



DEPARTAMENTO DE

SALUD

GOBIERNO DE PUERTO RICO

July 24, 2025

Devin J. Kowalski
Director
FBI San Juan Field Office
140 Carlos Chardon Avenue
Hato Rey, PR 00918

REFERRAL REGARDING POSSIBLE VIOLATIONS OF THE ANTI-CORRUPTION CODE FOR THE NEW PUERTO RICO AND OTHER LEGAL PROVISIONS AS BANK SECRECY ACT (BSA), FINANCIAL CRIMES ENFORCEMENT NETWORK (FINCEN), ANTI-MONEY LAUNDERING (AML) LAWS RELATED TO FUTUCARE LLC AND VANK, LLC

Director Kowalski.

Act No. 42-2017, as amended, known as the "Law for Managing the Study, Development and Research of Cannabis for Innovation, Applicable Standards and Limits," hereinafter referred to as the "MEDICINAL Law," as well as Regulation No. 9038[i], establish the legal framework for the controls and tools required to provide access to qualifying patients for medicinal cannabis treatment.

As part of the regulatory provisions, the "MEDICINAL Law" established a strict monitoring system for cannabis information, from seeds to the final product, known as the **tracking system**[ii]. In this regard, the MEDICINAL Law provides the following regarding the tracking system:

"b. Monitoring, compliance and technology mechanisms. The regulation shall cover the development and implementation of digital tools to process:

i. **the tracking of medicinal cannabis throughout the entire process to prevent money laundering, ensure security; allow compliance with Federal Government guidelines addressing the financial process of cash generated by the industry; assist financial institutions in complying with the federal legal framework and capturing what the medicinal cannabis industry generates for tax purposes;**

- ii. **database of licenses;**
- iii. **patient information, in a way that facilitates the acquisition of medicinal cannabis in any dispensary,** but ensuring that the amount specified by said regulation is not exceeded, as the system must recognize and prevent it;
- iv. **patient information must be centralized in a single registry that, among others, allows authorized physicians access to information on the product dispensed to their patient and also allows for data for investigative purposes, ensuring the confidentiality of the information.**
- v. **All monitoring mechanisms and technological tools developed as part of this Law must guarantee the confidentiality of patient information in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA)."** *Emphasis ours*

Furthermore, the MEDICINAL Law defined the term "Patient" as:

"(v) "Patient" - means a person who receives a recommendation from an authorized physician for medicinal cannabis as treatment for their condition and who has been issued an identification by the Board after the registration process, in accordance with the framework of this MEDICINAL Law and the regulations approved thereunder. It also includes patients not residing in Puerto Rico, but who reside in another state of the Nation who receive a medical recommendation from an authorized physician, who have an identification issued by the patient's non-resident state of residence, issued for these purposes and who also comply with all requirements identified by regulation in accordance with this Law." *Emphasis ours* 24 L.P.R.A. sec. 2621a

Every "Patient" under the framework of the MEDICINAL Law, including non-residents of Puerto Rico, is obligated to provide their information in a single registry[iii] established by the Medical Cannabis Regulatory Board (hereinafter, the Board). For its part, Article 11 of Regulation No. 9038 establishes the following regarding the patient registration process:

"A. Every person who, due to their medical condition, obtains a medical recommendation from an authorized physician to use Medicinal Cannabis as part of a treatment in Puerto Rico, **must register as a patient at the Office, where they will obtain an identification to begin their Medicinal Cannabis treatment.** If the patient chooses to continue their Medicinal Cannabis treatment, they must renew their patient registration annually." *Emphasis ours* Chapter III, Art.11, Regulation No. 9038

This implies personal identification data of the patient, as well as any other relevant information for their medical history, the use of medicinal cannabis, details about the medicinal cannabis product, dosage, and any other information that the Board deems necessary or relevant for the control, monitoring, and investigation of medicinal cannabis.

Futucare, LLC Contract

The Office of Medicinal Cannabis, attached to the Department of Health and in compliance with the aforementioned legal and regulatory provisions, awarded **Contract No. 2018-DS0701**[iv] to the company **Futucare, LLC** through an open market process. The company was represented in the contract by its President, Ricardo Chipi Millares.

The referred contract was for "the implementation and continuous support of a digital platform (application) for the registration of patients, physicians, establishments, occupational employees, providers, and participants of the medicinal cannabis industry in Puerto Rico for the "FIRST PART."

According to the contracts awarded to Futucare, LLC, this corporation has provided services to the Office of Medicinal Cannabis since 2018, the latest being **Contract No. 2025-DS3615**, which is valid until June 30, 2025. The services contained in this contract are aimed at continuing with the centralized "web-based" platform, the administration of documentation flows for the application and approval of medicinal cannabis program licenses, known as the Digital Platform, in everything related to the management and registration of patients as part of the extension of Contract Number 2018-DS0701.

Among the range of services contained in clause FIRST of the contract are also:

- Operational support with dispensaries, doctors, and patients.
- Operational support with management companies.
- Joint work with the medicinal cannabis office staff for patient validation.
- Maintenance of the digital license.
- Integration with the Department of Public Safety (DSP).
- Provide support and updates to establishment applications.
- Provide support and updates to patient license applications.
- Provide support and updates to medicinal cannabis cultivation establishment license applications.
- Provide support and updates to medicinal cannabis dispensary establishment license applications, and
- Provide support and updates to medicinal cannabis transportation establishment license applications, among others.

It should be noted that subsection E contained in the FIRST clause on SERVICES of Contract No. 2025-DS3615 specifies that all critical information shared by the parties in the agreement will be kept confidential, unless its disclosure is authorized by the other party. The contract also contains clauses on confidentiality and compliance with the Federal Health Insurance Portability and Accountability Act of 1996, better known by its acronym "HIPAA."

Futucare, LLC Information at the Department of State

Upon examining the information on Futucare LLC at the Department of State, the following general information is observed:

General Information

- **Name:** Futucare LLC
- **Register No.:** 36216
- **Status:** ACTIVE
- **Class:** Limited Liability Company
- **Type:** For Profit
- **Jurisdiction:** Domestic
- **Formation Date:** 27-Aug-2015 01:38 PM
- **Effective Date:** 27-Aug-2015 01:38 PM
- **Expiration Date:** Does not expire

Main Office

- **Street Address:** Centro Internacional de Mercadeo, Torre 1 Suite 607, GUAYNABO PR, 00968-8053
- **Mailing Address:** P.O. Box 193497, SAN JUAN, PR 00919-3497

Resident Agent

- **Name:** chipi millares, ricardo jose (individual)
- **Street Address:** Centro Internacional de Mercadeo, Torre 1 Suite 607, GUAYNABO PR, 00968-8053
- **Mailing Address:** P.O. Box 193497, SAN JUAN, PR 00919-3497

Administrators

- chipi millares, ricardo jose, President, Centro Internacional de Mercadeo, Torre 1 Suite 607, GUAYNABO PR, 00968-8053
- Esteves Martínez Rafael J, Vicepresident, 131 Trinitaria, Urb. Santa María, SAN JUAN, PR, 00927

In Article VI of the Certificate of Incorporation of Futucare LLC, issued by the Department of State, **Mr. Rafael J. Martinez Esteves** officially appears as Vice President.

Vank, LLC (Vankpay) Information at the Department of State

During the inspection process carried out at establishments providing medicinal cannabis, the promotion of an electronic platform aimed at dispensaries licensed under Act No. 42-2017 and Regulation 9038 has been found. The company promoting the marketing of integrated services for license validation, ID scanning, dispensing administration, and electronic payment facilitation between patients and dispensaries is identified as the **Vankpay platform** (www.vankpay.com).

This platform is a technological intermediary in the transactional chain of medicinal cannabis. Upon verifying the company's information at the Department of State, the following is observed:

General Information

- **Name:** Vank, LLC
- **Register No.:** 437103
- **Status:** ACTIVE
- **Class:** Limited Liability Company
- **Type:** For Profit
- **Jurisdiction:** Domestic
- **Formation Date:** 26-Nov-2019 08:44 PM
- **Effective Date:** 26-Nov-2019 08:44 PM
- **Expiration Date:** Does not expire

Main Office

- **Street Address:** Centro Internacional de Mercadeo; PR-165, 1st Tower, 6th Floor, Suite 607, GUAYNABO PR, 00968
- **Mailing Address:** P.O. Box 193497, SAN JUAN, PR 00919

Resident Agent

- **Name:** Vank, LLC (Entity)
- **Street Address:** Centro Internacional de Mercadeo PR-165, 1st Tower, 6th Floor, Suite 607, GUAYNABO PR, 00968
- **Mailing Address:** P.O. Box 193497, SAN JUAN, PR 00919-3497

Authorized Persons

- Esteves Rafael J., Centro Internacional de Mercadeo PR-165, 1st Tower, 6th Floor, Suite 607, GUAYNABO PR, 00968

In Article IV of the Certificate of Incorporation of Vank, LLC issued by the Department of State, **Mr. Rafael J. Esteves** officially appears as an authorized person. Although he omitted his second surname when appearing as an authorized person for Vank, LLC, his email address in the certificates for both Futucare LLC and Vank LLC is the same: rafa@futucare.com.

Conflict of Interest and Possible Violations

According to the information reflected in the Department of State and the contractual provisions, there is an apparent **conflict of interest** because the company Vank LLC shares, as an authorized person, the same individual who serves as vice president of Futucare, LLC, the company contracted by the Board as the platform manager for the submission and evaluation of patient licenses for the Program: **Mr. Rafael J. Esteves Martínez**. Furthermore, both companies have the same email address, rafa@futucare.com.

On June 25, 2025, via electronic communication, Mr. Ricardo Chipi, President of Futucare, LLC, stated that Futucare LLC had no business relationships with other entities where it shared its operational structure, despite the fact that Mr. Rafael J. Esteves Martinez, an address, and a similar email address are found in the organizational structure of both companies.

The actions presented could infringe the "Anti-Corruption Code for the New Puerto Rico" Act No. 2-2018, as amended, in the following articles:

"Article 3.2. — Ethical Obligations and Responsibilities. (3 L.P.R.A. § 1883a) ...; (k) No person shall use confidential information, acquired in the course or as a consequence of any task entrusted to them by contract by the Government of Puerto Rico, for purposes unrelated to the contracted task, nor to obtain, directly or indirectly, an advantage or economic benefit for themselves, for a member of their family unit, or for any other person, business, or entity. ...; **(n) No person may contract with executive agencies if a conflict of interest exists.** Every person must certify that they do not represent particular interests in cases or matters that involve a conflict of interest, or public policy, between the executive agency and the particular interests they represent."

In accordance with Article 3.7 on "Sanctions and penalties" (3 L.P.R.A. § 1883f) of Act No. 2-2018, any person who intentionally violates the prohibition and provision established in Article 3.2 (k) shall be guilty of a felony with a fixed prison sentence of three (3) years and a fine of five thousand (5,000) dollars.

Regarding the previously cited information, a **referral has been made to the Puerto Rico Department of Justice** concerning the possible violations of the Anti-Corruption Code for the New Puerto Rico and other legal provisions related to Futucare LLC and Vank, LLC.

This action indicates that the concerns outlined in the document, including the apparent conflict of interest involving Mr. Rafael J. Esteves Martínez and the potential for misuse of sensitive patient data and financial information, are now under review by the appropriate legal authorities in Puerto Rico.

Furthermore, it is concerning that, from a financial perspective, although Vankpay LLC does not act as a financial entity or custodian of funds, its operational role in facilitating payments requires considering the principles of the **Bank Secrecy Act (BSA)**, the guidelines of the **Financial Crimes Enforcement Network (FinCEN)**[v], which were adopted as part of the MEDICINAL Law framework, and **Anti-Money Laundering (AML) laws**. These require that any structure associated with cannabis transactions —directly or indirectly— comply with traceability, due diligence, and money laundering prevention standards.

While the aforementioned laws apply more directly to financial institutions, the situation outlined above is a potential risk due to the lack of transparency or conflicts of interest in the management of financial data of cannabis industry clients (patients) and could indicate unethical business practices or misuse of data by Vank LLC.

Given the potential actions against the aforementioned federal provisions, we are bringing the activities of the companies listed above to your attention for review.

Due to the possible violations of federal statutes, we are making this referral and attaching the following documents:

1. Contract No. 2018-DS0701 between the Department of Health and Futucare, LLC;
2. Amendment A to Contract No. 2018-DS0701 between the Department of Health and Futucare, LLC;
3. Contract No. 2024-DS0397 between the Department of Health and Futucare, LLC and Proposal for the Management of the Digital Platform-Medicinal Cannabis;
4. Contract No. 2025-DS3615 between the Department of Health and Futucare, LLC;
5. Corporation Information of Futucare LLC from the Department of State website;
6. Certificate of Registration of Futucare INC. dated August 27, 2015 from the Department of State;
7. Certificate of Incorporation of a Corporation Authorized to Issue Capital Stock of Futucare INC. dated August 27, 2015 from the Department of State;
8. Corporation Information of Vank, LLC from the Department of State website;
9. Certificate of Organization of Vank, LLC dated November 26, 2019 from the Department of State;
10. Certificate of Formation of a Limited Liability Company (Certificate of Incorporation of a Corporation Authorized to Issue Capital Stock) of Vank, LLC dated November 26, 2019 from the Department of State;
11. Electronic communication from Director Marjorie Tolentino Rivera to Mr. Ricardo Chipi dated June 20, 2025;
12. Metro Newspaper article dated July 6, 2022 and Vankpay, LLC promotions in a medicinal cannabis establishment.
13. Noticel News article dated May 12, 2011.

Should you require additional information, you can contact the Executive Director of the Medical Cannabis Regulatory Board, Ms. Marjorie Tolentino Rivera, at (787) 765-2929, ext. 6873, marjorie.tolentino@salud.gov.pr or Attorney Miguel A. Verdiales Morales, Principal Legal Advisor to the Secretary, Interim Director of the Office of Legal Advisors at (787) 765-2929, ext. 3478, email: miguel.verdiales@salud.pr.gov.

Thank you for your attention to this matter.

Sincerely,



VÍCTOR RAMOS OTERO, MD
SECRETARY OF HEALTH

[i] "Regulation for Managing the Study, Development and Research of Cannabis for Innovation, Applicable Standards and Limits" of July 2, 2018 of the Medical Cannabis Regulatory Board attached to the Department of Health.

[ii] "Tracking System: refers to the mechanism for monitoring medicinal cannabis throughout all or some aspect of the process, from the seed stage, immature plant, cutting, "clones" or graft onwards, so that, among other things, money laundering is prevented, security is guaranteed, compliance with Federal Government guidelines addressing the financial process of cash generated by the industry is allowed, financial institutions are assisted in complying with the federal legal framework and capturing what the medicinal cannabis industry generates for tax purposes." See, Regulation No. 9038, Art. 5.

[iii] "Registration: refers to the authorization granted by the Office for a patient to acquire and/or consume Medicinal Cannabis, for an authorized companion to acquire Medicinal Cannabis or for a training provider to provide training." See, Regulation No. 9038, Art. 5.

[iv] The contract has amendment A dated May 29, 2019 valid until June 30, 2023; with contract 2024-DS0397 valid until June 30, 2024, and contract 2025-DS3615 valid until June 30, 2025.

[v] Rules and Regulations issued by that agency of the United States Department of the Treasury for the purpose of combating money laundering and other financial crimes.