

**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

Phillip Rucks Citrus Nursery Inc.  
c/o Scott Segal  
1065 NE 125<sup>th</sup> St., 300  
Miami, Florida 33161  
[ssegal@compass.md](mailto:ssegal@compass.md)

Re: Application for MMTC Licensure – Errors and Omissions Letter

Dear Philip Rucks Citrus Nursery Inc.,

On April 28, 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 4.12.1, 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.

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 certain financial statements for Phillip Rucks Citrus Nursery Inc., the letter from the CPA reflects that the financial statements [REDACTED] **119.0715**

Please provide certified financial statements prepared in accordance with GAAP and GAAS for your most recent fiscal year, as required by Subsection 4.12.1 of the Application Instructions.

**2. 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.

Subsection 4.13.3 of your Application contains a capitalization table for Phillip Rucks Nursery Inc. You have also provided separate capitalization tables for an entity or entities with ownership interests in Phillip Rucks Nursery Inc. However, the capitalization table for Phillip Rucks Nursery Inc. is not [REDACTED] **119.0715**

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119.0715

. Additionally, you did not identify 119.0715

Please provide a single, aggregated and fully diluted capitalization table to sum all natural person interests to 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 any entities listed on the capitalization table.

Additionally, please provide the operating agreement (or any other controlling documents) of Phillip Rucks Citrus Nursery, Inc.

### 3. 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. Among other things, an applicant is required to:

Provide a deed or other recorded document demonstrating that the applicant holds legal ownership of the facility (or facilities) identified in item 1. Additionally, provide the parcel ID number associated with the facility (or facilities) . . . .

Your Application does not include a deed or other recorded document demonstrating that you hold legal ownership of the facility. Although the Application includes 119.0715

Please provide a deed or other recorded document demonstrating that you, Phillip Rucks Citrus Nursery, Inc., hold legal ownership of the facility (or facilities) that is or was used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses, as required by section 4.15 of the Application Instructions.

### 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.

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