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

In the Matter of

Ground Control Michigan, LLC dba GCM Waypoint **ENF No. 23-00627**
License No. AU-P-000154
_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On September 26, 2023, the Cannabis Regulatory Agency (CRA) issued a formal complaint against the adult-use marijuana processor license (no. AU-P-000154) of Ground Control Michigan, LLC dba GCM Waypoint (Respondent) under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 *et seq.,* and administrative rules promulgated thereunder. The complaint alleged Respondent violated Mich Admin Code, R 420.206(10), R 420.403(1), R 420.403(7)(b), and R 420.507(2).

The executive director or designee reviewed the stipulation contained in this document and agrees the public interest is best served by resolution of the complaint. Therefore, the executive director or designee finds that the allegations contained in the complaint are true and that Respondent violated Mich Admin Code, R 420.206(10), R 420.403(1), R 420.403(7)(b), and R 420.507(2).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of two thousand and 00/100 dollars ($2,000.00). This fine shall be paid within 30 days of the effective date of this order by check, money order, or online through Accela Citizen Access (ACA). CRA guidance on how to make compliance payments online is available under "Tips for Licensees" at www.michigan.gov/cra/bulletins. Checks or money orders shall be made payable to the State of Michigan with "ENF No. 23-00627" and "License No. AU-P-000154" clearly displayed on the check or money order and mailed to: Department of Licensing and Regulatory Affairs, Cannabis Regulatory Agency, P.O. Box 30205, Lansing, Michigan 48909.

2. If Respondent fails to timely comply with the terms of this order, Respondent's license shall be suspended until compliance is demonstrated.

3. Unless otherwise specified in this order, Respondent shall direct any communications to the CRA that are required by the terms of this order to CRA-CSS@michigan.gov.

4. Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

5. If Respondent violates any term or condition set forth in this order, Respondent may be subject to additional fines and/or other sanctions.

This order shall be effective 30 days after the date signed by the CRA's executive director or designee, as set forth below.

CANNABIS REGULATORY AGENCY

Signed on: 2/12/24

By: Brian Hanna

Digitally signed by: Brian Hanna
DN: CN = Brian Hanna email = hannab@michigan.gov C = US O = CRA OU = CRA
Date: 2024.02.12 15:01:49 -05'00'

Executive Director Brian Hanna
or Designee
Cannabis Regulatory Agency

STIPULATION

The parties stipulate to the following:

1. The facts alleged in the formal complaint are true and constitute a violation of the MRTMA and administrative rules promulgated thereunder.

2. Respondent understands and intends that by signing this stipulation, Respondent is waiving the right under the MRTMA, administrative rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to require the CRA to prove the charges set forth in the complaint by presentation of evidence and legal authority and to present a defense to the charges.

3. The parties considered the following in reaching this agreement:

   a) Respondent candidly acknowledged the labeling error when speaking with the CRA's regulation agent during the investigation. Additionally, Respondent immediately worked to rectify the situation. Within approximately one week of discovering the mistake, Respondent printed new, corrected labels for all impacted marijuana-infused edibles and sent them to the marijuana sales locations for relabeling.

   b) Respondent also promptly provided all information requested by the CRA's regulation agent during the investigation, including a newly implemented standard operating procedure to prevent future mistakes of this nature from reoccurring.

   c) Respondent was cooperative and wishes to resolve the allegations without the need for and expense of an administrative hearing.

4. The CRA's operations director or designee must approve this proposed agreement before it is forwarded to the CRA's executive director or designee for review and issuance of the above consent order. The parties reserve the right to proceed to an administrative hearing without prejudice to either party, should the

CRA's operations director, executive director, or designees reject the proposed consent order.

By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

Desmond Mitchell

Digitally signed by: Desmond Mitchell
DN: CN = Desmond Mitchell email = Mitchelld6@michigan.gov C = US O = Cannabis Regulatory Agency OU = Directors Office
Date: 2024.02.12 13:06:11 -05'00'

Desmond Mitchell
Operations Director
Cannabis Regulatory Agency

Dated: 2/12/24

AGREED TO BY:

Steve Denenberg
Authorized Representative
On behalf of Respondent
Ground Control Michigan, LLC dba GCM Waypoint
Dated: *02/08/2024*

/s/ Adam M.Leyton

Adam M. Leyton (P80646)
Assistant Attorney General
Attorney for Cannabis Regulatory Agency
Dated: *02/08/2024*

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

In the Matter of

Ground Control Michigan, LLC dba GCM Waypoint ENF No: 23-00627
License No.: AU-P-000154
_____/

FORMAL COMPLAINT

The Cannabis Regulatory Agency ("Complainant") files this formal complaint against Ground Control Michigan, LLC dba GCM Waypoint ("Respondent") alleging upon information and belief as follows:

1. The Cannabis Regulatory Agency (CRA) is authorized under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951, *et seq.*, and Executive Reorganization Order No.2019-2, MCL 333.27001, to investigate alleged violations of the MRTMA and the administrative rules promulgated thereunder, take disciplinary action to prevent such violations, and impose fines and other sanctions against applicants and licensees that violate the MRTMA or administrative rules.

2. Section 8(1)(d) of the MRTMA provides that the administrative rules must ensure the health, safety, and security of the public and integrity of the marijuana establishment operations.

FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE CRA

3. Respondent holds an active state license under the MRTMA to operate an adult use retailer establishment in the state of Michigan.

4. Respondent operated at 54341 M43 Highway, Bangor, Michigan 49013, at all times relevant to this complaint.

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

a. On June 22, 2023, a marijuana customer emailed the CRA a complaint and photograph stating that he purchased a package of Nirvana Rosin Gummy – Blueberry Pomegranate – 8pc 200mg from an adult-use marijuana establishment on June 18, 2023 and discovered the package was labeled incorrectly.
b. A CRA Regulation Agent (RA) reviewed the complaint and photograph and observed that the product packaging read "Nirvana Rosin Gummy" on the product label but included "Distillate" and "Live Resin" as ingredients instead of "Rosin".
c. On July 6, 2023, the CRA RA visited Respondent's establishment and met with Respondent's owner, S. D. S.D. admitted that Respondent mislabeled the package along with at least 3,000 other packages of gummies with the wrong ingredient labels before being transferred to multiple marijuana sales locations.
d. Later, on July 14, 2023, S.D. emailed the CRA RA that the labels were corrected and sent to the marijuana sales locations for relabeling.

Count I

Respondent's actions as described above in paragraphs b and c demonstrate a violation of Mich Admin Code, R 420.206(10), which states a marihuana business shall label all marihuana products with the ingredients of the product, in descending order of predominance by weight.

Count II

Respondent's actions as described above in paragraphs b and c demonstrate a violation of Mich Admin Code, R 420.403(1), which states a producer shall package and properly label marihuana-infused products before sale or transfer.

Count III

Respondent's actions as described above in paragraphs b and c demonstrate a violation of Mich Admin Code, R 420.403(7)(b), which states a producer shall

label all marihuana-infused product with all of the following: (b) the ingredients, including excipients and diluents, of the marihuana-infused product, in descending order of predominance by weight.

Count IV

Respondent's actions as described above in paragraphs b and c demonstrate a violation of Mich Admin Code, R 420.507(2), which states a licensee may not advertise a marihuana product in a way that is deceptive, false, or misleading, or make any deceptive, false, or misleading assertions or statements on any marihuana product, sign, or document provided.

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.

Pursuant to 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 MRTMA and/or the administrative 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

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.

Dated: 9/26/23

By: Alyssa A. Grissom Digitally signed by Alyssa A. Grissom Date: 2023.09.26 10:27:31 -04'00'

Alyssa A. Grissom
Legal Section Manager
Cannabis Regulatory Agency