

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

In the Matter of

ENF No. 19-00014, 19-00009

Pure Green, LLC
License No. PR-000077

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On December 12, 2019, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the medical marijuana processor facility license (no. PR-000077) of Pure Green, LLC ("Respondent") under the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, and administrative rules promulgated thereunder. The complaint alleged Respondent violated Mich Admin Code, R 333.231(2)(d), R 333.233(5), R 333.235(10), R 333.236(1), R 333.236(2), R 333.238(1), R 333.261(6)(b), and R 333.276(2).

The executive director reviewed the stipulation contained in this document and agrees the public interest is best served by resolution of the complaint. Therefore, the executive director finds that the allegations contained in the complaint are true and that Respondent violated Mich Admin Code, R 333.231(2)(d), R 333.233(5), R 333.235(10), R 333.236(1), R 333.236(2), R 333.238(1), R 333.261(6)(b), and R 333.276(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 sixteen thousand and 00/100 dollars (\$16,000.00). 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 "19-00014, 19-00009" 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. 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.
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 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 consent order is intended to encompass and resolve the specific conduct and violations alleged in the December 12, 2019 complaint, as well as the specific conduct and violations alleged in investigation numbers ENF no. 19-00066 (CMP 19-000842) and ENF no. 20-00020 (CMP-19-000730).

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:

4/13/2020

By:

Andrew Brisbo
Digitally signed by: Andrew Brisbo
DN: CN = Andrew Brisbo email =
/brisboa@michigan.gov C = US O = MRA
Date: 2020.04.13 15:15:08 -0400

Andrew Brisbo, Executive Director
Marijuana Regulatory Agency

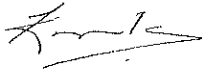
STIPULATION

The parties stipulate to the following:

1. The facts alleged in the complaint 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 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 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: April 13, 2020

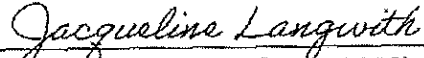
AGREED TO BY:



Stephen Goldner, Authorized Officer
On behalf of Respondent
Pure Green, LLC
Dated: 4/10/2020



Erika N. Marzorati (P78100)
Risa Hunt-Scully (P58239)
Assistant Attorneys General
Attorneys for Complainant
Dated: 4-10-2020



Jacqueline Langwith (P79600)
Attorney for Respondent

Dated: 4-10-2020

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

In the Matter of

Pure Green, LLC
License No. PR-000077

ENF No. 19-00014, 19-00009

FORMAL COMPLAINT

The Marijuana Regulatory Agency (Complainant) files this formal complaint against Pure Green, LLC (Respondent) alleging upon information and belief as follows:

1. The Marijuana Regulatory Agency (MRA) is authorized under the Medical Marijuana 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 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 MRA's authority to impose sanctions on the license.

FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE MRA

3. Respondent holds a state operating license under the MMFLA to operate a medical marijuana processor facility in the state of Michigan.

4. At the time of the allegations contained in this complaint, Respondent operated

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a processor facility at 2642 Princess Street in Inkster, Michigan, under license number PR-000002. Respondent's license, PR-000002, closed on October 3, 2019.

5. On July 15, 2019, Respondent obtained a new processor license, PR-000077, for a facility located at 2497 E. Huron Road, Au Gres, Michigan 48703.

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

a. ENF No. 19-00014

- i. On May 20, 2019, an MRA regulation agent visited Respondent's Inkster location to investigate a complaint regarding the disposal of waste.
- ii. Respondent's surveillance system retention capability at the time of the May 2019 visit was only 23 days. Thus, Respondent failed to keep surveillance recordings for a minimum of 30 days, in violation of Mich Admin Code, R 333.235(10).
- iii. During the May 2019 visit, Respondent was unable to provide proof of food handler certification, including documentation of food handler training for the manager or any current employees. Thus, Respondent failed to provide employee training on safe food handling and/or demonstrate an employee's completion of this training, in violation of Mich Admin Code, R 333.261(6)(b).

b. ENF No. 19-00009

- i. On August 5, 2019, an MRA intelligence analyst conducted an internet search and discovered an advertisement of Presto! vape products on Weedmaps with "Medical Mfg. Michigan LARA PR-000002" at the end.
- ii. MRA enforcement personnel confirmed that Respondent was selling Presto! vape cartridges labeled as "FREE OF PESTICIDES, MICROBIALS AND HEAVY METALS" at the Inkster location.

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- iii. The product may have passed the testing threshold for all pesticides, microbials, and heavy metals, but the assertion or statement that the product is "free from" those impurities is deceptive, false, or misleading.
- iv. Based on the above, Respondent made deceptive, false, or misleading assertions or statements on the marijuana product, in violation of Mich Admin Code, R 333.276(2).
- v. On August 13, 2019, MRA enforcement personnel visited Respondent's Inkster location and observed several large jars of marijuana distillate in their current inventory with no statewide monitoring system (METRC) tags on them. The items were not entered into METRC, in violation of Mich Admin Code, R 333.236(1).
- vi. Respondent failed to tag or enter several items of marijuana product received from another licensee into METRC, in violation of Mich Admin Code, R 333.236(2).
- vii. Respondent failed to tag several large jars of marijuana distillate with METRC tags. This inventory was not entered into METRC, in violation of Mich Admin Code, R 333.233(5).
- viii. Respondent stored multiple large jars of marijuana distillate that were not tagged or entered into METRC, in violation of Mich Admin Code, R 333.238(1).
- ix. Respondent's surveillance system retention capability at the time of the August 13, 2019, visit was only 27 days. Thus, Respondent failed to keep surveillance recordings for a minimum of 30 days, in violation of Mich Admin Code, R 333.235(10).
- x. During the August 13, 2019, visit, safety compliance facility employee B.P. was in Respondent's facility but did not sign the visitor log. Thus, Respondent failed maintain a log tracking all visitors in violation of Mich Admin Code, R 333.231(2)(d).

THEREFORE, based on the above, the MRA 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 333.29494(2), any party

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aggrieved by an action of the MRA 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 MRA 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 333.294(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 MRA 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
Marijuana Regulatory Agency
P.O. Box 30205
Lansing, Michigan 48909

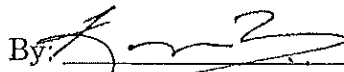
In Person: Department of Licensing & Regulatory Affairs
Marijuana Regulatory Agency
2407 North Grand River
Lansing, Michigan 48906

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 Marijuana Regulatory Agency's legal section at (517) 284-8527 or MRA-LegalHearings@michigan.gov.

Dated: 12 Dec 2019

MARIJUANA REGULATORY AGENCY

By: 
Kavita Kale, Enforcement Division Director

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