



**COLORADO**

**Department of Revenue**

Enforcement Division – Marijuana  
1707 Cole Blvd., Suite 300  
Lakewood, CO 80401

January 11, 2021

Joshua Aaron Pennington

License Type: Owner- Individual  
License # M118848

Dear Joshua Aaron Pennington,

The purpose of this correspondence is to inform you that on January 11, 2021 you were found suitable to be a Controlling Beneficial Interest owner in any business licensed by the Marijuana Enforcement Division (MED). You are now eligible to apply for an ownership interest in a Colorado marijuana establishment. Per rule 2-235(A)(1) – “Except as provided in subparagraph (A)(1)(a), any Person intending to become a Controlling Beneficial Owner by submitting an initial application for any Regulated Marijuana Business that is not a Publicly Traded Corporation must first submit a request to the State Licensing Authority for a finding of suitability.”

To join the ownership of an existing Colorado Regulated Marijuana Business, the owner(s) of the existing establishment/business are required to submit this letter of suitability, a Regulated Marijuana Business License Change of Controlling Beneficial Owner application, supporting documents and applicable fees to the MED for approval. If you wish to open a new Colorado Regulated Marijuana Business, you must submit a complete Regulated Marijuana Business License application, accompanied with all applicable fees and all supporting documents, along with this letter of suitability.

Sincerely,

James Burack  
Division Director

**Colorado Marijuana Enforcement Division****Natural Person – Finding of Suitability Application Instructions****APPLICATION CHECKLIST** **1 Application Type**

Owner: Any Natural Person who holds 10% interest or more of the Owner's interest of a RMB; Executive Officer, Manager or any other Person or affiliate that is otherwise in a position to execute Control of the RMB.

 **2 Application Fully Completed**

Type or clearly print, in English, an answer to every question. If a question does not apply, indicate with an N/A. If the available space is insufficient, continue on a separate sheet and precede each answer with the appropriate title. Sign and date the application. **Attach a copy of your state issued or Government ID (i.e. passport) or driver's license.**

**Notice:** You are required by state law to provide your social security number. If you do not have a social security number, you must complete a sworn statement stating you do not have a social security number.

 **3 Application Contents**

- Disclosure Requirements
- Main Application
- Authorization Forms
- Fingerprint Verification Form
- IdentoGo Instructions

The disclosure requirements and the main application must be completed in full by all applicants.

 **4 All Forms Signed and Attached**

The following accompanying forms must be completed, signed and returned with the application:

- Affidavit- Restrictions on Public Benefits
- Affirmation and Consent
- Tax Check Authorization and Request to Release Information
- Investigation Authorization / Authorization to Release Information
- Applicant's Request to Release Information

 **5 Required Disclosures**

- See Suitability Required Disclosures (page 1 of application)
- Upon request by the Division, an applicant must provide additional information or documents required to process and investigate the application within seven (7) days of the request. Please note: This deadline may be extended for a period of time commensurate with the scope of the request.

 **6 Application and License Fees**

All applications and documentation submitted must be single-sided and on 8.5x11 inch paper.

See fee table on website: [www.colorado.gov/revenue/med](http://www.colorado.gov/revenue/med)

Application fees remitted to the State Licensing Authority and/or the Department of Revenue are non-refundable.

- Submit complete hard copy application packet.
- Cash, checks (in the name of the applicant or applicants attorney's trust account), money orders and major credit cards (subject to service charge).
- Mail-in applications can only be paid by check or money order

 **7 Application Submittal**

Applications can be submitted in person or by mail with all attachments and requisite fees to:

Marijuana Enforcement Division  
1707 Cole Blvd., Suite 300  
Lakewood, CO 80401  
ATTN: Business Licensing

**NOTE: Incomplete applications will not be processed. Applicants must collect the incomplete application and fees (including those mailed in or delivered via courier), from the Lakewood Office prior to the end of the next business day.**

### Suitability Required Disclosures

**What type of application will this suitability be associated with?**

- New Business (All required Findings of Suitability must first be obtained prior to any new business application submission).
- Change of Ownership with license # \_\_\_\_\_  
(Applications for Finding of Suitability associated with Change of Ownership applications must be submitted at the same time).
- Change of Ownership Exemption with license # \_\_\_\_\_

Provide 180 days of account statements used to acquire ownership or proof of ownership, for 180 days, of other assets being used to secure ownership interest.

Provide a copy of a State issued or Government ID (state issued Driver's License, state issued ID or Government issued passport)

Fingerprint information (see instructions provided in the application)

**Glossary of Terms:**

**RMB** - Regulated Marijuana Business

**CBO** - Controlling Beneficial Owner

**PBO** - Passive Beneficial Owner

**IFIH** - Indirect Financial Interest Holder

**QII** - Qualified Institutional Investor

**QPF** - Qualified Private Fund

**PTC** - Publicly Traded Company

Pursuant to 44-10-305(4) prior to submitting an application for a license, registration or permit, the applicant needs to be aware that having a medical marijuana or retail marijuana license and working in the medical marijuana or retail marijuana industry may have adverse federal immigration consequences.

**Affirmation of complete application**

Signature	Printed Name Joshua A. Pennington	Date 11-2-2020
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Marijuana License Number (Leave Blank)

## Natural Person Finding of Suitability Application Form

Applicant's Last Name (Please Print) <b>Pennington</b>		First Name (Please Print) <b>Joshua</b>		Full Middle Name <b>Aaron</b>	
Maiden/Married Names Used (Full Name) <small>(Attach separate sheet if necessary)</small>			Nicknames, Aliases, Etc. Used (Full Name) <small>(Attach separate sheet if necessary)</small>		
Gender <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> X	Race <input type="checkbox"/> Asian <input type="checkbox"/> Mixed Race <input type="checkbox"/> Black <input type="checkbox"/> Native American <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Undisclosed/Unknown				
Date of Birth	Social Security Number	Government Issued ID & Jurisdiction <b>CO Driver's License</b>			
Place of Birth: City		State/Prov	Country		
Physical Appearance ⇄	Height	Weight	Hair Color	Eye Color	
U.S. Citizen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	*If "No", List Country of Citizenship				
<b>Physical Address</b>					
Address (include unit or apartment number)		City	County	State/Prov	ZIP
Length of time at this Address: Year(s)      Month(s)		Home Phone Number	Cell Phone Number	Email Address	
<b>Mailing Address (if different from Physical Address)</b>					
Address (include unit or apartment number)		City	State/Prov	ZIP	
<b>Why are you applying for this application? (Check one of the following):</b>					
<input type="checkbox"/> CBO <input type="checkbox"/> PBO <input checked="" type="checkbox"/> Executive Officer <input type="checkbox"/> Manager <input type="checkbox"/> Reasonable Cause					
Position Held <b>Chief Operating Officer</b>					
Name of Marijuana Business Associated with <b>Igadi, Ltd.</b>		Marijuana Business Phone Number	Marijuana Business Contact Name <b>David Michel</b>		
Marijuana Business Address <b>4891 Independence Street, Unit 270</b>		City <b>Wheat Ridge</b>	State <b>CO</b>	ZIP <b>80033</b>	
Applicant's Signature				Date <b>11-2-2020</b>	

Applicant's Last Name (Please Print) Pennington	First Name (Please Print) Joshua	Full Middle Name Aaron
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**NOTICE:** The Finding of Suitability Application Form is an official document. If you provide false information on your marijuana license application and/or do not disclose all information the application asks, your license is subject to denial, and you may be subject to criminal prosecution. The Marijuana Enforcement Division will conduct a complete background investigation and will check all sources of information.

1. Have you been <b>convicted</b> of a felony in the 3 years immediately preceding this application? (Unless charge was prior to age 18 and was adjudicated as a juvenile)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Are you currently subject to a sentence for a felony conviction, including probation or parole? (Unless charge was prior to age 18 and was adjudicated as a juvenile)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Are you currently subject to a deferred judgment? (Unless charge was prior to age 18 and was adjudicated as a juvenile)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Have you failed to remedy an outstanding delinquency for any judgments, taxes, interest or penalties due to the Department of Revenue, relating to a Regulated Marijuana Business?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Are you a licensed Physician making marijuana patient recommendations? <b>(Medical Only)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Have you had your authority to act as a primary caregiver revoked by the State Health Agency? <b>(Medical Only)</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
7. Are you under 21 years of age at the time of this application?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8. Are you a sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or employee with the marijuana state licensing authority or a local licensing authority?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9. Are you a Person that is a "Bad Actor" under rule 506(d) promulgated pursuant to the Federal "Securities Act of 1933", as amended and subject to 17CFR230.506(d)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10. Are you a person that is prohibited from engaging in transactions pursuant to this Article 10, due to its designation on the "Specially Designated Nationals and Block Person" list maintained by the Federal Office of Foreign Assets Control?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

I have thoroughly read and understand the questions above, and understand that I **cannot** hold a Colorado Marijuana license if I answered "Yes" to any of the questions above.

Applicant's Signature 	Date 11-2-2020
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Applicant's Last Name (Please Print) Pennington	First Name (Please Print) Joshua	Full Middle Name Aaron
<b>Licensing</b>		
<p>1. Provide a list of any privileged or professional licenses, with license numbers, you have held within the last three (3) years prior to the submission of the Finding of Suitability Application. List those that were issued by the Colorado Department of Revenue or the Department of Regulatory Agencies, including all marijuana licenses.</p> <p style="text-align: center;">M90415</p>		<input type="checkbox"/> None
<p>2. Have you or any business entity owned by you, ever owned or applied for a Marijuana license in this or any other jurisdiction, foreign or domestic? If so, have you ever been subject to any of the following actions: (1) denial; (2) surrender; (3) order to show cause; (4) suspension; (5) revocation; (6) stipulation or settlement. <b>If YES, provide details on a separate sheet, including jurisdiction, type of action, and date of action.</b></p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>3. Do you now own, have ever owned, or otherwise derive(d) a benefit from assets held outside the United States (other than Canada)?</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>4. Has a complaint, judgment, consent decree, settlement or other disposition related to a violation of federal, state or similar foreign security law or regulation ever been filed or entered against you or a business entity? If YES, explain on a separate sheet of paper.</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>5. Have you or are you involved in a civil lawsuit in regards to a marijuana business? If YES, provide details on a separate piece of paper.</p>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>6. List any sanctions, penalties, assessments, or cease and desist orders imposed by any securities regulatory agency, other than the United States Securities and Exchange Commission. (Provide on a separate sheet.)</p>		

Applicant's Last Name (Please Print) Pennington	First Name Joshua	Full Middle Name Aaron
<b>Financial History</b>		
If known, please submit all executed agreements or documents that grant you any right to any percent of ownership or percent of income from the Colorado Marijuana business with which you are associated.		
1. Amount to otherwise be invested or loaned in business:	\$ 0	
2. Percentage of ownership this amount represents:	0%	
3. Investment will be derived from the following sources:		
4. Has your interest in this Marijuana establishment been assigned, pledged or hypothecated to any person, firm, or corporation, or has any agreement been entered into whereby your interest is to be assigned, pledged or sold, either in part or whole?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If YES, explain:		

<b>Income</b>	
Annual Income	
Salary (Source): Igadi, Ltd.	\$ _____
Salary (Source):	\$ _____
Interest (Source):	\$ _____
Interest (Source):	\$ _____
Dividends (Source):	\$ _____
Dividends (Source):	\$ _____
Other (Source): Elevated Holdings, Ltd.	\$ _____
Other (Source):	\$ _____
Total	\$ _____

Applicant's Initials





## Affidavit - Restrictions On Public Benefits

I, Joshua A. Pennington, swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- I am a United States citizen.
- I am not a United States citizen but I am a Permanent Resident of the United States.
- I am not a United States citizen but I am lawfully present in the United States pursuant to Federal law.
- I am a foreign national not physically present in the United States.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature

Date (MM/DD/YY)

11-2-2020



## Affirmation & Consent

I, Joshua A. Pennington, state under penalty for offering a false instrument for recording pursuant to 18-5-114 C.R.S. that the entire Natural Person Finding of Suitability Application Form, statements, attachments, and supporting schedules are true and correct to the best of my knowledge and belief, and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a Marijuana license by the State Licensing Authority. Further, I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for the denial of the Marijuana application. I am voluntarily submitting this application to the Colorado Marijuana Licensing Authority under oath with full knowledge that I may be charged with perjury or other crimes for intentional omissions and misrepresentations pursuant to Colorado law or for offering a false instrument for recording pursuant to 18-5-114 C.R.S. I further consent to any background investigation necessary to determine my present and continuing suitability and that this consent continues as long as I hold a Colorado Marijuana license.

**Note:** If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

**Print Full Legal Name of Applicant clearly below:**

Last Name of Applicant (Please Print) Pennington	First Name of Applicant Joshua	Middle Name of Applicant Aaron
Signature		Date 11-2-2020

**Confidential Document:** This document is the property of the Colorado Marijuana State Licensing Authority and the Colorado Marijuana Enforcement Division, and is provided for Official Use Only. This document may not be further reproduced nor its contents disclosed without the written permission of the Division or State Licensing Authority.

# Tax Check Authorization and Request To Release Information

I Joshua A. Pennington am signing this waiver on behalf of Joshua A. Pennington (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documents that would otherwise be confidential. If I am signing this waiver for someone other than myself, I certify that I have the authority to execute this waiver on behalf of the Applicant/Licensee.

The information and documentation obtained pursuant to this waiver will be used in connection with the Applicant/Licensee's application or licensure with the Colorado Marijuana Enforcement Division, which requires proof of compliance with certain tax obligations pursuant to several statutory provisions, including sections 44-10-202(1) and 44-10-307(1)(e), C.R.S. This waiver is made pursuant to section 39-21-113(4), C.R.S.; and any other similar law or ordinance concerning the confidentiality of tax returns and return information. This waiver shall be valid while the application is pending and, if the application is approved, (1) for one year from the date of licensure or; (2) if applying for an employee license under the medical marijuana code, for two years from the date of licensure. If the license is administratively continued pursuant to section 44-10-314, C.R.S., this waiver shall be valid until the state licensing authority takes final action to approve or deny the renewal of the license. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license.

Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority release the following information and supporting documentation to the Colorado Marijuana Enforcement Division, which is acting as Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to obtain the information specified below.

1. Whether the Applicant/Licensee has failed to file any state tax return with the Colorado Department of Revenue or any other state or local taxing authority by the required due date (determined with regard to any extension(s) of time for filing) for any tax year for which filing of a return might have been required.
2. Whether the Applicant/Licensee has failed to pay any tax, penalty, or interest liability within 30 days of the date on which the Colorado Department of Revenue or any other state or local taxing authority gave notice of the amount due and requested payment.
3. Whether the Applicant/Licensee has entered into a payment plan with the Colorado Department of Revenue or any other state or local taxing authority and whether Applicant/Licensee is current on any payments required by said payment plan.

Applicant/Licensee authorizes the Colorado Department of Revenue and any other state or local taxing authority to release any additional information or documentation necessary to answer the questions above. Applicant/Licensee authorizes the Colorado Marijuana Enforcement Division and its legal representatives to use the information and documentation obtained from the Colorado Department of Revenue and any other state or local taxing authority in any administrative action regarding the application or license. To assist the Colorado Department of Revenue and any other state or local taxing authority locate the tax records, Applicant/Licensee is voluntarily providing the following information (please type or print).

Applicant's Name (Individual/Business) <b>Joshua A. Pennington</b>		Social Security Number/Tax Identification Number	
Street Address	City	State	Zip Code
Home Telephone Number	Business/Work Telephone Number		
Legal Last Name (Please Print) <b>Pennington</b>	Legal First Name <b>Joshua</b>	Full Middle Name <b>Aaron</b>	
Applicant's Signature		Date <b>11-2-2020</b>	

# Investigation Authorization/Authorization to Release Information

I, Joshua A. Pennington, hereby authorize the Colorado Marijuana Licensing Authority, the Marijuana Enforcement Division, (hereafter, the Investigatory Agencies) to conduct a complete investigation into my personal background, using whatever legal means they deem appropriate. I hereby authorize any person or entity contacted by the Investigatory Agencies to provide any and all such information deemed necessary by the Investigatory Agencies. I hereby waive any rights of confidentiality in this regard. I understand that by signing this authorization, a financial record check may be performed. I authorize any financial institution to surrender to the Investigatory Agencies a complete and accurate record of such transactions that may have occurred with that institution, including, but not limited to, internal banking memoranda, past and present loan applications, financial statements and any other documents relating to my personal or business financial records in whatever form and wherever located. I authorize the release of this type of information, even though such information may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws. I understand that by signing this authorization, a criminal history check will be performed. I authorize the Investigatory Agencies to obtain and use from any source, any information concerning me contained in any type of criminal history record files, wherever located. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilt (i.e., dismissed charges, or charges that resulted in a not guilty finding). I understand that the information may contain listings of charges that resulted in suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged pursuant to law. I authorize the release of this type of information, even though this record may be designated as "confidential" or "nonpublic" under the provisions of state or federal laws.

The Investigatory Agencies reserve the right to investigate all relevant information and facts to their satisfaction. I understand that the Investigatory Agencies may conduct a complete and comprehensive investigation to determine the accuracy of all information gathered. However, the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado shall not be held liable for the receipt, use, or dissemination of inaccurate information. I, on behalf of the applicant, its legal representatives, and assigns, hereby release, waive, discharge, and agree to hold harmless, and otherwise waive liability as to the State of Colorado, Investigatory Agencies, and other agents or employees of the State of Colorado for any damages resulting from any use, disclosure, or publication in any manner, other than a willfully unlawful disclosure or publication, of any material or information acquired during inquiries, investigations, or hearings, and hereby authorize the lawful use, disclosure, or publication of this material or information. Any information contained within my application, contained within any financial or personnel record, or otherwise found, obtained, or maintained by the Investigatory Agencies, shall be accessible to law enforcement agents of this or any other state, the government of the United States, or any foreign country.

**Print Full Legal Name of Owner clearly below:**

Applicant's Legal Business Name		Trade Name (DBA)	
Last Name of Owner (Please Print) <b>Pennington</b>	First Name of Owner <b>Joshua</b>	Middle Name of Owner <b>Aaron</b>	
Signature			Date <b>11/2/2020</b>

**Confidential Document:** This document is the property of the Colorado Marijuana State Licensing Authority and the Colorado Marijuana Enforcement Division, and is provided for Official Use Only. This document may not be further reproduced nor its contents disclosed without the written permission of the Division or State Licensing Authority.

## Applicant's Request to Release Information

TO: (Leave this Blank)	FROM: (Applicant's Printed Name) Joshua A. Pennington	
<ol style="list-style-type: none"> <li>1. I/We hereby authorize and request all persons to whom this request is presented having information relating to or concerning the above named applicant to furnish such information to a duly appointed agent of the Marijuana Enforcement Division whether or not such information would otherwise be protected from the disclosure by any constitutional, statutory or common law privilege.</li> <li>2. I/We hereby authorize and request all persons to whom this request is presented having documents relating to or concerning the above named applicant to permit a duly appointed agent of the Marijuana Enforcement Division to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.</li> <li>3. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of the same, I/we hereby authorize and request that a duly appointed agent of the Marijuana Enforcement Division be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to me/us, including but not limited to past loan information, notes co-signed by me/us, checking account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets.</li> <li>4. I/We do hereby make, constitute, and appoint any duly appointed agent of the Colorado Marijuana Enforcement Division, my/our true and lawful attorney in fact for me/us in my/our name, place, stead, and on my/our behalf and for my/our use and benefit:             <ol style="list-style-type: none"> <li>(a) To request, review, copy sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person to whom this request is presented as I/we might;</li> <li>(b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location in this request:</li> <li>(c) To place the name of the agent presenting this request in the appropriate location on this request.</li> </ol> </li> <li>5. I grant to said attorney in fact full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I/we might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.</li> <li>6. This power of attorney ends twenty-four (24) months from the date of execution.</li> <li>7. The above named applicant has filed with the Colorado Marijuana Licensing Authority an application for a Marijuana license. Said applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of proving its qualifications for a favorable determination is at all times on the applicant.</li> <li>8. I/We do, for myself/ourselves, my/our heirs, executors, administrators, successors, and assigns, hereby release, remise, and forever discharge the person to whom this request is presented, and his agents and employees from all and all manner or actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which the applicant ever had, now has, may have, or claims to have against the person to whom this request is being presented or his agents or employees arising out of or by reason of complying with the request.</li> <li>9. A reproduction of this request by photocopying or similar process shall be for all intents and purposes as valid as the original.</li> </ol>		
Applicant's Last Name (Please Print) Pennington	First Name Joshua	Full Middle Name Aaron
Signature		Date 11/2/2020