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

In the Matter of

Next Level Wellness, LLC
License No.: AU-G-C-000264

ENF No.: 23-00521

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On August 4, 2023, the Cannabis Regulatory Agency (CRA) issued a formal complaint against the adult-use marijuana Class C grower establishment license (AU-G-C-000264) of Next Level Wellness, LLC ("Respondent") under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 *et seq.*, and the administrative rules promulgated thereunder. The formal complaint alleged Respondent violated Mich Admin Code, R 420.602(1), R 420.602(2)(b), R 420.602(2)(c), R 420.802(2), R 420.802(3)(a), R 420.802(3)(c).

The executive director reviewed the stipulation contained in this document and agrees the public interest is best served by resolution of the formal complaint. Therefore, the executive director finds that some of the allegations contained in the formal complaint are true and that Respondent violated Mich Admin Code, R 420.602(1), R 420.602(2)(b), R 420.602(2)(c), R 420.802(2), R 420.802(3)(c).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of six thousand three hundred thirty-three and 00/100 dollars ($6,333.00). 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). Instructions on how to make online payments can be found under the Tips for Licensees bulletin section at www.michigan.gov/cra. Check or money orders shall be made payable to the State of Michigan with enforcement number "23-00521" and license number "AU-G-C-000264" clearly

displayed on the check or money order. Respondent shall mail the fine to Department of Licensing and Regulatory Affairs, Cannabis Regulatory Agency, PO BOX 30205, Lansing, Michigan 48909.

2. Respondent must submit the following standard operating procedures (SOP) within 30 days of the effective date of this order:
    a. A SOP regarding the licensee's processes for employee hiring requirements to ensure compliance with the administrative rules.
    b. A SOP regarding the licensee's processes employee Metrc information entry and removal of information to ensure compliance with the administrative rules.
    c. A SOP regarding proposed material changes for changes in owners, officers, members, or managers and the addition or removal of a person named in the application or disclosed to ensure compliance with the administrative rules.

3. The CRA will review the SOPs and, if necessary, issue a deficiency notice. Respondent must correct any deficiencies identified by the CRA within 30 days of receipt of the deficiency notice unless agreed upon by the CRA in writing.

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

5. The alleged violation of Mich Admin Code, R 420.802(3)(a) is DISMISSED.

6. 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.

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

8. If Respondent violates any term or condition set forth in this order, Respondent shall be subject to fines and/or other sanctions under section7(1)(c) of the MRTMA, MCL 333.27957, and Mich Admin Code, R 420.808.

9. Upon timely compliance of the terms of this order by Respondent, the matters set forth in the formal complaint shall be deemed resolved and closed subject to this Consent Order.

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

CANNABIS REGULATORY AGENCY

Signed on: 2/14/2024

By: Brian Hanna

Digitally signed by: Brian Hanna
DN: CN = Brian Hanna email = hannab@michigan.gov C = US O = CRA OU = CRA
Date: 2024.02.14 15:42:48 -05'00'

Brian Hanna, Executive Director
or his designee
Cannabis Regulatory Agency

STIPULATION

The parties stipulate to the following:

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

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 violations set forth in the formal complaint by presentation of evidence and legal authority, and to present a defense to the violations.

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

a. Respondent provided documentation of criminal background checks before the hiring dates for 10 employees.
b. Respondent was cooperative and wishes to resolve the allegations without the need for and expense of an administrative hearing.
c. Respondent has been licensed as a Class C grower since 2020 and has no prior discipline against its license.

4. The CRA's centralized services director or her designee must approve this proposed agreement before it is forwarded to the CRA's executive director or his 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 centralized services director, executive director, or their 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:

Sara Hernandez Digitally signed by: Sara Hernandez DN: CN = Sara Hernandez email = HernandezS1@michigan.gov C = US O = CRA OU = LARA Date: 2024.02.13 14:36:14 -05'00'

Sara Hernandez, CSD Director
or her designee
Cannabis Regulatory Agency

Dated: 02/13/2024

AGREED TO BY:

J Russell Carr Jr, Authorized Officer
on behalf of Respondent
Next Level Wellness, LLC

Dated: 2-12-2024

Corrinne Carr, P83145
Attorney for Respondent

Dated: 2-12-2024

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

In the Matter of

Next Level Wellness, LLC dba Narvona ENF No: 23-00521
License No.: AU-G-C-000264
_____/

FORMAL COMPLAINT

The Cannabis Regulatory Agency ("Complainant") files this formal complaint against Next Level Wellness, LLC dba Narvona ("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 rule 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 class C grower establishment in the state of Michigan.

4. Respondent operated at 4403 Clio Road, Unit 1, Flint, Michigan 48504, 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 3, 2022, the CRA License Maintenance Section submitted a referral for investigation regarding Respondent's failure to report changes made to the marijuana business operations.
b. The CRA discovered Respondent's President was no longer with the marijuana business. The President on record, N.P., had not been with the marijuana business for over a year, however, Respondent had not submitted any reporting forms to remove N.P. to the CRA.
c. The CRA also discovered the current Vice President (VP), A.R., had married an owner, however, the reporting forms to add A.R. as the VP and as a supplemental applicant also were not submitted to the CRA.
d. On July 18, 2022, CRA Regulation Agents (RAs) conducted a compliance visit at Respondent's adult use class C grower establishment.
e. The CRA RAs discovered Respondent did not have the required criminal background checks for 17 active employees.
f. The RAs also discovered that one employee, A.P., was not entered into the statewide monitoring system (Metrc). Another employee, K.B., was terminated on June 23, 2022, but was not removed from Metrc within the 7-business day requirement.

Count I

Respondent's actions as described above in paragraph e demonstrate a violation of Mich Admin Code, R 420.602(1), which states a licensee shall conduct a criminal history background check on any prospective employee before hiring that individual. A licensee shall keep records of the results of the criminal history background checks for the duration of the employee's employment with the licensee. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the agency.

Count II

Respondent's actions as described above in paragraph f demonstrate a violation of Mich Admin Code, R 420.602(2)(b), which states a licensee shall comply with the following: (b) Enter in the statewide monitoring system an employee's information and level of statewide monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the statewide monitoring system employee information and changes in status or access within 7 business days.

Count III

Respondent's actions as described above in paragraph f demonstrate a violation of Mich Admin Code, R 420.602(2)(c), which states a licensee shall comply with the following: (c) Remove an employee's access and permissions to the marihuana business and the statewide monitoring system within 7 business days after the employee's employment with the licensee is terminated.

Count IV

Respondent's actions as described above in paragraph(s) b & c demonstrate a violation of Mich Admin Code, R 420.802(2), which states licensees shall report to the agency in writing of any changes to the marihuana business operations that are required in the acts and these rules, as applicable.

Count V

Respondent's actions as described above in paragraph(s) b & c demonstrate a violation of Mich Admin Code, R 420.802(3)(a), 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: (a) Change in owners, officers, members, or managers.

Count VI

Respondent's actions as described above in paragraph c demonstrate a violation of Mich Admin Code, R 420.802(3)(c), 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: (c) The addition or removal of a person named in the application or disclosed.

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: 8/4/23

By: Alyssa A. Grissom

Digitally signed by Alyssa A. Grissom
Date: 2023.08.04 14:38:27 -04'00'

Alyssa A. Grissom
Legal Section Manager
Cannabis Regulatory Agency