All Company policies apply to all categories of employees.

- **FULL-TIME** – Employees hired full time (thirty (30) or more hours) on a full work week basis for a continuous and indefinite period of time are considered fulltime employees for all compensation and benefit purposes.
- **PART-TIME** – Employees whose work schedule is less than full time (less than thirty (30) hours) on a full work week basis for a continuous and indefinite period are considered part-time employees for all compensation and benefit purposes. Part-time employees are eligible for some benefits by specific reference only.
- **UNION** – Full-time employees who are members of a union and subject to a Collective Bargaining Agreement. Any benefits offered are administered through the union and pursuant to the terms of the Collective Bargaining Agreement unless specifically noted otherwise.

- **TEMPORARY** – Employees hired as temporary replacements for full-time or part-time employees, or for short and defined periods of employment having beginning and ending dates to fulfill a specific assignment, are considered temporary employees. Employment ends upon (or before) the completion of the assignment. Temporary employees are not eligible for benefits regardless of the number of hours or weeks worked other than those mandated by New York State or other applicable law.

### 1.13 PROFESSIONAL PRACTICES

Some Etain employees, including pharmacists, are required to maintain current professional license, certification or registration and follow the code of ethics of their professional organization. Additionally, the Company maintains all state and federal licenses as required by law for its business activities.

Employees must:

- Provide professional services only if he or she has the required license, certification or registration;
- Keep required, professional certifications up-to-date if performing duties requiring credentialing;
- Notify their supervisor if his or her license is revoked or suspended or if a state or federal regulatory agency has taken any action that will negatively affect the employee's license or ability to practice.

### 1.14 BENEFIT ELIGIBILITY

Within this manual, the term "eligible employee(s)" used in SECTION 3 - Benefits refers to full-time employee(s) unless otherwise designated. Each employee will be advised of the status of their position when they are hired.

- Full-time employees are entitled to the benefits stated in this manual provided that they qualify for each individual benefit.
- Part-time employees are entitled to those employee benefits specifically designated.
- Temporary employees are not eligible for benefits other than those mandated by New York State or other applicable law.

### 1.15 ORIENTATION, REVIEW AND ACKNOWLEDGMENT OF POLICIES

Following the acceptance of employment, the immediate supervisor or manager will discuss job duties and areas of responsibility, as well as provide an overview of Company policies and procedures with the new employee. The new employee will be provided with a copy of this Employee Manual, as well as other relevant Company policies, procedures and benefits.

**AFTER REVIEWING THE HANDBOOK AND ITS ASSOCIATED DOCUMENTS AND POLICIES, EACH NEW EMPLOYEE MUST EXECUTE THE FOLLOWING FORMS:**

- Acknowledgement of Receipt and Understanding of Manual;
- Acknowledgement of Receipt and Understanding of Drug-Free Workplace Policy; and
- Acknowledgement of Receipt and Understanding of HIPAA Policies and Training.

#### 1.16 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The Health Insurance Portability and Accountability Act, as amended by the HITECH Act, safeguards protected health information (“PHI”). Etain’s Board of Directors supports compliance with will all applicable aspects of HIPAA, as they relate to Etain operations. As part of this commitment, Etain has adopted the following practices:

- Etain has assigned a Privacy Officer and a Security Officer, and has implemented a HIPAA Committee to ensure compliance with all applicable regulations under HIPAA.
- Employees will be trained at orientation in how to safeguard protected health information.
- Employees will be asked to sign an acknowledgment of HIPAA training.
- As a condition of employment, each employee is required to comply with all Etain policies and procedures safeguarding the privacy and security of protected health information.

#### 1.17 ORIENTATION PERIOD

During the first 90 days of employment, Etain and each new full-time or part-time employee are given an opportunity to evaluate whether the employment relationship should continue. Before the end of this 90-day period, the employee’s performance will be evaluated. During the evaluation period, an employee may voluntarily terminate employment without notice, or if the performance of the employee is not satisfactory as determined by Etain, the employee may be released with or without notice.

The completion of the orientation period should not be considered as a guarantee of continued employment. Etain evaluates employees on a continuing basis and reserves the right to terminate an employee at any time during or after the evaluation period. The initial orientation period may be extended up to an additional ninety (90) days at the sole discretion of Etain, if necessary to establish satisfactory levels of performance or until all conditions of orientation are met.

Temporary employees are hired without regard to an orientation period.

#### 1.18 PAYROLL INFORMATION

Upon hire, each new employee will be given federal and state tax forms, along with insurance forms, to complete. The completed forms and information regarding starting pay, starting date and any other pay or benefit information will be forwarded to the Human Resources Department.

#### 1.19 CONTINUOUS SERVICE DATE

So that the Company can maintain a record of the benefits for each employee, a continuous service date will be established for each employee. The continuous service date will be the employee's first day of employment and will continue uninterrupted as long as the employee remains an employee of Etain.

#### 1.20 EMPLOYEE IDENTIFICATION BADGES AND CARDS

Some projects require special identification badges and/or cards for Etain employees to identify them to third parties and as a way to further identify the employee as affiliated with Etain. Employees will be issued identification badges and/or cards when they are necessary. Employee identification cards and badges are considered property of Etain. Any person that loses an ID badge or card shall be required to pay a replacement fee. Employees must surrender their Etain ID badges and cards to their supervisor or the Human Resources Department on their last day of work.

#### 1.21 EMPLOYMENT OF RELATIVES

Etain permits the consideration of qualified relatives of employees for employment as long as such employment does not, in the sole opinion of Etain, create actual or perceived conflicts of interest.

#### 1.22 EMPLOYMENT OF MINORS

In compliance with the NY Compassionate Care Act, it is a requirement that all staff be twenty-one (21) years of age or older. All applicants may be required to furnish proof of birth date as proof of meeting the minimum age requirement following a conditional offer of employment.

#### 1.23 EMPLOYMENT AT WILL

We hope that each employee's period of employment at Etain will be a rewarding experience, however, we recognize that circumstances change with the passage of time and that some employees may seek opportunities elsewhere or choose to leave the Company for other reasons. Other employees may not fulfill the operational needs of the Company or changed circumstances may reduce available employment opportunities, which may result in involuntary terminations. We sincerely hope that none of these situations occur, but realistically we have to acknowledge that the possibility does exist. Therefore, the right of the employee or the Company to terminate the employment relationship at will is recognized and affirmed as a condition of employment. At will means that both employees and Etain have the right to terminate employment at any time for any reason, without notice, and with or without cause.

#### 1.24 EMPLOYEE INFORMATION

Employees are asked to help keep the Company informed about any major change that may affect their employment status. Each employee is responsible for keeping the Company updated of

important changes in personnel data, which should be reported to the Human Resources Department. Examples of relevant data includes changes in:

- Name
- Address
- Home telephone number
- Marital status
- Number of dependents
- Emergency telephone numbers and whom to notify in case of emergency
- Change of beneficiary
- Driving record
- Authorized payroll deductions
- Additional education and special training courses

### 1.25 PERSONNEL FILES

Etain will maintain a file for each employee. The personnel files shall be maintained by the Human Resources Department. An employee's personnel file begins with the completed employment application form. From time to time, various information will be added to this personnel file regarding an individual's employment status with the Company. Personnel files are the property of Etain and will be treated the same as any other confidential Company information.

Active employees wishing to review their personnel records may do so by contacting the Human Resources Department to schedule a time to view the file. Auditors or representatives of government or law enforcement agencies, in the course of their business, may be granted access to personnel file information at the discretion of the Company, in response to a request, legal subpoena, or court order.

Personnel files may not be copied, downloaded or taken outside of the Human Resources Department unless special permission is granted

### 1.26 CONTENTS OF PERSONNEL FILES

Employee personnel files may include the following:

- (a) Original employment application
- (b) Performance appraisal reports
- (c) Disciplinary action notices
- (d) Special commendation information
- (e) Educational achievement records
- (f) Status changes affecting employee's work and salary history
- (g) Employee's resume (if submitted)
- (h) Other relevant documents as determined by the Human Resources Department or Etain Management

Any information regarding the medical condition or history of an employee retained by Etain will be kept in a separate file with restricted access in conformance with federal law.

## 1.27 REVIEW OF PERSONNEL FILES

All information in employee personnel files is considered confidential. This information will only be available to the Human Resources Department, the employee, Senior Management personnel, and supervisors or managers who are responsible for the employee.

Any violation of this policy is considered a very serious offense.

Notwithstanding the foregoing, the supervisor of the department to which an employee is being transferred will be allowed to review the employee's file with the approval of the Human Resources Department and the employee's immediate supervisor.

## SECTION 2

### Working Hours and Pay

#### 2.1 COLLECTIVE BARGAINING AGREEMENTS

Many of our Employees are union members and their work rules and working hours are set forth as part of their respective Collective Bargaining Agreements, and to the extent that the Collective Bargaining Agreements conflict with these provisions, the Agreements shall apply to such employees. Employees who are not covered by a Collective Bargaining Agreement are subject to the guidelines outlined in this section.

#### 2.2 PREVAILING WAGE RATES

Due to nature of our business and the various state counties where the Company operates, certain non-union employees are paid according to the posted prevailing hourly wage rate for the particular locale and job title. Prevailing wage rate information can be found by accessing the New York State department of labor website at New York State Department of Labor at [www.labor.state.ny.us](http://www.labor.state.ny.us).

#### 2.3 WORKING HOURS

Each employee is expected to complete a normal workday and work week and work whatever reasonable additional hours are required to meet Company needs.

#### 2.4 MEAL BREAKS

Employees working more than six (6) hours, with such hours extending over the noon day meal period (12:00 p.m. - 2:00 p.m.) are entitled to a lunch break of no more than one (1) hour but at least one-half (½) hour, which break must be taken between the hours of 12:00 p.m. and 2:00 p.m. No work may be performed during this lunch break. Employees are expected back at their workstation ready to start work at the end of each scheduled lunch break.

Other meal breaks may be provided, in the case of an extended workday, as provided by state law.

In the event an employee does not receive a meal period as provided for above, he or she should notify his or her supervisor or the Human Resources Department at his or her earliest convenience, but no later than twenty-four (24) hours after the end of the affected shift.

#### 2.5 OVERTIME

Employees may be scheduled to work overtime when operating requirements or other needs cannot be met during regular working hours. Whenever possible, advance notification will be provided. If determined necessary, overtime work will be authorized by management beyond an employee's standard work week (typically forty (40) hours per work week). Non-exempt hourly-paid employees will be paid overtime compensation in accordance with federal and state wage and hour provisions.

Overtime pay is based on actual hours worked. Time off for vacation leave, sick leave, a Company-observed holiday, or any leave of absence will not be considered as hours worked when computing overtime.

Any employee who fails to work scheduled overtime or works overtime without prior authorization from management will be subject to disciplinary action up to and including termination of employment.

## 2.6 PAY PERIODS AND PAYMENT

### 2.6.1 HOURLY PERSONNEL

The pay week begins on Monday at 12:00 a.m. and ends on the following Sunday at 11:59 p.m. Each pay period consists of a fourteen consecutive calendar day period which includes two full workweeks. Paydays for hourly personnel occur on the Friday following the end of the pay period.

### 2.6.2 SALARIED PERSONNEL

The pay period for salaried personnel is bi-weekly. Salaried personnel are normally paid on Fridays for work performed during the current and previous week.

## 2.7 RECORDING TIME WORKED

Government regulations require that the Company keep an accurate record of time worked by hourly employees in order to calculate pay and benefits. Time cards will be maintained either by the employee or their supervisor for those employees under their responsibility. Hourly employees working in locations equipped with time clocks are required to punch in on their time cards when they report to work and punch out when they finish. They must also punch in and punch out at meal breaks.

If a time card is submitted, it is the employee's responsibility to sign his/her time record to certify the accuracy of all time recorded before submitting it for processing. Failure to submit time sheets according to the guidelines contained within this policy may result in a delay in processing an employee's paycheck and/or disciplinary action for falsification of records.

Supervisors, or their designee, will review signed time cards for accuracy. If corrections or modifications are made to the time record, both the employee and his or her supervisor must verify the accuracy of the change by initialing the time record.

It is a violation of Company policy for one employee to sign another employee's time card or alter another employee's time card, punch in or out, or alter his/her own time card without permission.

If an employee has a question concerning his/her time card, they should discuss the matter with their supervisor.

## 2.8 ATTENDANCE

Regular and on-time attendance is expected for efficient operations at Etain. Employees are expected to be prepared, ready and able to begin work no later than their scheduled start times. Excessive absenteeism and tardiness is not only inconvenient but also causes costly problems. While it is recognized that an occasional illness or extenuating personal circumstance may cause an unavoidable absence from work or tardiness, regular on-time attendance is required for continued employment.

Employees are expected to personally make the effort to notify the Company of any absence or tardiness. Having a friend or relative notify the Company on behalf of the employee is unacceptable. Employees should contact their supervisor or manager directly to report any absence or lateness prior to their starting time so that arrangements may be made to alter the distribution of work if necessary.

If the supervisor or manager is not available, then the employee should notify another employee working at that location, or the Etain Human Resources Department, of the absence or lateness and instruct them to inform the manager or supervisor as soon as possible.

Absenteeism and tardiness that is unexcused or excessive in the judgment of Etain is grounds for disciplinary action, up to and including dismissal. Unexcused absence or tardiness may affect future promotions and/or salary increases.

If any employee is absent from work for three (3) consecutive days without informing their supervisor or manager, it will be assumed that the employee has resigned and employment will be terminated as of the last day worked by the employee. Employees terminated for this reason are generally considered ineligible for rehire unless an exception is granted by Human Resources or Senior Management.

### 2.8.1 EXCUSED ABSENCES

Excused absences must be approved in writing by the employee's supervisor.

### 2.8.2 UNEXCUSED ABSENCES

Employees who have unexcused absences shall not be paid for the absent day. Further, disciplinary actions (up to and including termination of employment) may result from unexcused absence.

### 2.8.3 TARDINESS

Tardiness applies to returning from lunch and/or break periods as well as the beginning of the workday. Disciplinary actions (up to and including termination of employment) may result from tardiness.

## 2.8.4 FAMILY EMERGENCIES

In the event the Company receives word of an emergency related to a member of an employee's family, the employee will be notified as soon as possible. Should the employee be at a location away from the normal workplace, arrangements will be made to contact the employee, and if necessary, arrange for the employee to return home immediately.

## 2.8.5 SEVERE WEATHER CONDITIONS

Occasionally, severe weather or emergency situations, such as fire, power failure, flooding or earthquakes, can disrupt Company operations and circumstances may necessitate early closing, late opening, or cancellation of work. A determination on opening or closing will be made the discretion of Senior Management.

When a closing occurs, the Company will attempt to notify employees of the closing. Announcements regarding closings, delayed openings or abbreviated workdays are generally communicated to employees using one or more of the following methods; radio, television, Company email, telephone, or in person.

Unless otherwise notified, employees are expected to be at work on time. If an employee arrives late, leaves early, or otherwise alters his/her normal work schedule without prior approval from management, he/she will be expected to make up this time.

## 2.9 PERFORMANCE EVALUATIONS

Etain encourages and supports regular and ongoing performance discussion between supervisors and employees. In addition to these informal discussions, employee performance is periodically evaluated annually by management to document and discuss an employee's on-the-job performance. The evaluation consists of a completed Performance Review Form discussed at a personal interview during which an employee's strengths and weaknesses are discussed and evaluated and a recommendation for improvement is made. These interviews also identify the short and long-range goals of employees and determine how they interrelate with the Company's purpose and objectives.

A performance evaluation does not necessarily mean a change in pay or duties.

### 2.9.1 ADVANCEMENT

Etain demonstrates its commitment and dedication to employee retention by supporting qualified employees in their pursuit of advancement within the Company. We want employees to have the opportunity for promotion to higher paying positions within the Company. Where appropriate, and in the Company's sole discretion, the Company will make an effort to fill open or new positions in the Company by promoting current Company employees.

Any such promotion will be based on such factors as quality and quantity of work, prior job performance, experience, educational background, attendance record, safety record, the ability to work well with others and any other factors determined to be relevant to the functions of the position and the business needs of the Company.

It important to note that applying for a position does not automatically qualify an internal candidate to the position as there may be other more qualified candidates from inside or from outside of the Company.

## 2.10 PAYROLL DEDUCTIONS FROM GROSS PAY

Payroll deductions may include any of the following:

- Federal, state and local income taxes
- Social Security and Medicare taxes
- Past due taxes
- Garnishments (including child support) or other court-ordered wage deductions
- Employee's portion of group insurance premiums
- Employee's portion of group insurance premiums for coverage on eligible dependents
- 401(K) Retirement Savings Plan contributions within permissible limitations
- Charitable contributions
- Employee's participation in Company-sponsored voluntary insurance programs

Any deductions (other than statutory deductions) must be authorized by the employee. 401(k) deductions will begin automatically unless an employee submits the Opt-Out form. During the first month of employment, no other deductions will be made unless specifically authorized in writing by the employee. All deductions will be itemized on the employee's paycheck stub.

Questions regarding payroll deductions should be directed to the Human Resources Department.

### 2.10.1 ERRORS IN PAY

The Company takes precautions to ensure that employees are paid correctly; however, all employees are required to review their pay stubs to ensure that they are paid properly for all time worked and that no improper deductions have been made. If an employee believes that an error has occurred, the employee should notify the Payroll Department. The Company will promptly investigate such reported errors. If confirmed, the Company will make every attempt to adjust the error no later than the employee's next regular pay period. In the event an employee's paycheck is lost, the employee must notify the Payroll Department as soon as possible.

### 2.10.2 DIRECT DEPOSIT

Etain urges employees to take advantage of our direct deposit program. Employees can choose to have their paycheck, or a portion of it, deposited into one or more bank accounts. Employees will

receive a Deposit Advice from the Payroll Department detailing their gross pay and an itemized list of deductions and withholdings. Employees requesting direct deposit must submit a written request to the Human Resources Department.

### Benefits of Direct Deposit

- Cash available on payday. No waiting on long bank lines.
- Eliminates the possibility of lost or stolen checks.
- Saves trips to the bank.
- Paycheck is deposited even when employee is unable to pick up physical check (e.g., vacation, sick, working at a different location).

### 2.10.3 AUTHORIZED CHECK PICKUP

If an employee is absent on payday and instructs someone to pick up his/her paycheck, a note signed by the employee authorizing the person must be provided before the check can be released. The person picking up the paycheck must show proper identification and sign for the check. This policy protects both the employee and the Company.

### 2.10.4 ADVANCES AND LOANS

Etain will not advance money to employees against wages nor will the Company loan money to employees.

## SECTION 3

### Benefits

The Company provides a well-balanced program of benefits designed to meet the needs of employees and provide protection from financial hardship. These benefits will be reviewed periodically to assure that they keep pace with industry and area practice.

The information contained in this manual regarding employee benefits is not a contract to provide these benefits to any employee. The eligibility requirements of these benefits are described in the summary plan documents and/or benefits booklets.

Full-time employees are eligible for benefits provided by the Company if they meet specific requirements.

At the present time, Etain pays for most of the cost of the benefits. Questions concerning benefits and/or insurance claim information should be directed to the Human Resources Department.

The terms of the benefit plans described are subject to change at any time by the insurer(s) or Etain.

#### 3.1 HUMAN RESOURCES DEPARTMENT

Etain maintains a Human Resources Department to coordinate activities with our providers and insurers, to assist employees in their understanding of Company benefits and policies and to process payroll.

#### 3.2 VACATIONS

Full-time employees are entitled to vacations as outlined in the schedule below (in days and equivalent hours). This schedule applies to full-time employees not governed by a Collective Bargaining Agreement. Any deviations must be approved by Senior Management.

Completed Years of Service	Vested Vacation (Days)	Equivalent Vacation (Hours)
Less than 6 months	None	0
1 year	10	80
5 years	15	120
15 years and greater	20	160

Vacation time accrues annually on January 1 each year. If, however, an employee reaches year of service which entitles him/her to additional vacation time, that time will become available on the anniversary date (based on original hire date). Vacations may be taken throughout the calendar year. All vacation requests must be cleared with the employee's immediate supervisor and be made enough in advance to provide adequate time for temporary coverage to be arranged if necessary.

Vacation time cannot be accumulated from year to year, nor is there any reimbursement for unused vacation time if vacation time is not used; it is lost.

When vacations are taken during a period in which a holiday falls, the normal vacation period may be extended an extra day, or the extra day may be taken at some other time during the year.

### 3.2.1 BREAK IN SERVICE

If an employee is terminated by the Company for anything other than cause and is re-hired within (1) year, his/her years of service prior to termination will be included for the purpose of calculating annual vacation days.

If an employee voluntarily terminates and is hired back by the Company within (6) months, his/her years of service prior to termination will be included for the purpose of calculating annual vacation days.

### 3.2.2 ACCRUED VACATION PAY AT TERMINATION

An employee who leaves the Company and has accrued vacation time is entitled to compensation for such accrued vacation in accordance with the following schedule:

- (a) After six (6) months of employment in a given calendar year an employee shall receive full payment for accrued vacation time accumulated during the calendar year in which such employee's employment relationship with Etain has ceased except, but not limited to, the following cases:
  - a. If an employee is terminated for cause; or
  - b. Failure to provide Etain with a two-week notice before terminating employment.
  - c. Such situations as outlined above will cause the employee to forfeit any accrued vacation pay.
- (b) If an employee is employed less than six (6) months but at least three (3) months in any calendar year, the employee will be compensated on a prorated basis all accrued vacation time except, but not limited to, the following cases:
  - a. If an employee is terminated for cause; or
  - b. Failure to provide Etain with a two-week notice before terminating employment.
- (c) Employees who work less than three (3) months in any calendar year shall not be entitled to any additional compensation for unused vacation.

### 3.2.3 VACATION SCHEDULES

Vacation requests should be made at least one (1) month prior to the desired vacation time. Vacation may be taken after eligibility with the following provisions:

- Employees are expected to take their paid vacation time as a means of rest and diversion for themselves and their families.

- Vacation must be requested and approved in advance by the immediate supervisor or manager.
- Unused vacation time may not be carried over into the next calendar year.
- If vacation days are not used by the end of each year, they will be forfeited.
- Vacation time must be taken in minimum increments of one-half (½) day. However, employees should minimize “long weekends” and management reserves the right to disallow excessive use of one-half and one day vacations.
- A holiday observed by the Company that falls during the vacation period will be considered as a paid holiday and not vacation time. This day of vacation may be taken at another time as approved.
- An employee must work the regularly scheduled workdays before and after the paid vacation period in order to be eligible to receive vacation pay.
- Job requirements will always have precedence over vacation schedules.
- Length of service will be considered in the event a conflict of vacation schedules arises.

### 3.2.4 VACATION PAY

The following provisions apply with regard to vacation pay:

- Pay for vacation time will be at the employee's regular base rate of pay.
- Paid vacation time will not be considered as time worked for the purpose of computing overtime.

### 3.2.5 OBSERVED HOLIDAYS

The Company normally recognizes the following paid holidays; however, the Company may decide to work on a holiday depending upon job requirements. A list of observed Holidays is prepared each December for the coming year and is subject to change at any time. Holiday schedules may differ to conform to the holiday schedule at various facilities or pursuant to any Collective Bargaining Agreements. The list of current Holidays includes, but may not be limited to:

New Year's Day  
 Memorial Day  
 Independence Day  
 Labor Day  
 Thanksgiving Day  
 Christmas Day

A recognized holiday that falls on a Saturday generally will be observed on the preceding Friday. A recognized holiday that falls on a Sunday generally will be observed on the following Monday. Management reserves the right to alter weekend holiday observances in its sole discretion.

Paid holiday time will not be considered as time worked for the purpose of computing overtime.

### 3.3 MEDICAL BENEFIT PACKAGE

Group health, dental and vision coverage is available to all full-time, non-union employees. Coverage becomes effective the ninetieth (90<sup>th</sup>) day of employment

The Company pays for a majority of the premiums for the above-mentioned insurance coverage and employees are asked to pay a certain percentage through payroll deductions. As overall medical care costs continue to rise, the Company reserves the right to change the portion paid by employees for such insurance premiums with or without notice.

The respective insurance carriers will provide eligible employees with a detailed summary of the insurance coverage provided. For questions about covered expenses and other related information please contact the insurance company directly at the 800 telephone numbers provided. Claim forms and instructions can be obtained from Human Resources.

### 3.4 CONTINUATION OF GROUP HEALTH INSURANCE ("COBRA")

Covered employees, their spouses and covered dependents may continue coverage under the Company's group health plans if there is a loss of coverage on account of certain circumstances (known as "qualifying events"), including but not limited to the employee's termination of employment, loss of eligibility due to a reduction in hours of employment, divorce, death, or loss of dependent status. An Initial Notification of COBRA Rights is provided to covered employees and their covered dependents. Please refer to that Initial, or General, Notice of COBRA Rights, for more information.

**COBRA and Military Leave.** Under the Uniformed Services Employment and Reemployment Rights Act of 1994, better known as USERRA, an employee who is out on a military leave of absence will retain their health insurance coverage for the first 31 days of uniformed service. Employees out on military leaves of absence which extend beyond the 31 days will be eligible for COBRA benefits for up to 24 months.

For detailed information or questions pertaining to COBRA, employees are referred to the Human Resources Department.

### 3.5 GROUP LIFE INSURANCE / ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE

Group Life Insurance and Accidental Death and Dismemberment Insurance are provided to all full-time, non-union employees. Premiums for these plans are paid in full by the Company. Coverage becomes effective at the same time as the Group Health Insurance. The Group Life Insurance

program provides life insurance equal to two-and-one-half (2½ times) base salary, rounded to the nearest one hundred (\$100.00) dollars to a maximum volume of \$100,000.

The Internal Revenue Service has determined that the amount of the life insurance benefit exceeding \$50,000 is imputed income and is taxable. The taxable benefit is calculated based on IRS premium tables and, is reported on the employee's W-2 form at the end of the year.

Accidental Death and Dismemberment Insurance covers an employee who suffers an irreversible covered loss due to a non-work related accident that occurs while insured. If an employee death should be the result of a non-work related accident, the beneficiary will receive, in addition to the Group Life Insurance amount, an Accidental Death and Dismemberment benefit equal to the amount of coverage provided by the deceased's Group Life Insurance.

The amount of life insurance available, and the full amount of Accidental Death and Dismemberment Insurance, for a plan member of age 70 or over, who is insured under this plan, shall be the above amounts reduced by 50% upon the attainment of age 70. Details are explained in the insurance plan summary, which is available via Human Resources.

Upon termination of employment, all life insurance and accidental death and dismemberment insurance coverage shall cease unless the employee converts his/her group life policy as follows: at any age before retirement, and within 31 days of leaving Etain, an employee may convert his/her Group Life Insurance policy to an individual policy without evidence of insurability.

### 3.6 FLEXIBLE SPENDING ACCOUNTS

The Company is pleased to offer a health care account and dependent care account to its employees. These accounts are referred to as Flexible Spending Accounts (FSA's).

Through the FSA program, employees elect to contribute via payroll deductions to a reimbursement account. The amount contributed is pre-tax, which means it is not subject to Social Security (FICA), federal, state or local income taxes. When the employee incurs eligible expenses, he/she is required to complete a Claim for Reimbursement form and attach the receipts. The Plan administrator will provide reimbursement for the amount of the expenses submitted.

Eligible medical expenses are defined in the plan, but generally include many medical, dental and vision care expenses not covered by health insurance. Such plans can also be used for most dependent care expenses such as childcare or elder care programs.

The FSA plan year expires on December 31 of each year. Employees must reenroll in writing in each of their Reimbursement Accounts each year during Open Enrollment prior to January 1. The Company cannot continue account contributions through payroll deductions from one year to the next without a new enrollment form every year.

Use it or lose it. IRS regulations state that if you have money left over in your Medical Care or Dependent Care accounts after you have submitted all your claims for the Plan Year, you lose the

amount that is left over unless the Plan allows for a rollover benefit subject to IRS limitations. Be careful when calculating how much to contribute.

### 3.7 SHORT-TERM DISABILITY

All employees are covered under the Company's Short-Term Disability Policy. Benefits are payable for a maximum of twenty-six (26) weeks of disability due to a non-occupational accident or illness during fifty-two (52) consecutive weeks. Benefit rights begin on the eighth consecutive day of disability. Short-term disability leave will run concurrently with FMLA leave, where applicable.

Eligibility and weekly benefits payable to an employee are determined by New York State.

For more information, including procedures for filing a claim, please contact the Human Resources Department.

### 3.8 LONG-TERM DISABILITY

The Company offers long-term disability insurance for all full-time, non-union employees who have been continuously employed by the Company for one (1) year or more. A covered employee becomes eligible to file a claim after he/she has been unable to work for 180 days due to disability. The plan covers 60% of an employee's current monthly wage provided the disability meets plan criteria. Benefits are integrated with NYS Short Term Disability. In most cases, if an employee has already filed a Short Term Disability claim and has been disabled 180 days, the claim is automatically converted to Long-Term Disability.

### 3.9 INDIVIDUAL VOLUNTARY INSURANCE PLANS

In addition to the Company provided health-related insurance benefits, Etain sponsors a number of individual voluntary insurance plans. All full-time, non-union employees who meet the eligibility requirements may elect to participate in these plans at their own expense. Premiums on such insurance plans are paid for through authorized payroll deductions and provide the employee the cost savings advantage of group rates. The Company does not specifically endorse any of the individual voluntary plans but does recommend that employees take the time to speak to the Human Resources Department to get an understanding of them.

### 3.10 EDUCATIONAL ASSISTANCE

The Company encourages all full-time employees to be more effective on the job and to increase their career potential within the Company by participation in job-related classes, continuing education programs and/or professional seminars outside regular working hours. The Company feels employee development is advantageous to both the Company and the employee. The employee is required to receive written approval from his/her immediate supervisor before enrolling in such class or seminar.

With prior written approval from Senior Management, the Company will reimburse a percentage to eligible employees with two (2) or more years of continuous service for the cost of job-related classes towards the completion of either an undergraduate or post graduate degree upon successful completion according to the following schedule:

#### Final Grade Eligible Reimbursement

A	100%
B	100%
C	0%
D	0%
F	0%

Courses that do not receive a final grade as described above (such as pass/fail or un-graded seminars) shall be compensated for only with the express, written consent and at an amount agreed to by Senior Management. If an employee attends a job-related class/seminar that requires an overnight stay, reimbursement for lodging and/or meal expenses will be made according to previously established guidelines. Receipts along with a properly completed Expense Report are required at the time the reimbursement is requested.

Employees requesting educational assistance must comply with the following conditions:

- The employee must submit a written request for educational assistance to the Human Resources Department listing the name of the school, a description of the course, tuition cost, scheduled time, and whether or not the employee is working toward a degree.
- The employee must be employed full time by the Company at the time the reimbursement is paid.
- Upon successful completion of the course, the employee must submit all receipts for books, tuition, student fees, etc., along with a copy of the final grade received to their Senior Management for review before reimbursement.
- Reimbursement for educational assistance will not be made if the course is dropped, failed, or in any way not completed, or if the employee ceases to be employed by the Company for any reason.
- Reimbursement will not be made by the Company if the employee is receiving payment for course(s) by grant or scholarship from other sources, for example, the G.I. bill.
- Final written approval for all educational assistance must be given by Senior Management prior to any enrollment that is covered under this policy for reimbursement.

Any special cases or situations not listed above will be at the discretion of Senior Management.

### 3.11 BREASTFEEDING

The Company shall not discriminate in any way against an employee who chooses to express breast milk or breastfeed at the workplace. The Company shall provide reasonable unpaid break time each

day to allow the employee to express breast milk for her nursing child for up to three (3) years following the child's birth. The Company shall make reasonable efforts to provide a room or other location (other than a bathroom stall) in close proximity to the work area where an employee may express breast milk in private. Employees wishing to take advantage of this benefit are encouraged to contact the Human Resources Department.

### 3.12 JURY/WITNESS DUTY

When an employee is required to serve as a juror or is subpoenaed to serve as a witness, time off with pay will be granted as follows:

- The employee must immediately notify his/her supervisor or manager upon receipt of a summons or subpoena so that arrangements can be made to accommodate the employee's absence, if necessary.
- The employee is required to provide a copy of the jury or subpoena notice to his/her supervisor or manager.
- Verification of an employee being seated on a jury, being detained in a jury pool, or subpoenaed as a witness is required.
- Upon receipt of any monies from the court for serving, the employee is obligated to forward the check to Human Resources Department for deposit in the Company's bank account.
- If the court dismisses the jury early, the employee is expected to return to work as soon as possible.

Should the employee's work duties with the Company be vital to its operation, the Company may ask the court to excuse the employee from jury duty.

If the employee is subpoenaed to serve as a witness on Company business, or in connection with employee's employment with the Company, employee will be paid for all time off which is in compliance with the above requirements.

If the employee is required to serve as a juror, or is subpoenaed to serve as a witness for any reason other than Company business or in connection with employee's employment with the Company, employee will be paid for up to five (5) days of service; thereafter, the employee may use accrued vacation time or paid time off (including personal leave) for any absence in excess of five (5) days. In the event employee has exhausted all remaining paid time off, additional leave will be granted without pay as needed, provided it is not harmful to the Company's business operations.

The Company will not penalize any employee who exercises his or her right to serve as a witness or a juror in any court proceeding.

### 3.13 VOTING

The Company encourages its employees to vote in every election. In general, the Company provides employees sufficient time off to vote outside of their working hours for national, state, or local elections.

Pursuant to New York State Election Law, Etain will consider requests for time off from work to accommodate an employee's need or desire to vote only in the event that the employee does not have four consecutive hours before or after work to vote. Additionally, the employee must demonstrate that he or she is unable to vote due to scheduled work hours. Requests must be made by the employee in writing to their supervisor no more than ten days and no less than two days, prior to Election Day.

When such requests are made, the following guidelines will be followed: Time off to vote must be taken at the beginning or end of the person's work period unless otherwise mutually agreed upon between the employee and Etain. Of the time taken off to vote, up to two hours may be taken without loss of pay.

### 3.14 FUNERAL LEAVE

In the event of a death in a regular employee's immediate family, the employee will be allowed time off with pay in order to assist with arrangements or to attend the funeral according to the following schedule:

Familial Relationship of Deceased To Employee	Time Off Allowed (days)
Spouse/Domestic Partner	5
Parent/Stepparent	5
Child/Stepchild	5
Brother/Stepbrother/Sister/Stepsister	3
Grandparent/Great-grandparent	2
Grandchild	2
Mother-in-Law/Father-in-Law <sup>1</sup>	2
Son-in-Law/Daughter-in-Law <sup>2</sup>	2
Brother-in-Law/Sister-in-Law <sup>3</sup>	2

If additional time is necessary for extenuating circumstances, vacation time may be used provided the employee is eligible for vacation time. Employees who must take time off due to the death of an immediate family member should notify their supervisor or manager immediately. If proper notification is not given, the employee will not be paid for the funeral leave.

Payment will not be made under this policy when a death occurs during an employee's vacation, leave of absence, layoff or at a time when an employee receives holiday pay.

For the purpose of this policy, "Domestic Partner" includes same-sex committed partners (those who are financially and emotionally interdependent in a manner commonly presumed of spouses) as well as others who qualify under the guidelines that are used to determine eligibility for other benefits, such as Health and Dental Insurance. For the purpose of this policy, domestic partners can be members of

<sup>1</sup> Of spouse or domestic partner.

<sup>2</sup> Of spouse or domestic partner.

<sup>3</sup> Of spouse or domestic partner.

the same or opposite sex. More information regarding domestic partner eligibility can be obtained by contacting a Human Resources Department.

The Company reserves the right to request substantiation of any death in an employee's immediate family and/or confirmation of an employee's attendance at a funeral.

### 3.15 SICK/PERSONAL DAYS

For full-time, non-union employees who have a minimum of six (6) months continuous employment with Etain, the Company allows up to three (3) days paid sick/personal leave per year, but only for the specific and limited purposes explained below, and not as an entitlement under any other circumstances. Absences for any reason within the first six (6) months of employment will not be paid. Absences will only be deemed as paid sick/personal days when the following requirements are met:

- Upon completion of six (6) months of continuous employment, eligible employees can request use of a sick/personal day.
- Sick/personal days must be taken in minimum increments of one-half (½) day.
- Management reserves the right to disallow excessive use of one-half sick/personal days or any other abuses of the sick/personal leave policy.
- Sick/personal days are calculated on the basis of a benefit year (the twelve (12) month period that begins when the employee starts to earn sick/personal benefits).
- Eligible employees accrue sick/personal days at the rate of three (3) days per benefit year.
- Sick/personal days will be calculated based on the employee's base rate of pay at the time of the absence and will not include any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.
- Sick/personal days may not accumulate beyond the end of the benefit year. Sick days may only be used for an absence due to the eligible employee's own illness or injury, or that of a household/family member.
- Personal days may be used for appointments/tasks that can only be scheduled during the week and are limited to no more than one (1) day at a time for any one instance.
- Paid sick/personal days will not be considered as time worked for the purpose of computing overtime.
- Unused sick/personal days will not be paid to employees while they are employed or upon termination of employment.
- The employee must contact his/her supervisor or manager when he/she cannot report to work before the start of his/her scheduled workday. Unless this is done, forfeiture of regular pay may result. Until medical certification is received, this should be done every day prior to the employee's normal start time so that necessary arrangements may be made to redistribute work.
- Sick/personal days may not be converted to vacation days.
- Any abuse of the Company's sick/personal leave policy may result in disciplinary action up to and including termination of employment.

### 3.16 EXTENDED MEDICAL ABSENCES

The Company reserves the right to request an medical certification from the employee's licensed physician or dentist should an absence extend beyond the third (3rd) consecutive working day due to a non-job-related illness or injury, stating that the employee was absent from work for medical reasons and is fit to return to work, either with or without a reasonable accommodation.

When an employee is absent from work for more than three (3) consecutive working days, management will review the situation to determine if there is a need to fill the position in the individual's absence.

#### 3.16.1 FAMILY/MEDICAL LEAVE

The Family and Medical Leave Act ("FMLA") provides eligible employees the opportunity to take unpaid job-protected leave for certain family and medical reasons. The maximum amount of leave an employee may use is either 12 or 26 workweeks within a single 12-month period, depending upon the reasons for the leave.

In general, employees who have completed at least 12 months of service and have worked at least 1,250 hours in the last consecutive 12 months are eligible for family and medical leave. Hours that an employee would have worked but for his or her military service are credited toward the required 1,250 hours for FMLA eligibility.

Questions concerning eligibility for Family and Medical Leave Act (FMLA) can be directed to the Human Resources Department.

#### Family and Medical Leave:

Eligible employees may receive up to 12 weeks of job-protected leave within a single 12-month period for any one, or for a combination of the following reasons: the birth or adoption of a child, to care for a spouse, child or parent (but not in-law) experiencing a serious health condition (as defined by the FMLA), or because of the employee's own serious health condition that causes the employee to be unable to perform one or more of the essential functions of his or her job.

The 12-month period is rolling and is measured backward from the date an employee uses any FMLA leave.

FMLA leave for birth or placement of a child must be concluded within 12 weeks of the birth or placement.

#### Service Member Family and Medical Leave:

Under the FMLA, eligible employees may take up to 12 or 26 weeks of unpaid, job-protected leave for specific circumstances relating to a covered family member's service in the Armed Forces, National Guard, or Reserves ("Service member FMLA").

Service member FMLA provides eligible employees unpaid leave for any one, or for a combination of the following reasons:

1. A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces, National Guard, or Reserves in support of a contingency plan; and/or
2. To care for a covered family member who has incurred an injury or illness in the line of active duty that may render the family member medically unfit to perform duties of the member's office, grade, rank or rating. This also includes veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred in the line of duty while on active duty.

Under the FMLA, a "covered service member" is a spouse, son, daughter, parent, or next of kin who serves as a current member of the Armed Forces, National Guard, or Reserves.

#### Duration of Service member FMLA:

1. When Leave is due to a "Qualifying Exigency": An eligible employee may take up to 12 workweeks of leave during any 12-month period. This may be combined with leave for other FMLA-qualifying reasons, but the combined total may not exceed 12 weeks in any single 12-month period. The 12-month period is a rolling 12 months and is measured backward from the date an employee uses any FMLA leave.
2. When Leave Is to Care for an Injured or Ill Service Member: An eligible employee may take up to 26 workweeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. The rolling 12-month period is measured forward from the date an employee uses such leave. If an employee does not exhaust his or her 26 weeks of military caregiver leave within a single 12-month period, the remainder is forfeited.

Service member FMLA runs concurrently with other leave entitlements provided under federal, state and local law.

#### Employee Responsibilities Relating to the FMLA:

Employees must provide 30 days' advance notice for foreseeable leaves or planned treatments. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with Etain's normal call-in procedures. When leave is needed to care for an immediate family member or your own serious health condition, and is for planned medical treatment, you must try to schedule treatment so as not to unduly disrupt operations.

Calling in “sick” without providing the reason for the needed leave will not be considered sufficient notice for FMLA leave under this policy. Employees must provide sufficient information for Etain to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave, which may include that the employee is unable to perform job functions, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for family leave.

Employees must respond to Etain’s questions to determine if absences are potentially FMLA-qualifying. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees may also be required to provide medical certification, re-certification, and periodic reports during leave.

Failure to provide timely notice or submit a properly requested medical certification may result in delay or denial of the FMLA leave and the employee may be subject to discipline in accordance with Etain’s absence and leave policies.

Providing false or misleading information or omitting material information in connection with a FMLA leave will result in disciplinary action, up to and including termination.

#### Continuation of Benefits While on Family and Medical Leave:

Etain will pay its portion of the cost of the employee’s health and dental benefits while an employee is on leave. The employee must also continue to pay his or her portion of the benefits which may be made by payroll deductions (when applicable) or by check which must be submitted to the Human Resources department each pay period unless other arrangements have been made. If the employee fails to pay his or her portion of the benefits for more than 30 days, the employee’s coverage(s) will be terminated.

After being absent from work for five consecutive work days (or seven calendar days) for a non-work related illness or injury, employees may be eligible to receive short-term disability benefits, provided the necessary forms have been completed and submitted to the Human Resources Department.

#### Returning from FMLA Leave:

If an employee is on a leave of absence due to medical reasons, the employee must provide a physician’s statement completed by the attending health care provider prior to the employee returning to work.

Upon return from FMLA leave, most employees will be returned to the same or equivalent position with equivalent pay, benefits and other employment terms as they existed prior to the FMLA leave, provided that medical documentation requirements have been met.

If you are returning from family and medical leave taken for your own serious health condition, but you require a reasonable accommodation in order to perform the essential functions of your job because of a physical or mental disability, Etain will attempt to reasonably accommodate you.

Should the need for leave continue past the 12-week period, please contact the Human Resources Department.

**Additional FMLA Information:** Please contact the Human Resources Department for FMLA forms and any additional information or clarification pertaining to the Act.

Etain and applicable law prohibit any interference with, restraint, or denial of any right provided under FMLA and prohibit discrimination against any person for opposing any practice made unlawful by FMLA or for involvement in any proceedings under or relating to FMLA.

### 3.16.2 MILITARY LEAVE

It is Company policy to grant a leave of absence without pay to employees who participate in U.S. Armed Forces Reserve or National Guard training programs in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act as well as applicable state statutes.

A spouse of a member of the United States Armed Forces, National Guard, or Reserves who has been deployed during a period of military conflict to a combat theater or combat zone of operations is entitled to ten (10) days unpaid leave when that employee's spouse is on leave from military duty.

### 3.16.3 SOCIAL SECURITY

Social Security provides benefits for employees and their families as specified by law in the event of retirement, hospitalization after age 65 (Medicare), total and permanent disability before age 65, and death at any time.

The Company matches the amount of Social Security taxes paid by each employee. Contact the local Social Security Office for details.

### 3.17 WORKERS' COMPENSATION

Etain insures employees for injuries incurred on the job. An employee who is disabled (or dies) as a result of an injury or illness which is work related, (or their beneficiary in the event of death) may be eligible to receive cash payments in lieu of lost wages and/or medical and hospital expenses.

No cash benefits are paid for the first seven (7) days of a work-related disability unless the disability extends beyond fourteen (14) days. In that event, the employee may be due cash benefits from the first day off the job. The employee is paid for the remainder of the scheduled shift on the day of the injury. Once the employee returns to work, the seven (7) day waiting period begins again and is applied to any further time off in connection with absences for that same incident. The injured

worker who is eligible for Workers Compensation is entitled to all necessary medical care as the nature of the injury or the process of recovery may require.

An injured employee may choose any medical provider authorized by the Workers Compensation Board to render medical care. The employee should tell the provider that it is a work-related injury so the employee will not be billed for medical services.

ANY accident or injury incurred on the job must be reported to a supervisor immediately. The Human Resources Department must also be notified in writing within 24 hours of the onset of any work related illness or injury. If any outside medical treatment is sought related to the accident or injury or there is a loss of any days from work in connection with the injury either at the time or later on, this must also be immediately reported to the Human Resources Department.

Specific benefits and conditions are established by State law and applicable insurance contracts. The entire cost of Workers Compensation insurance is paid by Etain. For more information, including procedures for filing a claim, please contact your supervisor or the Human Resources Department.

### 3.18 UNEMPLOYMENT COMPENSATION

Unemployment compensation is another form of insurance Etain employees are covered for loss of employment through no fault of their own if determined by the New York State Department of Labor. Once unemployed, the former employee who believes themselves entitled to this insurance should file a claim with the New York State Department of Labor.

## SECTION 4

Etain, LLC

Deferred Compensation Profit Sharing

Thrift Plan (401-K)

### OVERVIEW

The Company provides a 401(k) Retirement Savings Plan to help employees accumulate financial resources for retirement. The Plan allows employees to elect how much of their salary they want to contribute to the Plan and to direct the investment of their funds.

Full-time / non-union employees are eligible to participate on the 1st day of the month following six (6) months of employment. Employees who contribute up to 7% of their base salary will have 50% of those contributions matched by the Company. Employees are not limited to contributing 7% and are encouraged to take full advantage of this benefit by saving as much as possible toward retirement. Limits on the amount that can be contributed are set by the IRS and the Plan. Contact the 401(k) plan provider for the current year's limits.

At the end of five years of employment, an employee is fully vested in the Company's matching contributions. An employee is always fully vested in his/her own contributions and entitled to those contributions upon termination of employment regardless of the length of employment.

As with other benefits provided by the Company, this policy is not a binding agreement. The Summary Plan Description and the Plan itself govern.

#### 4.1 AUTOMATIC ENROLLMENT

New eligible employees will be enrolled automatically in the Company's 401(k) plan unless an opt-out form is submitted. Contributions (called salary deferrals) begin at 3% of the employee's base salary and will begin the first pay period of the month following the eligibility date.

Contributions will automatically be invested in an age appropriate fund based upon the employee's expected year of retirement. Each year contributions will increase 1%, not to exceed 10%. Employees are free to contact the 401(k) Plan provider at any time to change the contribution amount and/or investment choices.

#### Benefits of Participation:

- Promotes active participation in saving for the future. Employees are urged to take control of saving for their retirement.
- The decision to start now rather than later can have a substantial impact on the amount of retirement funds available when ready to collect.
- Contributions are pre-tax. They are deducted before income taxes, so taxable income is reduced.

## 4.2 CATCH UP CONTRIBUTIONS

If an employee is age 50 or over by the end of the calendar year and has reached the annual contribution limit, he/she may make additional contributions according the guidelines set by the IRS each year.

## 4.3 OPT-OUT

If an employee does not wish to be automatically enrolled in the Company's 401(k) plan, he/she must submit the 401(k) Plan Opt-Out Form included in the new hire packet materials. The form should then be signed and sent to the Human Resources Department.

If an employee is already enrolled and no longer wants to contribute, he/she must contact the 401K Administrator; the Administrator will then notify Etain's Payroll Department.

## SECTION 5

### Transfer of Employees, Separation From Employment and Leave of Absence

#### 5.1 TRANSFER OF EMPLOYEES

Transfer of employees from one department to another or from one location to another may be made to meet Company requirements. A request for transfer should be made in writing and submitted to the supervisor. A transfer may be made if management determines it is in the best interest of the Company and the employee.

#### 5.2 TERMINATION BY ETAIN

While the decision to commence employment is consensual, the same is not always true when the time comes to end the employment relationship. As an at-will employer, Etain reserves the right to end the employment relationship at any time, with or without cause or notice.

Senior Management will advise the Human Resources Department immediately of the date and reason for terminating an employee.

All Company property in the employee's possession must be returned to the Company immediately upon separation from employment.

#### 5.3 VOLUNTARY RESIGNATION

Any employee who voluntarily resigns his/her position with Etain is expected to provide the Company with advance written notice of at least 2 weeks.

If the employee does not provide advance notice as requested, the employee will not be eligible for rehire nor will he/she be entitled to any accrued vacation pay. (See Section 3.3.)

#### 5.4 EXIT INTERVIEW

Etain encourages all employees who leave the Company to participate in an exit interview with the Human Resources Department to gain valuable data and feedback for improving working conditions, retaining employees and identifying any compliance concerns that the employee may have upon their departure from Etain.

Etain affords all employees the opportunity to participate in an exit interview. This interview may be an actual face to face interview, phone conference or completed questionnaire returned by mail. These interviews, regardless of form, are treated as confidential and names are not required on any exit interview form. Interviews are at the will of the employee and may be concluded at any time and there is no obligation or pressure for departing employees to take part.

Any findings from an exit interview that relate to corporate compliance concerns are immediately reported to the Corporate Compliance Officer.

## 5.5 PAY AT TIME OF SEPARATION FROM EMPLOYMENT

Upon completion of a full accounting of the employee's and the Company's accounts (as determined by the Company), a final pay check for time worked will be issued to the employee in accordance with applicable federal and state law, but in no event later than the next regular pay day. Upon written request, the final paycheck may be mailed to the employee.

The check issued is deemed final payment for all services rendered. The final check will include payment for time worked as well as, if eligible, for unused and accrued vacation during the calendar year in which employment is terminated (See Section 3.3).

Upon resignation or termination, the Human Resources Department will notify the employee of the exact date of termination as well as the exact date of cancellation of employee benefits connected with such termination. In addition, the Human Resources Department will notify the employee of options available for continuing or converting existing insurances if applicable.

Any employee terminating employment is expected to return promptly any and all Company property in his/her possession (e.g., Company credit cards, uniforms, tools, keys, safety equipment manuals, vehicles, ID cards/badges, computers, cellular phones, or other Company property).

## 5.6 REDUCTION OF WORKFORCE

In the event a reduction in the Company's workforce becomes necessary, employees over and above the number determined by the Company as needed to perform the available work will be terminated. In determining those employees to be retained, consideration will be given to the quality of each employee's past performance, the need for the position held by the employee and, with all other factors being equal, the length of service of each employee.

If feasible, but not as a vested right (unless otherwise required by federal, state or local law), employees subject to termination will be given a notice prior to the anticipated reduction of workforce. Upon termination, all unused and accrued vacation leave, accumulated during his or her last calendar year of employment with Etain, will be paid in full and any insurance benefits required to be offered, including those under COBRA, will be communicated and reviewed with the employee.

## 5.7 EXTENDED LEAVES OF ABSENCE

Leave of absence will be granted to employees in a non-discriminatory manner in accordance with applicable law and Company policy. However, extended leave of absence, especially those of indefinite duration, are detrimental to the Company's ability to conduct its business operations. Accordingly, employees on leave of absence for more than 180 days except as otherwise provided

herein may be subject to termination of employment and benefits, subject to the requirements of applicable law.



## SECTION 6

### Work Policies and Regulations

#### 6.1 CARE OF EQUIPMENT AND FACILITIES

Employees should be concerned with the care and safe use of Company-owned/leased equipment, machinery and facilities. Employees are expected to follow all operating instructions, safety standards and guidelines. Good housekeeping is expected of every employee.

If any equipment, machines, tools, vehicles, etc. gets damaged or appears to be damaged, defective, or in need of repair, the employee should immediately notify his/her manager or supervisor. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

Unsafe, destructive, careless, negligent, or improper use or operation of Company owned/leased equipment, machinery or vehicles may result in disciplinary action up to and including termination of employment. Failure by an employee to report damage he/she accidentally caused to such equipment, machinery, vehicles or facilities may result in disciplinary action up to and including termination of employment.

#### 6.2 PERSONAL APPEARANCE/CLOTHING

Personal appearance, proper hygiene and appropriate attire are important to our work practices. Our customers gauge the quality of our Company by the attention we show to personal appearance and attire.

Each employee personally represents the Company and is required to dress in an appropriate manner. Every employee of Etain contributes to the Company's overall public image during work hours. Appropriate attire enhances an employee's effectiveness in providing superior service.

Employees are expected to report to work wearing clean and appropriate clothing. A neat, well-groomed appearance is important to the employee, their fellow workers and to our customers.

Facilities managers may establish special requirements or dress codes for reasons of safety.

#### 6.3 TOBACCO FREE WORKPLACE

The goal of a Tobacco-Free Etain is to improve the health of its employees by promoting a safe and healthy environment. Therefore, this policy is designed to include all tobacco products and applies to staff, individuals and visitors.

Using tobacco products in any form creates significant health hazards. Based on this information, New York State has passed the Clean Indoor Air Act. To comply with this legislation and to further protect the health of our employees, Etain adheres to a tobacco-free environment. For the purpose of

this policy tobacco products are considered to be cigarettes, cigars, pipes, smokeless tobacco, snus or any other products containing tobacco.

1. Tobacco products are prohibited inside any facility that is owned or operated by the Company.
2. Tobacco products are not allowed in any Company-owned, rented or leased vehicle, regardless if the operator is alone or with passengers. Employees shall also refrain from using tobacco when operating their personal vehicle during the normal course of business if they are transporting program participants.

Tobacco use is permitted ONLY in approved designated smoking areas. These areas will be designated by Senior Management. If no areas have been designated, then smoking is prohibited. Violations may be subject to disciplinary action up to and including termination.

Employees are encouraged to speak with their Supervisor or with the Human Resources Department if interested in assistance with a smoking cessation program.

#### 6.4 PERSONAL BELONGINGS

Etain recognizes an employee's desire to display mementos pertaining to his/her family or other personal items. While Etain can take no responsibility for the safekeeping of these items, it welcomes its employees to personalize their work areas for added comfort or pleasantness; however, several guidelines must be observed. They are as follows:

- Safety Comes First - No object can interfere with job safety as viewed by Company management.
- Nothing can be displayed that (in the opinion of management) is derogatory or harassing to any person or system of beliefs.
- Objects that (in the opinion of management) are inappropriate or hinder work efforts will not be allowed and must be removed upon request.

#### 6.5 SAFETY EQUIPMENT

Employees will be provided with safety equipment if it is a requirement for a particular job. Replacements will be provided if the equipment is shown to be defective.

#### 6.6 PERSONAL TOOLS

Employees who work in certain trade positions are required to provide their own tools to perform job assignments. The immediate supervisor or manager will advise employees of the tools required and will make sure that each employee obtains the required tools. The Company discourages employees from lending or borrowing tools. Employees are responsible for maintaining and the safekeeping of all tools. Lost tools will only be replaced at the discretion of each Facility Manager.

## 6.7 COMPANY TOOLS AND EQUIPMENT

The Company will furnish all necessary equipment to complete job assignments. Each employee is reminded that all items purchased by the Company are the property of Etain and represent a very valuable asset of the Company. It is the responsibility of the employee to whom tools and equipment are assigned to maintain and safeguard these assets as if they were the employee's personal property. An inventory of tools and equipment will be made periodically. When leaving a work area, it is required that all tools be placed back in designated storage areas or removed from the work area and secured in locked storage where available.

## 6.8 BREAK AREA

The Company may provide a break area for the convenience of our employees. Employees are encouraged to use the break area for their scheduled break and/or lunch period. Employees owe it to fellow employees to keep the break area neat and clean.

## 6.9 ENERGY PRESERVATION AND WASTE PREVENTION

Waste of energy and materials is costly to the Company and ultimately results in losses that must be paid for by other cost reduction actions. Employees are expected to:

- Conserve energy at every opportunity by keeping thermostats in moderate ranges; *i.e.*, 72 degrees in summer and 68 degrees in winter.
- Adjust temperatures (higher in summer and lower in winter) where practical during off-hours to conserve energy
- Change filters regularly
- Participate in the Company's recycling program.

## 6.10 SOLICITATION AND/OR DISTRIBUTION

With the best interest of Etain's operations in mind, Etain will enforce the following standards for solicitation:

1. Non-employees will not be permitted on Etain property to solicit or distribute written material to employees for any purpose.
2. No employee is permitted to solicit another employee or promote support for any cause or organization during his/her working time or during the working time of the employee(s) at whom the activity is directed.
3. No employee is permitted to distribute or circulate any written or printed material at any time, for any purpose, in work areas. To avoid interfering with or interrupting ongoing operations,

staff are prohibited from remaining at or returning to work areas during their off-duty hours unless they are participating in a Company-sponsored activity or initiative.

4. As used in this policy, "working time" includes all time for which an employee is paid and/or is scheduled to be performing services for the Company; it does not include break periods, meal periods, or periods in which an employee is not, and is not scheduled to be, performing services or work for Etain.
5. Employees are not permitted to use employer-provided facilities in connection with any solicitation or literature distribution activities. This shall include but not be limited to telephones, E-Mail, fax machines, interoffice mail, voice mail, Internet and photocopiers.
6. Employees who violate this policy shall be subject to immediate discipline up to and including termination of employment. Violations of this policy should be reported to management who will take action to insure uniform enforcement and compliance.

## 6.11 SECURITY

All doors, files, desks, gates, and any other equipment with locks must be kept locked securely when not in direct use and at the end of each day. Locks should be checked regularly. Company vehicles should be kept locked at all times when not in use. Lost keys must be reported to the Facility Manager immediately. Any concerns about security should be directed to the Senior Management or the Human Resources Department.

## 6.12 BULLETIN BOARD

The Company maintains bulletin boards to keep employees informed of current items of general interest. Important Company information is posted on them in addition to required State and Federal legal notices. Employees may use the bulletin boards to post notices with the written permission of the employee's supervisory staff. Employees should check the bulletin boards regularly.

## 6.13 OUTSIDE EMPLOYMENT

Etain makes every effort to keep its employees as fully employed as possible and at a competitive rate of pay. When an employee is on the job, this means that 100% of his/her effort is required. If an employee chooses to work outside of his/her job and the outside employment competes with what is expected of him/her as an employee of Etain, opportunities for promotion and advancement with Etain may be limited by his/her decision.

If management feels that outside employment prevents an employee from fulfilling his/her obligations to the Company, the employee will be asked to resign from Etain or to leave his/her outside employment.

All management and supervisory personnel are expected to enforce this policy and, by example, refrain from engaging in conflicting outside employment.

#### 6.14 TELEPHONE USE

Each time an employee makes or receives a telephone call he/she represents Etain. The manner in which a call is handled determines how Etain is judged by our customers and neighbors. We have a limited number of telephone lines at the Company and it is essential that we keep those lines open for calls pertaining to Etain business. Personal use of the telephone should be kept to a minimum.

#### 6.15 PERSONAL MAIL AT THE WORK PLACE

The mail system is reserved for primarily for business purposes. Employees should limit the amount and frequency of personal mail sent from or received at the workplace. Correspondence addressed to employees at their work address will be routed, sorted and opened in accordance with normal office practice.

#### 6.16 PERSONAL E-MAIL AT THE WORK PLACE

The Company's e-mail system is designed primarily for business use. Please refer to the Company's Computer Use Policy (SECTION 14) for guidelines on appropriate use of the Company's e-mail system.

#### 6.17 TWO-WAY RADIOS

Employees must use proper procedure and appropriate language when using Company two-way radios.

#### 6.18 DRUGS & ALCOHOL

Consumption of, possession of, or being under the influence of alcoholic beverages on Company property, in the office, outside business sites or in any vehicle used for Company business is strictly prohibited. Any employee who violates this policy will be subject to disciplinary action up to and including immediate termination of employment. The Company has in place a substance abuse policy which incorporates the provisions of the Drug-Free Workplace Act of 1988. All employees must abide by all of the terms and conditions of this policy while employed by Etain. In this regard, employees are required to read the policy and sign a statement acknowledging their understanding of the policy and intent to follow the policy. Any employee who reports for work or who is at work is subject to chemical screening and/or blood/alcohol testing to determine the presence of unauthorized drugs in the body. This policy is described in SECTION 12, Drug Free Workplace Policy.

#### 6.19 POLICY AGAINST HARASSMENT

Etain is committed to providing a work environment that is free from all forms of discrimination and harassment, including sexual harassment. In keeping with this commitment, the Company will not

tolerate any form of harassment of its employees by anyone, including any supervisor, co-worker, vendor, client, or customer.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, color, race, ancestry, religion, national origin, age, physical handicap, medical condition, disability, marital status, veteran status, citizenship status, genetic information, predisposition or carrier status, domestic violence victim status, or any other protected individual or group status covered under applicable state or federal law. Etain will not tolerate conduct that interferes unreasonably with an individual's work performance or that creates an intimidating, hostile, or offensive working environment.

While sexual harassment is not the only form of harassment, it warrants separate mention. Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other gender based verbal or physical conduct. Sexual harassment may include such actions as: sex-oriented verbal kidding or teasing jokes or comments; foul or obscene language or gestures; subtle pressure for sexual activity; physical contact, such as patting, pinching, or brushing against another's body; or requests for sexual favors. Conduct of this type is improper if: submission to the conduct is either an explicit or implicit term or condition of employment; submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

**Other Types Of Harassment Prohibited.** Harassment on the basis of race, color, national origin, ancestry, religion, physical or mental disability, marital status, age, or any other protected basis, includes behavior similar to sexual harassment, such as: verbal conduct such as threats, epithets, derogatory comments, or slurs; visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures; physical conduct such as assault, unwanted touching, or blocking normal movement; and retaliation for reporting harassment or threatening to report harassment.

We want our position to be absolutely clear: harassment and, discrimination is legally and morally unacceptable behavior, and Etain will take prompt and appropriate action, including termination of employment if warranted, in instances where such behavior is found to have occurred.

**Reporting Procedures.** Employees who are subject to or who otherwise witness harassing or discriminatory behavior are expected to immediately report such to any managerial or Human Resources staff other than the alleged harasser. The person taking the report must immediately notify an appropriate executive management staff member. All complaints of discrimination, including harassment, will be afforded prompt, thorough and impartial consideration, which may include an investigation. Complaints will be treated in a confidential manner to the extent possible.

Etain recognizes that false allegations of harassment can cause harm to the accused. Investigations will be conducted promptly, confidentially, and impartially to protect the rights of all the parties involved. The outcome of the findings will be shared with the person that made the allegation.

Any employee that observes an instance of harassment and/or receives a report about harassment and fails to take action in accordance with this policy are themselves subject to disciplinary action,

including termination if warranted. Etain also prohibits independent subcontractors and others from harassing Etain employees whom they encounter, and we will take appropriate action in such cases.

In the event the person making an allegation is unsatisfied with the investigation results, he/she must notify the Director of Human Resources in writing of his/her request to have a review of the investigation. Human Resources will issue a determination which will be deemed final.

**Prohibition of Retaliation.** Etain will not tolerate retaliation of any kind against anyone who opposes a discriminatory practice, makes a good faith complaint about harassment and/or discrimination, furnishes information or participates in any manner in an investigation of such a complaint, requests a reasonable accommodation, uses Etain's open door or complete resolution policies, or notifies Etain management of on-the-job drug use or safety violations. Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because he or she opposed a discriminatory practice, made a complaint of discrimination, or participated in such an investigation, which might deter a reasonable worker from making or supporting a charge of harassment or discrimination.

Allegations of retaliation should be reported using the same procedure as reporting harassment or discrimination.

Retaliation is unlawful and will not be tolerated. Any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment.

**Liability For Discrimination, Harassment and Retaliation:** Any Etain employee who is found to have engaged in discrimination or harassment will be subject to disciplinary action, up to and including discharge from employment. Any employee who engages in prohibited harassment and any supervisor or manager, who knew about the discrimination or harassment but took no action to stop it, may be held personally liable. Etain does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, Etain reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

## 6.20 WEAPONS AND WORKPLACE VIOLENCE POLICY

Etain maintains a policy of zero tolerance of acts or threats of violence in our workplace. As a demonstration of that commitment, Etain has adopted the following policy as it relates to workplace violence. Listed below are examples of conduct or actions that will not be tolerated on Company property or time - regardless of who is engaging in the conduct.

1. Intentionally causing physical injury to another employee;
2. Making threatening remarks to or about another employee;
3. Acting aggressively or exhibiting hostile behavior that creates a reasonable fear of injury to another person or subjects another employee or individual to emotional distress;
4. Intentionally damaging Company property or the property of another employee, visitor, or program participant while at work;

5. Discussing or using a weapon against another employee or visitor;
6. Carrying a weapon or an object that can be construed as a weapon that was not issued or approved by the Company into the workplace or a work-related setting.

This policy applies to all employees, all non-employees including customers/clients, visitors, suppliers, vendors, contractors, temporary workers, and other individuals with whom Etain employees come into contact while conducting their job functions. Any of these individuals may be a victim or a violator under this Company policy.

It is expected that employees immediately report potentially dangerous situations or occurrences to a person in a supervisory capacity or a Human Resource representative. Employees may also use the Company Hotline to anonymously report incidents.

Each incident will be investigated. If called upon, staff will be required to participate in an investigation. During the course of an investigation and employee or group of employee(s) may be suspended or temporarily reassigned.

Employees who encounter an armed or dangerous person should not attempt to challenge or disarm the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

Retaliation of any kind against anyone that reports or experiences workplace violence will be strictly prohibited.

## 6.21 SOCIAL MEDIA POLICY

All of the Company's policies apply to conduct that occurs online in the same way that they apply to conduct that occurs in the workplace. For example, Etain employees' online conduct must comply with the Company's policies regarding anti-discrimination, anti-harassment, confidentiality, and conflict of interest policies.

Special requirements apply to publishing promotional content online. Promotional content includes any statements designed to endorse, promote, sell, advertise, or otherwise support Etain's products or services. In accordance with Federal Trade Commission regulations, should you discuss Etain's products or services on your website, social networking site, blog, or other social media, you must disclose that you are a Etain employee.

If you disclose your affiliation or relationship with the Company, for example in your online profile, you must use an appropriate disclaimer to make clear that you are speaking only on behalf of yourself and not on behalf of or as an agent of Etain. An example of an appropriate disclaimer follows:

"The opinions and viewpoints expressed are those of the author and do not necessarily represent the position or opinion of the author's employer."

So long as this “disclaimer” is posted in a permanent section of your social networking profile, an employee is not required to re-post the language every time a post is made on social media.

To ensure continuity of the Company’s message, employees may not represent themselves to be speaking on behalf of the Company unless expressly authorized to do so.

Your online presence is a reflection on Etain and you are therefore expected to refrain from posting content or material that is offensive, obscene, vulgar, threatening, intimidating, or harassing or that would otherwise violate Etain’s policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristics.

Social media changes rapidly and there will likely be events or issues that are not addressed in this policy. If, at any time, you are uncertain about the application of this policy or if a question relating to the appropriate use of social media arises that is not fully addressed by this policy, you should seek the guidance of the appropriate person before posting or otherwise engaging online. When in doubt, employees always should ask for guidance first because, once the information is online, it can never be deleted.

Violations of this policy may result in disciplinary action up to and including termination.

## 6.22 DISTRACTED DRIVING

As a company, Etain is firmly committed to the safety of our employees. Etain will do everything possible to prevent workplace accidents and is committed to providing a safe working environment for all employees.

Employees are prohibited from talking on or otherwise using a hand-held communication device, including a cell phone, smart phone, tablet, iPad, iPod or other communication device while operating a Company vehicle or a personal vehicle on Company business. This prohibition applies to ALL hand-held communication device use including receiving or placing calls, checking voicemail, sending or receiving email or text messages, and/or surfing the Internet.

## 6.23 SAFE USE OF MOBILE HAND-HELD UNITS

Mobile hand held units, including cell phones, smart phones, iPod and tablets, cannot be used while engaged in any job task that requires the use of the hands and/or the full attention of the employee, contractor, or visitor (i.e. fire watch, equipment operator, operating a valve, etc.).

Mobile hand held units must be turned off in any area containing flammable/combustible vapors, e.g. turpentine system, methanol system, fueling stations, oil and propane storage tanks, flammable/combustible material storage areas. Mobile hand held units must be turned off in designated “No Mobile Hand Held Unit Areas”.

Mobile hand held unit use for non-business purposes shall be limited to brief and reasonable use (e.g., notification of work schedule changes, contact regarding family emergencies, etc.). Otherwise, placing or receiving calls by a mobile hand held unit during scheduled work hours should be avoided.

To avoid workplace distractions, mobile hand held units used for non-business purposes must be conducted in a manner that avoids disruption to others (for example, during meetings, in training classes, etc.).

Facility management has discretion to implement stricter guidelines as required by their facilities operations as to safe mobile hand-held unit use.

## 6.24 CONFIDENTIAL INFORMATION

Confidential information includes sensitive information regarding Company operations, Company business, or Company clients. Confidential information must be safeguarded from access, use, or disclosure by anyone who does not need it in order to perform a function of their assigned job duties.

Etain is committed, in principle and in all operations, to safeguarding the confidentiality of the individuals we serve. Special protections apply to Protected Health Information ("PHI").

Every employee who has access to PHI in the course of his or her duties, whether or not the employee is directly involved in providing client services, must maintain the confidentiality of that information. The responsibility to safeguard the confidentiality of PHI continues after termination of employment.

Protected Health Information includes verbal information, service records, consultant reports, billing records, and any other individually identifiable information that relates to: the past, present, or future physical or mental health condition of a client or a prospective client; the provision of health care to a client; or the past, present, or future payment for the provision of health care to a client or prospective client.

Confidentiality extends to PHI in any medium, including information that is on paper, in electronic form, or communicated verbally.

Employees may use PHI only as needed to perform job duties assigned by Etain, and may only access the minimum PHI necessary to perform those duties. When PHI must be shared with others for purposes of treatment, payment or other health care operations, it must be shared in such a manner and with proper safeguards to minimize the risk of disclosure beyond those individuals with whom it is shared for the intended purpose.

Employees may not in any way divulge, copy, transfer, alter, or destroy any PHI in any form, or remove PHI in any form from Etain or company premises, except when specifically authorized by a supervisor for a necessary and appropriate purpose, and in compliance with security safeguards.

Employees must safeguard any authorization that Etain gives them to access PHI, including keys and computer passwords. Employees have no right of ownership in any PHI or in any access authorizations, keys, or passwords that Etain may grant. An employee who becomes aware of an activity by an individual or an entity that may jeopardize the confidentiality of PHI must promptly report that activity to a supervisor, or to the Privacy Officer.

Any violation of these responsibilities may subject the employee to discipline, up to and including termination.

## 6.25 COMPLIANCE STANDARDS

Etain is committed to complying with all of the federal, state and local laws and regulations that govern our operations. Corporate Compliance is a formal program that reflects that commitment and defines a code of conduct that all employees must follow.

Etain has established, by this manual, its Code of Business Ethics, a comprehensive corporate compliance plan that encompasses the following eight elements:

- Written Policies and Procedures
- Compliance Program Oversight
- Training and education
- Effective and confidential communications
- Enforcement of compliance standards
- Auditing and monitoring
- Responding to offenses and developing corrective actions
- Non-intimidation/non-retaliation

As part of the corporate compliance program, Etain has adopted the above-referenced policies and procedures to comply with the federal and state laws that prohibit fraud and false claims in business dealings with governmental entities.

Any employee who becomes aware of a potential compliance concern, such as inaccurate billing or misstatements of materials provided, or any other impropriety by an employee, contractor, or agent of Etain, must report the concern promptly to his or her supervisor or to the Compliance Officer.

All employees are required to conform to Etain's compliance policies and procedures and its ethical standards. Failure to do so, including failure to report non-compliance, will subject an employee to discipline, up to and including termination.

## 6.26 REPORTING COMPLIANCE CONCERNS

As a condition of employment, Etain employees who have knowledge of any infraction of Etain's compliance policies, including but not limited to fraud or improper billing, must immediately report the concern. For convenience there are multiple means of reporting concerns, including anonymous means.

- Reporting to a supervisor. An employee may report a compliance concern directly to his or her supervisor.
- Reporting to the Compliance Officer, Jennifer K. Harvey, Esq. at (518) 320-3418, or via email at [jharvey@couchwhite.com](mailto:jharvey@couchwhite.com).
- Reporting to the Corporate Compliance Hotline at (518) 320-3418.

## 6.27 WHISTLEBLOWER POLICY

This policy is created to encourage employees to disclose any improper action taken by fellow employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the administration, with a process provided for speedy dispute resolution.

### Key Definitions:

**IMPROPER ACTION** – Any action by an employee that is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment, and in violation of any federal, state or local law or Etain policy, or is fraudulent. "Improper actions" do not include personnel actions (hiring, firing, complaints, promotions, reassignment, for example).

**RETALIATORY ACTION** – Any action directed at an employee for disclosing improper conduct or action that would dissuade a reasonable worker from disclosing improper conduct or action.

**EMERGENCY** – A circumstance that if not immediately changed may cause damage to persons and/or property.

**Procedure for Reporting Improper Action.** Employees who become aware of improper action should follow this procedure:

- 1) Bring the matter to the attention of his/her supervisor (if non-involved) in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- 2) Where the employee believes the improper action involves his/her supervisor, the employee may raise the issue directly with the Compliance Officer.
- 3) The Corporate Compliance Officer or his/her designee, as the case may be, will promptly investigate the report of improper action. After the investigation is completed (within thirty (30) days of the employee's report), the employee will be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

**Protection against Retaliation:** Etain will not permit any employee or supervisor to take retaliatory action because an employee, in good faith, provided information that improper action occurred.

Employees who believe they have been retaliated against for reporting an improper action should follow this procedure:

- 1) Employees must provide a written complaint to the Human Resources Director and/or Compliance Officer within thirty (30) days of the occurrence of the alleged retaliatory action. The written charge will specify the alleged retaliatory action and the relief requested.
- 2) The Human Resources Director and Compliance Officer will investigate and review all findings of the complaint and respond in writing within thirty (30) days of receipt of the written charge.

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

## SECTION 7

### Conflicts of Interest

Employees shall avoid outside employment, activities, investments, and other interests that involve obligations which may compete with or be in conflict with the interests of the Company. A conflict of interest can arise in dealings with anyone that Etain transacts business: customers, clients, owners, buyers, suppliers, banks, insurance companies, and people in other organizations with whom we contact and make agreements.

Conflicts of interest should be avoided and may include the following examples:

- Working for any group mentioned above for personal gain.
- Engaging in a part-time activity for profit or gain in any field in which the Company is engaged.
- Borrowing from, or lending money to, individuals representing organizations with which business dealings are conducted.

#### 7.1 OUTSIDE EMPLOYMENT, DIRECTORSHIPS AND OTHER BUSINESS ACTIVITIES

Employees and their immediate family members may not hold an interest in another business if doing so would compromise the employee's loyalty to Etain. This means that employees may not:

- (a) Own an interest in or work for another business that competes with Etain; or
- (b) Own an interest in or work for a company that does business with Etain, unless the Compliance Officer has approved the interest in writing.

An employee must obtain prior written approval from the Compliance Officer before serving as a director, board member, or trustee for any for-profit business or for a non-profit entity if the employee will be compensated for his or her services. Unpaid service as a director of a charitable, religious, non-profit, or housing organization is laudable public service that need not be approved or reported to Etain.

#### 7.2 IMPROPER PERSONAL BENEFITS

Bribes, kick-backs and other illegal payments to or from any individual or entity with whom or which we conduct business (in any form and for any purpose) are prohibited. Any employee who violates this Section will be subject to disciplinary action, up to and including termination of employment. Note that the common trait inherent in each under-the-table offer is that money - in the form of cash, vacations, and more. It is important to know how our business partners conduct themselves. Company management should be made aware of all they can to help maintain an even playing field in the buyer-seller relationship. A declined or unreported offer could be made to someone else in the organization.

Remember, the offer was made to gain favor with Company and for no other reason.

Violation of this policy, including the employee's obligation to report such activity, is grounds for immediate dismissal.

### 7.3 GIFTS AND BUSINESS ENTERTAINMENT

The Company does not permit employees to accept gifts of any amount from an individual or entity with which Etain does business. An employee offered a gift should politely decline to accept it and explain that Etain's policy will not allow the employee to accept the gift. If it would be impractical to decline the gift (for example, because it was delivered by a third-party delivery service), the employee should forward the gift to the Compliance Officer, who will arrange for it to be donated to a charitable organization. The employee should then thank the individual or entity that provided the gift, explain Etain's policy against accepting gifts, and note that the gift was provided to charity.

Modest meals and business entertainment can help strengthen Etain's business relationships, but should always be viewed as courtesies. Employees may not accept any entertainment that could influence or be perceived to influence Etain's decision-making process. Employees may give and accept meals or other modest forms of entertainment if they are appropriate to the occasion and are not provided on a regular or frequent basis. Business entertainment must always be in good taste and must never embarrass Etain if publicly disclosed.

Employees may never give a gift or give or accept business entertainment if it is provided:

- to exert influence over a business decision;
- to gain an improper advantage with customers or service providers;
- to facilitate government approvals or exert influence over a government official or entity; or
- with the expectation of receiving something in return.

Employees should not solicit business entertainment from those doing business with Etain, and must never exchange business entertainment if doing so would violate a law or policy applicable to the other party to the transaction.

When providing gifts or business entertainment to individuals affiliated with the government, employees must also ensure that the gift or entertainment complies with the "Interacting with Government" portion of the Company's Business Code of Ethics.

This policy is not intended to eliminate participation in business-related functions and activities that occur in conjunction with seminars, exhibits, meetings and presentations that may incorporate lunches, dinners and entertainment. These can be, under the proper circumstances, in the best interests of the Company; however, such contacts should be infrequent. Under no circumstances should invitations be solicited and, if such social contacts are at the invitation of a Etain employee, the cost should not be borne by the supplier or customer.

### 7.4 BUSINESS OPPORTUNITIES

A "business opportunity" is any opportunity to engage in an activity that may generate a profit for Etain. Employees may not take advantage of business opportunities that they learn about through their

work with Etain or direct those opportunities to a third party unless the Compliance Officer approves the arrangement in writing.

## 7.5 POLITICAL ACTIVITIES

Employees must keep personal political activities separate from their work for Etain, and must never use the Company's resources (including time, property, or equipment) to advance a political cause.

An employee may not seek or hold public office (regardless of whether the office is elected, appointed, paid, or unpaid) without prior written approval from the Compliance Officer, unless applicable law gives an employee the right to so without such approval.

## 7.6 FAMILY MEMBERS WORKING IN THE INDUSTRY

Employees may sometimes encounter a situation in which their spouse, significant other, or family member owns or works for Etain, for a competitor, or for an entity that Etain does business with. Such situations are not prohibited but require particular attention to ensure that conflicts of interest are avoided.

Employees must promptly report any potential conflict of interest involving a family member to their manager, the Human Resources Department, and/or the Compliance Officer. Directors or officers should also report the potential conflict to the Board of Directors. The Compliance Officer will inform the employee whether measures are necessary to avoid or resolve the conflict.

## SECTION 8

### Personal Conduct Standards

It is the policy of Etain to expect all employees to abide by certain work rules of general conduct and performance at all times. The regulations governing employee conduct and responsibilities have been established in the best interest of the Company, its employees, and its customers.

Accordingly, a violation of these regulations constitutes misconduct on the part of the employee and appropriate disciplinary action will be initiated. These rules are guidelines only and are not all-inclusive. Disciplinary action may include, but is not limited to, verbal reprimand, written notice, suspension from work without pay, and immediate termination of employment. Management reserves the right to terminate or discipline any employee as the Company, in its discretion, considers necessary in individual circumstances.

In the event an employee is suspended from work for disciplinary reasons, benefits will not accrue nor will benefits be recoverable during the suspension period.

#### 8.1 PERSONAL CONDUCT AND EXAMPLES OF MISCONDUCT

The Company expects that all of its employees will conduct themselves with the pride and respect associated with their positions, fellow employees, customers and the Company. Employees should always use good judgment and discretion in carrying out the Company's business. The highest standards of ethical conduct should always be used by employees of Etain.

Improper conduct by and between employees and/or by and between employees and business associates on the Company's premises or off the Company's premises if it adversely affects Company work will not be tolerated. Any employee demonstrating improper conduct will be subject to disciplinary action up to and including termination of employment.

The following are only examples of misconduct that is considered unacceptable in the workplace and for which an employee may be subject to discipline. These examples do not constitute a complete list of the circumstances for which discipline will be warranted.

- Falsification of any records or reports pertaining to absence from work, claims pertaining to injuries occurring on Company premises, claims for any benefits provided by the Company, communications or records including but not limited to personnel and production records.
- Disclosing confidential information to outsiders.
- Gambling or fighting on job sites or Company property.
- Unethical conduct or serious conflicts of interest.
- Failure to comply with the Etain Antitrust Compliance Policy.
- Concealing defective work.
- Stealing the Company's property, a customer's property or the property of any employee; hiding, concealing or misappropriation of Company property or the property of other employees or customers; sabotage or willful damage to Company property, or the property of other employees or customers.

- Unauthorized use or sale of any Company-owned property, salvage material or equipment.
- Reporting to work under the influence of alcohol or illegal drugs; possession, sale or use of illegal drugs or chemicals or consumption of alcohol while working on job sites, in the office or in Company vehicles.
- Gross negligence or willful acts in the performance of duties resulting in damage to Company property or injury to others.
- Gross insubordination - a willful and deliberate refusal to follow reasonable orders by a member of management.
- Violation of the Company's equal opportunity or sexual harassment policies.
- Serious safety violation resulting in injury or damage to Company equipment or property.
- Failure to follow a reasonable order, to perform work assigned, or to comply with work and safety rules.
- Violation of Company policies.
- Misuse of Company equipment.
- Gaining unauthorized access to Company records.
- Speeding or reckless driving or unauthorized use of Company vehicle.
- Use of threatening, profane or abusive language.
- Demonstration of lack of courtesy towards other employees, customers or vendors.
- Not completing assignments up to the quality required by the Company.
- Failure to report personal injury resulting from an on-the-job work situation.

If your performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory in the judgment of Etain, based on violations either of the above or of any other Etain policies, rules or regulations, you will be subject to disciplinary action, up to and including dismissal.

This statement of prohibited conduct does not alter or limit Etain's policy of employment at will. Either you or Etain may terminate the employment relationship at any time for any reason, with or without cause or without notice.

## SECTION 9

### Safety

Etain is committed to the safety of its employees and its property and equipment. To this end, we will utilize a safety program in our daily activities. It is necessary that the Company establish safety rules and regulations to be observed by all employees at all times.

Any employee who disregards any Company safety rule and/or regulation is subject to disciplinary action up to and including termination of employment.

### OVERVIEW OF SAFETY POLICY

With regard to these rules, the following will be considered standard procedure for all employees:

- Comply with all federal, state, and local rules and regulations relevant to your work.
- Observe all Company rules related to the safe performance of your work.
- Integrate safety into each job function.
- Only perform jobs that you have been properly trained to do.
- Use required personal protective equipment.
- Report or correct unsafe practices and equipment.
- Report any accidents or near misses that occur while on the job to your supervisor or the Company's Director of Human Resources.

It is management's responsibility to see that every employee at Etain is provided with safe working conditions, all safety regulations are observed and employees use good common sense to protect themselves as well as others. Management will periodically inspect working conditions and may suspend all work activity until an unsafe condition is corrected.

The most important part of safety is YOU. It is your responsibility to abide by the safety rules - these rules are made for your protection.

#### 9.1 SAFETY PLAN

In order to assure that all Etain operations follow proper Company safety policies and procedures, Etain has developed a Company Safety Plan. The Safety Plan is kept at all Etain facilities.

#### 9.2 FIRE SAFETY

It is the responsibility of each employee to familiarize himself or herself with emergency fire exits, the location of fire extinguishers, the local fire department telephone number, as well as emergency telephone numbers of the local or State Police, the nearest hospital and/or alternate medical service.

It is also the responsibility of each employee to have at their telephone the emergency telephone numbers of the local or State Police, the fire department, the nearest hospital and/or alternate medical service.

### 9.3 HAZARDOUS MATERIALS

The Environmental Protection Agency has grouped certain chemicals and chemical groups into categories that have been defined as toxic. This means that in concentrated forms or by accumulating and combining with other chemicals (even the air) these chemicals can be hazardous to human health if exposure occurs.

From time to time in the normal course of their jobs, employees may handle materials that have been classified as hazardous by the standards of the Occupational Safety and Health Act (OSHA) regulations. Such employees will receive training regarding Etain's OSHA-required hazard communication program. Etain's program includes placement of labels on containers of hazardous material safety data sheets (SDSs) for hazardous materials and training for workers. Each employer must also describe in a written program how it will meet the requirements of the HCS in each area.

Hazardous materials that are received from our suppliers should have Material Safety Data Sheets (MSDS) or labels which state the chemical ingredients of the contents, precautions to take, and what to do if exposure occurs.

Employees will be instructed on how to control hazardous wastes and what to do if they are exposed to hazardous materials.

If any employee suspects that the materials or wastes he/she may encounter as an employee are hazardous (whether or not they are being created or used by the Company), he/she should inform the Company Director of Human Resources immediately.

As a Company, we are committed to not creating or disposing of hazardous materials or that will contaminate the environment. Whenever possible, we will choose materials which have been judged as non-hazardous and will properly dispose of hazardous materials if used. Also, we will not knowingly dump any wastes into the environment at any time.

### 9.4 REPORTING INJURIES AND ACCIDENTS

Any accident, injury, or illness that occurs while an employee is at work must be reported to management or the Company Director of Human Resources as soon as possible regardless of the nature or severity. Etain reserves the right to require employees to undergo appropriate tests designed to detect the presence of alcohol, illegal drugs, or other controlled substances whenever an employee(s) is involved in any accident, injury or illness that occurs during that employee's working hours if such accident, injury or illness results in:

- (a) Property damage;
- (b) Filing of workers compensation from; or

(c) Employee missing more than one (1) day of work.

The Company will provide the proper forms for reporting job-related accidents, injuries and illnesses. Any employee failing to report such occurrences will be subject to disciplinary action.

In the event of a vehicular accident involving a Company-owned/leased vehicle or while on Company business, the employee must make every effort to immediately notify the police, Senior Management and/or the Director of Human Resources. At the accident scene, **DO NOT ADMIT FAULT OR LIABILITY**. Do not make any assumptions regarding the cause of the accident to anyone except appropriate Etain personnel, but provide the police with any facts that they may request.



## SECTION 10

### Transportation and Travel Expenses

#### 10.1 COMPANY-OWNED/LEASED VEHICLES

The Company maintains a fleet of owned/leased vehicles for use by employees for business purposes only. All travel in Company vehicles other than for Company business must be authorized in advance by Senior Management. The following are specific policies related to Company-owned/leased vehicles:

- (a) Company-owned/leased vehicles will be driven only as needed for jobs during working hours.
- (b) Company-owned/leased vehicles will be driven only for transportation to and from destinations as specified.
- (c) Company-owned/leased vehicles will not be driven for private use unless specific arrangements have been authorized in advance.
- (d) Only the driver assigned to the vehicle is authorized to sign for gasoline, oil, etc.
- (e) In some cases, employees are expected to use Company-provided gasoline cards and to enter and/or maintain appropriate records of mileage driven.
- (f) Alcoholic beverages or illegal drugs or chemicals will not be allowed in any Company vehicle at any time.
- (g) No driver who has been drinking alcoholic beverages or is under the influence of drugs or chemicals will be allowed to drive a Company-owned/leased vehicle.
- (h) No one, other than an authorized Company employee, is permitted to operate or ride in a Company-owned/leased vehicle.
- (i) Vehicles must be properly maintained according to the manufacturer's schedule. Such maintenance will be paid by the Company.
- (j) Any employee who misuses a Company-owned/leased vehicle will be subject to discipline, up to and including dismissal.

#### 10.2 PERSONS INELIGIBLE TO USE A COMPANY VEHICLE

Certain individuals may not be permitted to use a Company vehicle based upon their driving history and record. A partial list shall include but is not limited to the following:

- Any employee who has been convicted of Driving While Intoxicated (DWI) or Driving While Ability Impaired (DWAI), or has a pending arrest or charge against him or her with regard to any instance of DWI or DWAI. Any employee charged or convicted with DWI or DWAI shall immediately notify the Director of Human Resources and shall surrender the vehicle.
- Any person whose driving license is suspended. If license suspension occurs for any reason, the employee shall immediately notify the Director of Human Resources of the suspension and surrender the vehicle.
- Any person who, in the sole opinion of the Company, is determined to have a history or pattern of accidents or a poor safety record.

## 10.3 PERSONAL VEHICLES

Employees may be required to use their personal vehicle on official Company business.

### 10.3.1 VEHICLE EXPENSE REIMBURSEMENT PROGRAM

Employees required to travel for business regularly on behalf of the Company are eligible for enrollment in the Vehicle Expense Reimbursement Program ("Program"). Participation in the Program must be authorized by Senior Management and is contingent upon the results of a Department of Motor Vehicle driving record review. The Program provides the employee using his/her personal vehicle for business with both a fixed and variable reimbursement amount dependent upon a number of different factors. Provided the employee remains in compliance the various provisions of the Program, such expense reimbursements are not taxable to the employee. For more information on the Vehicle Expense Reimbursement Program please contact the Chief Financial Officer.

### 10.3.2 MILEAGE REIMBURSEMENT

On occasion, employees not enrolled in the Vehicle Expense Reimbursement Program may be required to use their personal vehicle to travel on Company business and will be reimbursed accordingly. A mileage rate based on acceptable and current Internal Revenue Service regulations will be paid to an employee who uses his/her personal vehicle on official Company business. The employee should receive approval from his/her immediate manager or supervisor prior to using a personal vehicle for Company business.

## SECTION 11 Expense Reimbursement

### GENERAL RULES

Employees required to travel and/or incur business-related expenses regularly on behalf of the Company must use the Expense Program to request reimbursement. All other employees requesting occasional reimbursement for travel and/or business-related expenses should submit such request manually by filling out an Expense Voucher available through the Accounts Payable Department.

#### 11.1 EXPENSE REPORTS

All employees who regularly incur business-related expenses must complete an Expense Report no later than thirty (30) days after the expense was incurred. The Expense Report will summarize all expenses for the relevant time period, with supporting receipts attached. No expense will be reimbursed without a completed and approved Expense Report.

- (a) Each Expense Report must contain the name of the employee, title or position and their department/division. The person submitting the report shall sign their Expense Report.
- (b) An Expense Report should relate to one employee's expenses only. Valid business expenses are reasonable costs incurred by employees in performing Company business.
- (c) Expenses should be paid using personal credit cards. Cash payments are discouraged and should be kept to an absolute minimum.
- (d) The Expense Report form is divided into two sections. The upper section is used to summarize expenses incurred while on Company business and might include travel costs, lodging and meals. The lower section of the Expense Report relates to expenses associated with entertaining customers and/or vendors. Expenses incurred in this regard must include details as to the type of expense together with the name and corporate affiliation of the person(s) attending the event.
- (e) Original receipts must be attached to support all the amounts over \$10.00 on the expense report, including credit card receipts. Receipts should be intact and not altered in any way. Handwritten receipts are not acceptable forms of proof. (See Sec. 11.2 for Acceptable Forms of Proof.)
- (f) The employee's immediate manager or supervisor must either electronically or manually approve all Expense Reports.

#### 11.2 ACCEPTABLE FORMS OF PROOF

The Company may reject any request for reimbursement if adequate evidence of a valid expense is not supplied; tear off strips are unacceptable. Acceptable forms include:

- (a) An original invoice
- (b) A credit card receipt
- (c) A cash register receipt

Expense reports must identify the customer(s) attending and the general nature of the business purpose of the entertainment.

### 11.3 POLITICAL CONTRIBUTIONS

**POLITICAL CONTRIBUTIONS OF ANY TYPE CANNOT, AND WILL NOT, BE REIMBURSED.**

### 11.4 WHAT ARE VALID EXPENSES?

The Company does not wish to impose strict detailed rules and so has outlined below a few basic guidelines, which should be respected.

- (a) **Accommodation and Meals:** - While Etain does not have a policy on the grade of hotels and restaurants that should be chosen, everyone must be cost conscious. Please use our Company contacts in the area to obtain the best rates available to the Company.
- (b) **Telephone calls:** - Use Company-issued cell phones where possible. Hotel "charge calls" (made directly from a room) and airline "air phones" are prohibitively expensive and should only be used in exceptional circumstances.
- (c) **Air fares:** - Whenever possible, air travel bookings should be made at least seven (7) days in advance and include a Saturday night stay to take advantage of better rates. Some Internet sites can offer cheaper fares compared with travel agents. The Company allows the employee to "keep" any Frequent Flyer miles that may be accrued. The Company shall only reimburse for coach class fares.

#### 11.4.1 ENTERTAINMENT

- (a) Expense accounts are intended to entertain clients and to promote business.
- (b) Excessive tipping should not be made at the Company's expense, and gratuities of fifteen percent (15%) are customary.
- (c) Where a number of Company employees attend the same business function, the most senior manager present must pick up the tab.
- (d) **IT IS AGAINST ETAIN POLICY FOR EMPLOYEES TO BE REIMBURSED FOR THE EXPENSE OF ENTERTAINING OTHER EMPLOYEES.**

#### 11.4.2 AUTOMOBILE EXPENSES

Expenses relating to the operation of a Company vehicle (such as gas, oil, etc.) should be charged to the Company credit card.

Except for those employees eligible to participate in the Vehicle Expense Reimbursement Program as outlined in SECTION 10, business-related mileage and other expenses (such as gas, oil, etc.) incurred by the employee on behalf of the Company will be reimbursed at the standard Internal Revenue Service rate in effect at the time.

## SECTION 12

### Drug Free Workplace Policy

#### PURPOSE

Our organization is fully committed to the philosophy of keeping controlled substances out of the workplace and has adopted this Drug-Free Workplace Policy.

The welfare and success of Etain depends on the physical and psychological health of all its employees. The abuse of drugs and alcohol poses a serious threat to both the Company and its employees. It is the responsibility of both the Company and the employee to maintain a safe, healthful, and efficient working environment.

Consistent with our efforts to promote health and safety and protect the interests of our employees, customers, and the Company, we cannot allow anyone to use, possess, distribute, manufacture, purchase, sell, or be under the influence of alcohol or illegal drugs, intoxicants, or controlled substances at any time while on Company property, while working on Company business or in Company vehicles and on Company business. Accordingly, the use of alcohol and the illegal use of drugs, intoxicants, or controlled substances while on Company property or while working on Company business is strictly prohibited and will result in disciplinary action, up to and including termination.

#### PROHIBITED ACTS

The following rules and standards of conduct apply to all Etain employees. Etain strictly prohibits:

- (a) Possession, use, or being under the influence of alcohol or an illegal drug, intoxicant, or controlled substance while on the job or on Company-owned or -occupied premises;
- (b) Driving or operating a vehicle on Company business while under the influence of alcohol or an illegal drug, intoxicant, or controlled substance;
- (c) Distributing, selling, manufacturing, or purchasing - or attempting to distribute, sell, manufacture, or purchase - an illegal drug, intoxicant, or controlled substance.
- (d) Testing positive on a required or requested drug or alcohol test or screen;
- (e) Refusing either to take or to release information regarding a required or requested drug or alcohol test or screen; and
- (f) Violating any Company rule or policy regarding alcohol and drug use, controlled substance during working hours or while on Company-owned or-occupied premises;
- (g) Refusing to sign a statement to abide by the Etain Drug-Free Workplace Policy.
- (h) Violating any Company rule or policy regarding alcohol and drug use.

This policy covers all Etain employees. However, those employees (CDL drivers for example) covered by the Department of Transportation Workplace Drug Testing Procedures are subject to Federal guidelines for disciplinary action.

## 12.1 DRUG FREE POLICIES

No prescription drug issued by a licensed medical practitioner will be consumed on Company premises by any person other than the one for whom it is prescribed and for the purpose for which it is prescribed. An employee undergoing prescribed medical treatment with any drug, which may alter their ability to perform the duties of their job assignment, must report this treatment to their immediate supervisor. The supervisor will then determine whether a temporary change in the employee's job assignment during the period of treatment is warranted.

The purpose of the policy set forth above is:

- (a) to establish and maintain a safe, healthy working environment for all employees;
- (b) to reduce the number of accidental injuries to person and property;
- (c) to reduce absenteeism and tardiness, and improve productivity; and
- (d) to provide information regarding rehabilitation assistance programs for any employee who seeks such help.

## 12.2 AWARENESS PROGRAM

Etain has developed the following Awareness Program ("AP") to assist employees to understand and to avoid the perils of drug and alcohol abuse. The Company will use this program in an educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The AP includes:

- (a) education on the dangers of drug abuse in the workplace;
- (b) the Company's Drug-Free Workplace Policy;
- (c) availability of treatment and counseling for employees who voluntarily seek such assistance; and
- (d) disciplinary actions for violations of the Company's Drug-Free Workplace Policy.

Employees are the Company's most valuable resource and, for that reason, their health and safety is our number one concern. Any drug or alcohol use, which imperils the health and well-being of our employees or threatens our business, will not be tolerated. Employees who use illegal drugs or abuse other controlled substances, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism. This, in turn, can result in increased costs, delays and risks to the Company's business. Drug or alcohol use in the workplace puts the health and safety of the abuser and all other workers around him or her at increased risk. Employees have the right to work in a drug-free environment. In addition, drug or alcohol abuse inflicts a terrible toll on the nation's productive resources and the health and well-being of American workers. The use of illegal drugs and abuse of other controlled substances, on or off-duty, is inconsistent with the law abiding behavior expected of all employees. Early recognition and treatment of drug or alcohol abuse is important for successful rehabilitation. Whenever feasible, the Company will assist employees in overcoming drug or alcohol abuse by having information provided on treatment opportunities and programs. However, the

decision to seek diagnosis and accept treatment for drug or alcohol abuse is primarily the individual employee's responsibility. In addition, the expense of such diagnosis and treatment is solely the employee's responsibility.

Employees with drug abuse problems should request assistance from their supervisor or the Human Resources Department. The Company will treat such requests as confidential and will refer the employee to the appropriate treatment and counseling services. Employees who voluntarily request the Company's assistance in dealing with a drug abuse problem may do so without jeopardizing their continued employment, provided they strictly adhere to the terms of their treatment and counseling program and comply with the Company's Drug-Free Workplace Policy while on duty, on Company property, performing Company business, or in Company-supplied vehicles. Individuals with disabilities shall be provided with accommodations as required by law.

### 12.3 EMPLOYEE EDUCATION

Etain offers education to all employees including information on types and effects of drugs; symptoms of drug use, and their effects on performance and conduct, as well as information regarding available treatment and rehabilitation programs. The drug education activity may include distribution of written material, videotapes or employee safety meeting forums.

### 12.4 SUPERVISORY TRAINING

As supervisors have a key role in establishing and monitoring a drug-free workplace, Etain shall provide training to assist supervisors and managers in recognizing and addressing illegal drug use by Company employees. The purpose of this training is as follows: to understand the Drug-Free Workplace Policy, drug use, to recognize and document employee performance and behavior change, and the process for employee discipline.

### 12.5 NATURE OF DRUG TESTING

Drug testing will be performed to detect the following drugs: marijuana, cocaine, opiates, amphetamines and PCP. An independent drug testing company will coordinate all testing and review all test results.

The following types of drug and alcohol testing will be required under this policy.

*Pre Hire:* Following a conditional offer of employment, and written notice to the applicant of the drug testing procedure and any other information required by applicable law, all applicants for employment will submit to drug testing only.

*Random:* Throughout the year, all employees covered by this plan may be subject to unannounced random drug testing in accordance with applicable law. The total number of unannounced random drug tests will equal or exceed 5% of the average number of employees on staff during the year. An independent drug testing company will generate a list of employees that will be tested. Selected

employees will be notified by their supervisor and will be required to report to a local medical facility the same day for testing.

*Reasonable suspicion:* Reasonable suspicion drug and alcohol testing may be based upon, among other things: observable use, possession, and/or physical symptoms of being under the influence of a drug or alcohol; a pattern of abnormal behavior; arrest or conviction for a drug related offense; or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. Any employee involved in an accident (vehicular or otherwise) on Company premises, or while on Company business, or while in a Company supplied vehicle may be subject to post-accident drug and/ or alcohol testing.

Etain also reserves the right to require an employee to undergo appropriate tests designated to detect the presence of alcohol, illegal drugs or other controlled substances in accordance with applicable law whenever such employee is involved in any accident, injury or illness that occurs during that employee's work hours if such accident, injury or illness results in:

- (a) Property damage;
- (b) Filing a workers compensation form; or
- (c) Employee missing more than one (1) day of work.

An employee who refuses to be tested when so required will be subject to the full range of disciplinary action, up to and including dismissal. Attempts to alter or substitute the specimen provided will be deemed a refusal to take the drug test when required.

## 12.6 DISCIPLINARY ACTION

Employees found in violation of this policy will be subject to disciplinary action in the following manner:

**ANY JOB APPLICANT** who fails a drug test and whose drug use will impair the applicant's ability to perform the job sought will not be considered for employment.

**ANY EMPLOYEE** who reports to work under the influence of alcohol or drugs will be suspended and placed on unpaid leave.

**ANY EMPLOYEE** who tests positive in a drug or alcohol test or is found to be using, possessing, or transferring any controlled substances while on duty will be suspended and placed on unpaid leave.

**ANY EMPLOYEE** found selling or distributing an illegal drug on a Etain project or on Company property will be terminated and the matter will be reported to appropriate law enforcement officials.

If a suspended employee achieves medically qualified status (achieved by testing negative in a drug/alcohol test), has been evaluated by a substance abuse professional (SAP) and has entered a program of rehabilitation prescribed by a SAP, the employee may apply for reinstatement. The Company will then re-activate the employee and the employee will be placed on probation for a

period of five (5) years. As a condition of their probation the employee must complete the SAP prescribed rehabilitation program and will be subject to a program of random testing in addition to the Company's random testing procedures. If an employee on probation tests positive during a drug or alcohol test or fails to complete a SAP prescribed rehabilitation program, the employee will be terminated. Employees enrolling in SAP programs under this paragraph must execute a waiver for the SAP to release information to Etain as to the progress of treatment.

## 12.7 VOLUNTARY TREATMENT

A fundamental purpose of Etain's Drug-Free Workplace Policy is to assist employees who themselves are seeking treatment for drug use. For this reason, the Company will not initiate disciplinary action against any employee who meets all three of these conditions:

- Voluntarily identifies him/herself as a user of illegal drugs prior to being identified through other means;
- Obtains counseling or rehabilitation through an EAP; and
- Thereafter refrains from using illegal drugs.

This provision is not available to an employee who requests protection after being asked to provide a urine sample or having been found to have used illegal drugs pursuant to the Drug-Free Workplace Policy.

## 12.8 CONFIDENTIALITY

All drug testing and treatment information specifically relating to individuals is confidential and will be treated as such by anyone authorized to review or compile program records. The Director of Human Resources shall maintain all records relating to drug testing. These records shall be retained in a secure file, separate from other personnel files.

## SECTION 13

### Antitrust Compliance Policies

#### 13.1 PURPOSE

The subject of this policy is critically important and its implementation has the highest priority. It is the policy of Etain and its subsidiaries that each employee compete vigorously, fairly and ethically in the conduct of the Company's business, but always in compliance with the antitrust laws of the United States and the states in which we operate.

Etain expects its personnel to be familiar with laws governing business conduct and to comply with them. Regardless of the outcome of an antitrust investigation or lawsuit, a company's mere involvement inflicts upon it a huge burden in terms of money, time, adverse publicity and disruption of daily business. The Company's policy therefore, is not only to comply with such laws but also to avoid conduct likely to lead to illegal conduct or that creates the appearance of illegal conduct and thereby attracts a antitrust investigation or claim.

Accordingly, Etain expects every employee to be responsible for compliance with antitrust laws and this policy in the course of his or her activities as a Etain employee. If in doubt, the Director of Human Resources should be consulted whenever an employee has any doubts about the legality of any contemplated action before undertaking such action. Etain cannot and does not approve of any action by an employee that violates the antitrust laws. No supervisor or manager has authority to approve or direct any Company employee action in violation of either law or this policy. Any employee who knowingly participates in, and any supervisor who directs, authorizes or permits a subordinate to engage in unlawful activity, will be subject to disciplinary action, including discharge when appropriate, and whether or not an actual violation of antitrust law is determined to have occurred.

This policy is intended to provide basic guidance to govern employee conduct and to assist employees in identifying areas where potential antitrust compliance issues may arise. Additional compliance training will be provided to further help employees to understanding the primary aspects of the antitrust laws. However, those laws are complex and changing, and employee should seek the advice of the Antitrust Compliance Representative whenever a possible antitrust issue arises, as this policy requires strict compliance with these laws.

#### 13.2 BASIC RULES

Antitrust compliance depends on *knowing the rules*. Some important rules are:

- (a) Competitors may not agree on the prices they charge for goods.
- (b) Competitors may not agree on the prices they charge for services.
- (c) Competitors may not agree on terms of sale.
- (d) Competitors may not agree to allocate customers, territories, or markets.
- (e) Competitors may not agree *not to compete* on contracts - i.e. bid-rigging.

- (f) Competing buyers may not agree on prices for goods or services they are purchasing.
- (g) Competitors may not join in a boycott of suppliers or customers to accomplish anticompetitive ends.
- (h) Competing manufacturers may not agree on levels of production.
- (i) Companies may not use dominant market position to monopolize a market, control prices, or exclude competitors.

### 13.3 RELATIONSHIPS WITH COMPETITORS

#### 13.3.1 Communications Relating to Price

An employee may not have any discussion or communication with any representative of a competitor concerning:

- (a) Current or intended dealings with particular customers;
- (b) Territories in which the Company plans to do business;
- (c) Costs, pricing or production levels; or
- (d) Prices, pricing policies, contract bids, components of price, discounts, terms and conditions of sale.

Any form of collusion in pricing is absolutely forbidden. An employee, directly or through another, may not discuss a pricing decision with a competitor. If an employee receives an improper communication from a competitor, for example, an invitation to exchange price information, allocate customers or territories, or participate in a price fixing scheme, in addition to clearly declining the invitation, the employee must immediately contact the Director of Human Resources so that the Company may take any additional measures necessary to disassociate the Company from the suggested activity.

#### 13.3.2 Pricing Decisions Must be Independent

Company pricing must be determined independently, in light of Company costs, market conditions and competitive prices. Competitive prices may be considered in determining our own prices, but a competitor's prices should be obtained from public sources, published lists or from customers, and not from competitors. Company employees may not exchange price lists with a competitor and should discourage competitors from sending price information to the Company. Where the Company is in possession of a competitor's price information, such as its price lists or price announcements, the source of that information should be documented.

#### 13.3.3 Dual Relationships

Sometimes a competitor is also a customer, supplier or subcontractor. In such cases, Company employees must be careful not to discuss with a customer or supplier matters affecting other areas of competition with that customer or supplier. Price discussions should be limited to existing prices for the product to be purchased or sold. Any contact with a subcontractor who is also a competitor must not affect the way competitive bids are submitted.

## 13.4 RELATIONSHIPS WITH CUSTOMERS AND SUPPLIERS

### 13.4.1 Exclusive Contracts

The Company will not require a customer to buy products only from the Company except after consultation with, or pursuant to an agreement approved by, senior management. While often lawful, exclusive or requirements contracts in certain circumstances raise antitrust concerns, especially where the Company has a large market share.

### 13.4.2 Tying Arrangements

A customer's ability to purchase one product from the Company should not be conditioned on a requirement that it also purchase another product from the Company without first consulting with senior management. Although "bundling" or "package deals" are not necessarily unlawful and may in fact be pro-competitive, in some circumstances they can constitute illegal "tying" arrangements, especially where the Company has a large market share in the "tying" product.

### 13.4.3 Verification of Competing Quotes

If a customer asks the Company to meet a competitor's price quote, the Company may or may not decide to meet the competing price quotation, but in no event may any Company employee contact the competitor to verify the competing quotation.

### 13.4.4 Predatory Pricing

The Company does not sell at a reduced price for the purpose of injuring competition. It is possible that sales below average cost may be presumed to be for that purpose, especially where the Company has a large market share.

## 13.5 RELATIONSHIPS WITH TRADE ASSOCIATIONS

As they involve - by definition - meetings of competitors, many indictments for antitrust crimes arise from activities related to trade associations. Company employees should not join or participate in a trade association without prior approval of Senior Management. Company employees must be wary of any improper suggestions or discussions at trade association meetings relating to competition. The Company and its employees could become entangled in expensive litigation involving the improper activity of others merely by an employee being present when improper matters (e.g., prices, bids, customer allocations, territorial divisions) are discussed. As a general rule, any information that would be improper to exchange directly with a competitor would be improper to exchange with a trade association.

## 13.6 PUBLIC PRESENTATIONS; DOCUMENTS

It is possible that lawful conduct could become suspect on the subject of antitrust litigation because of a poor choice of words or a misleading manner of expression. Care should be taken in Company communications and presentations to avoid careless or inappropriate language which could be misunderstood in an antitrust context. Communications should be kept factual and avoid provocative or judgmental language. In particular, avoid wording that, while the intended meaning may seem clear to you, could be misunderstood by someone else as suggesting an illegal agreement or cooperation among competitors on prices or related matters.

## 13.7 PRESERVATION OF DOCUMENTS

Records or other Company property pertaining to any matter which is the subject of on-going or threatened antitrust litigation or government investigation must not be destroyed or altered without the prior approval of a Company Attorney. This includes email and other information stored electronically. Such "spoliation" of evidence can subject the Company to onerous sanctions and undermine its ability to defend or assert its position in such litigation or investigation. It is common for prosecutors in antitrust cases to include allegations of obstruction of justice and similar charges relating the destruction of documents after the investigation had commenced.

## 13.8 DISTRIBUTION OF POLICY; TRAINING

### 13.8.1 Publication of Policy

This policy will be distributed to all Company employees.

### 13.8.2 Acknowledgments

Every employee must acknowledge and certify that he or she has reviewed and is familiar with this policy. This acknowledgment shall be made at the periodically, but no less frequently than every two years.

### 13.8.3 Training

The Human Resources Department is responsible for developing and presenting compliance training in antitrust laws and this Policy. Employees identified as being most affected by this policy should receive such training at least once every two years. Supervisors are responsible for assuring that such employees take part in such training.

## 13.9 REQUIRED REPORTING

If an employee becomes aware of any conduct by the Company or persons outside the Company which may involve a violation of antitrust laws or this Policy or that the Company may be subject to an antitrust investigation or claim, the employee must promptly advise senior management. It is very important that proper Company officials know as soon as possible of any potentially illegal behavior involving the Company in any way. If anonymity is desired, an employee may report the matter on the existing compliance hotline: 518-320-3418.

## 13.10 INVESTIGATIONS AND INFORMATION REQUESTS

Antitrust investigations are often begun with a formal or informal request for information. If a Company employee is contacted by any person, including any law enforcement official or a private attorney or investigator, in connection with any antitrust investigation, such employee must promptly notify Senior Management. This includes any requests by the federal Department of Justice, Antitrust Division (including a civil investigative demand or contacts by or requests through the Federal Bureau of Investigation), the Federal Trade Commission (including a subpoena or requests for information) or any state attorney general's office.

Before responding to any such information request or answering any questions, the employee should note the name, title and agency of the person contacting the Company and provide such information to senior management, who will have counsel confirm the purpose of the request and advise the employee on whether and to what extent the Company is obligated to respond.

The Company cooperates with reasonable information requests from government agencies. However, the Company is entitled to all the safeguards provided by law for the benefit of persons under investigation, including representation by counsel.

## SECTION 14

### Computer Use Policy

This policy outlines the rules that should govern any employee of Etain who uses our computer resources. Employees should carefully review the policies, rules and guidelines contained in the document. Once reviewed, employees must sign the acknowledgement form confirming their review and understanding of this policy.

#### 14.1 PURPOSE

Etain relies heavily upon its computer resources to meet its operational, financial, and informational business needs. It is essential that its computer systems and computer networks, as well as the data they store and process, be operated and maintained in a secure environment and in a responsible manner and be protected from misuse and unauthorized access. This policy applies to all company computer resources, including all hardware, data, software and communications networks associated with these computers. In particular this policy covers computers ranging from multi-user systems to single-user computers, whether stand-alone or connected to the network. Computer resources are valuable, and their abuse can have a far-reaching negative impact on the Company.

The rules and obligations described in this policy apply to all users (the "Users") of Etain's computer resources, wherever they may be located. Violations will be taken very seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.

It is every employee's duty to use the Company's computer resources responsibly, professionally, ethically, and lawfully. The same morality and ethical behavior that applies in the non-computing environment applies in the computing environment.

#### 14.2 DEFINITIONS

From time to time in this Policy, we refer to terms that require definitions:

**Computer Resources** – Etain's entire computer systems and refers to all the hardware, software, data and communication networks associated with the systems. Specifically, "Computer Resources" includes, but is not limited to Company host computers, file servers, application servers, communication servers, mail servers, fax servers, Web servers, workstations, stand-alone computers, laptops, tablets, software, data files, smart phones and all internal and external computer and communications networks (for example, Internet, commercial online services, value-added networks, e-mail systems) that may be accessed either directly or indirectly from our computer network.

**Users** – All employees, independent contractors, consultants, temporary workers, and other persons or entities who use or access Etain's Computer Resources.

**System Administrator** – The IT Manager, or another employee designated by management, who is responsible for the deployment and maintenance of Etain's computer network.

### 14.3 POLICY

The Computer Resources are the property of Etain and may be used only for legitimate business purposes. Users are permitted access to the Computer Resources to assist them in performance of their jobs. Use of the Computer Resources is a privilege that may be revoked at any time.

In using or accessing Etain's Computer Resources, Users must comply with the following provisions.

### 14.4 NO EXPECTATION OF PRIVACY

- (a) *No expectation of privacy.* The computers and computer accounts assigned to Users are to assist them in performance of their jobs with the Company. Users should have no expectation of privacy in anything they create, store, send or receive on the Computer Resources. By using the Computer Resources, Users consent to allowing personnel of the Company access and review all materials Users create, store, send, or receive on the Computer Resources. Users understand that Etain may periodically and in its discretion use human or automated means to monitor use of its Computer Resources.
- (b) *No privacy in communications.* Employees should never consider electronic communications to be either private or secure. E-mail may be stored indefinitely on any number of computers, including that of the recipient. Copies of messages may be forwarded to others either electronically or on paper. In addition, e-mail sent to nonexistent or incorrect usernames may be delivered to persons who were never intended recipients of the e-mail.
- (c) *Monitoring of computer usage.* The Company has the right, but not the duty, to monitor any and all aspects of the Computer Resources including, but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by Users to the Internet, and reviewing e-mail sent and received by Users.
- (d) *Blocking of inappropriate content.* The Company may use software to identify unprofessional, inappropriate or sexually explicit Internet sites. Such sites may be blocked from access by Company networks. In the event an employee nonetheless encounters inappropriate or sexually explicit material while browsing on the Internet, he/she must immediately disconnect from the site, regardless of whether the site was subject to the Company's blocking software.

## 14.5 PROHIBITED ACTIVITIES

- (a) *Inappropriate or unlawful material.* Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or unprofessional may not be sent by e-mail or other form of electronic communication (such as bulletin board systems, newsgroups, chat groups) or displayed on or stored in Etain's computers. Users encountering or receiving this kind of material should immediately report the incident to their supervisors.
- (b) *Prohibited uses.* Without prior written permission from the System Administrator, Etain's Computer Resources may not be used for non-business purposes, including but not limited to dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is, viruses or self-replicating code), political material, or any other unauthorized use.
- (c) *Waste of computer resources.* Users may not deliberately perform acts that waste Computer Resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic.
- (d) *Misuse of software.* Without prior written authorization from the System Administrator, Users may not do any of the following: (1) copy software for use on their home computers; (2) provide copies of software to any independent contractors or clients of Etain or to any third person; (3) install software on any of Etain's workstations or servers; (4) install any unauthorized software to any of Etain's workstations or servers; (5) modify, revise, transform, recast, or adapt any software; or (6) reverse-engineer, disassemble, or decompile any software. Etain respects all intellectual property rights of others, including all software licenses, copyrights, trademarks, and patents. Employees may only use intellectual property of Etain and others in accordance with company policy and any applicable licensing agreements. Employees may never use illegally obtained software or other intellectual property in furtherance of their job responsibilities with Etain. Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to their supervisors.
- (e) *Communication of trade secrets.* Unless expressly authorized by the System Administrator, sending, transmitting, or otherwise disseminating Etain's proprietary data such as but not limited to, estimating results, financial results, bid methods, trade secrets, or other confidential information of the Company is strictly prohibited. Unauthorized dissemination of this information may result in substantial civil liability as well as severe criminal penalties under the Economic Espionage Act of 1996 and other statutes.

## 14.6 PASSWORDS

- (a) *Responsibility for passwords.* Passwords exist for network access, access to various application programs, and encrypted devices. Users are responsible for safeguarding their passwords for access to the Computer System. Individual passwords should not be printed, stored online, or given to others. Users are responsible for all transactions made using their passwords. No User may access the Computer Resources with another User's password or account, even if the User is present. Passwords are assigned and will be changed from time to time with reasonable notice.
- (b) *Passwords do not imply privacy.* Use of passwords to gain access to the Computer Resources or to encode particular files or messages does not imply that Users have an expectation of privacy in the material they create or receive on the computer system. Etain has global passwords that permit it access to all material stored on its computer system - regardless of whether that material has been encoded with a particular User's password.

## 14.7 SECURITY

- (a) *Accessing other User's files.* Users may not alter or copy a file belonging to another User without first obtaining permission from the owner of the file. Ability to read, alter, or copy a file belonging to another User does not imply permission to read, alter, or copy that file. Unauthorized Users may not use the computer system to unnecessarily reviewing other User's files and e-mail.
- (b) *Computer security.* Each User is responsible for ensuring that use of outside computers and networks, such as the Internet, does not compromise the security of Etain's Computer Resources. This duty includes taking reasonable precautions to prevent intruders from accessing the Company's network without authorization and to prevent introduction and spread of viruses.

## 14.8 VIRUSES

- (a) *Virus detection.* Viruses can cause substantial damage to computer systems. Each User is responsible for taking reasonable precautions to ensure he or she does not introduce viruses into Etain's network. To that end, all material received on external magnetic or optical medium and all material downloaded from the Internet or from computers or networks that do not belong to Etain MUST be scanned for viruses and other destructive programs before being placed onto the computer system. Users should understand that their home computers and laptops might contain viruses. All media transferred from these computers to Etain's network MUST be scanned for viruses.
- (b) *Accessing the Internet.* To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to Etain's network must do so through an approved

Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited unless the computer you are using is not connected to the Company's network.

#### 14.9 ENCRYPTION SOFTWARE

- (a) *Use of encryption software.* Users may not install or use encryption software on any of Etain's computers without first obtaining written permission from their supervisors. Users may not use passwords or encryption keys that are unknown to their supervisors.
- (b) *Export restrictions.* The federal government has imposed restrictions on export of programs or files containing encryption technology (such as e-mail programs that permit encryption of messages and electronic commerce software that encodes transactions). Software containing encryption technology is not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from the System Administrator.

#### 14.10 EMPLOYEE USE OF E-MAIL

E-mail is one of our most important methods of communicating with each other and with our clients, customers, vendors, and consultants. To maximize the benefits of this medium and minimize potential liability, Etain has created the following guidelines for employee use of Company email accounts. Please keep in mind that these guidelines are not intended to discourage employee use of e-mail in performing one's job. Rather, they are intended to ensure that e-mail is used responsibly and with discretion.

Users should understand that electronic communications are neither private nor secure. E-mail may be stored indefinitely on any number of computers, including that of the recipient. Copies of messages may be forwarded to others either electronically or on paper. In addition, e-mail sent to nonexistent or incorrect usernames may be delivered to persons that you never intended.

In using the e-mail system, Users must comply with the following guidelines:

- (a) *THINK before sending a message.* It is very important that you use the same care and discretion in drafting e-mail as you would for any other written communication. Anything created or stored on the computer may, and likely will, be reviewed by others. Before sending a message, ask yourself the following question: Would I want a judge or jury to see this message?

- (b) *Inappropriate material.* Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by e-mail. If you encounter this kind of material, you are obliged to report it to your supervisor.
- (c) *Alterations.* Never alter the “From:” line or other attribution-of-origin information on your e-mail. Anonymous or pseudonymous messages are forbidden.

- a. *Standard footers for e-mail.* This footer should be appended to all e-mail sent outside the Company:

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Employee’s Full Name  
Title, as appropriate  
Etain, LLC  
Employee E-mail Address

Employees who fail to comply with these guidelines may be subject to disciplinary action, including revocation of e-mail privileges. Repeated or serious violations of this policy may result in termination.

#### 14.10.1 E-MAIL TO OR FROM CORPORATE COUNSEL

*Attorney-client communications.* E-mail sent from or to in-house counsel or an attorney representing the Company should include the words “privileged attorney-client communication” in the subject line as well as this warning header on each email:

**“ATTORNEY-CLIENT PRIVILEGED; DO NOT FORWARD WITHOUT PERMISSION.”** This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify Jennifer K. Harvey, Esq. by telephone at (518) 320-3418. You will be reimbursed for reasonable costs incurred in notifying us.

Communications from attorneys may not be forwarded without the sender’s express permission.”

## 14.10.2 CHAIN OR MASS E-MAIL MEMO

This is a reminder that Etain provides its computer system and access to e-mail for legitimate business purposes only. Every employee is expected to use good judgment when using the e-mail system. Sending chain e-mail or non-business-related mass e-mail violates this standard and will not be tolerated.

*Chain e-mail* is a message sent to a number of people asking each recipient to send copies with the same request to a specified number of others. *Mass e-mail* is a message sent to a large number of recipients (for example, all employees) without any legitimate business purpose. Sending either type of messages wastes our computer resources and delays delivery of essential e-mail. Circulating chain e-mail, in particular, can result in an enormous volume of messages on the network. The number of messages increases geometrically as the instructions are followed by all recipients. This can seriously degrade network performance and consume substantial amounts of valuable disk space and computer memory.

Employees should delete all chain e-mail and all non-business-related mass e-mail immediately upon receipt and refrain from forwarding them to any other employees. Any employee receiving a chain e-mail or non-business-related mass e-mail from another Etain employee should report the incident to the System Administrator.

## 14.11 INTERNET USE POLICY

Certain employees may be provided with access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. Use of the Internet, however, must be tempered with common sense and good judgment.

If users abuse their right to use the Internet, it will be taken away from them. In addition, he/she may be subject to disciplinary action, including possible termination, and civil and criminal liability.

Use of the Internet is governed by this policy.

- (a) *Disclaimer of liability for use of Internet.* Etain is not responsible for material viewed or downloaded by Users from the Internet. The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited email containing offensive content. Users accessing the Internet do so at their own risk.
- (b) *Employee's duty of care.* Employees should endeavor to make all electronic communication truthful and accurate. Use the same care in drafting e-mail and other electronic documents as

one would for any other written communication. Please keep in mind that anything created or stored on the computer system may, and likely will, be reviewed by others.

- (c) *Duty not to waste computer resources.* Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing multiple copies of documents, or otherwise creating unnecessary network traffic. Because audio, video, and picture files require significant storage space, files of this sort may not be downloaded unless they are business-related.
- (d) *Prohibited activities.* Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by e-mail or other form of electronic communication (bulletin board systems, newsgroups, chat groups), downloaded from the Internet, or displayed on or stored in Etain's computers. Employees encountering or receiving this kind of material should immediately report the incident to their supervisors.
- (e) *Games and entertainment software.* Employees may not use the Company's Internet connection to download games or other entertainment software, including screen savers, or to play games over the Internet.
- (f) *Other policies applicable.* In their use of the Internet, users must observe and comply with all other policies and guidelines of the Company, including but not limited to the following:
  - (e) *Amendments and revisions.* This policy may be amended or revised from time to time as the need arises. Users will be provided with copies of all amendments and revisions.

*No additional rights.* This Policy is not intended to, and does not grant users any contractual rights.

#### 14.12 PENALTIES

In connection with inquiries into possible abuses, or anytime at management's discretion, the Company reserves the right and will examine files, email, programs, passwords, accounting information, printouts or other computing material without notice. Users shall store any crucial data on the network drive to be backed up daily. Users not connected to the network shall take steps to backup critical files whenever possible. Non-business files and documents are not to be stored on company computers. Users shall regularly remove any unnecessary documents and e-mail.

Abuse or misuse of computing services may violate this guideline, or user's responsibility, but may also violate the law. Therefore, the company will take appropriate action in response to user's abuse or misuse of Computing Resources. Action may include, but not necessarily be limited to:

- Reimbursement to the Company for damages;
- Other legal action including action to recover damages;

- Referral to law enforcement authorities;
- Users (employees) will be referred to the appropriate manager for disciplinary action;
- Termination.



**SECTION 15**  
**Environmental Policy**

**PURPOSE**

Etain has always made a concerted effort to minimize the impact of our operations in the communities where we do business. An important example of our efforts in this area is the attention the Company gives to environmental stewardship. In addition to including our commitment to comply with all applicable environmental laws and regulation, Etain's Environmental Policy also recognizes that reducing the environmental impact of our operations is an important part of the value we deliver to our customers and an important obligation we owe to our communities.

Etain remains fully committed to achieving environmental excellence to exceed the environmental commitments summarized below:

- (a) Comply with applicable environmental laws and regulations in conjunction with fulfilling the Company's voluntary environmental commitments.
- (b) Operate our facilities with all the necessary environmental permits, registrations, approvals and operational controls.
- (c) Continually strive to improve measures to minimize noise, dust, emissions, soil erosion and storm water runoff.
- (d) Reduce energy consumption.
- (e) Promote the use of recycled products and responsible disposition of hazardous and solid waste.
- (f) Promote relevant environmental initiatives by our managers, employees and suppliers.
- (g) Be guided by the principles of pollution prevention, energy conservation and continuous improvement.
- (h) Respect our neighbors and work to minimize our impact on them and the communities in which we work.

## SECTION 16

### Open Communication Policy

Etain believes in open communication. If an employee has a suggestion or concern, management wants to know about it. In most cases, employees will get satisfaction by discussing the matter with their supervisor. However, the Company recognizes that not all complaints will be satisfactorily resolved between an employee and supervisor. If the employee feels he/she cannot meet with his/her supervisor, the employee may request a meeting with Human Resources and/or Senior Management. All concerns will be given prompt and objective consideration in an atmosphere of mutual assistance and can be reviewed by Senior Management.

**ETAIN, LLC  
DRUG FREE WORKPLACE ACKNOWLEDGEMENT**

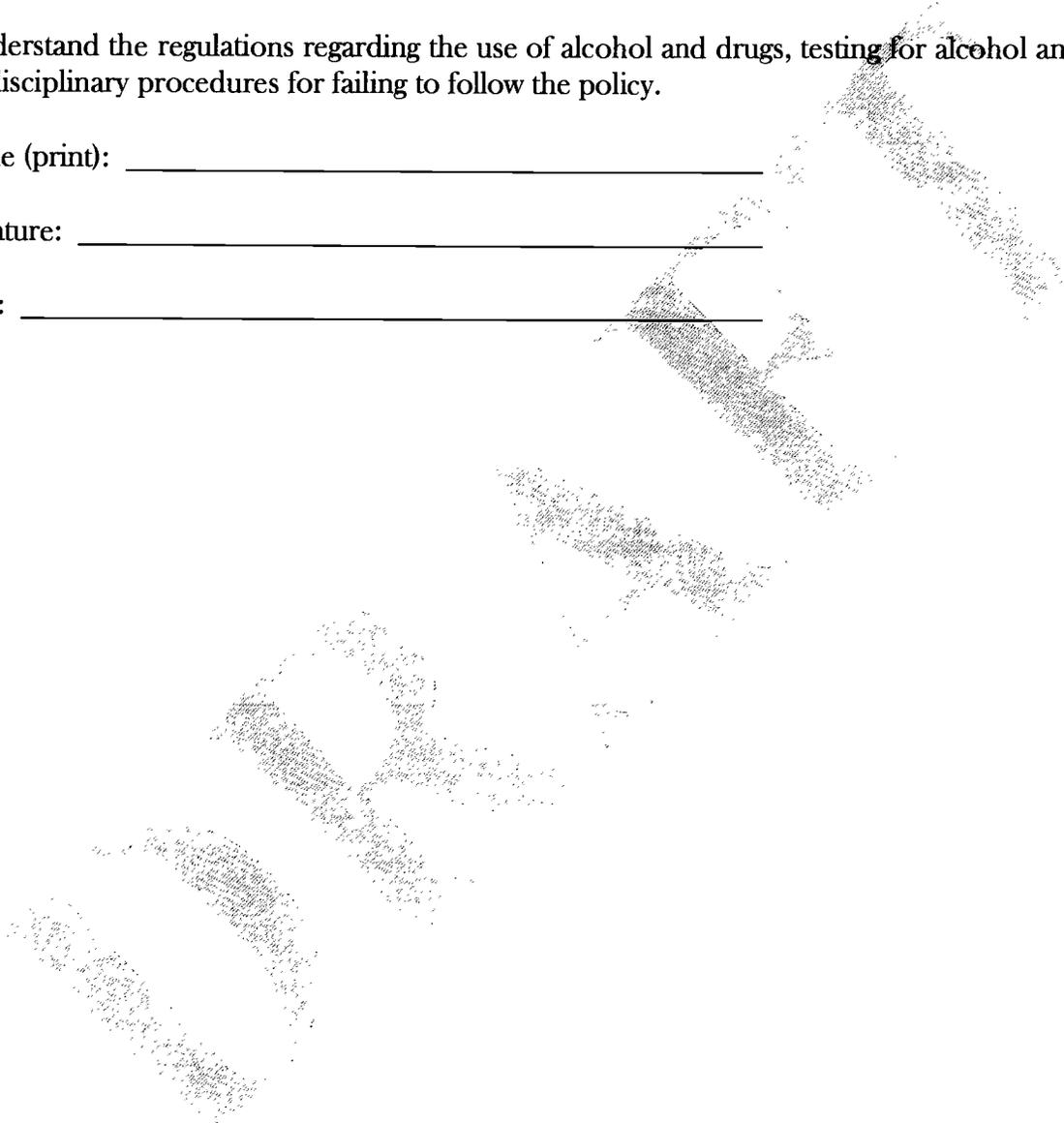
I hereby acknowledge receipt of the Etain, LLC's "Drug Free Workplace Policy," containing information on Company drug and alcohol testing. I agree to abide by the Drug Free Workplace Policy" during my employment with Etain, LLC

I understand the regulations regarding the use of alcohol and drugs, testing for alcohol and drugs, and the disciplinary procedures for failing to follow the policy.

Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Etain, LLC  
Employee Manual Acknowledgement

By signing below, I certify that I have received a copy of the Etain, LLC ("Etain") Employee Manual and I agree and accept that it is my responsibility to read and comply with all policies and the revisions to it. I understand and agree that I am to consult with my supervisor, or the Human Resources Department regarding any questions not answered in the manual, or any questions concerning the contents of the manual.

I further understand that, to the extent there is a conflict between this Manual and an express provision of a collective bargaining agreement, and I am included in the bargaining unit represented by a labor organization, the collective bargaining agreement applies.

I understand that the employee manual is not a binding contract but a set of guidelines for the implementation of personnel policies, practices programs and benefits. I further understand that, with the exception of written employment agreements signed by both myself and the CEO of Etain; this manual supersedes all prior agreements, understandings, and representations concerning my employment with Etain.

I understand that Etain may deviate, amend, or terminate at any time, the content or application of its policies, practices, programs, or benefits at any time, with or without notice in its sole discretion even if such deviation(s), amendment(s) or termination of content or application of its policies, practices, programs or benefits have not been previously communicated, reprinted or substituted in this manual. All such revisions, deletions, or additions must be in writing and must be approved by the CEO of Etain. No oral statements or representations can change the provisions of this employee manual.

I understand and acknowledge that the provisions of this manual do not change my status as an at-will employee of Etain and that my employment may be terminated at any time, either by me or by Etain, with or without cause and with or without notice. I understand that no representative of the Company, other than its CEO, has the authority to enter into any agreement that changes the nature of our at-will employment relationship and no one other than the CEO may deviate from the provisions contained within this manual.

I acknowledge that I do not in any way rely upon the provisions of this employee manual in accepting or continuing my employment with Etain.

\_\_\_\_\_  
Employee's Name (Printed)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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**SUPPLEMENTAL  
EXHIBITS TO APPLICATION**

**CODE OF BUSINESS CONDUCT  
AND ETHICS**

# **ETAIN, LLC**

## **Code of Business Conduct and Ethics**

DRAFT

**The mission of ETAIN, LLC** is to provide our customers with products and service of the highest quality in our commitment to improve the quality of human life.

**To help guide us forward**, we have set forth in the succeeding pages ETAIN's Code of Business Conduct and Ethics ("the Code"), which has been approved by our Board of Directors. The purpose of the Code is to reinforce and enhance our commitment to operate honestly, ethically, and with integrity in all aspects of our business.

**To be clear**, we expect all employees to comply with the Code and its policies. We expect you to read the Code carefully, to ask questions if you have them, to use the resources provided to you and to know that the consequences of non-compliance are real. Each of you must review and certify that you will comply with the Code. We expect our suppliers, vendors, agents, consultants, and representatives to adhere to these standards, as well.

The Code cannot and is not intended to cover every ethical challenge, recite every law, or answer every question. It is, however, intended to help provide you with the resources to make the best decisions, exercise the soundest judgment possible and to seek guidance when necessary. If we are able to do that, ETAIN will continue to grow and serve future generations.

Sincerely,

Amy Peckham

*Chief Executive Officer*

# Putting the Code of Business Conduct and Ethics to Work

## Acting Out Our Values

Obeying the law is the foundation of everything ETAIN does. We expect everyone's conduct to reflect ETAIN's commitment to integrity, ethical conduct, and trust. Our business cannot succeed unless everyone understands the legal regulations that apply to their areas of responsibility. While we do not expect everyone to memorize the details of these laws and regulations, we want everyone to know when to seek advice and who to contact with questions.

### **If you are ever unsure whether a particular action is ethical, ask yourself:**

- o Is the action legal?
- o Does the action comply with the Code and ETAIN's policies and procedures?
- o Could the action harm ETAIN's reputation?
- o Could the action expose ETAIN to unwanted liability?
- o Would you be proud to explain your actions to your family, friends and community?

If the answer to all of these questions is not clear, seek clarification. Ask your supervisor for advice before proceeding with the action. If you need additional guidance, ETAIN's Chief Compliance Officer is always available to answer questions about your ethical obligations under the law or the Code or any of ETAIN's policies or procedures.

# The Compliance & Ethics Hotline: A Resource for Asking Questions and Reporting Concerns

ETAIN maintains a Compliance & Ethics Hotline for employees to ask questions about their ethical or legal obligations and about their duties under the Code or any of ETAIN's policies or procedures. The Hotline is available around the clock at the following toll-free number: **1-800-XXX-XXXX**.

Employees may also use the Hotline to report violations or potential violations of law, the Code, or any of ETAIN's policies or procedures. All questions or reports made to the Hotline will be forwarded to the Chief Compliance Officer on a confidential basis.

Reports may be made anonymously, unless applicable law prohibits anonymous reporting.

Employees may use the Hotline in addition to other channels described in the Code for asking questions and reporting concerns. Refer to the section entitled "Implementation of the Code" for guidance about other methods of submitting questions or violations to an appropriate person.

ETAIN will not tolerate retaliation against any employee who makes a good-faith report to ETAIN via the Hotline or via another method. Any employee who feels that he or she has been subjected to retaliation for doing so should promptly report the matter to the Chief Compliance Officer, the CEO, or the Chairman of the Board of Directors.

While the Hotline is always available for the purposes described above, any report to the Hotline should be related to a question about or potential violation of law, ethical standards, the Code, or a company policy or procedure. The Hotline should not be used for complaints that are essentially personal in nature.

# RESPONSIBILITY TO THOSE WE SERVE

## Professional Practices

Some ETAIN employees, including pharmacists and pharmacy technicians, are required to maintain current professional license, certification or registration and follow the code of ethics of their professional organization. Additionally, the Company maintains all licenses as required by law for its business activities.

ETAIN employees must:

- Provide professional services only if he or she has the required license, certification or registration;
- Keep required, professional certifications up-to-date if performing duties requiring credentialing;
- Notify their supervisor if his or her license is revoked or suspended or if a state or federal regulatory agency has taken any action that will negatively affect the employee's license or ability to practice.

## Keeping Personal Information Secure

ETAIN's role as a member of the healthcare industry requires it to collect and maintain the personal health information (PHI) of our customers. This data is protected under federal and state laws. These laws require that such information, including names, addresses, dates of birth, phone numbers and social security numbers that are combined with medical information such as prescriptions, histories, diagnostic information or physician communications, be handled confidentially.

Personally identifying information (PII) that could potentially be used to identify, contact or locate any one person must also be rigorously protected. This includes demographic information, credit card data, drivers' license information, email addresses, signatures and some photographs.

Protected Health Information includes verbal information, service records, consultant reports, billing records, and any other individually identifiable information that relates to: the past, present, or future physical or mental health condition of a client or a prospective client; the provision of health care to a client; or the past, present, or future payment for the provision of health care to a client or prospective client.

Confidentiality extends to PHI or PII in any medium, including information that is on paper, in electronic form, or communicated verbally.

Employees may use PHI or PII only as needed to perform job duties assigned by ETAIN, and may only access the minimum PHI or PII necessary to perform those duties. When PHI or PII

must be shared with others for purposes of treatment, payment, legally-required reporting or other health care operations, it must be shared in such a manner and with proper safeguards to minimize the risk of disclosure beyond those individuals with whom it is shared for the intended purpose.

Employees may not in any way divulge, copy, transfer, alter, or destroy any PHI or PII in any form, or remove PHI or PII in any form from ETAIN or company premises, except when specifically authorized by a supervisor for a necessary and appropriate purpose, and in compliance with security safeguards.

Employees must safeguard any authorization that ETAIN gives them to access PHI or PII, including keys and computer passwords. Employees have no right of ownership in any PHI or PII or in any access authorizations, keys, or passwords that ETAIN may grant.

An employee who becomes aware of an activity by an individual or an entity that may jeopardize the confidentiality of PHI or PII must promptly report that activity to a supervisor, or to the Chief Compliance Officer.

Our customers entrust us with their personal and health information and must be able to rely on us to protect it.

## **RESPONSIBILITY TO OUR PEOPLE**

### **Equal Employment Opportunity and Nondiscrimination**

**ETAIN is an equal opportunity** employer in hiring and promoting practices, benefits, and wages. ETAIN does not tolerate discrimination on the basis of race, religion, color, gender, age, marital status, national origin, sexual orientation, or any other basis prohibited by law.

Employees must treat others with respect and dignity at all times while acting on ETAIN's behalf. ETAIN's Equal Employment Policy is located in its Employee Manual.

### **Harassment**

**ETAIN prohibits harassment** in any form and will not tolerate intimidation, hostility, or threatening or offensive behavior or communications.

Harassment includes a range of abusive behavior, including unwanted sexual advances, sexual comments, threats of physical assault, display of offensive material, offensive jokes or slurs, and untoward comments based on another's personal characteristics. Please consult the Employee Handbook for ETAIN's complete Policy Against Harassment.

### **Workplace Safety**

**Everyone is entitled to a safe** and secure workplace. Employees must obey all workplace safety rules and maintain their workspace in a clean and orderly condition free from hazards. When work activities involve medications or other substances that may be toxic if not handled properly, work with and dispose of them safely.

## **WEAPONS AND WORKPLACE VIOLENCE**

No employee may bring firearms, explosives, or any other weapons into the workplace or any work-related setting, regardless of whether the employee is licensed to carry such weapons.

ETAIN will not tolerate violence in the workplace or in any work-related setting. Threats or assaults that require immediate attention should be reported to the police. ETAIN's complete Weapons and Workplace Violence Policy is located in its Employee Manual.

## **DRUGS AND ALCOHOL**

ETAIN is a drug-free environment. Employees may not use, sell, possess or be under the influence of any illegal drug or any other substance (whether legal or illegal) that impairs judgment or cognition while on company property or performing services on ETAIN's behalf.

Employees may take prescription medications as instructed by their physician while performing services for the company. However, employees must inform their supervisor and the Human Resources Department if they are taking prescriptions that could affect their ability to operate job-related equipment or perform job responsibilities safely.

Except at approved functions, employees may not use, possess or be under the influence of alcohol while on company property or while performing services on the company's behalf.

ETAIN's complete policies relating to drugs and alcohol may be found in its Employee Manual.

## **EMPLOYEE PRIVACY**

ETAIN respects the privacy of its employees. Employees responsible for maintaining the personal information of others must treat that information as confidential under this Code. Unless authorized by Company policy or procedure, no employee should retrieve another's personal information or invade another's workspace.

Please consult ETAIN's Employee Manual for its complete policies regarding the retention and distribution of employee personal information, as well as permissible employee use of ETAIN's computer resources.

# RESPONSIBILITY TO OUR ORGANIZATION

## Compliance with Applicable Laws

**The baseline for ethical conduct** is complying with all laws, rules, and regulations that affect our business. All employees must comply with the applicable laws in all states where they work or where they travel on ETAIN's behalf.

## Conflicts of Interest

**ETAIN respects all employees'** right to manage their personal affairs. Nevertheless, an individual's personal interests must never influence (or even appear to influence) the performance of his or her duties for ETAIN. Although we cannot list every situation that might present a conflict of interest, a summary of the rules regarding such conflicts follows:

### IMPROPER PERSONAL BENEFITS FROM ETAIN

Employees may not improperly benefit from their employment with ETAIN, such as receiving a cash advance, loan, or use of company property, unless that benefit has been authorized and approved under ETAIN's policies and procedures.

### OUTSIDE EMPLOYMENT, DIRECTORSHIPS AND OTHER BUSINESS ACTIVITIES

Employees and their immediate family members may not hold an interest in another business if doing so would compromise the employee's loyalty to ETAIN. This means that employees may not:

- Own an interest in or work for another business that competes with ETAIN; or
- Own an interest in or work for a company that does business with ETAIN, unless the Chief Compliance Officer has approved the interest in writing.

An employee must obtain prior written approval from the Chief Compliance Officer before serving as a director, board member, or trustee for any for-profit business or for a non-profit entity if the employee will be compensated for his or her services. Unpaid service as a director of a charitable, religious, nonprofit, or housing organization is laudable public service that need not be approved or reported to ETAIN.

### BUSINESS OPPORTUNITIES

A "business opportunity" is any opportunity to engage in an activity that may generate a profit for ETAIN. Employees may not take advantage of business

opportunities that they learn about through their work with ETAIN or direct those opportunities to a third party unless the Chief Compliance Officer approves the arrangement in writing.

### **POLITICAL ACTIVITIES**

Employees must keep personal political activities separate from their work for ETAIN, and must never use the company's resources (including time, property, or equipment) to advance a political cause.

An employee may not seek or hold public office (regardless of whether the office is elected, appointed, paid, or unpaid) without prior written approval from the Chief Compliance Officer, unless applicable law gives an employee the right to do so without such approval.

### **FAMILY MEMBERS WORKING IN THE INDUSTRY**

Employees may sometimes encounter a situation in which their spouse, significant other, or family member owns or works for ETAIN, for a competitor, or for an entity that ETAIN does business with. Such situations are not prohibited but require particular attention to ensure that conflicts of interest are avoided.

Employees may never supervise or participate in any employment-related decision that would affect their spouse, significant other, parent, child, sibling, aunt, uncle, niece, or nephew.

Employees must promptly report any potential conflict of interest involving a family member to their supervisor, the Human Resources Department, and the Chief Compliance Officer. Directors or officers should also report the potential conflict to the Chairman of the Board of Directors. The Chief Compliance Officer will inform the employee whether measures are necessary to avoid or resolve the conflict.

### **Gifts and Business Entertainment**

**ETAIN does not permit employees** to accept gifts of any amount from an individual or entity with which ETAIN does business. An employee offered a gift should politely decline to accept it and explain that ETAIN's policy will not allow the employee to accept the gift. If it would be impractical to decline the gift (for example, because it was delivered by a third-party delivery service), the employee should forward the gift to the Chief Compliance Officer, who will arrange for it to be donated to a charitable organization. The employee should then thank the individual or entity that provided the gift, explain ETAIN's policy against accepting gifts, and note that the gift was provided to charity.

Modest meals and business entertainment can help strengthen ETAIN's business relationships, but should always be viewed as courtesies. Employees may not accept any entertainment that could influence or be perceived to influence ETAIN's decision-making process. Employees may give and accept meals or other modest forms of entertainment if they are appropriate to the occasion and are not provided on a regular or frequent basis. Business entertainment must always be in good taste and must never embarrass ETAIN if

publicly disclosed.

Employees may never give a gift or give or accept business entertainment if it is provided:

- o to exert influence over a business decision;
- o to gain an improper advantage with customers or service providers;
- o to facilitate government approvals or exert influence over a government official or entity; or
- o with the expectation of receiving something in return.

Employees should not solicit business entertainment from those doing business with ETAIN, and must never exchange business entertainment if doing so would violate a law or policy applicable to the other party to the transaction.

When providing gifts or business entertainment to individuals affiliated with the government, employees must also ensure that the gift or entertainment complies with the "Interacting with Government" section of the Code.

### **Protection and Proper Use of Company Assets**

**Employees have a duty to exercise** good judgment when using ETAIN's assets. Employees may not use company assets to compete with ETAIN or for any business venture outside of their work with ETAIN. Personal use of company assets (such as telephones, printers, photocopiers, etc.) should be minimal and should never interfere with an employee's job responsibilities.

Employees must return all information, devices, and other property owned by ETAIN when leaving ETAIN's employment.

### **Company Books and Records**

**ETAIN relies upon its employees** to accurately and completely report all financial transactions, no matter how small. Employees must report all financial activities—including those related to travel and entertainment—in compliance with applicable laws and with ETAIN's accounting practices.

Employees must never make false or misleading entries in ETAIN's books and records, or make or authorize a payment based on records that the employee knows to be incomplete or inaccurate.

### **Record Retention**

**In the course of its business,** ETAIN produces and receives large numbers of documents. It is important to maintain these records in accordance with applicable law and

customary business practice.

Litigation, government investigations, subpoenas, and other government proceedings may require ETAIN to preserve documents that we otherwise might discard. Employees must comply with all hold notices and other document-retention obligations arising from such proceedings. Any employee who learns of litigation or a government proceeding affecting ETAIN's business should immediately contact the Chief Compliance Officer.

### **Confidential Company Information**

**Employees may be given access** to confidential information about ETAIN's business. Confidential information includes all non-public information that might be of use to competitors, or harmful to ETAIN or its customers if disclosed. It also includes personal information about ETAIN employees collected for human resources purposes. If you are uncertain about whether particular information is confidential, treat it as such until you are able to verify its confidentiality.

All confidential information must be protected, stored properly, and discussed only with individuals who have a legitimate business purpose for the information. Confidential information may only be released by employees authorized to do so or as required by law.

Employees must maintain the confidentiality of ETAIN's information even after they leave its employment. Confidential information may never be shared with a new employer or used to gain a business advantage following the end of employment with ETAIN. In addition, employees must take care not to disclose a former employer's confidential information to ETAIN.

ETAIN frequently uses confidentiality agreements when it needs to disclose confidential information to individuals or entities it does business with. Employees should contact their supervisor or the Chief Compliance Officer to discuss the need for a confidentiality agreement if they foresee the need to provide confidential information to those outside the company.

### **Trademarks, Copyrights and Other Intellectual Property**

**ETAIN respects all intellectual property rights** of others, including all software licenses, copyrights, trademarks, and patents. Employees may only use intellectual property of ETAIN and others in accordance with company policy and any applicable licensing agreements. Employees may never use illegally obtained software or other intellectual property in furtherance of their job responsibilities with ETAIN.

### **Data and Communication Resources**

**Employees must comply** with all data security measures implemented by ETAIN's information technology personnel, and must never attempt to circumvent such safeguards. Non-work-related use of email, internet, voicemail and other communications resources should be minimal, in good taste, and should never interfere with an employee's job responsibilities.

Unless applicable law provides otherwise, all information stored on ETAIN devices or transmitted through ETAIN's network is property of the company and may be searched, monitored, or disclosed without prior employee consent. ETAIN retains the right, at its sole discretion, to review any data stored on or transmitted using its devices or through its network, regardless of the content of the data. Please consult ETAIN's Employee Manual for its regulations regarding use of computer resources.

### **Speaking on ETAIN's Behalf**

**Employees may not speak** on ETAIN's behalf unless they have been authorized to do so. Employees permitted to speak on ETAIN's behalf must always be truthful, accurate, and respectful in their communications.

Requests for information about the company from the media, the government, or other groups should be referred to the Chief Compliance Officer.

## **Fair Competition**

### **Antitrust & Competition Laws**

**Antitrust laws are designed to protect** fair competition. These laws are based on the premise that the public is best served by open competition and suffers when competitors engage in collusion or agreements designed to restrict trade. Antitrust laws generally prohibit:

- o Formal or informal agreements with competitors that restrict competition, such as agreements to fix prices or allocate customers in geographic territories;
- o Formal or informal agreements to fix the price at which a customer may resell a product; and
- o The acquisition or maintenance of a monopoly or attempted monopoly through anticompetitive conduct.

To ensure that ETAIN complies with its antitrust obligations, employees should consult the Chief Compliance Officer before:

- o Entering into a joint venture, or conducting a merger, acquisition, or divestiture;
- o Executing a marketing, purchasing, or other collaborative arrangement with a competitor;
- o Establishing any exclusive arrangement, including a contract that requires another business to deal only with ETAIN; or

- o Exchanging information with competitors or participating in setting industry standards.

Employees should be aware that trade associations and standard-setting organizations sometimes raise antitrust concerns. While such organizations often spur industry development, they can also provide a forum for competitors to exchange sensitive information and enter into express or implied agreements that restrict competition. For this reason, employees must notify the Chief Compliance Officer before joining any trade association or standard-setting organization.

Understanding the requirements of antitrust and competition laws can be difficult, and the consequences of violating these laws can be severe, including fines and imprisonment for the individuals involved in the violation. Employees should refer to Section 14 of the ETAIN Employee Manual for more information about these laws, and should consult the Chief Compliance Officer before taking any action that might implicate antitrust or competition concerns.

### **Gathering Competitive Information**

**ETAIN may sometimes** ask employees to gather information about the marketplace, including about its competitors. Employees who perform this task should follow these guidelines:

- o Gather information only from public sources, such as advertisements, competitors' websites, brochures, surveys, and conversations with customers.
- o Never attempt to gain access to proprietary information through unlawful means, such as by theft, spying, bribery, or breach of a confidentiality agreement.
- o Never accept information from a third party if you suspect that the third party gained access to the information through unlawful means.

## **INTERACTING WITH GOVERNMENT**

### **Political Contributions and Activities**

**Employees may not make political contributions** of ETAIN assets or on the company's behalf without prior written approval from the Chief Compliance Officer.

### **LOBBYING ACTIVITIES**

Employees must notify the Chief Compliance Officer before engaging in any lobbying activity on ETAIN's behalf. Generally, lobbying includes:

- o Communicating with a member or employee of a legislative branch of government for the purpose of influencing legislation;

- o Communicating with non-legislative government officials outside of publicly accessible channels for the purpose of influencing government action; or
- o Engaging in research or other activities to support or prepare for such communication.

**Employment of former government employees.**

**There are specific laws and regulations** governing contact or negotiations with current and former government employees to discuss their potential employment with ETAIN or their retention by ETAIN as consultants, suppliers or vendors. You are not permitted to engage in any discussions with government personnel regarding their prospective employment with the Company, and should any former or current government employee approach you regarding employment with or consulting for the Company, you should contact your supervisor or the Chief Compliance Officer.

## **IMPLEMENTATION OF THE CODE**

### **Where to Seek Guidance**

**While all employees are responsible** for implementing all applicable laws and the Code in their areas of responsibility, ETAIN recognizes that the Code cannot provide a definitive answer to all questions. Employees who are uncertain about how their legal obligations or the Code apply to a particular situation should seek guidance from the Compliance & Ethics Hotline, their supervisor, or the Chief Compliance Officer.

Employees may also seek guidance from Human Resources for issues relating to the "Responsibility to Our People" section of the Code or to conflicts of interest arising from ETAIN's employment of family members.

### **Reporting Violations**

**All employees are responsible** for reporting violations or suspected violations of the law, the Code, or any of ETAIN's policies or procedures. In fact, the failure to report a violation or suspected violation is itself a violation of the Code. Violations or suspected violations should initially be reported to an employee's immediate supervisor. If an employee cannot or is not comfortable making the report to a supervisor, he or she should report it to one of the following resources:

- The Compliance & Ethics Hotline;
- The Chief Compliance Officer;
- The Chief Executive Officer; or
- The Chairman of the Board of Directors.

Any supervisor who receives a report of a violation or suspected violation must promptly forward it to the Chief Compliance Officer.

Supervisors and employees must not independently investigate violations or suspected violations of law, the Code or ETAIN's policies. All reports will be investigated, and such investigations will be carefully conducted by ETAIN under the supervision of the Chairman of the Board of Directors.

ETAIN will not tolerate retaliation against any employee who reports a violation or suspected violation in good faith, or who participates in an internal or government investigation. Anyone who believes he or she has been subject to retaliation should promptly report it to the Chief Compliance Officer or the Chairman of the Board of Directors.

### **Consequences for Violating the Code**

**ETAIN takes all violations of law** or the Code seriously. Any employee who violates any applicable law, regulation, the Code, or a company policy may be subject to disciplinary action, which may include suspension, discharge, loss of employment-related benefits, and possible civil or criminal proceedings.

Unless applicable law provides otherwise, Code violations may also result in loss of benefits under any of ETAIN's incentive plans, including loss of incentive compensation, bonuses, stock options, or other awards.

### **Waivers of the Code**

**ETAIN does not ordinarily waive** any provision of the Code for any purpose. On rare occasions, the Chief Compliance Officer may grant a waiver to an employee if the circumstances warrant. Waivers for directors and officers must be approved by the Audit Committee of the Board of Directors. Any director, officer, or employee receiving a waiver must assist the Chief Compliance Officer in monitoring the situation to ensure compliance with all legal obligations.

Provisions of the Code regarding compliance with applicable laws and regulations may never be waived.

### **No Right Created**

**The Code is a statement** of ETAIN's ethical principles and key policies. It is not intended to create any rights for any employee, customer, vendor, supplier, competitor or any other person or entity.

**For questions or concerns, call the Compliance & Ethics Hotline toll-free at 1-800-XXX-XXXX.**

# CONTACT LIST

**Keep this Contact List** at your disposal. It contains important information about where to seek guidance about your legal and ethical obligations, and where to report potential violations.

## Requests for Guidance

**Requests for guidance** should be directed to your supervisor, the Compliance and Ethics Hotline or the Chief Compliance Officer. Guidance is also available from Human Resources for certain issues, as described in the "Where to Seek Guidance" section of the Code.

Compliance & Ethics Hotline: \_\_\_\_\_

Chief Compliance Officer: \_\_\_\_\_

Human Resources: \_\_\_\_\_

## Reports of Violations or Suspected Violations

**Reports of violations or suspected violations** of law or the Code should be made to your supervisor or to the Compliance and Ethics Hotline. If you cannot or do not feel comfortable addressing the issue with your supervisor or through the Hotline, contact the following individuals in the order below:

Compliance & Ethics Hotline: \_\_\_\_\_

Chief Compliance Officer: \_\_\_\_\_

Chief Executive Officer: \_\_\_\_\_

Chairman of the Board of Directors: \_\_\_\_\_

**ACKNOWLEDGMENT FORM**

I acknowledge receipt of ETAIN’s Code of Business Conduct and Ethics. I either have or will thoroughly and carefully read the Code and ensure that I understand its contents. If clarification is required, I will follow the channels described in the Code.

I agree to comply fully with the standards, policies and procedures contained in the Code and the Company's related policies and procedures. I understand that I have an obligation to report violations or suspected violations of law, the Code and ETAIN’s related policies and procedures through the reporting channels outlined in the Code. I acknowledge that the Code is a statement of policies for business conduct and does not constitute an employment contract or an assurance of continued employment.

Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**SUPPLEMENTAL  
EXHIBITS TO APPLICATION**

**WORKPLACE SAFETY PROGRAM**

**Etain**

**Workplace Safety Program**

**DRAFT**

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## SECTION 1 Management Commitment and Employee Involvement

### Policy Statement

Etain management is committed to providing employees with a safe and healthful workplace. It is the policy of this organization that employees report unsafe conditions and refrain from performing work tasks if the work is considered unsafe. Employees must report all accidents, injuries and unsafe conditions to their managers. Such reports will not result in retaliation, penalty or other disincentive.

Employee recommendations to improve safety and health conditions will be given thorough consideration by our management team. Management will give top priority to and provide the financial resources for the correction of unsafe conditions. Similarly, management will take disciplinary action against an employee who willfully or repeatedly violates workplace safety rules. This action may include verbal or written reprimands and may ultimately result in termination of employment.

The primary responsibility for the coordination, implementation and maintenance of our workplace safety program has been assigned to:

Name: \_\_\_\_\_

Title: \_\_\_\_\_ Telephone: \_\_\_\_\_

Senior management will be actively involved with employees in establishing and maintaining an effective safety program. Our safety program coordinator, \_\_\_\_\_, or other members of our management team will participate with employees or departmental employee representatives in ongoing safety and health program activities, which include:

- Promoting safety committee participation,
- Providing safety and health education and training, and
- Reviewing and updating workplace safety rules.

This policy statement serves to express management's commitment to and involvement in providing our employees a safe and healthful workplace. This workplace safety program will be incorporated as the standard of practice for this organization. Compliance with the safety rules will be required of all employees as a condition of employment.

\_\_\_\_\_  
Signature of CEO/President

\_\_\_\_\_  
Date

## SECTION 2 Safety Committee

### Safety Committee Organization

A safety coordinator or a safety committee will be established to recommend improvements to our workplace safety program and to identify corrective measures needed to eliminate or control recognized safety and health hazards. The safety committee consists of an equal representation of supervisory and nonsupervisory members of our organization.

Safety Program Coordinator  _____	Nonsupervisory Employee Member  _____
Supervisory Employee Member  _____	Nonsupervisory Employee Member  _____

### Responsibilities

The safety committee shall determine the schedule for evaluating the effectiveness of control measures used to protect employees from safety and health hazards in the workplace.

The safety committee will be responsible for assisting management in reviewing and updating workplace safety rules based on accident investigation findings, any inspection findings, and employee reports of unsafe conditions or work practices; and accepting and addressing anonymous complaints and suggestions from employees.

The safety committee will be responsible for assisting management in updating the workplace safety program by evaluating employee injury and accident records, identifying trends and patterns, and formulating corrective measures to prevent recurrence.

The safety committee will be responsible for assisting management in evaluating employee accident and illness-prevention programs and for promoting safety and health awareness and co-worker participation through continuous improvements to the workplace safety program.

Safety committee members will participate in safety training and will be responsible for assisting management in monitoring workplace safety education and training to ensure that it is in place, that it is effective, and that it is documented.

### Meetings

Safety committee meetings will be held quarterly, or more often if needed. The safety program coordinator will make the minutes of each meeting (see following page) available within one week after each meeting.

## Safety Committee Meeting Minutes

Date of Committee Meeting: \_\_\_\_\_ Time: \_\_\_\_\_

Minutes Prepared by: \_\_\_\_\_ Location: \_\_\_\_\_

Names of Members in Attendance:


Previous Action Items: \_\_\_\_\_

Review of Accidents Since Previous Meeting: \_\_\_\_\_

Recommendations for Prevention: \_\_\_\_\_

Recommendations from Anonymous Employees: \_\_\_\_\_

Suggestions from Employees: \_\_\_\_\_

Recommended Updates to Safety Program: \_\_\_\_\_

Recommendations from Accident Investigation Reports: \_\_\_\_\_

Safety Training Recommendations: \_\_\_\_\_

Comments:

## **SECTION 3 Safety and Health Training**

### **Safety and Health Orientation**

Workplace safety and health orientation will begin on the first day of initial employment or job transfer. Each employee will have access to a copy of this safety manual for review and future reference, and each employee will be given a personal copy of the safety rules, policies and procedures pertaining to his or her job. Managers will ask questions of employees and answer employees' questions to ensure knowledge and understanding of safety rules, policies and job-specific procedures described in our workplace safety program manual.

Managers will instruct all employees that compliance with the safety rules described in the workplace safety manual is required.

*All training will be documented and records will be maintained.*

### **Job-Specific Training**

- Managers will initially train employees on how to perform assigned job tasks safely.
- Managers will carefully review with each employee the specific safety rules, policies and procedures that are applicable and that are described in the workplace safety manual.
- Managers will give employees verbal instructions and specific directions on how to do the work safely.
- Managers will observe employees performing the work. If necessary, the supervisor will provide a demonstration using safe work practices or remedial instruction to correct training deficiencies before an employee is permitted to do the work without supervision.
- All employees will receive safe operating instructions on seldom-used or new equipment before using the equipment.
- Managers will review safe work practices with employees before permitting the performance of new, non-routine or specialized procedures.

### **Periodic Retraining of Employees**

All employees will be retrained periodically on safety rules, policies and procedures, and when changes are made to the workplace safety manual.

Individual employees will be retrained after the occurrence of a work-related injury caused by

an unsafe act or work practice and when a supervisor observes employees displaying unsafe acts, practices or behaviors.

### Safety Training Documentation

EMPLOYEE:

DATE:

SUPERVISOR:

TRAINER:

RULES AND REGULATIONS REVIEWED

DATE:

General Review Of Old/New (Circle One) Safety Rules For All Employees

Specific Safety Procedures for Employees Position

General Maintenance

First Aid

Lifting Procedures

Office Safety

Furniture Use

Equipment Use

Climbing a Step Ladder

Sanitation / Health

All categories have been reviewed with employee.

Supervisor Name, Printed:

Signature: \_\_\_\_\_

I have been advised of all Safety and Health regulations and will adhere to them to the best of my ability.

Employee Name, Printed:

Signature: \_\_\_\_\_

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## SECTION 4 Safety Inspections

It is up to all employees to maintain safe working conditions. Safety Directors/ Managers will continually monitor work areas but scheduled inspections will be documented and done on a regular basis. These written inspection reports will include the date, time, facility, and inspector and will provide satisfactory, unsatisfactory, and “not applicable” findings. The inspection reports will be kept on file.

Etain’s self-inspections will cover safety and health issues in the following areas:

- **Processing, Receiving, Shipping and Storage** - equipment, job planning, layout, heights, floor loads, projection of materials, material handling and storage methods, training for material handling equipment
- **Building and Grounds Conditions** - floors, walls, doors, windows, ceilings, exits, stairs, walkways and walking surfaces, ramps, platforms, driveways, aisles
- **Housekeeping Program** - waste disposal, tools, objects, materials, leakage and spillage, cleaning methods, schedules, work areas, remote areas, storage areas, electrical boxes
- **Electricity** - equipment, switches, breakers, fuses, switch-boxes, junctions, special fixtures, circuits, insulation, extensions, tools, motors, grounding, national electric code compliance
- **Lighting** - type, intensity, controls, conditions, diffusion, location, glare and shadow control
- **Heating and Ventilation** - type, effectiveness, temperature, humidity, controls, natural and artificial ventilation and exhausting
- **Machinery** - points of operation, flywheels, gears, shafts, pulleys, key ways, belts, couplings, sprockets, chains, frames, controls, lighting for tools and equipment, brakes, exhausting, feeding, oiling, adjusting, maintenance, lockout/tagout, grounding, work space, location, purchasing standards
- **Personnel** - training; methods of checking machines before use; type of clothing; personal protective equipment; use of guards; tool storage; work practices; methods for cleaning, oiling, or adjusting machinery
- **Hand and Power Tools** - purchasing standards, inspection, storage, repair, types, maintenance, grounding, use and handling
- **Chemicals** - storage, handling, transportation, spills, disposals, amounts used, labeling, toxicity or other harmful effects, warning signs, supervision, training, protective clothing and equipment, hazard communication requirements
- **Fire Prevention** – extinguishers (accessibility and charge), alarms, sprinklers, smoking rules, exits (marked and unobstructed), personnel assigned, separation of flammable

materials and fire hazards, explosion-proof fixtures in hazardous locations, waste disposal and training of personnel

- **Maintenance** - provide regular and preventive maintenance on all equipment used at the worksite, recording all work performed on the machinery and by training personnel on the proper care and servicing of the equipment
- **PPE** - type, size, maintenance, repair, age, storage, assignment of responsibility, purchasing methods, standards observed, training in care and use, rules of use, method of assignment
- **Transportation** - motor vehicle safety, seat belts, vehicle maintenance, safe driver programs
- **First Aid Program/Supplies** - medical care facilities locations, posted emergency phone numbers, accessible first aid kits
- **Evacuation Plan** - establish and practice procedures for an emergency evacuation, e.g., fire, chemical/biological incidents, bomb threat; include escape procedures and routes, critical plant operations, employee accounting following an evacuation, rescue and medical duties and ways to report emergencies
- **Required Postings** – Ensure OSHA and other posting requirements are maintained.



**SECTION 6**  
**First-Aid Procedures**  
**Emergency Phone Numbers**

Safety Coordinator: \_\_\_\_\_

Poison Control: \_\_\_\_\_

First Aid Response: \_\_\_\_\_

Fire Department: \_\_\_\_\_

Ambulance: \_\_\_\_\_

Police: \_\_\_\_\_

Medical Clinic: \_\_\_\_\_

Clinic Name/Address: \_\_\_\_\_

**Minor First-Aid Treatment**

First-aid kits are kept in the front office and in the service vehicles. If an employee sustains an injury or is involved in an accident requiring minor first-aid treatment, he or she must:

- Inform supervisor.
- Administer first-aid treatment to the injury or wound.
- If a first-aid kit is used, indicate usage on the accident investigation report.
- Provide details for the completion of the accident investigation report.

**Note:** Access to a first-aid kit is not intended to be a substitute for medical attention.

**Nonemergency Medical Treatment**

For nonemergency work-related injuries requiring professional medical assistance, management must first authorize treatment. If an employee sustains an injury requiring treatment other than first aid:

- Inform supervisor.
- Proceed to the posted medical facility. Supervisor will assist with transportation, if necessary.
- Provide details for the completion of the accident investigation report.

**Emergency Medical Treatment**

If an employee sustains a severe injury requiring emergency treatment:

- Call for help and seek assistance from a co-worker.
- Use the emergency telephone numbers and instructions posted on the first-aid kit to request assistance and transportation to the local hospital emergency room.
- Provide details for the completion of the accident investigation report.

## **First-Aid Training**

Each employee will receive training and instructions from his or her supervisor regarding our first-aid procedures.

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## First-Aid Instructions

In all cases requiring emergency medical treatment, immediately call or have a co-worker call to request emergency medical assistance. Use required blood borne pathogen procedures while administering first aid.

### Wounds:

Minor: *Cuts, lacerations, abrasions or punctures*

- Wash the wound using soap and water; rinse it well.
- Cover the wound using a clean dressing.

Major: *Large, deep and bleeding wounds*

- Stop the bleeding by pressing directly on the wound, using a bandage or cloth.
- Keep pressure on the wound until medical help arrives.

### Broken Bones:

- Do not move the victim unless it is absolutely necessary.
- If the victim must be moved, “splint” the injured area. Use a board, cardboard or rolled newspaper as a splint.

### Burns:

Thermal (Heat)

- Rinse the burned area without scrubbing it, and immerse it in cold water.
  - *Do not use ice water.*
- Blot dry the area and cover it using sterile gauze or a clean cloth.

Chemical

- Immediately flush the exposed area with cool water for 15 to 20 minutes.

### Eye Injury:

Small particles

- Do not rub your eyes.
- Use the corner of a soft clean cloth to draw particles out, or hold the eyelids open and flush the eyes continuously with water.

Large or stuck particles

- If a particle is stuck in the eye, do not attempt to remove it.
- Cover both eyes with a bandage.

## Chemical

- Immediately irrigate the eyes and under the eyelids with water for 30 minutes.

## Neck or Spine Injury:

- If the victim appears to have injured his or her neck or spine, or is unable to move his or her arm or leg, do not attempt to move the victim unless it is absolutely necessary.

## Heat Exhaustion:

- Loosen the victim's tight clothing.
- Give the victim *sips* of cool water.
- Make the victim lie down in a cooler place with the feet raised.

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## **SECTION 7 Accident Investigation**

### **Accident Investigation Procedures**

An accident investigation will be performed by the supervisor at the location where the accident occurred. The safety coordinator will be responsible for seeing that the accident investigation reports are being filled out completely and that the recommendations are being addressed. Managers will investigate all accidents, injuries and occupational diseases using the following investigation procedures:

- Implement temporary control measures to prevent any further injuries to employees.
- Review the equipment, operations and processes to gain an understanding of the accident situation.
- Identify and interview each witness and any other person who might provide clues to the accident's causes.
- Investigate causal conditions and unsafe acts; make conclusions based on existing facts.
- Complete the accident investigation report.
- Provide recommendations for corrective actions.
- Indicate the need for additional or remedial safety training.

Accident investigation reports must be submitted to the safety coordinator within 24 hours of the accident.

**OSHA requires employers to report any/all of the following within 8 hours of the incident:**

- **Fatalities**
- **A single incident which requires hospitalization of 3 or more employees**

**OSHA CENTRAL TELEPHONE NUMBER: 1-800-321-6742**

# Accident Investigation Report

Report No.: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

1. Name of injured: \_\_\_\_\_ S.S. No.: \_\_\_\_\_
2. Sex:  M  F Age: \_\_\_\_\_ Date of accident: \_\_\_\_\_
3. Time of accident: \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. Day of accident: \_\_\_\_\_
4. Employee's job title: \_\_\_\_\_
5. Length of experience on job: \_\_\_\_\_ years: \_\_\_\_\_ months
6. Address of location where the accident occurred: \_\_\_\_\_
7. Nature of injury, injury type, and part of the body affected: \_\_\_\_\_
8. Describe the accident and how it occurred: \_\_\_\_\_
9. Cause of the accident: \_\_\_\_\_
10. Was personal protective equipment required?  yes  no  
Was it provided?  yes  no  
Was it being used?  yes  no  
If "no," explain: \_\_\_\_\_  
Was it being used as trained by supervisor or designated trainer?  yes  no  
If "no," explain: \_\_\_\_\_
11. Witness(es): \_\_\_\_\_
12. Was safety training provided to the injured?  yes  no  
If "no," explain: \_\_\_\_\_
13. Interim corrective actions taken to prevent recurrence: \_\_\_\_\_
14. Permanent corrective action recommended to prevent recurrence: \_\_\_\_\_
15. Date of report: \_\_\_\_\_ , \_\_\_\_\_ 20\_\_\_\_
16. Status and follow-up action taken by safety coordinator: \_\_\_\_\_

Prepared by: \_\_\_\_\_

Supervisor (**Signature**): \_\_\_\_\_ Date: \_\_\_\_\_

Safety Coordinator (**Signature**): \_\_\_\_\_ Date: \_\_\_\_\_

## Instructions for Completing the Accident Investigation Report

An accident investigation is not designed to find fault or place blame, but it is an analysis of the accident to determine causes that can be controlled or eliminated.

- (Items 1-6) Identification:** This section is self-explanatory.
- (Item 7) Nature of Injury:** Describe the injury, e.g., strain, sprain, cut, burn, fracture.
- Injury Type:** First aid—injury resulted in minor injury/treated on premises; Medical—injury treated off premises by physician; Lost time—injured missed more than one day of work; No Injury—no injury, near-miss type of incident.
- Part of the Body:** Part of the body directly affected, e.g., foot, arm, hand, head.
- (Item 8) Describe the accident:** Describe the accident, including exactly what happened, and where and how it happened. Describe the equipment or materials involved.
- (Item 9) Cause of the accident:** Describe all conditions or acts that contributed to the accident, e.g.,
- a. Unsafe conditions (spills, grease on the floor, poor housekeeping or other physical conditions).
  - b. Unsafe acts (unsafe work practices such as failure to warn, failure to use required personal protective equipment).
- (Item 10) Personal protective equipment:** This section is self-explanatory.
- (Item 11) Witness(es):** List name(s), address(es), and phone number(s).
- (Item 12) Safety training provided:** Was any safety training provided to the injured relating to the work activity being performed?
- (Item 13) Interim corrective action:** Measures taken by supervisor to prevent recurrence of incident, e.g., barricading accident area, posting warning signs, shutting down operations.
- (Item 14):** This section is self-explanatory.
- (Item 15):** This section is self-explanatory.
- (Item 16) Follow-up:** Once the investigation is complete, the safety coordinator will review and follow up the investigation to ensure that corrective actions recommended by the safety committee and approved by the employer have been taken and that control measures have been implemented.

## **SECTION 8**

### **Recordkeeping Procedures**

The safety coordinator will control and maintain all employee accident and injury records. Records are maintained for a minimum of seven (7) years and include:

- Accident Investigation Reports, see Section 7, page 16
- Workers' Compensation First Report of Injury or Illness
- Log and Summary of Occupational Injuries and Illnesses as required by OSHA's Recordkeeping Regulation, 29 CFR 1904.2:
  - OSHA Form 300 (Rev. 1-2004): Log of Work Related Injuries and Illnesses
  - OSHA Form 300A (Rev. 1-2004): Summary of Work Related Injuries and Illnesses
  - OSHA Form 301: Injury and Illness Incident Report

## SECTION 9 Safety Rules, Policies and Procedures

The safety rules contained on these pages have been prepared to protect employees in their daily work. Employees are to follow these rules, review them often and use good common sense in carrying out assigned duties.

These safety rules shall include both general workplace safety rules and job-specific safety rules.

### **General Rules:**

All Employees

### **Job-Specific Rules:**

By Occupational Class, e.g., painter, clerk, carpenter, etc.

(**Note to Employer:** General and job-specific safety rules are to be determined based on the needs and exposures of your particular company and its employees. The following pages represent some common examples.)

### **ALL EMPLOYEES**

#### Housekeeping

1. Use caution signs/cones to barricade slippery areas.
2. Do not store or leave items on stairways.
3. Return tools to their storage places after using them.
4. Do not block or obstruct stairwells, exits or accesses to safety and emergency equipment such as fire extinguishers or fire alarms.
5. Do not place materials such as boxes or trash in walkways and passageways.
6. Do not use gasoline for cleaning purposes.
7. Mop up water around water fountains, drink machines and ice machines.

#### Lifting Procedures

##### General

1. Test the weight of the load before lifting by pushing the load along its resting surface.
2. If the load is too heavy or bulky, use lifting and carrying aids such as hand trucks, dollies, pallet jacks and carts, or get assistance from a co-worker.

3. Never lift anything if your hands are greasy or wet.
4. Wear protective gloves when lifting objects with sharp corners or jagged edges.

#### When lifting

1. Face the load.
2. Position your feet 6"-12" apart with one foot slightly in front of the other.
3. Bend at the knees, not at the back.
4. Keep your back straight.
5. Get a firm grip on the object using your hands and fingers. Use handles when they are present.
6. Hold the object as close to your body as possible.
7. Perform lifting movements smoothly and gradually; do not jerk the load.
8. If you must change direction while lifting or carrying the load, pivot your feet and turn your entire body. Do not twist at the waist.
9. Set down objects in the same manner as you picked them up, except in reverse.
10. Do not lift an object from the floor to a level above your waist in one motion. Set the load down on a table or bench and then adjust your grip before lifting it higher.

#### Ladders and Stepladders

1. Read and follow the manufacturer's instruction label affixed to the ladder if you are unsure how to use the ladder.
2. Do not use ladders that have loose rungs, cracked or split side rails, missing rubber foot pads, or other visible damage.
3. Keep ladder rungs clean and free of grease. Remove buildup of material such as dirt or mud.
4. When performing work from a ladder, face the ladder and do not lean backward or sideways from the ladder.
5. Allow only one person on the ladder at a time.
6. Do not stand on the top two rungs of any ladder.
7. Do not stand on a ladder that wobbles or leans to the left or right of center or is crooked.
8. Do not try to "walk" a ladder by rocking it. Climb down the ladder and then move it.

#### Climbing a Ladder

1. Face the ladder when climbing up or down it.
2. Do not carry items in your hands while climbing up or down a ladder.
3. Maintain a three-point contact by keeping both hands and one foot or both feet and one hand on the ladder at all times when climbing up or down the ladder.

## Driving/Vehicle Safety

### Fueling Vehicles

1. Turn the vehicle off before fueling.
2. Do not smoke while fueling a vehicle.
3. Wash hands with soap and water if you spill gasoline on them.

### Driving Rules

1. Shut all doors and fasten your seat belt before moving the vehicle.
2. Obey traffic patterns and signs at all times.
3. Maintain a three-point contact using both hands and one foot or both feet and one hand when climbing into and out of vehicles.
4. Do not leave keys in an unattended vehicle.
5. Under no circumstances will driving under the influence of any illegal substance be tolerated and will be cause for dismissal

## **OFFICE PERSONNEL**

### Office Safety

#### General

1. Do not place material such as boxes or trash in walkways and passageways.
2. Do not throw matches, cigarettes or other smoking materials into trash baskets.
3. Do not kick objects out of your pathway; pick them up or push them out of the way.
4. Keep floors clear of items such as paper clips, pencils, tacks or staples.
5. Straighten or remove rugs and mats that do not lie flat on the floor.
6. Mop up water around water fountains and drink machines.
7. Do not block your view by carrying large or bulky items; use a dolly or hand truck or get assistance from a fellow employee.
8. Store sharp objects, such as pens, pencils, letter openers or scissors, in drawers or with the points down in a container.

9. Carry pencils, scissors and other sharp objects with the tips pointing down.
10. Use the ladder or step stool to retrieve or store items that are located above your head.
11. Do not run on stairs or take more than one step at a time.
12. Keep doors in hallways fully open or fully closed.
13. Use handrails when ascending or descending stairs or ramps.
14. Obey all posted safety and danger signs.

#### Furniture Use

1. Open only one file cabinet drawer at a time. Close the filing cabinet drawer you were working in before opening another filing drawer in the same cabinet.
2. Use the handle when closing doors, drawers and files.
3. Put heavy files in the bottom drawers of file cabinets.
4. Do not tilt your chair on its back two legs while you are sitting in it.
5. Do not stand on furniture to reach high places.

#### Equipment Use

1. Do not use fans that have excessive vibration, frayed cords or missing guards.
2. Do not place floor-type fans in walkways, aisles or doorways.
3. Do not plug multiple electrical cords into a single outlet.
4. Do not use extension or power cords that have the ground prong removed or broken off.
5. Do not use frayed, cut or cracked electrical cords.
6. Use a cord cover or tape down cords when running them across aisles, between desks or across entrances or exits.
7. Turn the power switch of the local exhaust fans to "ON" when operating the blueprint machine.
8. Do not use lighting fluid to clean drafting equipment; use soap and water.



**SUPPLEMENTAL  
EXHIBITS TO APPLICATION**

**VALIDATION QUALITY PLAN**

<b>E</b>	Document:	QP-000XX	Issued By:	Your Name
	Title:	Validation Quality Plan		
	Page 1 of 4	Proprietary and Confidential		

**1.0 Purpose:**

- 1.1 To define the procedure for performing prospective product and process validation.

**2.0 Scope:**

- 2.1 This procedure applies to all prospective validation activities relating to the design of processes and the production of product by Etain, LLC.

**3.0 References:**

- 3.1 Latest revisions apply to all reference documents listed.
  - 3.1.1 QP-XXXX, Control of Records.
  - 3.1.2 QP-XXXX, Training

**4.0 Definitions:**

- 4.1 **Validation Plan:** A document specific to a process or product that outlines the sequence of events followed for that specific validation. The Validation Plan explains all rationales used in qualification activities and lists design and process inputs, outputs and the Quality Inspections that will verify the Validation.
- 4.2 **Validation Life Cycle:** Documented evidence collected prior to implementing a process or producing a product, including revalidation that generally includes the following items-
- 4.3 **Equipment Certification:** If components, sensors or the equipment itself can only be checked or have parameters set by the manufacturer, then the manufacturer's certification must be supplied. If an item or service has a specification or is made to an Etain drawing, certification to that spec or drawing is required.
- 4.4 **Calibration:** Proof that equipment, sensors or devices necessary for the proper operation of the equipment are adjusted or calibrated.
- 4.5 **Installation Qualification (IQ):** Verification that equipment and all ancillary systems have been installed following the manufacturers recommendations and Etain's own safety guidelines.
- 4.6 **Operational Qualification (OQ):** Documented evidence is presented that all parts of the production facility and equipment used are operating within established acceptance criteria. Process controls that are part of the equipment will be qualified during the OQ by simulating normal production conditions.
  - 4.6.1 Equipment is run in "worst case" scenarios and the outcome is compared to acceptance criteria.
  - 4.6.2 Equipment OQ verifies the equipment runs as specified even if a range of settings is required.

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4.6.3 Process OQ challenges the process and equipment in process related worst case conditions

4.7 Performance Qualification (PQ): Provide documented evidence that all parts of the validated plant and processes produce product of a specified quality under normal production conditions. Multiple production runs or extended periods of production time are used to demonstrate statistically that the process is consistently producing product meeting the specified requirements. Product quality will be shown to be in specification as long as individual raw materials or components are within specification. The PQ will be proven by processing a minimum of three(3) production lots, with equipment shut down between lots, that meets Etain's normal quality acceptance standards.

4.8 Worst Case: Minimum and maximum conditions for all process input variables including size, shape, raw material condition and parameters, ect. used in the manufacturing operation.

4.8.1 A design of Experiments (DOE) study is useful to help determine which parameters to range.

4.8.2 The worst case always encompasses the normal operating window.

4.8.3 When possible, the worst-case conditions should be combined to present the maximum challenge.

4.8.4 Where the input parameter is a set point rather than a range, testing is required only at the set point.

4.8.5 Consideration will be paid to the risks from variation in raw materials.

4.8.6 A rationale for choosing the worst-case conditions will be included in the protocol.

## 5.0 Responsibilities:

5.1 Quality Assurance: The Validation Team will include a member from Quality Assurance to assist in preparing protocols, compiling and analyzing data and preparing the Final Report.

5.2 Production: A production team member will be part of the Validation Team in order to properly operate the equipment and make the necessary adjustments. The production representative will assist in writing the Work Instructions for the final process.

5.3 Maintenance: A member from Maintenance will be available to help with equipment installation and operation.

5.4 Quality Control: A Quality Control member will be on the Validation Team to assist with sampling plans, testing requirements, acceptance criteria and reports.

5.5 The Review Team will consist of members from Quality Assurance.

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## 6.0 Procedure:

### 6.1 Validation Life Cycle:

- 6.1.1 The Validation Team will be in place to support their respective elements.
- 6.1.2 The Review Team will decide if test conditions need to be changed or tests repeated and if the results are within specification for acceptance.

### 6.2 Validation Plan:

#### 6.2.1 The Validation Plan will include the following:

- Table of Contents
- Purpose
- Scope
- Definitions
- Reference Documents
- Responsibilities
- Product or Process Description
- Revision History
- Approval Sign Off

#### 6.2.2 The Validation Plan will be approved by the Review Team.

#### 6.2.3 It may not be possible to know all information needed for the Validation Plan before it starts. In this case, the Validation will be run with as much information as possible. When unknowns are identified, the Validation Plan will be revised and the final plan will reflect the extent to which the process is understood.

### 6.3 Installation Qualification (IQ):

#### 6.3.1 Develop and approve the IQ protocol.

### 6.4 Operational Qualification (OQ):

#### 6.4.1 Develop and approve the OQ protocol.

#### 6.4.2 Develop Work Instructions and Record Sheets if applicable.

#### 6.4.3 Develop schedules for maintenance and calibration.

#### 6.4.4 Train staff members conducting the Validation Plan on required documentation.

#### 6.4.5 Perform the studies utilizing the variables for upper and lower limits or “worst case” scenarios.

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- 6.4.6 IQ deviations must be documented and justified.
- 6.4.7 Product used for validation will be identified and contained.

6.5 Performance Qualification (PQ):

- 6.5.1 Develop and Approve the PQ protocol.
- 6.5.2 Approve the Work Instructions and Record Sheets if used.
- 6.5.3 Train the operators on the procedures and documentation.
- 6.5.4 OQ deviations must be documented and justified.
- 6.5.5 Product used for validation will be identified and contained.

6.6 Revalidation:

- 6.6.1 Revalidation is required when:
  - 6.6.1.1 The equipment or process is transferred from one location to another.
  - 6.6.1.2 There is a change to equipment, the process or the plant ect. that could affect quality.

**7.0 Record Retention:**

- 7.1 Records generated to document performance of this work instruction shall be maintained according to QP-XXXX.

**8.0 Revision History:**
