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Avera Says it Had to Change From Marijuana Transactions to Contact Tracing Because Movement on Cannabis Industry in USVI is Slow

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From left: Michael Pemberton and Aliyah Bryan are Avera's co-founders, and Keiann Johnson and Kemia Frederick are the firm's other executives. By. ÁVERA

Ávera, the company whose principals include Governor Albert Bryan's daughter, Aliyah Bryan, and Mr. Bryan's good friend Michael K. Pemberton, issued a statement Friday night that sought to clarify how the company came to be in the coronavirus contact tracing business, which led to Ávera — with no prior experience of the important work — landing a \$1 million contract by the Dept. of Health within 72 hours. The USVI would be the first jurisdiction on which Ávera would attempt to pull off contact tracing. Dept. of Health Commissioner Justa Encarnacion [told the Senate](#) last Tuesday, "This is actually a new company so they do not have prior experience. So

we're providing the youth of the VI an opportunity to be able to get some experience."

D.O.H. has since said the contract was not finalized.

In its statement, Ávera said it first set out to be an app that would facilitate transactions of medicinal marijuana for tourists coming into the USVI. While the medicinal marijuana bill was signed into law as soon as Mr. Bryan took office in early 2019, the governor up to recently was pressuring the Senate to pass an amended measure that would allow tourists to smoke the drug for recreational use in the territory, which would expand the impact of the original bill. Such a move would also expand Ávera's revenue potential as the market would suddenly become broader.

"We have listened to the concerns of the public and senators and have included them in the new draft of the cannabis bill. I am urging the Legislature to act swiftly and pass this revenue measure as soon as possible. We all know that revenue measures are hard to come by, but this is one we can act on now," Mr. Bryan [said in May](#).

Lawmakers, however, have called for further vetting. In December, senators contended that the Virgin Islands Medical Cannabis Patient Care Act, which took a number of years of vetting — from territory-wide town halls, a number of committee meetings and thorough debate — had yet to be implemented even after being signed into law at the beginning of 2019. Yet the administration was looking to go further and legalize marijuana, a move senators argued needed more community input.

"We're not ready. And this bill will go through the appropriate committee of jurisdiction. We will engage the community. A vote was taken from this community — the voting population — on what they wanted. They selected medicinal use and not recreational, and we moved forward with that legislation," said Senator Myron Jackson at the time.

In June, hope of the measure going quickly through the Senate and to Mr. Bryan's desk [faded](#), and as a result, Ávera realized a major setback.

"Our company principals and investors were concerned about keeping the company financially afloat while we waited for the outcome of the developing cannabis industry locally, so we pivoted to adapting our app to satisfy the urgently needed resource for Covid-19 contact tracing," Ávera said. The company said its move is not unique, pointing to unnamed companies it said had taken a similar route to keep their operations from going under, "including several of those reportedly contacted by the Dept. of Health," Ávera said.

The Dept. of Health said it made contact with three companies for the contact tracing job: Aytu Bioscience, AMC Health, and Ávera. D.O.H. further stated that it had done a "deep dive" on the internet in search of reputable contact tracking firms. A quick search online shows that as of June, [35 states were using U.S.-based firm Sales Force's contract tracing](#) technology for coronavirus, with evidence that the company's technology works.

Additionally, the companies the department said it contacted are not known for contact tracing, and at least one firm has said it was not reached by the V.I. Dept. of Health, according to media reports.

The Consortium reached out to both firms on multiple occasions. First, we made contact with AMC Health, but after a representative got on the line and we explained what we were calling about, the phone hung up and multiple attempts to reach someone at the company thereafter were unsuccessful. Multiple messages left to Aytu Bioscience were not returned at time of

writing.

Ávera said while it was originally created to address the cannabis industry, after speaking with its engineers, "it became apparent" that the app could be reconfigured for contact tracing, and the company, which was [still seeking its license in the USVI as of last week](#), quickly moved to register locally as Ávera LLC.

The company goes on to say it is owned by Virgin Islanders "and we wanted to help our community." Yet the company, according to the statement, was registered in the state of Delaware in 2019. The Consortium obtained Ávera's certificate of incorporation, which revealed the company's board of directors as Mr. Pemberton, Ms. Bryan, Attorney Kye Walker, Dr. Kisha Christian of Neighborhood Pharmacy, Joseph Samuel and Les Hollis.

Mr. Hollis is an investor and businessman from Chicago whose interest in the marijuana industry is well documented. In 2014, [he told CBS in Chicago](#) that his company's aim was to grow and sell medicinal cannabis. "We think that this industry will be around. ... The universe of participants will grow, both in terms of the patients that can get access to this medicine, as well as the people providing the resources to grow the medicine," he said.

Following wide coverage of the Ávera contract and another contract involving The Strategy Group, a company owned by Mr. Bryan's good friend and 2018 campaign manager, John Engerman, which saw the company receiving a \$2.1 million Virgin Islands Housing Finance Authority 3-year contract to provide "public relations and marketing communication services across a wide variety of platforms to further amplify the VIHFA CDBG-DR initiatives," the Senate [called](#) a Committee of the Whole hearing set for August 5.

"It is understandable why the community feels that their trust has been violated," said Senate President Novelle Francis. "These actions come at a time when many Virgin Islanders are in distress. The territory has come under intense criticism time and time again for our mishandling of public funds – especially those awarded by the federal government. The Legislature has a responsibility to ensure that our funds are being managed in a way that is above reproach, especially at a time when our economic challenges demand that we stretch every dollar as far as possible to meet the needs of our community."