



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

December 20, 2019

Compliance Action – Citation

Evergreen Wellness Group, LLC:

ERG No.: 000314
License No.: PC-000063
CMP 19-000090
ENF No.: 19-00042

Following an investigation, the Marijuana Regulatory Agency (MRA) determined that Evergreen Wellness Group, LLC (“Respondent”), License no. PC-000063, violated the Medical Marijuana Facilities Licensing Act (MMFLA) and/or administrative rules promulgated thereunder as follows:

1. On July 20, 2019, individuals entered the marijuana facility sales floor and stayed at the counter for a couple of hours talking with employees and patients. Video surveillance recordings documented the individuals consuming beverages on the sales floor. Thus, the Respondent allowed onsite the consumption of food, in violation of Mich Admin Code R333.231(2)(a)(i).
2. On July 20, 2019, video surveillance recording documented, individuals who entered the marijuana facility sales floor and stayed at the counter for a couple of hours talking with employees and patients. Respondent’s staff admitted that they did not verify whether or not they were registered qualifying patients or registered primary caregivers and they were given access to the point of sale area in violation of Mich Admin Code R333.231(2)(d).
3. On August 6, 2019, Respondent acknowledged purchasing and selling marijuana products that had not been entered into the statewide monitoring system (METRC) and was unable to provide records of the sales when requested. Additionally, the MRA identified marijuana products being sold that were labeled with incorrect METRC tag numbers. For example, including but not limited to, a container of flower labeled “Larry OG Bud” was for sale. In METRC, “Larry OG Bud” was listed as out of stock and it showed that the last time this product was sold was in November 2018. The METRC tag number located on “Larry OG Bud” was tag number 1A4050100000837000000167; however, in METRC this tag number was associated with a product called “Jungle Cake” and according to METRC, Jungle Cake had been sold out since May 6, 2019. Thus, Respondent did not enter in the statewide monitoring system all transactions, including, but not limited to, current inventory; nor, were records maintained and made available to the MRA upon request, in violation of Mich Admin Code R333.233(5).

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4. On August 6, 2019, the MRA spoke with A.V., a budtender at the facility. A.V. described the process of making a sale to a patient: if the product has a point-of-sale label, it is scanned and payment is taken. If the marijuana product is not in the system, the budtender tells the patient the total and places the payment into the money drawer. No part of this process uses METRC. Thus, Respondent was not verifying in METRC whether each sale would exceed the daily and monthly purchasing limit for a registered qualifying patient or registered primary caregiver, in violation of Mich Admin Code R333.275(1) and (2).

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 \$7,000.00.

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 of 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 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 the explanation may be disclosed each

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time the issuance of the citation 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 Agency 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.

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

Dated: 12 / 20 / 19

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.

Evergreen Wellness Group, LLC
License No. PC-000063

Marijuana Regulatory Agency

By: Amru Mehta

By: Kavita Kale

Title: MANAGER

Title: Enforcement Division Director

Date: 1-23-20

Date: 1/23/2020

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