

**IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS
CIVIL DIVISION**

**DRAGAN VICENTIC, LICENSEE,
d/b/a GREEN SPRINGS MEDICAL, LLC**

PETITIONER

VS.

CASE NO. 26CV-2024-702-IV

**ARKANSAS ALCOHOLIC
BEVERAGE CONTROL BOARD, AGENCY**

RESPONDENT

MOTION FOR RECONSIDERATION AND REQUEST FOR IMMEDIATE HEARING

COMES NOW, the Petitioner, Dragan Vicentic, Licensee, d/b/a Green Springs Medical, LLC, by and through his attorneys, Hurst Law Group, through Q. Byrum Hurst, Josh Q. Hurst, and for his Motion for Reconsideration and Request for Immediate Hearing, he states and alleges:

1. The Petitioner is licensee #00021, which was one of the first licenses issued in the state of Arkansas for dispensing Medical Marijuana
2. That because it was a new industry, there was a learning curve for both the licensee and ABC enforcement and regulatory agencies that required both to learn not only new rules and regulations, but also procedures to comply with the regulations.
3. Because the licensee was one of the first licenses, it was obvious that he was also the first exposed to the rules and regulations in the new industry and suffered some sanctions as a result of experience and learning how to comply.
4. That over 26,000 citizens of Garland County rely on Green Springs Medical and the licensee to dispense their Medical Marijuana.

5. That the Petitioner's license to dispense Medical Marijuana was revoked by the ABC Director and then by the ABC Board, despite the fact that he had never been placed on probation, had never had his license suspended, had never been required to take additional courses in inventory or business management, and had only been exposed to potential fines.
6. The ABC offered to settle the latest rule violation allegations for a fine of \$28,100, and the Petitioner, acting pro se, requested a hearing on at least some of the allegations to which he thought he had defenses or questions.
7. The newly appointed Director responded by stating:
 - a. "There is no suitable fine that can correct or otherwise control GSM's reckless endangerment of cannabis patients. The only available remedy is to revoke permit #00021, doing business as Green Springs Medical."
8. The Director never described what was the reckless endangerment and never described what available remedies the ABC has at its discretion to impose on licensees.
9. The Petitioner filed a Petition for Judicial Review in Garland County Circuit Court seeking overturn of the revocation, alleging that the action of revoking of the permit was (1) in violation of constitutional or statutory provisions; (2) in excess of the agency's statutory authority; (3) made upon unlawful procedure; (4) affected by other error or law; (5) not supported by substantial evidence of record; and (6) arbitrary, capricious, and characterized by abuse of discretion.
10. The Petitioner requested the Circuit Court to grant a Stay, in that he had negotiated a transfer of the business and wanted to complete the transfer which

would remove him from the operation of the dispensary but would still provide a dispensary for the citizens of Hot Springs, Garland County, Arkansas.

11. At the Stay Hearing, the ABC again failed to show any credible evidence there was reckless endangerment to any patient, while the licensee offered testimony of an expert, Dr John Wolfe, who testified that it is impossible that any patient was in reckless endangerment as a result of the licensee selling an expired product or in engaging in any of the allegations, even if true by the ABC.
12. The ABC offered a sign on the door of Green Springs Medical which indicated they would be open after the court granted a Stay, and they offered a Facebook posting which said Green Springs would be open after the Stay hearing of July 19, 2024.
13. These items were only offered to create an animosity toward the licensee and have no relevance or bearing on a Stay of the license or a Petition for Judicial Review.
14. The Director of the ABC has exhibited some personal animosity toward the Petitioner, and due to the limited time that she has been acting as a director, it has to be assumed that any animosity must have developed something outside of her position as a director of a regulatory Agency. Nevertheless, personal animosity has no place in the regulation of serious business and especially dispensing of Medical Marijuana to patients.
15. That Petitioner would ask the Court to reconsider his request to Stay the Revocation, at least until they can complete a transfer to another party to allow uninterrupted sales tax to be paid to both Garland County and the City of Hot

I, Josh Q. Hurst, do hereby certify that on this 21st day of June, 2024, I electronically filed the foregoing with the Clerk of the Court using the Arkansas E-Filing system which shall send notification of such filing to the following individuals:

Chip Leibovich
Attorney at Law
Alcohol Beverage Control Division
101 East Capitol Avenue, Ste. 401
Little Rock, Arkansas 72201

/s/ Josh Q. Hurst
Josh Q. Hurst