

STATE OF MICHIGAN  
DEPARTMENT OF REGULATORY AFFAIRS<sup>1</sup>  
MARIJUANA REGULATORY AGENCY

In the Matter of

TBJ Sweet Leaf, LLC  
ERG No.: 000107  
License No.: PC-000202  
ENF No.: 20-00069 & 20-00051

CMP No.: 20-000685  
& 20-000185

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On July 21, 2020, the Marijuana Regulatory Agency (MRA) issued a first superseding formal complaint against the medical marijuana provisioning center facility license (PC-000202) of TBJ Sweet Leaf, LLC (“Respondent”) under the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, and the administrative rules promulgated thereunder. The first superseding formal complaint alleged Respondent violated Mich Admin Code, R 333.236(2), R 333.238(1), R 333.273(1)(a),(b),(c),(d),(g),(i), and (k)(i).

The executive director reviewed the stipulation contained in this document and agrees the public interest is best served by resolution of the first superseding formal complaint. Therefore, the executive director finds that the allegations contained in the first superseding formal complaint are true and that Respondent violated Mich Admin Code, R 333.236(2), R 333.238(1), R 333.273(1)(a),(b),(c),(d),(g),(i), and (k)(i).

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 30 days of the effective date of this order by check or money order made payable to the State of Michigan with enforcement number “20-00051 & 20-00069” clearly displayed on the check or money order. Respondent shall mail the fine to Department of Licensing and Regulatory Affairs, Marijuana Regulatory Agency, PO BOX 30205, Lansing, Michigan 48909.

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<sup>1</sup> 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.

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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.
6. Upon timely payment of the fine by Respondent, the matters set forth in the first superseding formal complaint shall be deemed resolved and closed subject to this Consent Order.

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: 10/15/20

By: Andrew Brisbo  
Digitally signed by: Andrew Brisbo  
 DN: CN = Andrew Brisbo email =  
 brisboa@michigan.gov C = US O =  
 MRA  
 Date: 2020.10.15 17:35:04 -04'00'  
 Andrew Brisbo, Executive Director  
 Marijuana Regulatory Agency

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## STIPULATION

The parties stipulate to the following:

1. The facts alleged in the first superseding formal complaint are true and constitute a violation of the administrative rules promulgated under the MMFLA.
2. Respondent understands and intends that by signing this stipulation, Respondent is waiving the right under the MMFLA, administrative 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 first superseding formal 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 provided documentation that it terminated the employees and manager working at the time of the allegations in the complaint.
  - b. Respondent provided documentation that it adopted a new position and new policies to monitor inventory more closely.
  - c. Respondent provided documentation that numerous audits are now performed to ensure inventory is entered into METRC properly and labeled properly.
  - d. 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 on 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.

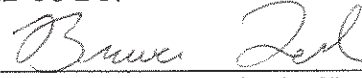
AGREED TO BY:

Julie Kluytman

Digitally signed by Julie Kluytman  
DN: CN = Julie Kluytman email =  
Kluytmanj@michigan.gov C = AD OU = Marijuana  
Regulatory Agency  
Date: 2020.10.14 12:53:03 -0400

Julie Kluytman, Director  
Enforcement Division  
Marijuana Regulatory Agency  
Dated: 10/14/20

AGREED TO BY:



Bruce Leach, Authorized Officer  
On behalf of Respondent  
TBJ Sweet Leaf, LLC

Dated: October 6, 2020

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MARIJUANA REGULATORY AGENCY

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FIRST SUPERSEDING FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this first superseding formal complaint against TBJ Sweet Leaf, 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 administrative 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.

3. Section 206(c) of the MMFLA provides that the administrative rules must ensure the health, safety, and security of the public and integrity of the marijuana facility operations.

4. Respondent’s conduct as described below is a risk to public health and safety and/or the integrity of marijuana facility operations.

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FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE MRA

5. Respondent holds an active state operating license under the MMFLA to operate a medical marihuana provisioning center in the state of Michigan.

6. Respondent operated at 400 S. Dort Highway, Flint, Michigan 48503, at all times relevant to this complaint.

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

- a. On January 30, 2020, Respondent had more than 100 packets of prepackaged buds (1g and 3.5g increments), and numerous packages of house made pre-rolls that did not have a batch number or identification tag or label affixed to them in violation of Mich Admin Code R 333.236(2).
- b. On the same date, Respondent also had at its facility:
  - i. Statewide monitoring system (METRC) tag number #1A4050100002BC1000000007 that was attached to two canisters of flower with two separate names (Purple Punch and Blueberry). The strain name according to METRC is Cherry Larry.
  - ii. METRC tag #1A4050100002BC1000000005 that was attached to a cannister of flower labeled with the name Cookie Wreck. The strain name according to METRC is Cataract Kush.
  - iii. According to the Respondent's point of sale system, 536g of Cataract Kush was in inventory. However, the last documented sale in METRC occurred on November 2, 2019, where the product sold out.
  - iv. Respondent failed to consistently track inventory in METRC in violation of Mich Admin Rule R 333.238(1).
- c. At a follow-up visit on February 13, 2020, Respondent had:
  - i. METRC tag #1A405010000BC1000000004 - Blue Cheese had 22.39g listed as remaining in inventory according to the point of sale system. The

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last sale was listed as September 28, 2019 in METRC. Respondent indicated that 0g was remaining in the physical inventory.

- ii. METRC tag #1A4050100002BC1000000005 - Cataract Kush had -90.98g listed in the point of sale system. This package should have shown 0g.
  - iii. Respondent again failed to consistently track inventory in METRC in violation of Mich Admin Rule R 333.238(1).
- d. On June 3, 2020, Respondent possessed Sin Mint and Sweet Pink marijuana products and sold Wifi OG marijuana product that did not contain a batch number or identification tag or label, and this product had not been immediately tagged, identified, or recorded as part of a batch in the statewide monitoring system in violation of Mich Admin Code R 333.236(2).
- e. On the same date, Wifi OG, Sin Mint, and Sweet Pick marijuana products did not contain the following items that are required on the label in violation of Mich Admin Code R 333.273(1)(a),(b),(c),(d),(g),(i),(k)(i):
- i. The name of the licensee and the state license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system,
  - ii. The name of the licensee and the state license number including business or trade name of the licensee that packaged the product, if different from the marihuana processor of the marihuana product,
  - iii. The unique identification number for the package or the harvest, if applicable,
  - iv. Date of harvest, if applicable,
  - v. Concentration of THC and CBD,
  - vi. Name of the marihuana safety compliance facility that performed any test, any associated test batch number, and any test analysis date,
  - vii. A warning that states: "For use by individuals 21 years of age or older only."

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- f. Respondent's METRC inventory showed that "Sweet Pink" is not the strain name for that product in METRC, the strain name is "Sweet Pink Stink." Respondent failed to identify and track its inventory consistently in the statewide monitoring system.

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 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. The MRA reserves the right to review the formal complaint and amend it should this matter proceed to a contested case hearing.

Questions about this complaint should be directed to the Marijuana Regulatory Agency's legal section at (517) 284-8599 or [MRA-LegalHearings@michigan.gov](mailto:MRA-LegalHearings@michigan.gov).

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The formal complaint filed against the Respondent on June 17, 2020 is hereby WITHDRAWN and replaced in full by this superseding complaint.

Dated: July 17, 2020

**MARIJUANA REGULATORY AGENCY**

**Kavita Kale**

By: \_\_\_\_\_

Kavita Kale, Enforcement Division Director

Digitally signed by: Kavita Kale  
DN: CN = Kavita Kale email =  
kalek@michigan.gov C = US  
Date: 2020.07.17 09:59:05 -04'00'

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**PROOF OF SERVICE**

I hereby certify that on July 21, 2020, I mailed a copy of the First Superseding Formal Complaint dated 7-17-20 in the above captioned case by certified mail (return receipt requested) to:

TBJ Sweet Leaf, LLC  
400 South Dort Highway  
Flint, Michigan 48503

With a copy to:

Bruce Leach  
Bruceleach.law@gmail.com

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Jessica S. Fox  
Departmental Analyst  
Marijuana Regulatory Agency  
Department of Licensing & Regulatory  
Affairs