

STATE OF MICHIGAN
DEPARTMENT OF REGULATORY AFFAIRS¹
MARIJUANA REGULATORY AGENCY

In the Matter of

Comco, LLC dba From the Earth
ERG No.: 000058
License No.: PR-000028
ENF No.: 20-00100

CMP No.: 20-000802

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On October 7, 2020, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the medical marijuana processor facility license (PR-000028) of Comco, LLC dba From the Earth (“Respondent”) under the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, and the administrative rules promulgated thereunder. The formal complaint alleged Respondent violated Mich Admin Code, R 420.10(1), R 420.303(6).

The executive director reviewed the stipulation contained in this document and agrees the public interest is best served by resolution of the formal complaint. Therefore, the executive director finds that the allegations contained in the formal complaint are true and that Respondent violated Mich Admin Code, R 420.10(1), R 420.303(6).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of Two Thousand Five Hundred and 00/100 dollars (\$2,500.00). 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 “20-00100” 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.
2. If Respondent fails to timely pay the fine, Respondent’s license shall be suspended until payment is received.

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.

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 420.806.
6. Upon timely payment of the fine by Respondent, the matters set forth in the 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: 4/21/21

By:

Andrew Brisbo

Digitally signed by: Andrew Brisbo
DN: CN = Andrew Brisbo email =
brisboa@michigan.gov C = US O =
Marijuana Regulatory Agency OU =
Executive Director
Date: 2021.04.21 14:56:51 -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 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 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 self-reported the mistake to the MRA upon realizing the incorrect calculation.
 - b. Respondent provided documentation that the mistake was because of a misunderstanding of the bulletin issued regarding the calculations for the amount of caregiver product allowed to be brought in during the different phase out periods.
 - c. Respondent provided documentation that the overage of product was destroyed, and that the licensee(s) required to destroy the overage were compensated for the loss of that product.
 - d. Respondent avers that this violation was the result of simple human error.
 - e. 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:

Julie Kluytman

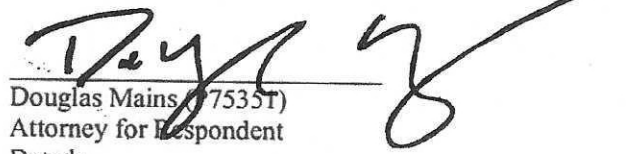
Digitally signed by: Julie Kluytman
DN: CN = Julie Kluytman email =
kluytmanj@michigan.gov C = AD
Date: 2021.04.21 08:49:28 -0400

Julie Kluytman, Director
Enforcement Division
Marijuana Regulatory Agency
Dated: 4/21/21

AGREED TO BY:



Peter Behnke, Authorized Officer
On behalf of Respondent
Comco, LLC
Dated: _____



Douglas Mains (7535T)
Attorney for Respondent
Dated: _____

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MARIJUANA REGULATORY AGENCY

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FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this formal complaint against Comco, LLC dba From the Earth (“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 the 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 administrative 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 processor in the state of Michigan.

6. Respondent operated at 12584 Wooden Road, Hanover, Michigan 49241, 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. In December 2019 the MRA issued the Phase-Out Process Ending External Transfers to the Regulated Market Bulletin which is a general exception to Mich Admin Code R 420.109(1) if a licensee adheres to the specific requirements of the bulletin.
- b. On July 1, 2020, Respondent received an external transfer of caregiver trim (marihuana) (Manifest #203026) containing six packages with a total weight of 88.81 pounds. The statewide monitoring system (METRC) information for those packages is as follows:
 1. 1A4050100003779000002299 – Alien Pebbles Trim – 6,720 grams
 2. 1A4050100003779000002300 – GMO Trim – 6,720 grams
 3. 1A4050100003779000002301 – Wedding Cake Trim – 6,720 grams
 4. 1A4050100003779000002302 – Grilla Glue Trim – 6,720 grams
 5. 1A4050100003779000002303 – Green Crack - 6,720 grams
 6. 1A4050100003779000002304 – Grease Monkey – 6,720 grams
- c. Respondent's receipt of Manifest #203026 did not comply with the specific requirements of the bulletin, therefore, Respondent purchased product from someone other than a grower in violation of Mich Admin Code R 420.109(1).
- d. On July 8, 2020, Respondent transferred these packages to another licensee holding a medical marihuana processor license prior to the packages being sampled pursuant to R 420.304 and being tested pursuant to R 420.305.

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- e. Respondent's transfer of marihuana without having it sampled or tested in compliance with the administrative rules is in violation of Mich Admin Code R 420.303(6).

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 the administrative 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.

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

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Questions about this complaint should be directed to the Marijuana Regulatory Agency at (517) 284-8599 or MRA-LegalHearings@michigan.gov.

Dated: 10/2/20

MARIJUANA REGULATORY AGENCY

By: Claire Patterson
Claire Patterson, Scientific and Legal Section Manager
Enforcement Division

Digitally signed by: Claire Patterson
DN: CN = Claire Patterson email =
PattersonC8@michigan.gov C = US O = MRA
OU = LARA
Date: 2020.10.02 13:59:10 -0400

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_____/

PROOF OF SERVICE

I hereby certify that on October 7, 2020, I mailed a copy of the Formal Complaint dated 10/2/20 in the above captioned case by certified mail (return receipt requested) to:

Comco, LLC
Dba From the Earth
1215 Wildwood Avenue
Jackson, Michigan 49201

With a copy to:

Attorney Douglas Mains
222 North Washington Square
Suite 400
Lansing, Michigan 48933

Jessica S.
Fox

Digitally signed by Jessica
S. Fox
Date: 2020.10.07
10:45:27 -04'00'

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