

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



**Ron DeSantis**  
Governor

**Joseph A. Ladapo, MD, PhD**  
State Surgeon General

**Vision:** To be the **Healthiest State** in the Nation

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**Sent via Electronic Delivery**

May 25, 2023

O'Donnell Landscapes Inc.  
c/o Albert S. O'Donnell  
4291 Williams Road  
Estero, Florida 33928  
[Al@odo.land](mailto:Al@odo.land)

Re: Application for MMTC Licensure – Errors and Omissions Letter

Dear O'Donnell Landscapes Inc.,

On April 27, 2023, the Florida Department of Health received your application for MMTC licensure (the "Application"). The Department has identified the following apparent errors or omissions in your Application.

**1. Subsection 4.3.3, Level 2 Background Screening**

Subsection 4.3.3 of the Medical Marijuana Treatment Center License Application Instructions, Requirements and Forms (the "Application Instructions") requires an applicant's owners and managers to submit a full set of fingerprints to a Livescan Service Provider for purposes of level 2 background screening. The Department has not yet received an FDLE background report for the following individual, who is identified as an owner or manager in Subsection 4.3.3 of your Application:

**435.09**

Please ensure that this individual has successfully submitted a full set of fingerprints to a Livescan Service Provider for purposes of level 2 background screening. Individuals rejected for fingerprint quality must resubmit a full set of fingerprints to a Livescan Service Provider. As provided in Subsection 4.3.3 of the Application Instructions, if an individual's fingerprints are rejected twice for image quality, the individual must participate in the Federal Bureau of Investigation's name check procedure for fingerprint submissions rejected due to image quality. The Department will notify an individual whose fingerprints are rejected twice for image quality and provide direction regarding the FBI name check procedure.

**2. Subsection 4.12.1, Certified Financial Statements**

Section 381.986(8)(b)7., Florida Statutes, requires that an applicant for MMTC licensure demonstrate "the financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the Department." Subsection 4.12.1 of the Application Instructions requires the certified financial statements to be prepared in accordance with U.S. Generally Accepted Accounting Principles ("GAAP") and audited in accordance with U.S. Generally Accepted Auditing Standards ("GAAS") by a Certified Public Accountant ("CPA") licensed pursuant to Chapter 473, Florida Statutes, or licensed by another state.

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Your Application does not contain certified financial statements as required by section 381.986(8)(b)7., Florida Statutes, and Subsection 4.12.1 of the Application Instructions. Although Subsection 4.12.1 of your Application contains financial statements for O'Donnell Landscapes Inc., the financial statements do not appear to be in conformity with GAAP because [REDACTED] 119.0715 [REDACTED]

Please provide certified financial statements for O'Donnell Landscapes Inc., as required by Subsection 4.12.1 of the Application Instructions.

### **3. Subsection 4.13.3, Capitalization Tables, Change of Control, and Related Entities**

Subsection 4.13.3 of the Application Instructions requires, among other things, that entity applicants provide a fully diluted capitalization table.

In Subsection 4.13.2 of your Application, you included a capitalization table for O'Donnell Landscapes, Inc. However, the capitalization table appears incorrect, [REDACTED] 119.0715 [REDACTED]. Additionally, the capitalization table provided in Subsection 4.13.2 of your Application differs from the capitalization table provided in Subsection 4.13.3.

Please provide a corrected, fully diluted capitalization table listing all share types and the aggregate sum of shares associated with or flowing to any natural person that equals 100%. The table must list all share types and interests and must show the aggregate sum of shares, including those associated with or flowing to any natural person owners or investors of O'Donnell Landscapes Inc.

Additionally, if any natural person on the corrected capitalization table meets the definition of "owner" or "manager" (as defined by Department rules), such natural persons must submit a completed Form 2 to the Department and a full set of fingerprints to a Livescan Service Provider for purposes of level 2 background screening. Those natural persons must also be added to an updated list of owners and managers in Subsection 4.3.3 of your Application and submitted to the Department.

### **4. Section 4.15, Citrus Preference Documentation**

Section 4.15 of the Application Instructions requires applicants seeking to qualify for the citrus preference, as described in section 381.986(8)(a)3., Florida Statutes, to provide certain documents and information. Additionally, the Application Instructions require applicants to advise the Department if they are not seeking to qualify for the citrus preference.

Your Application contains no text in Section 4.15 and does not otherwise state whether the applicant is seeking to qualify for the citrus preference.

If you are seeking to qualify for the citrus preference, please provide the documentation and information requested in Section 4.15.

If you are not seeking to qualify for the citrus preference, please advise the Department accordingly.

### **Deadline to Respond**

The Department must receive the above-requested documentation and information within twenty-one (21) calendar days of the date on which the Department emails this letter to you. See Section 5.1 of the Application Instructions for the submission address and requirements. Failure to supply the requested documentation and information identified above may result in denial of your Application.

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If any materials submitted to the Department in response to this letter contain confidential information, you must comply with the requirements of Section 2.4 of the Application Instructions when submitting such information.

Sincerely,

*Christopher Kimball*

Christopher Kimball  
Director  
Office of Medical Marijuana Use