

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CANNABIS REGULATORY AGENCY

In the Matter of

664 Vassar LLC dba Premier Provisioning Center #2
License No(s): PC-000035

ENF No.:22-00474

FIRST SUPERSEDING FORMAL COMPLAINT

The Cannabis Regulatory Agency (“Complainant”) files this first superseding formal complaint against 664 Vassar LLC dba Premier Provisioning Center #2 (“Respondent”) alleging upon information and belief as follows:

1. The Cannabis Regulatory Agency (CRA) is authorized under the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, and Executive Reorganization Order No.2019-2, MCL 333.27001, to investigate alleged violations of the MMFLA and administrative rules promulgated thereunder, take disciplinary action to prevent such violations, and impose fines and other sanctions against applicants and licensees that violate the MMFLA or rules.
2. Section 402(12) of the MMFLA provides that the expiration of a license does not terminate the CRA’s authority to impose sanctions on the license.
3. Section 206(c) of the MMFLA provides that the administrative rules must ensure the health, safety, and security of the public and integrity of the marihuana facility operations.
4. Respondent’s conduct as described below is a risk to public health and safety and/or the integrity of marihuana facility operations.

FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE CRA

5. Respondent holds an active state operating license under the MMFLA to operate a medical marijuana provisioning center facility in the state of Michigan.

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2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909
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6. Respondent operated at 664 State Rd., Vassar, Michigan 48768, at all times relevant to this complaint.

7. Following an investigation, the CRA determined that Respondent violated the MMFLA and/or administrative rules promulgated thereunder as set forth below:

- a. On April 21, 2022, the CRA visited Respondent's provisioning center facility to conduct a compliance check.
- b. Respondent had the following at its facility:
 - i. Several clear totes containing expired marijuana products including distillate carts, medicated syrup, gummies, and chocolates stored in the "bathroom area" located upstairs in the northern most east backroom. This product was not under video surveillance.
 - ii. 15 separate strains of individually bagged untagged flower in a large black garbage bag located in the upstairs central storage area. This product was also not under video surveillance.
 - iii. Untagged "House wax" in individual 1-gram jars and 1-ounce sheets. The wax product was not under video surveillance Respondent identified the untagged wax as caregiver product of lower quality which is sold at a discounted price.
 - iv. Approximately 38 jars of house wax on the sales floor and several sheets of house wax on the sales floor. Both products, although in different forms, contained the same statewide monitoring system (Metrc) tag number #1A4050100000896000001331
 - v. Chemicals, specifically, Round Up pesticide, stored on the landing area leading to the upstairs where marijuana product is stored.
 - vi. Several hundred small, 1-gram jars of caregiver "house wax," a marijuana product, stored in cardboard boxes.
 - vii. Untagged, medicated syrup, called 'Chill Medicated,' a marijuana product.

- c. On April 22, 2022, the CRA requested video surveillance footage from all camera views for the past 30 days. Respondent provided the requested footage on May 10, 2022.
- d. The video footage would not play completely and did not show how the abovementioned products entered the provisioning center facility.
- e. Respondent was unable to provide a working copy of 30 days of video surveillance footage as requested by the CRA.
- f. On April 22, 2022, the CRA also emailed Respondent requesting the following:
 - i. A Point of Sales (POS) sales print out for the years 2021 and Jan 2022-current, by the close of business that same date.
 - ii. A written explanation regarding the approximately 20lbs of flower found in the black garbage bag in the attic.
 - iii. A written explanation regarding the history of the untagged / tagged flat house wax and jarred house wax. We observed a number of these items on the sales floor with METRC tags and boxes of the same items untagged in the attic. Those on the sales floor were not properly labeled.
 - iv. A written explanation regarding stored marijuana products in the attic “bathroom” without camera coverage.
 - v. A written explanation regarding no camera coverage on the landing area to the right of the stairs leading to the attic where the house wax and other marijuana products are stored.
 - vi. A written explanation regarding the storage of chemicals (i.e. Round Up) in the same area marijuana products are stored (landing to the right of the stairs leading to the attic).
 - vii. A written explanation regarding untagged bags of marijuana found in the safe(s).
 - viii. A written explanation as to why no one onsite during our visit was able to access the video system to allow us to review video.

- ix. Written confirmation you agree to voluntarily remove the noted caregiver products and untagged flower from the sales floor and not make any sales until further advised by CRA.
- g. On May 8, 2022, the CRA received the POS sales print outs.
- h. On May 10, 2022, Respondent's attorney confirmed by telephone the Standard Operating Procedure (SOP) provided on April 29, 2022, would be the only response provided. No response to the other responses to the requested information was provided by Respondent.

Count I

Respondent's actions as described in paragraphs 7.b.ii., 7.b.iii., 7.b.vii, and d above demonstrate a violation of Mich Admin Code, R 420.111(1), which states, in part, a provisioning center license authorizes the purchase or transfer of marihuana only from a grower or processor and sale or transfer to only a registered qualifying patient or registered primary caregiver.

Count II

Respondent's actions as described in paragraphs 7.b.ii., 7.b.iii., and 7.b.vii., above demonstrate a violation of Mich Admin Code, R 420.111(4)(b), which in part states, a provisioning center shall accurately enter all transactions, current inventory, and other information into the statewide monitoring system as required in the MMFLA, these rules, and the marihuana tracking act.

Count III

Respondent's actions as described in paragraphs 7.b.i., 7.c, 7.d, and 7.e above demonstrate a violation of Mich Admin Code, R 420.209(6)(a)(i), which states a licensee shall ensure the video surveillance system does all the following: (a) Records, at a minimum, the following areas: (i) Any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana business.

Count IV

Respondent's actions as described in paragraphs 7.b.i., 7.c, 7.d, and 7.e above demonstrate a violation of Mich Admin Code, R 420.209(12), which states surveillance recordings of the licensee are subject to inspection by the agency and must be kept in a manner that allows the agency to view and obtain copies of the recordings at the marihuana business immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the agency upon request within the time specified by the agency.

Count V

Respondent's actions as described in paragraphs 7.b.ii., 7.b.iii., and 7.b.vii., above demonstrate a violation of Mich Admin Code, R 420.210(1), which states except for designated consumption establishments or temporary marihuana events licensed under the MRTMA, a marihuana business must not have marihuana products that are not identified and recorded in the statewide monitoring system pursuant to these rules. A licensee shall not transfer or sell a marihuana product that is not identified in the statewide monitoring system pursuant to these rules.

Count VI

Respondent's actions as described in paragraphs 7.b.ii., 7.b.iii., and 7.b.vii., above demonstrate a violation of Mich Admin Code, R 420.210(2), which states a marihuana business must not have any marihuana product without a batch number or identification tag or label pursuant to these rules. A licensee shall immediately tag, identify, or record as part of a batch in the statewide monitoring system any marihuana product as provided in these rules.

Count VII

Respondent's actions as described in paragraphs 7.b.iv. above demonstrate a violation of Mich Admin Code, R 420.210(3), which states a licensee shall not reassign or subsequently assign a tag to another package that has been associated with a package in the statewide monitoring system.

Count VIII

Respondent's actions as described in paragraphs 7.b.ii., 7.b.iii., and 7.b.vii., above demonstrate a violation of Mich Admin Code, R 420.212(1), which states all marihuana products must be stored at a marihuana business in a secured limited access area or restricted access area and must be identified and tracked consistently in the statewide monitoring system under these rules.

Count IX

Respondent's actions as described in paragraphs 7.b.v., above demonstrate a violation of Mich Admin Code, R 420.212(3), which states all chemicals or solvents must be stored separately from marihuana products and kept in a closed container in locked storage areas.

Count X

Respondent's actions as described in paragraphs 7.b.ii., 7.b.iii., and 7.b.vii., above demonstrate a violation Mich Admin Code, R 420.505(2), which states a marihuana sales location shall enter all transactions, current inventory, and other information required by these rules in the statewide monitoring system. The marihuana sales location shall maintain appropriate records of all sales or transfers under the acts and these rules and make them available to the agency upon request.

Count XI

Respondent's actions as described in paragraphs 7.b.i. above demonstrate a violation of Mich Admin Code, R 420.802(3)(f), which states licensees shall report to the agency any proposed material changes to the marihuana business before making a material change. A proposed material change is any action that would result in alterations or changes being made to the marihuana business to effectuate the desired outcome of a material change. Material changes, include, but are not limited to, the following: (f) Any change or modification to the marihuana business before or after licensure that was not preinspected, inspected, or part of the marihuana business location plan or final inspection.

Count XII

Respondent's actions as described in paragraphs 7.f.ii., 7.f.iii., 7.f.iv., 7.f.v., 7.f.vi., 7.f.vii., 7.f.viii., 7.f.ix, and 7.h, above demonstrate a violation of Mich Admin Code, R 420.6(5), which states in part, a licensee has a continuing duty to provide information requested by the agency and to cooperate in any investigation, inquiry, or hearing conducted by the agency.

THEREFORE, based on the above, the CRA gives notice of its intent to impose fines and/or other sanctions against Respondent's license, which may include the suspension, revocation, restriction, and/or refusal to renew Respondent's license.

Under MCL 333.27407(4) and Mich Admin Code, R 420.704(2), any party aggrieved by an action of the CRA suspending, revoking, restricting, or refusing to renew a license, or imposing a fine, shall be given a hearing upon request. A request for a hearing must be submitted to the CRA in writing within 21 days after service of this complaint. Notice served by certified mail is considered complete on the business day following the date of the mailing.

Respondent also has the right to request a compliance conference under Mich Admin Code, R 420.704(1). A compliance conference is an informal meeting at which Respondent has the opportunity to discuss the allegations in this complaint and demonstrate compliance under the MMFLA and/or rules. A compliance conference request must be submitted to the CRA in writing.

Hearing and compliance conference requests must be submitted in writing by one of the following methods.

By Mail: Department of Licensing & Regulatory Affairs
 Cannabis Regulatory Agency
 P.O. Box 30205
 Lansing, Michigan 48909

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In Person: Department of Licensing & Regulatory Affairs
Cannabis Regulatory Agency
2407 North Grand River
Lansing, Michigan 48906

By Email: CRA-LegalHearings@michigan.gov

If Respondent fails to timely respond to this formal complaint, a contested case hearing will be scheduled to resolve this matter.

Questions about this complaint should be directed to the Cannabis Regulatory Agency's legal section at (517) 284-8599 or CRA-LegalHearings@michigan.gov. The formal complaints filed against the Respondent on August 24, 2022, are hereby WITHDRAWN and replaced in full by this superseding complaint.

Dated: _____

By: _____
Alyssa A. Grissom
Legal Section Manager
Cannabis Regulatory Agency

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_____ /

PROOF OF SERVICE

I hereby certify that on _____, I mailed a copy of the First Superseding Formal Complaint dated _____ in the above captioned case by certified mail (return receipt requested) to:

664 Vassar LLC dba Premier Provisioning Center #2
664 State Road
Vassar, Michigan 48768

Courtesy copy sent to:

Steven T. Kiouisis
stk@kiouislaw.com

Departmental Technician
Cannabis Regulatory Agency
Department of Licensing & Regulatory
Affairs