

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

In the Matter of

MPM-P Hazel Park, LLC dba Common Citizen  
ERG No.: 000567  
License No.: PR-000015  
ENF No.: 20-00113

CMP No.: 20-000796

\_\_\_\_\_/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On December 9, 2020, the Marijuana Regulatory Agency (MRA) issued a first superseding formal complaint against the medical marijuana processor facility license (PR-000015) of MPM-P Hazel Park, LLC dba Common Citizen (“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 420.206(10), 420.206(11), 420.602(12), 420.109(4), and 420.212(1).

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 as those allegations pertain to Mich Admin Code, R 420.109(4), and 420.212(1) and that Respondent violated Mich Admin Code, R 420.109(4), and 420.212(1).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of Four Thousand and 00/100 dollars (\$4,000.00). 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 “20-00113” 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.

2. Notice Requirement:

- a. Respondent must draft a notice that will be sent to all patients, customers, and marijuana businesses that purchased the marijuana product that had an unidentified peak indicated on its test results (the product in question).
- b. Respondent must provide the draft notice to the MRA for approval before sending it to any patients, customers, or marijuana businesses.
- c. Once the MRA approves the draft notice, Respondent must:
  - i. Disseminate the notice to all patients, customers, and marijuana businesses that purchased the product in question. A marijuana business that purchased the product in question must disseminate the notices to all patients and customers who purchased it.
  - ii. Upon request by the MRA, Respondent may be required to provide proof that the notice was disseminated. Failure to provide proof of this notice may result in disciplinary action.

3. Waiver Requirement:

- a. Respondent must draft a waiver that will be provided to be filled out and present for all sales to patients, customers, or marijuana businesses that purchase or obtain the marijuana product that had an unidentified peak indicated on its test results (the product in question).
- b. Respondent must provide the draft waiver to the MRA for approval before sending it to any patients, customers, or marijuana businesses.
- c. Once the MRA approves the draft waiver, Respondent must:
  - i. Present the waiver to the purchasing patient or customer and properly fill out the waiver before completing a sale of the product in question. A marijuana business that received the product in question and intends to sell it, must receive the waiver from Respondent with instructions from Respondent that the marijuana business must provide the waiver to the purchasing patient or customer and properly fill out the waiver before completing a sale of the product in question.
  - ii. Upon request by the MRA, a marijuana business may be required to provide proof that the waiver has been properly filled out and present before the completion of the sale. This waiver will be considered an appropriate record of sales or transfers in accordance with Mich Admin Code, R 420.505(2). Failure to provide proof of this waiver may result in disciplinary action.

4. After MRA has provided approval for the draft notice and draft waiver, any administrative hold placed on product in the statewide monitoring system as a result of this investigation is hereby lifted, and that product may be processed, sold, or transferred in compliance with MCL 333.27101 *et seq.*, and the administrative rules.

5. If Respondent fails to timely pay the fine, Respondent's license shall be suspended until payment is received.

6. The paragraphs of the first superseding formal complaint alleging a violation of Mich Admin Code, R 420.206(10), 420.206(11), 420.602(12) are DISMISSED.

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7. 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](mailto:MRA-LegalHearings@michigan.gov).
8. Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.
9. 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.
10. Upon timely payment of the fine and completion of all requirements found in this order 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: 4/28/2021

By: **Andrew Brisbo**  
Digitally signed by: Andrew Brisbo  
DN: CN = Andrew Brisbo email =  
krisboa@michigan.gov C = US O = Marijuana  
Regulatory Agency OU = Executive Director  
Date: 2021.04.28 13:22:42 -0400  
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 relative to the allegations pertaining to Mich Admin Code, R 420.109(4), and 420.212(1) are true and constitute a violation of those administrative rules.
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 updated standard operating procedures to ensure and promote compliance in the future.
  - b. Respondent stated it believed that no adjustments could have been made to the product in question that was on administrative hold; however, the administrative hold was placed on August 12, 2020, and the last transaction of that product was July 8, 2020 which means the adjustment should have taken place before the administrative hold was placed.
  - c. Respondent was cooperative and wishes to resolve the allegations without the need for and expense of an administrative hearing.
  - d. The allegations made relative to violations of Mich Admin Code, R 420.206(10), 420.206(11), and 420.602(12) pertained to an “unknown peak” that was reported on the certificate of analysis (“COA”) for the product in question. Mich Admin Code, R 420.206(10), 420.206(11), and 420.602(12) did not go into effect until June 22, 2020.
  - e. Respondent had an independent lab complete the COA for the product in question performed on February 13, 2020, before those Rules were in effect. The COA determined that the product in question passed all testing requirements in place at that time.
  - f. Respondent avers it packaged the product in question on March 3, 2020.
  - g. Respondent avers sales of the product in question occurred before Mich Admin Code, R 420.206(10), 420.206(11), and 420.602(12) went into effect (June 22, 2020), except sales to its own affiliates.
  - h. Respondent agreed to the waiver and notice requirements described above to ensure transparency with the MRA, Respondent’s customers, and the public at large, relative its marijuana cultivation process.

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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: 2021.04.28 09:40:54 -0400

Julie Kluytman, Director  
Enforcement Division  
Marijuana Regulatory Agency

Dated: \_\_\_\_\_

AGREED TO BY:



Joseph Jarvis, Authorized Officer  
On behalf of Respondent  
MPM-P Hazel Park, LLC dba Common  
Citizen

Dated: April 26, 2021



Myles J. Baker (P 82178)  
Attorney for Respondent Dated:  
April 26, 2021

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FIRST SUPERSEDING FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this first superseding formal complaint against MPM-P Hazel Park, LLC dba Common Citizen (“Respondent”) alleging upon information and belief as follows:

1. The Marijuana Regulatory Agency (MRA) is authorized under the Medical Marihuana 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 marihuana facility operations.
4. Respondent’s conduct as described below is a risk to public health and safety and/or the integrity of marihuana 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 721 E. 8 Mile Rd., Hazel Park, MI, 48030 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 February 13, 2020, Respondent had caregiver-produced, marijuana product Gas Dreams Shatter Bulk with statewide monitoring system (METRC) tag number 1A40501000053990000000056 (tag #0056) tested by a safety compliance facility.
- b. During compliance testing the safety compliance facility discovered an unknown peak registered on the chromatogram. This unknown peak was reported on the certificate of analysis (COA). This unknown peak represented an ingredient other than cannabis which was not listed on the product label.
- c. Respondent failed to include on the label for tag #0056 the unknown ingredient along with the other ingredients in the product in, descending order of predominance by weight in violation of Mich Admin Code R 420.206(10).
- d. Based on the above, Respondent failed to list all non-marihuana inactive ingredients clearly on the product label in violation of Mich Admin Code R 420.206(11).
- e. The MRA requested the records of formulation from Respondent. “Records of formulation” means the documentation that includes at a minimum: the ingredients, recipe, processing in order to be shelf stable, Certificates of Analysis for any ingredient used, and description of the process in which all ingredients are combined to produce a final form.

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- f. Respondent did not provide the minimum documentation required for the record of formulation for tag #0056. Respondent did not include all the ingredients, the recipe, or Certificates of Analysis for all ingredients used in violation of Mich Admin Code R 420.602(12).
- g. On November 30, 2020, the MRA was processing Respondent's request to close out its current license in order to move to another location. During this process Respondent's inventory needed to be reviewed to ensure no current inventory or outstanding transactions were on this license.
- h. Respondent's inventory review in METRC revealed Gas Dreams Shatter Bulk, Metrc package tag 1A4050100005399000000056 (tag #0056), was on administrative hold and had a remaining weight of 7.1 grams left in it.
- i. On December 1, 2020, Respondent stated that none of tag #0056 was left in the physical inventory at its facility and the 7.1 grams indicated in METRC was due to product loss after packaging had been completed.
- j. Respondent made several packages from tag #0056 between March 3, 2020 and July 8, 2020. No activities or product adjustments were made accounting for product loss after July 8, 2020 to reflect that no product was left in the physical inventory.
- k. Based on the above information discovered on December 1, 2020, Respondent's failure to have transactions in METRC demonstrating adjustments is in violation of Mich Admin Code, R 420.109(4).
- l. Furthermore, Respondent's failure to have 7.1 grams of product in a secured limited access area or restricted area and tracked consistently in METRC is in violation of Mich Admin Code, R 420.212(1).

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 420.704(2), any party aggrieved by an action of the MRA suspending, revoking, restricting, or refusing to renew a license, or imposing a

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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 420.704(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

By Email: MRA-LegalHearings@michigan.gov

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) 284-8599 or [MRA-LegalHearings@michigan.gov](mailto:MRA-LegalHearings@michigan.gov).

The formal complaint filed against the Respondent on October 28, 2020, is hereby WITHDRAWN and replaced in full by this superseding complaint.

Dated: 

December 9, 2020
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**MARIJUANA REGULATORY AGENCY**

By: \_\_\_\_\_  
Claire Patterson, Scientific and Legal Section Manager

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**PROOF OF SERVICE**

I hereby certify that on December 9, 2020, I mailed a copy of the First Superseding Formal Complaint dated December 9, 2020 in the above captioned case by certified mail (return receipt requested) to:

MPM-P Hazel Park, LLC dba Common Citizen  
PO Box 794  
Birmingham, MI 48012

With a copy sent on December 9, 2020 to:

MBaker@dickinson-wright.com

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

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