

**IN THE CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS**

SB IL LLC; VERTICAL MANAGEMENT)
LLC; and GRI HOLDINGS, LLC,)

Plaintiffs,)

v.)

J.B. PRITZKER, Governor of the State of)
Illinois; DEBORAH HAGAN, Secretary of)
the Illinois Department of Financial and)
Professional Regulation; CECILIA)
ABUNDIS, Acting Director of the Division)
of Professional Regulation, Illinois)
Department of Financial and Professional)
Regulation; BRET BENDER, Deputy)
Director, Cannabis Control Section, Division)
of Professional Regulation, Illinois)
Department of Financial and Professional)
Regulation; DANIELLE PERRY, State of)
Illinois Cannabis Regulation Oversight)
Officer; and TOI HUTCHINSON, Senior)
Advisor to the Governor on Cannabis)
Control,)

Defendants.)

Case No. 2020CH000176

VERIFIED COMPLAINT FOR MANDAMUS, INJUNCTIVE, AND OTHER RELIEF

Plaintiffs SB IL LLC (“SB IL”), Vertical Management LLC (“Vertical Management”), and GRI Holdings, LLC (“GRI Holdings”) (collectively, “Plaintiffs”), through their undersigned attorneys, for their Verified Complaint for *Mandamus*, Injunctive, and Other Relief against Defendants J.B. Pritzker, Governor of the State of Illinois (“Governor Pritzker” or the “Governor”), the Illinois Department of Financial and Professional Regulation (the “Department”), Deborah Hagan, Secretary of the Illinois Department of Financial and Professional Regulation (“Hagan”), Cecilia Abundis, Acting Director of the Division of Professional Regulation, Illinois Department of Financial and Professional Regulation (“Abundis”), Bret

Bender, Deputy Director, Cannabis Control Section, Division of Professional Regulation, Illinois Department of Financial and Professional Regulation (“Bender”), Danielle Perry, State of Illinois Cannabis Regulation Oversight Officer (“Perry”), and Toi Hutchinson, Senior Advisor to the Governor on Cannabis Control (“Hutchinson”) (collectively, “Defendants”), respectfully allege as follows:

INTRODUCTION

1. Plaintiffs seek an expedited writ of *mandamus*, a temporary restraining order, a preliminary injunction, and a permanent injunction to compel Defendants to comply with the statutory process for awarding State-issued licenses for adult use cannabis dispensaries. Even though Governor Pritzker publicly acknowledged that he is required by law to comply with that statutory process, the Governor and lower-ranking executive branch officials admitted more recently that they have violated and will continue to violate that process in response to political pressure.

2. At stake here is a fundamental principle that has been undermined all too often in recent history: The executive branch is not above the law. Any concerns or complaints about the wisdom of a statutorily mandated process must be addressed exclusively through constitutional means. Amending the statute is one of those means. Ignoring or outright violating the statute is not.

3. Also at stake is the development of a newly legitimate and heavily regulated industry that will affect every single community in the State of Illinois. Faced with the many challenges created by the legalization of that industry, the General Assembly crafted legislation that would foster the cannabis industry’s lawful growth in an orderly, responsible and equitable manner. Governor Pritzker agreed with the wisdom of that legislation and signed the Cannabis

Regulation and Tax Act, 410 ILCS 705/1-1, *et seq.* (the “Act”), into law. Now that the law is on the books, however, political pressures have led the Governor and the other Defendants to improvise a brand-new dispensary licensing process that violates the Act’s clear terms.

4. Defendants have a non-discretionary ministerial duty to issue licenses for cannabis dispensaries according to the process mandated by statute.

5. Plaintiffs have suffered and will continue to suffer irreparable harm in the absence of a Court order (a) enjoining Defendants from illegally delaying the cannabis dispensary license process in violation of the Act, (b) enjoining Defendants from implementing a new, illegal process for issuing cannabis dispensary licenses that flagrantly violates the requirements of the Act, and (c) directing Defendants to follow the statutorily mandated process for issuing cannabis dispensary licenses.

6. Conversely, Defendants will suffer no harm if they are ordered to cease illegally delaying the licensing process, to cease implementing their new, illegal licensing process, and to comply with the requirements of the Act for awarding adult use cannabis dispensary licenses.

7. Accordingly, Plaintiffs respectfully request an expedited writ of *mandamus*, a temporary restraining order, a preliminary injunction, and a permanent injunction that orders Defendants to comply with their statutorily-mandated, non-discretionary duty to implement the licensing process as directed by and set forth in the Act.

THE PARTIES

8. Plaintiff SB IL is an Illinois limited liability company that seeks Adult Use Dispensing Organization licensure under the Act.

9. Plaintiff Vertical Management is an Illinois limited liability company that seeks Adult Use Dispensing Organization licensure under the Act.

10. Plaintiff GRI Holdings is an Illinois limited liability company that seeks Adult Use Dispensing Organization licensure under the Act.

11. Plaintiffs fully complied with the process specified in the Act for applying for licensure to operate adult use cannabis dispensaries in the State of Illinois.

12. Plaintiffs applied for licensure and each earned a perfect score.

13. Plaintiffs have invested a substantial amount of time, money, and effort to apply for licensure from the Illinois Department of Financial and Professional Regulation (the “Department”) to operate adult use cannabis dispensaries in the State of Illinois.

14. Defendant Governor Pritzker is the Governor of the State of Illinois.

15. Defendant Hagan is the Secretary of the Department.

16. Defendant Abundis is the Acting Director of the Division of Professional Regulation in the Department.

17. Defendant Bender is the Deputy Director, Cannabis Control Section, of the Division of Professional Regulation in the Department.

18. Defendant Perry is the Cannabis Regulation Oversight Officer of the State of Illinois.

19. Defendant Hutchinson is the Senior Advisor to the Governor on Cannabis Control.

20. All Defendants are executive-branch officials in the State of Illinois who have responsibility for administering the Act or at least some of the Act’s provisions.

JURISDICTION AND VENUE

21. This Court has jurisdiction over this matter pursuant to section 2-209(b)(2) of the Illinois Code of Civil Procedure, 735 ILCS 5/2-209(b)(2), because each of the Defendants is a natural person domiciled or residing within the State of Illinois when the causes of action herein

arose, the action was commenced, or process was served.

22. Venue in this Court is proper pursuant to Section 2-101 of the Illinois Code of Civil Procedure, 735 ILCS 5/2-101, because Defendants perform their official acts in Sangamon County, Illinois and the transactions out of which the causes of action herein arose occurred at least in part in Sangamon County, Illinois.

FACTUAL BACKGROUND

A. The General Assembly Enacts a Well-Defined, Mandatory Statutory Process for Licensing Adult Use Cannabis Dispensaries and Legalizing the Cannabis Industry.

23. With the General Assembly's passage of the Act in 2019, Illinois entered a new era. See 410 ILCS 705/1-1, *et seq.* Under the Act, the cultivation, production, processing, marketing, and sale of recreational cannabis (a/k/a adult use cannabis) became legal in the State of Illinois.

24. The Department is charged with enforcing the Act's provisions "relating to the oversight and registration of dispensing organizations and agents." See 410 ILCS 705/5-15. Before an entity may sell adult use cannabis, it must obtain an Adult Use Dispensing Organization License ("Adult Use License") from the Department. See 410 ILCS 705/1-10 (definition of term).

25. The Act requires the Department to issue "up to 75 Conditional Adult Use Dispensing Organization Licenses" during an initial license-awarding period, and it delineated how those licenses should be distributed across the State, 410 ILCS 705/15-25(a)-(c).

26. More specifically, the Act states: "The Department *shall* issue up to 75 Conditional Adult Use Dispensing Organization Licenses before May 1, 2020." See 410 ILCS 705/15-25(a) (emphasis added).

27. Nothing in the Act allows the Department, the Governor, or anyone else to extend that mandatory May 1, 2020 deadline.

28. The General Assembly recognized that the Department might learn valuable

lessons while issuing the first 75 Adult Use Licenses. Accordingly, the General Assembly specifically provided that the Department should study the process used in the issuance of the first 75 licenses and develop plans to improve the process based on that experience. The Act then authorized the Department to issue up to 500 Adult Use Licenses, including 110 Adult Use Licenses that “shall” be issued between January 1, 2021 and December 21, 2021. See 410 ILCS 705/15-35(a).

29. The Act also set out specific instructions on how the Department shall award Adult Use Licenses. The General Assembly identified the characteristics of successful applicants and identified a scoring system to measure each of those characteristics as follows: (1) Suitability of Employee Training Plan (15 points); (2) Security and Recordkeeping (65 points); (3) Applicant’s Business Plan, Financials, Operating and Floor Plan (65 points); (4) Knowledge and Experience (30 points); (5) Status as a Social Equity Applicant (50 points); (6) Labor and Employment Practices (5 points); (7) Environmental Plan (5 points); (8) Illinois Owner (5 points); (9) Status as a Veteran (5 points); (10) a Diversity Plan (5 points); and (11) a Plan to Engage with the Community (2 bonus points). See 410 ILCS 705/15-30(c)-(d).

30. Thus, the General Assembly gave explicit directions regarding the characteristics of an ideal applicant and how each of those characteristics shall be weighed by the Department.

31. The General Assembly also dictated how problems with the application process shall be addressed.

32. The Act anticipated that an applicant might intentionally or accidentally fail to address one of the statutorily required elements.

33. In that event, the General Assembly ordered the Department to issue a document called a “deficiency notice.” See 410 ILCS 705/15-30(b). The deficiency notice informs the

applicant that it failed to address one or more of the criteria specified in the Act. *Id.* The applicant then has 10 days to provide the missing information. *Id.* Applications that remain “incomplete” after 10 days “will not be scored and will be disqualified.” *Id.*

34. In full, the relevant provision of section 15-30 of the Act provides: “If the Department receives an application that fails to provide the required elements contained in this Section, the Department shall issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be disqualified.” *Id.*

35. Thus, the “deficiency notice,” as created and defined by the General Assembly, serves a narrow and specific function. *Id.* It allows an applicant to correct an omission in its application so that the Department can score it. *Id.*

36. If the application remains “incomplete,” the applicant will be “disqualified.” *Id.*

37. As used in the Act, a “deficiency” means an omission that prevents the Department from scoring an application at all. *Id.*

B. Plaintiffs Apply for Licensure.

38. Plaintiffs applied for licensure under the Act.

39. Plaintiffs’ applications addressed each of the elements set forth in the Act.

40. Among other things, Plaintiffs provided detailed information regarding how they met the legislative goals for diversity, social equity, community plans and other factors.

C. Invoking the COVID-19 Pandemic, the Governor Unilaterally Extends the Statutory May 1, 2020 Deadline for Issuing the First Round of Up to 75 Licenses.

41. The Act mandated that the Department “shall” issue the first round of up to 75 Adult Use Licenses by May 1, 2020.

42. The day before that deadline, Governor Pritzker invoked the Illinois Emergency Management Agency Act to unilaterally extend the deadline. In Executive Order 2020-34, the Governor represented that the COVID-19 pandemic created “delays in the application review process and impacted [the Department’s] ability to issue the 75 Conditional Adult Use Dispensing Organization Licenses by May 1, 2020.” Ill. Exec. Order No. 2020-34 (Apr. 30, 2020), <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-34.aspx>. A true and accurate copy of Executive Order No. 2020-34 is attached hereto as Exhibit 1.

43. Accordingly, the Executive Order “suspended” the May 1, 2020 deadline. It further stated that the Department “shall provide notice to the public of the date such licenses will be issued.” *Id.*

D. Plaintiffs’ Applications Receive Perfect Scores, and the Governor Admits that the Act Requires the Department to Award the Licenses.

44. On August 12, 2020, the Department identified how it would issue licenses in the event that multiple applicants earned the same score. See 68 Ill. Adm. Code 1291.50. The Department created a lottery system to address that scenario: If two or more eligible applicants earned the same score, a lottery would be conducted to determine which applicants would receive the license. The Department would follow this mechanical process until each of the initial licenses was awarded.

45. The Department completed the scoring process by September 3, 2020, more than 4 months after the May 1, 2020 statutory deadline to issue the licenses. A true and accurate copy of the Department’s Top Scoring Applicants by Illinois Bureau of Labor Statistics Region for Conditional Adult Use Dispensing Organization Licenses is attached hereto as Exhibit 2.

46. That day, the Department announced that 21 applicants had earned a perfect score, including Plaintiffs. *See* Exhibit 2.

47. Each of the 21 applicants were ideal license applicants based on the criteria specified in the Act.

48. Because all of these 21 applicants earned the same (perfect) score, the Department announced that those applicants would participate in a lottery to determine which of them would receive licenses in the initial round of license awards. *See Exhibit 2.*

49. At a press conference on September 8, 2020, Governor Pritzker explained that the 21 finalists met the statutory criteria and that their selection furthered the Act's legislative purpose:

[T]his was the process that was laid out by the legislation. . . . There are about 400 other licenses that will be awarded. But just to give you a sense, in this round of licenses that were awarded -- 100 percent of the finalists, the 21, are social equity applicants. Two-thirds of the applicants were 51 percent owned by those who come from disproportionately impacted areas. 62 percent of the owners are controlled by people of color -- owned and controlled by people of color. 20 percent of the owners are people who had been arrested or convicted of a crime that's now eligible for expungement under the law. **So, the law itself has a lot of good in it. It's being effectuated.** This is one step along the way, as you know there will be a study that's done about whether it's actually doing what we all want it to do. And I'm on board with, you know, when people want, think about, are there changes that need to be made for the next rounds of licenses.

See [\(https://multimedia.illinois.gov/ioci_vid/Archive/2020/WebpageOnly/GOV/090820-COVIDreliefFund/090820-COVIDreliefFund.mp4_\(comments between the 33-minute and 35-minute marks\)](https://multimedia.illinois.gov/ioci_vid/Archive/2020/WebpageOnly/GOV/090820-COVIDreliefFund/090820-COVIDreliefFund.mp4_(comments%20between%20the%2033-minute%20and%2035-minute%20marks))) (emphasis added).

50. During that press conference, the Governor was asked whether he would delay the lottery to allow other applicants to modify their applications. The Governor acknowledged that the Act did not allow him to further delay issuing the licenses:

REPORTER: Some are asking you to stop the lottery, not have it, because they don't feel that it is fair. Would you consider stopping the lottery?

GOVERNOR PRITZKER: Well, **that’s not something the law allows**, but you know, as far as I’m concerned, we want the ultimate outcome, and again, I’ve said this is a marathon, not a sprint. We ultimately want the outcome to be as we all have hoped and intended.

See *id.* (comments between the 34-minute and 35-minute marks) (emphasis added).

51. Thus, the Governor publicly recognized that the Department had followed “the process that was laid out by the legislation” and that refusing to issue the licenses to the 21 applicants with perfect scores is “not something the law allows.” *Id.*

52. The Governor also acknowledged that, under the Act, unsuccessful applicants could still receive licenses at a later time, after the Department issued the initial round of licenses. *Id.*

53. At the same press conference, the Senior Advisor to the Governor on Cannabis Control, Toi Hutchinson, acknowledged that “we have at least two more rounds of licenses to go,” and that “the whole reason for the very small beginning with only 75 licenses was to figure out all the things that we thought might happen and to deal with the things that we never could have known would have happened until you went through this process,” so that later “we can go back to the legislature and change this historic legislation to keep getting better each time.” See *id.* (comments between the 37-minute and 39-minute marks).

54. In other words, a legislative amendment to the Act would be necessary to change the statutorily-mandated process for awarding Adult Use Licenses.

E. Defendants Reverse Course and Violate the Act.

55. On September 18, 2020, Governor Pritzker issued Executive Order 2020-55. Ill. Exec. Order No. 2020-55 (Sept. 18, 2020), <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-55.aspx>. A true and accurate copy of Executive Order No. 2020-55 is attached hereto as Exhibit 3.

56. In Executive Order 2020-55, the Governor purported to extend the deadline for the

issuance of Adult Use Licenses to October 17, 2020 because of the COVID-19 pandemic and the State's disaster response to the pandemic. *See* Exhibit 3.

57. However, just three days later, on September 21, 2020, Defendants suddenly reversed course and dropped any pretense that delays in processing Adult Use License applications were caused by COVID-19.

58. The Governor announced that after hearing from unnamed "community leaders and stakeholders," he determined that the Department would not, in fact, administer the lottery to assign the licenses among the 21 tied applicants with perfect scores. *Pritzker Administration Announces Additional Steps to Ensure Fairness in Awarding Conditional Adult-Use Cannabis Dispensary Licenses*, Illinois.gov (Sept. 21, 2020) (<https://www2.illinois.gov/Pages/news-item.aspx?ReleaseID=22113>), a true and accurate copy of which is attached hereto as Exhibit 4.

59. Instead, the Governor announced in a press release, the Department would issue "supplemental deficiency notices" to all applicants who did not earn a perfect score and allow them to submit "additional information" or simply to request a "rescore." *See* Exhibit 4.

60. The Governor also announced that the Department would issue new deadlines for that process "in the coming weeks[,]" rendering the October 17, 2020 deadline to issue Adult Use Licenses moot just three days after it was announced. *See* Exhibit 4.

61. The most recent statement by the Department indicates that the supplemental deficiency notices will allow low-scoring applicants "at least 10 days" to submit supplemental information or to request a rescore. Ill. Dep't of Financial and Pro. Regul., Conditional Adult Use Dispensing Organization License Supplemental Deficiency Notice Process (Sept. 22, 2020) (<https://www.idfpr.com/forms/AUC/Supplemental%20Deficiency%20Notice%20Process.pdf>), a true and accurate copy of which is attached hereto as Exhibit 5.

62. On October 16, 2020, Governor Pritzker issued Executive Order 2020-59. Ill. Exec. Order No. 2020-59 (Oct. 16, 2020), <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-59.aspx>. A true and accurate copy of Executive Order No. 2020-59 is attached hereto as Exhibit 6.

63. Despite admitting in his public comments that the indefinite delays in awarding Adult Use Licenses were because of “feedback” from unnamed “community leaders and stakeholders[,]” and despite earlier extending all deadlines in the application process indefinitely, in Executive Order 2020-59, Governor Pritzker purported to again suspend the deadline to issue Adult Use Licenses to November 14, 2020 because of COVID-19 and the State’s response to COVID-19.

64. These actions flagrantly disregarded the May 1, 2020 deadline and the statutory requirements for issuing pre-scoring deficiency notices set by the General Assembly in the Act. See 410 ILCS 705/15-25(a) and 410 ILCS 705/15-30(b).

65. These decisions had nothing to do with the Governor’s claimed emergency powers to address the COVID-19 pandemic.

66. Rather, the Department and Governor made clear on September 21, 2020 that their decision to indefinitely delay the Act’s deadline to issue Adult Use Licenses and to implement a new, illegal procedure for awarding licenses that violates the Act was based on “feedback” from unnamed “community leaders and stakeholders.”

67. The Governor and the other Defendants have also made clear that the licensing process mandated by the Act has been indefinitely delayed so that the illegal licensing process that the Governor and the other Defendants are improvising can move forward without any delay.

68. Defendants’ refusal to allocate the initial round of licenses among the 21 tied applicants with perfect scores is a blatant violation of the Act in at least two ways.

69. First, the Department ignored the Act's mandatory May 1, 2020 deadline to issue the initial round of up to 75 licenses.

70. Although the Governor's Executive Orders claimed that the delays were necessitated because of COVID-19, the Governor admitted in his public statements that the delays were because of "feedback" from unnamed "community leaders and stakeholders." *See* Exhibits 3, 4, 5, and 6.

71. Further, any delay created by COVID-19 clearly ended no later than September 3, 2020, over two weeks before Governor Pritzker issued Executive Order 2020-55, when the Department scored the applications and announced the lottery for applicants with perfect scores. *See* Exhibit 2.

72. Rather, the current delay, which the Governor announced on September 21, is based solely on a political calculation by Defendants in response to "feedback" from "community leaders and stakeholders." *See* Exhibit 4.

73. Defendants, however, may not ignore a statute merely for political expediency.

74. Second, the Department is using the statutorily created "deficiency notice" in violation of the Act that created the "deficiency notice" procedure.

75. The "deficiency notice" is a creature of statute. As noted above, a "deficiency," as used in the Act, means an omission that prevents the Department from scoring an application. *See* 410 ILCS 705/15-30(b).

76. Pursuant to 410 ILCS 705/15-30(b), a deficiency notice may be issued only before, not after, the Department scores applications, and it may be used only to notify applicants that their applications are incomplete and "will not be scored" unless completed within 10 calendar days. *Id.*

77. Nothing in the Act allows a deficiency notice to be issued after the Department has already reviewed and scored the applications.

78. Nothing in the Act allows a deficiency notice to invite an applicant to submit additional information after an application has been scored.

79. Nothing in the Act allows a deficiency notice to invite an applicant to submit additional information more than 10 days from the issuance of the notice.

80. Nothing in the Act allows a deficiency notice to invite an applicant to request a “rescore.”

81. The Department is therefore using a “deficiency notice” that is fundamentally different from what the Act authorizes and for purposes that violate the Act’s terms and requirements.

82. The Department is now using “supplemental deficiency notices” not to identify omissions that prevent applications from being scored, but to allow applicants who have *already received scores* to enhance their existing scores by supplying new information, or simply by asking for a higher score.

83. Thus, the Department now treats any failure to earn a perfect score as a “deficiency.”

84. Defendants’ violations of the Act have caused and will continue to cause concrete, irreparable harm to Plaintiffs as long as Defendants’ illegal delays persist and if Defendants are permitted to implement their new illegal licensing process that flagrantly violates the Act.

85. If Defendants are allowed to continue to violate the Act in the ways described above, Plaintiffs will be forced to continue to incur substantial illegal delays and will lose their opportunity to participate in the process mandated by the Act.

86. Plaintiffs will also suffer irreparable harm if Defendants are allowed to continue to violate the Act because Plaintiffs will be forced to participate in an illegal lottery in which their rights under the Act and their likelihood of success will be deliberately diminished for political reasons.

87. In addition, the ongoing delay is causing Plaintiffs to suffer serious economic losses and irreparable harm for which money damages cannot make them whole.

88. Plaintiffs have invested a substantial amount of time, money, and effort to comply with the procedural requirements set forth in the Act regarding application process for Adult Use Licenses.

89. Defendants will not suffer any irreparable harm or unfair prejudice if they are ordered to comply with the statutorily-mandated processes, procedures, and requirements of the Act.

90. Conversely, Plaintiffs will suffer significant irreparable harm if Defendants are permitted to continue to violate the Act by conducting the illegal lottery and issuing Adult Use Licenses pursuant to an illegal process. Should Defendants illegally issue Adult Use Licenses pursuant to their illegal lottery, it would be extraordinarily difficult to unwind that illegal lottery and revoke licenses that were wrongfully issued pursuant to the results of that illegal lottery. The process would then descend even further into chaos and would stray even further from the process mandated by the Act.

91. In short, absent *mandamus* and injunctive relief from the Court, the process for conducting the lottery and issuing Adult Use Licenses will continue to descend into further chaos that is wholly untethered to the requirements of the Act.

COUNT I
**For a Writ of *Mandamus* Barring Further Extensions of the Statutory Deadline
for Issuing the First Round of Adult Use Licenses**

92. Plaintiffs incorporate and restate the allegations stated in paragraphs 1 through 91 above.

93. Plaintiffs have an unequivocal, clearly ascertainable right to participate in an application process for Adult Use Licenses that complies with the Act's requirements.

94. Defendants unequivocally have a ministerial and mandatory duty to comply with the procedural requirements for Adult Use License applications that are set forth in the Act.

95. Defendants unequivocally have the authority to implement the process specified in the Act for issuing Adult Use Licenses.

96. Under section 15-25 of the Act (410 ILCS 705/15-25), the Department was required to issue the first round of up to 75 Adult Use Licenses by May 1, 2020.

97. The Act remains in full force and effect.

98. The Governor's Executive Orders have purported to extend the Act's May 1, 2020 deadline to issue Adult Use Licenses to November 14, 2020, supposedly because of COVID-19 and the State's response to COVID-19. *See* Exhibits 1, 3, and 6.

99. The Governor has publicly stated, however, that the Department's deadline to issue Adult Use Licenses was extended indefinitely not because of COVID-19, but rather in response to "feedback" from "community leaders and stakeholders." *See* Exhibit 4.

100. Also, despite claiming that COVID-19 has necessitated an extension of the deadline, Defendants were able to complete the scoring process for Adult Use License applications. *See* Exhibit 2. Thus, Defendants' own actions demonstrate that they remain capable

of implementing the licensing process mandated by the Act and that the pandemic is not materially restricting Defendants' operations relating to licensure. *See* Exhibit 2.

101. In fact, the Governor's announcement on September 21 stated that the Department will issue "supplemental deficiency notices" to low-scoring applicants, thus showing that the Department remains fully capable of implementing a licensing process now notwithstanding COVID-19. *See* Exhibit 4. Defendants simply want to implement a different kind of licensing process than the one mandated by the Act.

102. Governor Pritzker has not given any indication that he will cease using an illegal process to issue Adult Use Licenses.

103. Rather, based on the Governor's September 21, 2020 public comments and the Department's September 22, 2020 statement, the Department's deadline to issue Adult Use Licenses was indefinitely extended in September to allow Defendants time to proceed with and to complete implementing their illegal process of issuing Adult Use Licenses. *See* Exhibits 4 and 5.

104. The Governor has publicly acknowledged that after the applications were scored by September 3, 2020, the Department was required by law to issue the licenses to those with perfect scores.

105. Despite that public admission, the Department is now ignoring the statutory deadline and indefinitely continuing the statutory deadline to address political pressures and "feedback" from unnamed "community leaders and stakeholders." *See* Exhibit 4.

106. Defendants have admitted that they are ignoring the statutory deadline and that they want to re-score applications not because of COVID-19, but because of "feedback" from unnamed "community leaders and stakeholders." *See* Exhibits 4 and 5.

107. Instead of following the application process mandated by the Act, Defendants are

improvising and will continue to improvise a new process that departs substantially from the statutory requirements.

108. By willfully violating the Act and ignoring the mandatory deadline set forth in the statute, Defendants are encroaching on the General Assembly's constitutional function and are violating the separation of powers mandated by Article II, §1 of the Illinois Constitution.

109. Plaintiffs are likely to succeed on the merits of the claim for a writ of *mandamus* against Defendants.

110. Plaintiffs have suffered and will continue to suffer unfair prejudice and irreparable harm, including without limitation an irreparable procedural injury, in the absence of *mandamus*, temporary injunctive, preliminary injunctive, and permanent injunctive relief.

111. In the absence of *mandamus* and injunctive relief, Defendants will continue to illegally delay the issuance of Adult Use Licenses pursuant to an illegal process that violates the Act, Plaintiffs will be forced to continue to incur further illegal delays in the issuance of Adult Use Licenses, and Plaintiffs will be forced to continue to participate in an illegal adult use licensing scheme that flagrantly violates the requirements of the Act.

112. Defendants will not suffer unfair prejudice or irreparable harm if the Court orders them to cease their illegal delays in the issuance of Adult Use Licenses, to cease their illegal licensing scheme that violates the Act, and to comply with the deadlines and requirements set forth in the Act regarding the issuance of Adult Use Licenses.

113. Plaintiffs do not have an adequate remedy at law for Defendants' continuing violations of the Act, including the illegal delays and licensing process to which Defendants continue to subject Plaintiffs.

114. An award of money damages will be insufficient to compensate Plaintiffs for the

irreparable harm they have suffered and continue to suffer.

115. The irreparable procedural injury that Plaintiffs have suffered and will continue to suffer cannot be adequately redressed without *mandamus* and injunctive relief. Plaintiffs have invested substantial time, money, and effort to timely comply with the statutory procedural requirements of the Act regarding the timely issuance of Adult Use Licenses. The process will continue to descend into chaos indefinitely and will continue to be untethered to the Act's requirements absent the Court ordering Defendants to comply with the Act and restraining Defendants from violating the Act.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment on Count I in favor of Plaintiffs and against Defendants and:

- a. issue a writ of *mandamus* compelling Defendants to implement the licensing process mandated by the Cannabis Regulation and Tax Act and to issue the initial round of Adult Use Licenses without further delay;
- b. enter a temporary restraining order, preliminary injunction, and permanent injunction that restrains Defendants from implementing a license process that violates the Act and from further delaying the issuance of the initial round of Adult Use Licenses; and,
- c. award Plaintiffs such other and further relief that is just and reasonable under the circumstances.

COUNT II

For a Writ of *Mandamus* Barring Defendants from Issuing “Supplemental Deficiency Notices” and Affording Applicants New Opportunities to “Submit Additional Information” or to “Request A Rescore”

116. Plaintiffs incorporate and restate the allegations stated in paragraphs 1 through 115 above.

117. Plaintiffs have an unequivocal, clearly ascertainable right to participate in an application process for Adult Use Licenses that complies with the Act's requirements.

118. Defendants unequivocally have a ministerial and mandatory duty to comply with the procedural requirements for Adult Use License applications that are set forth in the Act.

119. Defendants unequivocally have the authority to implement the process specified in the Act for issuing Adult Use Licenses.

120. Under section 15-30 of the Act (410 ILCS 705/15-30), a deficiency notice may be issued only before, not after, the Department scores applications, and it may be used only to notify applicants that their applications are incomplete and will not be scored unless completed within 10 calendar days.

121. The Act remains in full force and effect.

122. Nothing in the Act allows a deficiency notice to be issued after the Department reviews and scores the applications.

123. Nothing in the Act allows a deficiency notice to invite an applicant to submit additional information after the application has been scored.

124. Nothing in the Act allows a deficiency notice to invite an applicant to submit additional information more than 10 days from the issuance of the notice.

125. Nothing in the Act allows a deficiency notice to invite an applicant to request a "rescore."

126. Nothing in the Act contemplates the use of a deficiency notice to give applicants who have already received scores an opportunity to enhance their existing scores.

127. Instead of following the application process mandated by the Act, Defendants are improvising a new process that departs substantially from and violates the statutory requirements

of the Act because of political pressures. *See* Exhibits 4 and 5.

128. Defendants have announced their intention to issue “supplemental deficiency notices” post-scoring, and on information and belief, have issued or will imminently issue “supplemental deficiency notices” post-scoring. *See* Exhibits 4 and 5.

129. The “supplemental deficiency notices” will invite lower-scoring applicants to submit supplemental information in support of their applications after the scoring process has been completed and “at least” 10 days after issuance of the supplemental deficiency notices. *See* Exhibits 4 and 5.

130. The “supplemental deficiency notices” also will invite lower-scoring applicants to request a “rescore” of their applications. *See* Exhibits 4 and 5.

131. By willfully violating the Act and attempting to create a new application process on their own for political reasons, Defendants are encroaching on the General Assembly’s constitutional function and are violating the separation of powers mandated by Article II, §1 of the Illinois Constitution.

132. Plaintiffs are likely to succeed on the merits of the claim for a writ of *mandamus* against Defendants.

133. Plaintiffs have suffered and will continue to suffer unfair prejudice and irreparable harm, including without limitation an irreparable procedural injury, in the absence of *mandamus*, temporary injunctive, preliminary injunctive, and permanent injunctive relief.

134. In the absence of *mandamus* and injunctive relief, Defendants will issue “supplemental deficiency notices” that violate the Act and will continue to illegally subject Plaintiffs to a licensing process that violates the Act.

135. Additionally, Plaintiffs will be forced to continue to participate in an illegal adult

use licensing scheme that flagrantly violates the requirements of the Act, and Plaintiffs will be forced to continue to incur further illegal delays and irreparable harm regarding the issuance of Adult Use Licenses.

136. Defendants will not suffer unfair prejudice or irreparable harm if the Court restrains Defendants from issuing illegal “supplemental deficiency notices” that violate the Act and orders them to comply with the deadlines and requirements set forth in the Act regarding the issuance of Adult Use Licenses.

137. Plaintiffs do not have an adequate remedy at law for Defendants’ continuing violations of the Act, including the illegal issuance of “supplemental deficiency notices” and a licensing process in violation of the Act to which Defendants continue to subject Plaintiffs.

138. The irreparable procedural injury that Plaintiffs have suffered and will continue to suffer cannot be adequately redressed without *mandamus* and injunctive relief. Plaintiffs have invested substantial time, money, and effort to timely apply for the timely issuance of an Adult Use License in compliance with the requirements of and statutory procedures set forth in the Act.

139. An award of money damages will be insufficient to compensate Plaintiffs for the irreparable procedural injuries they have suffered and continue to suffer. The illegal process Defendants have implemented will continue to descend into chaos and will continue to be untethered to the Act’s requirements absent the Court ordering Defendants to comply with the Act and restraining Defendants from violating the Act.

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment on Count II in favor of Plaintiffs and against Defendants and:

- a. issue a writ of *mandamus* compelling Defendants to implement the licensing process mandated by the Cannabis Regulation and Tax Act and to issue the initial

round of Adult Use Licenses without further delay and prohibiting the Defendants from issuing “supplemental deficiency notices” to lower-scoring applicants, from inviting or entertaining supplemental information in support of already-scored applications, or from inviting or entertaining requests to “rescore” already-scored applications.

- b. enter a temporary restraining order, preliminary injunction, and permanent injunction that restrains Defendants from issuing “supplemental deficiency notices” to lower-scoring applicants, from inviting or entertaining supplemental information in support of already-scored applications, or from inviting or entertaining requests to “rescore” already-scored applications; and,
- c. award Plaintiffs such other and further relief that is just and reasonable under the circumstances.

Dated: October 27, 2020

SB IL LLC, and
VERTICAL MANAGEMENT LLC

By: /s/ Patrick E. Dwyer III

Patrick E. Dwyer III (ARDC No. 6269688)
444 N. Northwest Highway
Suite 153
Park Ridge, IL 60068
(312) 782-7482
Fax: (312) 782-7433
pdwyer3@dwyercoogan.com

Respectfully submitted,

GRI HOLDINGS, LLC

By: /s/ John M. Fitzgerald

Gino L. DiVito (ARDC No. 643831)
Daniel L. Stanner (ARDC No. 6210770)
John M. Fitzgerald (ARDC No. 6282859)
Jacob B. Berger (ARDC No. 6318332)
TABET DIVITO & ROTHSTEIN LLC
209 South LaSalle St., 7th Floor
Chicago, IL 60604
(312) 762-9450
Fax: (312) 762-9451
gdivito@tdrlawfirm.com
dstanner@tdrlawfirm.com
jfitzgerald@tdrlawfirm.com
jberger@tdrlawfirm.com

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the factual statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Ahmad Joudeh

Ahmad Joudeh, on behalf of
SB IL LLC

VERIFICATION

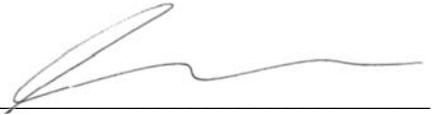
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the factual statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ David Scott

David Scott, on behalf of
Vertical Management LLC

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the factual statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.



Gabriel Martinez, on behalf of
GRI Holdings, LLC

EXHIBIT 1



FILED
INDEX DEPARTMENT
APR 30 2020
IN THE OFFICE OF
SECRETARY OF STATE

April 30, 2020

Executive Order 2020-34

EXECUTIVE ORDER IN RESPONSE TO COVID-19
(COVID-19 EXECUTIVE ORDER NO. 32)

WHEREAS, Coronavirus Disease 2019 (COVID-19) has rapidly spread throughout Illinois in a short period of time, necessitating stringent guidance from federal, state, and local public health officials and significant measures to respond to the increasing public health disaster; and,

WHEREAS, COVID-19 spreads among people through respiratory transmissions and presents with symptoms similar to those of influenza; and,

WHEREAS, on March 9, 2020, I, JB Pritzker, Governor of Illinois, declared all counties in the State of Illinois as a disaster area (the First Gubernatorial Disaster Proclamation) in response to the outbreak of COVID-19; and,

WHEREAS, on April 1, 2020, I declared all counties in the State of Illinois as a disaster area on April 1, 2020 (the Second Gubernatorial Disaster Proclamation) in response to the exponential spread of COVID-19; and,

WHEREAS, on April 30, 2020, due to the expected continuing spread of COVID-19 and the resulting health impacts across the State, as well as the need to address the potential shortages of hospital beds, ICU beds, ventilators, personal protective equipment and materials for testing for the virus, I declared all counties in the State of Illinois as a disaster area (the Third Gubernatorial Disaster Proclamation, and, together with the First and Second Gubernatorial Disaster Proclamations, the Gubernatorial Disaster Proclamations); and,

WHEREAS, the Cannabis Regulation and Tax Act, 410 ILCS 705/15-25(a), requires the Illinois Department of Financial and Professional Regulation (IDFPR) to issue up to 75 Conditional Adult Use Dispensing Organization Licenses by May 1, 2020; and,

WHEREAS, the Cannabis Regulation and Tax Act, 410 ILCS 705/15-5 et. seq., and the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130, also require IDFPR to issue medical and adult use cannabis dispensing organization agent identification cards within specified time frames, and require medical and adult use cannabis dispensing organization agents to acquire a dispensing organization agent identification card prior to beginning work in a dispensary; and

WHEREAS, Executive Order 2020-32, requires Illinoisans stay at home to the greatest extent possible, other than for essential activities, essential governmental functions, or to operate essential businesses and operations; and,

WHEREAS, medical and adult use cannabis dispensaries licensed pursuant to the Cannabis Regulation and Tax Act, 401 ILCS 705/1-1, are Essential Businesses and Operations for purposes of Executive Order 2020-32; and,

WHEREAS, the COVID-19 outbreak has created delays in the application review process and impacted IDFPR's ability to issue the 75 Conditional Adult Use Dispensing Organization Licenses by May 1, 2020, and to issue medical and adult use cannabis dispensing organization agent identification cards in a timely manner;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to Sections 7(1) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, I hereby order the following:

Section 1. During the duration of the Gubernatorial Disaster Proclamations, or until IDFPR otherwise announces a new date no later than the termination of the Gubernatorial Disaster Proclamations, the requirement pursuant to 410 ILCS 705/15-25(a) that IDFPR issue up to 75 Conditional Adult Use Dispensing Organization Licenses before May 1, 2020, is suspended. This statutory provision is suspended only with respect to the requirement that such licenses be issued by May 1, 2020. IDFPR shall provide notice to the public of the date such licenses will be issued.

Section 2. During the duration of the Gubernatorial Disaster Proclamations, the following provisions of the Cannabis Regulation and Tax Act, 410 ILCS 705, and the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130, and the implementing regulations are hereby suspended as follows:

- a. The requirements that IDFPR approve or deny an application for a medical or adult use cannabis dispensing organization agent identification card within 30 days of receiving a completed application or renewal application and issue a dispensing organization agent identification card to a qualifying agent within 15 business days of approving the application or renewal pursuant to 410 ILCS 130/120(a) and 410 ILCS 705/15-40(a) are suspended; and,
- b. The requirement that an adult use cannabis dispensing organization agent must obtain an agent identification card from IDFPR prior to beginning work at a dispensary pursuant to 410 ILCS 705/15-60(k) is suspended, provided that the dispensing organization agent receives written confirmation from IDFPR that the dispensing organization agent has submitted a completed application to IDFPR prior to beginning work at a dispensary; and,
- c. The requirements that a medical or adult use cannabis dispensing organization agent must keep an agent identification card visible at all times when in the dispensary pursuant to 410 ILCS 130/210(b) and 410 ILCS 705/15-40(b) is suspended, provided that the dispensing organization agent has written confirmation from IDFPR that the dispensing organization agent had submitted a completed application to IDFPR prior to beginning work at a dispensary; and,
- d. The requirement that an adult use dispensing organization shall ensure that each dispensing organization agent has a current agent identification card in the agent's immediate possession when the agent is at the dispensary pursuant to 410 ILCS 705/15-65(d) is suspended, provided that the dispensing organization shall ensure that the dispensing organization agent complies with parts (b) and (c) of this Section; and,
- e. The requirements that a medical or adult use cannabis dispensing organization agent enter their agent registration number into the State verification system when making a sale pursuant to 68 Ill. Admin. Code 1290.430(d)(6)(A) and 1290.431(b)(5)(A), and 410 ILCS 705/15-85(a)(4)(i), are suspended provided that the dispensing organization agent enters necessary information into the State verification system to track and retain the identity of the agent making the sale; and,
- f. Parts (b) through (e) of this Section shall not apply to a dispensing organization principal officer, as defined in 410 ILCS 705/1-10, or an agent-in-charge, as required in 410 ILCS 705/15-95.

Section 3. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect

any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.



JB Pritzker

Issued by the Governor April 30, 2020
Filed by the Secretary of State April 30, 2020

FILED
INDEX DEPARTMENT
APR 30 2020
IN THE OFFICE OF
SECRETARY OF STATE

EXHIBIT 2

Top Scoring Applicants by BLS region (REVISED)

Conditional Adult Use Dispensing Organization Licenses

September 3, 2020

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

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

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

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

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

EXHIBIT 3



SPRINGFIELD, ILLINOIS

FILED
INDEX DEPARTMENT
SEP 18 2020
IN THE OFFICE OF
SECRETARY OF STATE

September 18, 2020

Executive Order 2020-55

EXECUTIVE ORDER 2020-55
(COVID-19 EXECUTIVE ORDER NO. 51)

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 270,000 and growing, and taking the lives of thousands of residents; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, in addition to causing the tragic loss of more than 8,400 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, on September 18, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-41, 2020-42, 2020-43, 2020-45, 2020-47, 2020-50, 2020-51, and 2020-54 and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois

Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective September 18, 2020:

Part 1: Re-Issue of Executive Orders.

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-41, 2020-42, 2020-43, 2020-45, 2020-47, 2020-50, 2020-51, and 2020-54 hereby are re-issued by this Executive Order 2020-55 as follows:

Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **October 17, 2020**. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

Executive Order 2020-07 (In-person meeting requirements):

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **October 17, 2020**.

Executive Order 2020-08 (Secretary of State operations):

Sections 3, 4, and 5 of Executive Order 2020-08, as amended by Executive Order 2020-39 and Executive Order 2020-44, are re-issued and extended through **October 17, 2020**.

Executive Order 2020-09 (Telehealth):

Executive Order 2020-09, as amended by Executive Order 2020-52, is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-11 (Illinois Department of Corrections notification period):

Section 4 of Executive Order 2020-11 is re-issued and extended through **October 17, 2020**.

Executive Order 2020-12 (Health care worker background checks; Illinois Department of Juvenile Justice notification period):

Sections 1 and 3 of Executive Order 2020-12 are re-issued and extended through **October 17, 2020**.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through **October 17, 2020**.

Executive Order 2020-16 (Suspension of classroom training requirement for security services):

Section 2 of Executive Order 2020-16 is re-issued and extended through **October 17, 2020**.

Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

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SECRETARY OF STATE

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-22 (Placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):

Sections 4, 5, and the Savings Clause of Executive Order 2020-22 are re-issued and extended through **October 17, 2020**.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

Executive Order 2020-24 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-25 (Garnishment and wage deductions):

Executive Order 2020-25, as amended and revised below, is re-issued in its entirety and extended through **October 17, 2020**.

Section 1. During the duration of the Gubernatorial Disaster Proclamations, the provisions of Sections 5/12-705, 5/12-805, and 5/2-1402 of the Illinois Code of Civil Procedure, 735 ILCS 5/12-705, 735 ILCS 5/12-805, and 735 ILCS 5/2-1402, that permit the service of a garnishment summons, wage deduction summons, or a citation to discover assets on a consumer debtor or consumer garnishee, are suspended.

Section 2. Notwithstanding the foregoing, nothing in this Executive Order shall be construed to apply to domestic support obligations, including child support and spousal maintenance obligations, or to any proceeding pursuant to the Illinois Wage Payment and Collection Act, 820 ILCS 115, Minimum Wage Law, 820 ILCS 105, or the Prevailing Wage Act, 820 ILCS 130.

Executive Order 2020-26 (Hospital capacity):

Sections 2(e), 6, 7, 8, 9, and 10 of Executive Order 2020-26 are re-issued and extended through **October 17, 2020**.

Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-28 (Industrial radiography certifications):

Executive Order 2020-28, as amended and revised below, is re-issued in its entirety and extended through **October 17, 2020**.

Section 2. For any industrial radiography certification or industrial radiography trainee certification that expired or will expire during the period of the Gubernatorial Disaster Proclamations, IEMA-DNS may administratively extend terms of existing certifications for industrial radiographers and industrial radiographer trainees in 90-day increments, not to exceed a maximum period of ~~six~~ nine months beyond the initial 5 or 2 year term, to allow individuals time to meet the examination criteria. Industrial radiographers and industrial radiographer trainees shall meet all other requirements as set forth by IEMA-DNS.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-30 (Filing of residential eviction actions; enforcement of residential eviction orders; expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Executive Order 2020-30, as amended by Executive Order 2020-48 and Executive Order 2020-52, is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-34 (Cannabis requirements):

Executive Order 2020-34 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-35 (Illinois Department of Public Health regulatory activities):

Sections 14, 15, 16, and 17 of Executive Order 2020-35 are re-issued and extended through **October 17, 2020**.

Executive Order 2020-36 (Marriage licenses):

Executive Order 2020-36 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-41 (Sports wagering):

Executive Order 2020-41 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-42 (State Fairs):

Executive Order 2020-42 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-43 (Phase 4 Community Revitalization Order):

Executive Order 2020-43, as amended and revised below, is re-issued in its entirety and extended through **October 17, 2020**.

4. Exemptions.

- a. **Free exercise of religion.** This Executive Order does not limit the free exercise of religion. To protect the health and safety of faith leaders, staff, congregants and visitors, religious organizations and houses of worship are encouraged to consult and follow the recommended practices and guidelines from the Illinois Department of Public Health. As set forth in the IDPH guidelines, the safest practices for religious organizations at this time are to provide services online, in a drive-in format, or outdoors (and consistent with social distancing requirements and guidance regarding wearing face coverings), and to limit

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indoor services to 10 people. Religious organizations are encouraged to take steps to ensure social distancing, the use of face coverings, and implementation of other public health measures.

- b. **Emergency functions.** All first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement and corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for or to support the emergency response are exempt from this Executive Order, but are encouraged to practice social distancing and take recommended public health measures.
- c. **Governmental functions.** This Executive Order does not apply to the United States government and does not affect services provided by the State or any municipal, township, county, subdivision or agency of government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public.
- d. **Election-related functions.** This Executive Order does not apply to any election authority, polling place, or individual while performing duties related to or voting in the 2020 General Election. Statewide public health-related procedures for the 2020 General Election are set forth in the Illinois Department of Public Health's Guidance for Preventing the Spread of COVID-19 in Election Polling Locations, available at <https://www.dph.illinois.gov/2020election>.

Executive Order 2020-45 (Cannabis licenses):

Executive Order 2020-45 is re-issued in its entirety and shall remain in effect as specified by Executive Order 2020-45.

Executive Order 2020-47 (In-person instruction at preK-12 schools):

Executive Order 2020-47 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-50 (Resuming transfers from county jails to Illinois Department of Corrections):

Executive Order 2020-50 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-51 (Metro East region mitigation):

Executive Order 2020-51 is re-issued in its entirety and extended through **October 17, 2020**.

Executive Order 2020-54 (Additional Metro East mitigation):

Executive Order 2020-54 is re-issued in its entirety and extended through **October 17, 2020**.

Part 2: Rescission of Executive Orders. Executive Order 2020-53 is hereby rescinded.

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Part 3: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.


JB Pritzker, Governor

Issued by the Governor September 18, 2020
Filed by the Secretary of State September 18, 2020

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EXHIBIT 4

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

Illinois.gov (/)

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Illinois News

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

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

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

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

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

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

IDFPR will review all timely responses to the supplemental deficiency notices and will issue a final score for each application. The Department will then conduct the lottery for Conditional Licenses in accordance with its tiebreaker rules. The Department will provide detailed instructions for applicants, including all deadlines, in the coming weeks.

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

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

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

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

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

Under this new law, 25% of revenues collected from recreational cannabis sales are being directed to communities that have been disproportionately impacted by the justice system through the Restore, Reinvest and Renew (R3) Program. The innovative R3 program recently announced \$31.5 million in grant opportunities to organizations working in historically underserved communities across Illinois.

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

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

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EXHIBIT 5



Illinois Department of Financial and Professional Regulation

Office of the Secretary

JB PRITZKER
Governor

DEBORAH HAGAN
Secretary

September 22, 2020

Conditional Adult Use Dispensing Organization License Supplemental Deficiency Notice Process

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT 6



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IN THE OFFICE OF
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October 16, 2020

Executive Order 2020-59

EXECUTIVE ORDER 2020-59
(COVID-19 EXECUTIVE ORDER NO. 55)

WHEREAS, since early March 2020, Illinois has faced a pandemic that has caused extraordinary sickness and loss of life, infecting over 335,000 and growing, and taking the lives of thousands of residents; and,

WHEREAS, as Illinois adapts and responds to the public health disaster caused by Coronavirus Disease 2019 (COVID-19), a novel severe acute respiratory illness that spreads rapidly through respiratory transmissions and that continues to be without an effective treatment or vaccine, the burden on residents, healthcare providers, first responders, and governments throughout the State is unprecedented; and,

WHEREAS, at all times but especially during a public health crisis, protecting the health and safety of Illinoisans is among the most important functions of State government; and,

WHEREAS, public health research and guidance indicates the necessity and efficacy of wearing cloth face coverings in public settings where social distancing measures are difficult to maintain, and indicates that the risk of transmission outdoors is less than the risk of transmission indoors; and,

WHEREAS, public health guidance advises that minimizing physical interactions between people who do not reside in the same household is critical to slowing the spread of COVID-19; and,

WHEREAS, as COVID-19 has spread in Illinois over the course of the Gubernatorial Disaster Proclamations, the circumstances causing a disaster throughout the State have changed and continue to change, making definitive predictions of the course the virus will take over the coming months extremely difficult; and,

WHEREAS, access to housing helps prevent spread of COVID-19 because individuals with housing are able to minimize physical contact with those outside their households; and,

WHEREAS, temporarily halting eviction proceedings avoids numerous interactions associated with being evicted, including with law enforcement officers, courtroom personnel, landlords, movers, and friends and family who agree to provide temporary housing, as well as, for those who are forced into homelessness, the interactions associated with taking refuge in a shelter; and,

WHEREAS, preventing spread by temporarily halting eviction proceedings thus also prevents spread of COVID-19 in the broader community; and,

WHEREAS, in addition to causing the tragic loss of more than 9,150 Illinoisans and wreaking havoc on the physical health of tens of thousands more, COVID-19 has caused extensive economic loss and continues to threaten the financial welfare of a significant number of individuals and businesses across the nation and the State; and,

WHEREAS, on October 16, 2020, considering the expected continuing spread of COVID-19 and the ongoing health and economic impacts that that will be felt over the coming month by people across the State, I declared all counties in the State of Illinois as a disaster area; and,

WHEREAS, in response to the epidemic emergency and public health emergency described above, I find it necessary to re-issue Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-41, 2020-42, 2020-43, 2020-45, 2020-47, 2020-50, 2020-53, 2020-56, and 2020-57 and hereby incorporate the WHEREAS clauses of those Executive Orders;

THEREFORE, by the powers vested in me as the Governor of the State of Illinois, pursuant to the Illinois Constitution and Sections 7(1), 7(2), 7(3), 7(8), 7(9), and 7(12) of the Illinois Emergency Management Agency Act, 20 ILCS 3305, and consistent with the powers in public health laws, I hereby order the following, effective October 16, 2020:

Part 1: Re-Issue of Executive Orders.

Executive Orders 2020-03, 2020-04, 2020-07, 2020-08, 2020-09, 2020-11, 2020-12, 2020-15, 2020-16, 2020-17, 2020-20, 2020-21, 2020-22, 2020-23, 2020-24, 2020-25, 2020-26, 2020-27, 2020-28, 2020-29, 2020-30, 2020-34, 2020-35, 2020-36, 2020-41, 2020-42, 2020-43, 2020-45, 2020-47, 2020-50, 2020-53, 2020-56, and 2020-57 hereby are re-issued by this Executive Order 2020-59 as follows:

Executive Order 2020-04 (Closure of James R. Thompson Center; waiver of sick leave requirement for State employees):

Sections 2 and 3 of Executive Order 2020-04 are re-issued and extended through **November 14, 2020**. Nothing in Section 2 precludes the Department of Central Management Services from designating specific points of ingress and egress and controlling traffic flow in the James R. Thompson Center for State employees, members of the public attending to State business, and members of the public patronizing the businesses and food court.

Executive Order 2020-07 (In-person meeting requirements):

Section 6 of Executive Order 2020-07, as amended by Executive Order 2020-33 and Executive Order 2020-44, is re-issued and extended through **November 14, 2020**.

Executive Order 2020-08 (Secretary of State operations):

Sections 3, 4, and 5 of Executive Order 2020-08, as amended by Executive Order 2020-39 and Executive Order 2020-44, are re-issued and extended through **November 14, 2020**.

Executive Order 2020-09 (Telehealth):

Executive Order 2020-09, as amended by Executive Order 2020-52, is re-issued in its entirety and extended through **November 14, 2020**.

Executive Order 2020-11 (Illinois Department of Corrections notification period):

Section 4 of Executive Order 2020-11 is re-issued and extended through **November 14, 2020**.

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Executive Order 2020-12 (Health care worker background checks; Illinois Department of Juvenile Justice notification period):

Sections 1 and 3 of Executive Order 2020-12 are re-issued and extended through November 14, 2020.

Executive Order 2020-15 (Suspending provisions of the Illinois School Code):

Sections 5, 6, 7, 8, and 9 of Executive Order 2020-15 are re-issued and extended through November 14, 2020.

Executive Order 2020-16 (Suspension of classroom training requirement for security services):

Section 2 of Executive Order 2020-16 is re-issued and extended through November 14, 2020.

Executive Orders 2020-03 and 2020-17 (Cannabis deadlines and applications):

Executive Orders 2020-03 and 2020-17, as modified by Executive Order 2020-18, are re-issued and shall remain in effect as specified by Executive Order 2020-18.

Executive Order 2020-20 (Public assistance requirements):

Executive Order 2020-20 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-21 (Furlough of Illinois Department of Corrections inmates):

Executive Order 2020-21 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-22 (Placements under the Child Care Act of 1969; fingerprint submissions under Health Care Worker Background Check Act):

Sections 4, 5, and the Savings Clause of Executive Order 2020-22 are re-issued and extended through November 14, 2020.

Executive Order 2020-23 (Actions by the Illinois Department of Financial and Professional Regulation for licensed professionals engaged in disaster response):

Executive Order 2020-23 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-24 (Illinois Department of Human Services Forensic Treatment Program; investigations of Illinois Department of Human Services employees):

Executive Order 2020-24 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-25 (Garnishment and wage deductions):

Executive Order 2020-25, as amended by Executive Order 2020-55, is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-26 (Hospital capacity):

Sections 2(e), 6, 7, 8, 9, and 10 of Executive Order 2020-26 are re-issued and extended through November 14, 2020.

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Executive Order 2020-27 (Cadavers testing positive for COVID-19):

Executive Order 2020-27 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-28 (Industrial radiography certifications):

Executive Order 2020-28, as amended by Executive Order 2020-55, is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-29 (In-person education or exams for professional insurance licenses):

Executive Order 2020-29 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-30 (Filing of residential eviction actions; enforcement of residential eviction orders; expired consular identification documents; electronic filings for the Illinois Human Rights Commission):

Executive Order 2020-30, as amended by Executive Order 2020-48 and Executive Order 2020-52, is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-34 (Cannabis requirements):

Executive Order 2020-34 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-35 (Illinois Department of Public Health regulatory activities):

Sections 14, 15, 16, and 17 of Executive Order 2020-35 are re-issued and extended through November 14, 2020.

Executive Order 2020-36 (Marriage licenses):

Executive Order 2020-36 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-41 (Sports wagering):

Executive Order 2020-41 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-42 (State Fairs):

Executive Order 2020-42 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-43 (Phase 4 Community Revitalization Order):

Executive Order 2020-43, as amended by Executive Order 2020-55 and as further amended and revised below, is re-issued in its entirety and extended through November 14, 2020.

- b. **Requirements for retail stores.** Retail stores must ensure all employees practice social distancing and must take appropriate additional public health precautions, in accordance with DCEO guidance, which include:
- provide face coverings to all employees who are not able to maintain a minimum six-foot social distance from customers and other employees at all times;

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- cap occupancy at 50 percent of store capacity, or, alternatively, at the occupancy limits based on store square footage set by the Department of Commerce and Economic Opportunity; and
- communicate with customers through in-store signage, and public service announcements and advertisements, about the social distancing and face covering requirements set forth in this Order; and
- ~~discontinue use of reusable bags.~~

Executive Order 2020-45 (Cannabis licenses):

Executive Order 2020-45 is re-issued in its entirety and shall remain in effect as specified by Executive Order 2020-45.

Executive Order 2020-47 (In-person instruction at preK-12 schools):

Executive Order 2020-47 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-50 (Resuming transfers from county jails to Illinois Department of Corrections):

Executive Order 2020-50 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-53 (Region 7 mitigations):

Executive Order 2020-53 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-56 (Region 1 mitigations):

Executive Order 2020-56 is re-issued in its entirety and extended through November 14, 2020.

Executive Order 2020-57 (Cannabis identification cards):

Executive Order 2020-57 is re-issued in its entirety and extended through November 14, 2020.

Part 2: Savings Clause. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.


JB Pritzker, Governor

Issued by the Governor October 16, 2020
Filed by the Secretary of State October 16, 2020

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