



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

January 17, 2020

Compliance Action – Citation

Erba Care, LLC

ERG No.: 000289

License No.: PC-000041

CMP No.: 19-000723

ENF No.: 19-00060

Following an investigation, the Marijuana Regulatory Agency (MRA) determined that Erba Care, LLC (“Respondent”), license no. PC-000041 violated the Medical Marijuana Facilities Licensing Act (MMFLA), and/or administrative rules promulgated thereunder as follows:

1. On September 16, 2019, Respondent received its credentials for the statewide monitoring system (METRC). On October 7, 2019, MRA observed in METRC that Respondent had yet to purchase METRC tags. On that same day, MRA visited Respondent’s facility and observed Respondent was not using METRC or METRC tags.
2. Respondent was operating without using METRC, it was instead using handwritten forms. Respondent was not entering all transactions including, but not limited to, current inventory into METRC in violation of Mich Admin Code R 333.233(5).
3. On October 7, 2019, Respondent had numerous marijuana products at its marijuana facility that were not identified or recorded in METRC, and it sold marijuana products not identified or recorded in METRC in violation of Mich Admin Code, R 333.236(1).
4. Respondent had marijuana product at its facility which did not have a batch number or identification tag or label and, Respondent did not immediately tag, identify, or record marijuana product in METRC in violation of Mich Admin Code, R 333.236(2).
5. Respondent was operating without using METRC. Therefore, it was unable to verify before a sale was made, if the sale would exceed daily and monthly purchasing limits to a registered qualifying patient or registered primary caregiver in violation of Mich Admin Code, R 333.275.

MARIJUANA REGULATORY AGENCY
2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909
www.michigan.gov/MRA

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Mich Admin Code, R 333.219 provides that a licensee found in violation of the MMFLA and/or administrative rules may be subject to sanctions, including fines. For the above violations, the MRA intends to impose a fine of \$8,000.00.

If you agree to resolve this citation as set forth in the citation agreement below, you must sign and return the attached citation agreement within 30 days after receipt of the citation. The fine must be paid within 30 days after you receive the citation agreement signed by the enforcement director. Return the signed agreement and submit payment by:

Mailing to:

Department of Licensing & Regulatory Affairs
Marijuana Regulatory Agency
P.O. Box. 30205
Lansing, Michigan 48909

Appearing in Person:

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

Online:

You may use the online Accela Citizen Access Portal (<https://aca3.accela.com/MIMM>) to upload the signed citation agreement and remit payment.

Checks must be made payable to the State of Michigan and include the above enforcement (ENF) number on the memorandum line.

A citation and fully executed citation agreement may be disclosed to the public. You may submit a one-page explanation that will be placed in your license record and may be disclosed each time the citation and/or citation agreement is disclosed to the public. ***If no further disciplinary actions are imposed on your license within five calendar years after the citation is issued, the MRA will remove this citation from this license record.***

If you fail to sign the citation agreement and timely pay the fine, the allegations in this citation will be incorporated into a formal complaint and will result in further administrative proceedings.

Continued or repeated non-compliance or repeated violations may result in further action, including the imposition of fines and/or other sanctions against your license.

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Any questions about this citation should be directed to the MRA's
legal section at (517) 284-8599 or MRA-LegalHearings@michigan.gov.

Dated: 17 Jan 2020

MARIJUANA REGULATORY AGENCY

By: 
Kavita Kale, Enforcement Division Director

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CITATION AGREEMENT (“Agreement”)

By signing below, Respondent and the Marijuana Regulatory Agency (MRA) agree that:

1. This agreement is not valid or enforceable until executed by both the enforcement director and Respondent.
2. This agreement constitutes a full and final resolution of this citation. However, this agreement does not preclude the MRA from opening a separate investigation and pursuing appropriate disciplinary action based on information that was knowingly or unknowingly withheld by Respondent or otherwise not discovered during the initial investigation.
3. Respondent and the MRA agree that each has the authority to settle the citation in accordance with the terms of this agreement.
4. The interests of the public, the MRA, and Respondent are best served by entering into this agreement without further proceedings.
5. Respondent agrees to timely pay the fine set forth in the citation.
6. Respondent does not admit the truth of the allegations in the citation but agrees that the MRA may treat the allegations as true for purposes of resolving the citation.
7. The MRA reserves the right to consider this agreement in the context of subsequent disciplinary proceedings and license application or renewal decisions.

Respondent:
Erba Care, LLC
License No. PC-000041

Marijuana Regulatory Agency

Kyle Anderson

[Signature]

By: [Signature]

By: Kavita Kale

Title: Managing Member

Enforcement Division Director

Date: 2/4/2020

Date: 2/13/2020

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Erba Care, LLC

8680 E. Eight Mile Rd.
Detroit, MI 48234
313-707-0994

ERG No.: 000289 / License No.: PC-000041

2-11-2020

To Whom It May Concern,

In regards to ENF No.: 19-00060 After receiving our credentials. We were under the impression that there was a 30 day period to make the transition to Metrc. Apparently we had the wrong information and now have to pay the fine. I am sorry for this misunderstanding and as you are aware, we have the Tags and everything is in Metrc. Once again, I apologize for this mistake.

Thank You,
Kyle Anderson