

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

In the Matter of

Herb of Life, Inc.
dba Endo

License No.: AU-R-000653

ENF No.: 24-00558

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On July 9, 2024, the Cannabis Regulatory Agency (CRA) issued a formal complaint against the adult-use marijuana retailer establishment license (AU-R-000653) of Herb of Life, Inc. dba Endo (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 420.502(3) and R 420.502(5).

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 all of the allegations contained in the formal complaint are true and that Respondent violated Mich Admin Code, R 420.502(3) and R 420.502(5).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of six thousand and 00/100 dollars (\$6,000.00). This fine shall be paid within 60 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 "24-00558" and license number "AU-R-000653" clearly displayed on the check or

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money order. Respondent shall mail the fine to Department of Licensing and Regulatory Affairs, Cannabis Regulatory Agency, PO 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 shall be subject to fines and/or other sanctions under section 7(1)(c) of the MRTMA, MCL 333.27957, and Mich Admin Code, R 420.808.
6. 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: 12/30/2024

By: Brian Hanna

Digitally signed by: Brian Hanna
DN: CN = Brian Hanna email = hannab@michigan.gov C
= US O = CRA OU = CRA
Date: 2024.12.30 15:32:47 -05'00'

Brian Hanna, Executive Director
or his designee
Cannabis Regulatory Agency

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STIPULATION

The parties stipulate to the following:

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

CONTINUED ONTO THE NEXT PAGE

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

AGREED TO BY:

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: 2024.12.22 16:24:00 -0500

Signed by:
Don Lofton
81A932C1355F4D6...

Sara Hernandez, CSD Director
or her designee
Cannabis Regulatory Agency

Don Lofton, Authorized Officer
on behalf of Respondent
Herb of Life, Inc.

Dated: 12/22/2024

Dated: 12/17/2024

DocuSigned by:
Joshua Colton
41A79CC90045450...

Joshua Colton, P81940
Attorney for Respondent

Dated: 12/17/2024

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

In the Matter of

Herb of Life, Inc.
dba Endo
License No.: AU-R-000653

ENF No.: 24-00558

FORMAL COMPLAINT

The Cannabis Regulatory Agency (CRA) files this formal complaint against Herb of Life, Inc., dba Endo (Respondent) alleging upon information and belief as follows:

1. The 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 marijuana retailer establishment in the state of Michigan.

4. Respondent operated at 307 East Beecher Street, Adrian, Michigan 49221, at all times relevant to this complaint.

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

- a. On February 14, 2024, the CRA placed statewide monitoring system (Metrc) tags 1A4050300038CFE000015669 (tag number ending in -5669) and 1A4050300038CFE000016817 (tag number ending in -6817) on administrative hold.
- b. On March 22, 2024, Respondent sold one each of Metrc tag ending in -5669 for a total sale of \$12.50.
- c. On March 22, 2024, Respondent sold one each of Metrc tag ending in -6817 for a total sale of \$15.00.
- d. On March 23, 2024, Respondent sold two eaches of Metrc tag ending in -6817 for a total sale of \$30.00.
- e. On March 23, 2024, Respondent sold one each of Metrc tag ending in -5669 for a total sale of \$11.35.
- f. On April 26, 2024, a CRA RA conducted an onsite visit at Respondent's establishment and spoke with Respondent's Manager, R.P., about the sales on administrative hold. R.P. removed the items on administrative hold from the sales floor immediately.
- g. R.P. stated that the third-party point of sale system (Treez) did not show that marijuana products were on administrative hold.
- h. R.P. admitted that managers did not adhere to the guidelines of Respondent's standard operating procedures to check for marijuana products on hold at the beginning of each shift.

Count I

Respondent's actions as described above in paragraphs a, b, c, d, e, and g demonstrate a violation of Mich Admin Code R420.502(3), which states a marihuana business shall not sell or transfer a marihuana product that has been

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placed on administrative hold, recalled, or ordered or otherwise required to be destroyed.

Count II

Respondent's actions as described above in paragraphs a, b, c, d, e, and g demonstrate a violation of Mich Admin Code R420.502(5), which states prior to selling or transferring a marihuana product, a marihuana business must verify in the statewide monitoring system, that the marihuana product has not been placed on an administrative hold, recalled, or ordered to be destroyed.

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:

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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: 7/9/24

By: Alyssa A. Grissom Digitally signed by Alyssa A. Grissom
Date: 2024.07.09 16:23:39 -04'00'

Alyssa A. Grissom
Legal Section Manager
Cannabis Regulatory Agency

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