

**STATE OF MICHIGAN  
DEPARTMENT OF REGULATORY AFFAIRS  
MARIJUANA REGULATORY AGENCY**

**In the Matter of**

**OTGMI, LLC  
ERG No.: 001124  
License No.: PR-000084  
ENF No.: 21-00095**

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**CMP No.: 21-0000239**

**ORDER OF SUMMARY SUSPENSION**

On February 18, 2021, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the above-referenced licensee ("Respondent") under the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, and rules promulgated thereunder.

Based on its investigation of the conduct alleged in the formal complaint, the MRA determined that the safety or health of patrons or employees is jeopardized by Respondent's continued operation and that emergency action is required, as authorized under section 407(2) of the MMFLA, MCL 333.27407(2), Mich Admin Code, R 420.705 and section 92(2) of the Administrative Procedures Act, MCL 24.292(2).

THEREFORE, IT IS ORDERED that Respondent's license to operate the above-referenced marijuana facility shall be summarily suspended, effective immediately upon service of this order.

Under section 407(2) of the MMFLA, MCL 333.27407(2), and Mich Admin Code, R 420.705 a prompt post-suspension hearing must be held to determine whether this suspension should remain in effect. Notice of the hearing date, time, and place will be forthcoming. Questions about this complaint should be directed to the Marijuana Regulatory Agency at (517) 284-8599 or [MRA-LegalHearings@michigan.gov](mailto:MRA-LegalHearings@michigan.gov).

Date: 2-18-2021

Marijuana Regulatory Agency

<b>Andrew Brisbo</b>	Digitally signed by: Andrew Brisbo DN: CN = Andrew Brisbo email = brisboa@michigan.gov C = US O = Marijuana Regulatory Agency OU = Executive Director
	Date: 2021.02.18 09:20:20 -05'00'

Andrew Brisbo, Executive Director

MARIJUANA REGULATORY AGENCY  
2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909  
[www.michigan.gov/MRA](http://www.michigan.gov/MRA)

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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 OTGMI, 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 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 marijuana processor in the state of Michigan.

6. Respondent operated at 4184 Pier N. Blvd., Suite B, Flint, MI, 48504, at all times relevant to this complaint.

7. Respondent's facility is located in one of the center suites in a four-suite commercial building also occupied by at least three other businesses.

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

- a. On August 5, 2019, the Bureau of Fire Services (BFS) approved Respondent's plan review for its marijuana processing facility with "No extraction." This approval was contingent upon compliance with numerous requirements, including additional fire safety plan review and/or inspections for modifications to extraction equipment and process rooms or marijuana-infused product processing equipment; additional fire safety plan review and/or inspections for changes in extraction methods and processing; and newly introduced equipment, materials, and operations being in compliance with requirements for new construction or processes.
- b. On February 10, 2021, a BFS inspector conducted a routine, on-site, semi-annual inspection of Respondent's facility. During the inspection the BFS inspector observed unapproved extraction equipment in the facility's kitchen.
- c. The unapproved extraction equipment was not present when BFS inspected Respondent's facility on May 20 and July 21, 2020.
- d. Respondent's extractor M.B, confirmed to the BFS inspector that the facility had conducted ethanol extractions in the kitchen, where the stove also was used to produce edibles.

- e. Respondent, manager J.C., also confirmed the facility had using the unapproved equipment to conduct extractions.
- f. As of the time of the February 10, 2021 inspection, J.C. had not reported a change or modification in its processing equipment or methods to either the MRA or BFS, had not had a fire safety inspection of the equipment, and had not been approved to conduct any extraction methods.
- g. The MRA identified through a review of the statewide monitoring system (METRC), that products under five different package tags were produced using oil extracted through Respondent's unapproved extraction method and equipment.
- h. On February 11, 2021, J.C. confirmed three jars of oil were produced through its unapproved extraction methods.
- i. Respondent failed to implement appropriate exhaust ventilation systems in violation of Mich Admin Code, R 420.208(5)(c) to mitigate noxious gasses or other fumes used or created as part of any production process or operations.
- j. Respondent modified extraction equipment and process rooms within the marijuana business without having a required fire safety inspection conducted, in violation of Mich Admin Code, R 420.208(6)(b)(i).
- k. Respondent made material changes to its facility without having a required fire safety inspection conducted, in violation of Mich Admin Code, R 420.208(6)(b)(iii).
- l. Respondent made changes in extraction methods and processing areas without having a required fire safety inspection conducted, in violation of Mich Admin Code, R 420.208(6)(b)(iv).
- m. Respondent failed to report to the MRA a proposed material change of processing machinery or equipment before making the change, in violation of Mich Admin Code, R 420.802(3)(b).
- n. Respondent failed to report to the MRA a proposed operational or method change requiring inspection before making the change, in violation of Mich Admin Code, R 420.802(3)(g)(i).

- o. Respondent failed to report to the MRA a proposed addition in equipment or processes at the marijuana business before making the change, in violation of Mich Admin Code, R 420.802(3)(g)(ii).
- p. Respondent failed to report to the MRA a proposed change that impacts security, fire safety, or building safety, in violation of Mich Admin Code, R 420.802(3)(g)(v).
- q. Respondent failed to report to the agency changes to the marijuana business operations that were required to be reported as set forth above, in violation of Mich Admin Code, R 420.802(2).

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 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 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

By Email: MRA-LegalHearings@michigan.gov

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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 at (517) 284-8599 or [MRA-LegalHearings@michigan.gov](mailto:MRA-LegalHearings@michigan.gov).

Dated: 02/18/2021

**MARIJUANA REGULATORY AGENCY**

By: 

<b>Claire Patterson</b>	Digitally signed by Claire Patterson Date: 2021.02.18 09:28:35 -05'00'
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Claire Patterson, Scientific and Legal Section Manager  
Enforcement Division