

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS¹
MARIJUANA REGULATORY AGENCY

In the Matter of

ENF No. 19-00017

Green Cure Wellness, Inc.
License No. PC-000086

_____ / CONSENT ORDER AND STIPULATION

CONSENT ORDER

On September 16, 2019, the Marijuana Regulatory Agency (MRA) issued a citation against the medical marijuana provisioning center facility license (no. PC-000086) of Green Cure Wellness, Inc. (“Respondent”) under the Medical Marihuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, and rules promulgated thereunder. The citation alleged Respondent violated Mich Admin Code, R 333.231(2)(d), R 333.233(5), R 333.274(1)(a), R 333.274(1)(b), R 333.274(1)(c), R 333.274(3), R 333.275(1)(a), R 333.275(1)(b), and R 333.275(2).

The executive director reviewed the stipulation contained in this document and agrees the public interest is best served by resolution of the citation. Therefore, the executive director finds that the allegations contained in the citation are true and that Respondent violated Mich Admin Code, R 333.231(2)(d), R 333.233(5), R 333.274(1)(b), R 333.274(1)(c), and R 333.275(2).

¹ Executive Reorganization Order 2019-2 created the Marijuana Regulatory Agency (MRA) as a Type I agency within the Department of Licensing and Regulatory Affairs (LARA). MCL 333.27001(1)(a), (d). The MRA exercises its statutory powers, duties, and functions independent of LARA’s direction. MCL 16.103.

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of ten thousand and 00/100 dollars (\$10,000.00). This fine shall be paid within 60 days of the effective date of this order by check or money order made payable to the State of Michigan with enforcement number "19-00017" clearly displayed on the check or money order. Respondent shall mail the fine to Department of Licensing and Regulatory Affairs, Marijuana Regulatory Agency, P.O. Box. 30205, Lansing, Michigan 48909, or Respondent may pay online through the Accela Citizen Access Portal (<https://aca3.accela.com/MIMM>).
2. If Respondent fails to timely pay the fine, Respondent's license shall be suspended until payment is received.
3. The citation paragraphs alleging violations of Mich Admin Code, R 333.274(1)(a), R 333.274(3), R 333.275(1)(a), and R 333.275(1)(b) are DISMISSED.
4. Unless otherwise specified in this order, Respondent shall direct any communications to the MRA that are required by the terms of this order to MRA-LegalHearings@michigan.gov.
5. Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.
6. If Respondent violates any term or condition set forth in this order, Respondent will be subject to fines and/or other sanctions under section 407(1) of the MMFLA, MCL 333.27407(1), and Mich Admin Code, R 333.219.

This order shall be effective on the date signed by the MRA's executive director or his designee, as set forth below.

MARIJUANA REGULATORY AGENCY

Signed on: 12/18/2019

By: 
Andrew Brisbo, Executive Director
Marijuana Regulatory Agency

STIPULATION

The parties stipulate to the following:


1. The facts alleged in the citation are true and constitute a violation of the rules promulgated under the MMFLA.
2. Respondent understands and intends that by signing this stipulation, Respondent is waiving the right under the MMFLA, rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to require the MRA to prove the charges set forth in the citation 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 states that its co-owner was informed that the facility could accept a printed physician certification form issued within the prior two months to confirm an individual's status as a registered qualifying patient, provided Respondent verified the documents, confirmed the individual submitted the required application fee to the MRA, and ensured the individual possessed valid identification. On June 27, 2019, an MRA investigator informed Respondent that it was required to verify patients and caregivers were, in fact, registered at the time of a sale; record all sales in the statewide monitoring system, METRC; and verify that the sale did not exceed the patient or caregiver's daily or monthly purchasing limit. However, Respondent's staff were confused and made additional sales using the prior procedure, without recording the transactions in METRC, over the next several days. Respondent then promptly took steps to correct the issue.
 - b) Respondent states that its point-of-sale system for a period of time did not allow staff to record sales of two particular flower products. As a result, staff recorded the information on paper with the intention of manually entering the transaction into METRC later. Respondent states that it sought assistance to correct the technical issue with its point-of-sale system and manually entered the missing transactions into METRC.

- c) Respondent states that—as there is no mechanism to verify driver licenses and government-issued identification in METRC—its staff required patients to present valid photo identification and visually verified the identification.
- d) Respondent represents that it and other licensees initially had difficulty verifying that sales would not exceed patient or caregiver purchasing limits due to communication gaps between point-of-sale systems—especially those by different vendors. Respondent states that its staff did verify that Respondent’s own sales did not exceed purchasing limits, but were unable to consistently determine what a patient or caregiver may have purchased elsewhere. An MRA bulletin issued on September 23, 2019, to address common inaccuracies in METRC noted that multiple provisioning centers had made sales to patients beyond the monthly purchasing limit.
- e) Respondent states that many of the cited violations involved issues that were common in the industry. Respondent states that none of the violations were intentional or the result of malice, but explained that staff turnover, technical issues with its point-of-sale system, and the complexity of the new industry created challenges and contributed to errors.
- f) Respondent states that it has learned from its past errors, made staffing changes and took other steps to improve its processes, and provided additional staff training to prevent recurrences.
- g) Respondent was cooperative and wishes to resolve the allegations without the need for and expense of an administrative hearing.

4. The MRA’s enforcement division director or her designee must approve this proposed agreement before it is forwarded to the MRA’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 MRA’s enforcement division 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:



Kavita Kale
Enforcement Division Director
Marijuana Regulatory Agency

Dated: 12/18/19



Erika N. Marzorati (P78100)
Risa Hunt-Scully (P58239)
Assistant Attorneys General
Attorneys for Complainant

Dated: 12-18-19

AGREED TO BY:



Maurice Morton, Authorized Officer
On behalf of Respondent
Green Cure Wellness, Inc.

Dated: 12-18-19