

STATE OF MICHIGAN
DEPARTMENT OF REGULATORY AFFAIRS¹
MARIJUANA REGULATORY AGENCY

In the Matter of

DNVK Lapeer, Inc.
ERG No.: 000006
License No.: PC-000274
ENF No.: 20-00111

CMP No.: 20-000852

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On October 21, 2020, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the medical marijuana provisioning center facility license (PC-000274) of DNVK Lapeer, Inc. (“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 420.502(3), R 420.502(4), R 420.505(1).

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 420.502(3).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of Fifteen Thousand and 00/100 dollars (\$15,000.00). 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 “20-00111” 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.

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3. The alleged violations of Mich Admin Code R 420.502(4) and R 420.505(1) are DISMISSED.
4. 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.
5. Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.
6. 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.
7. 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: 7/24/21

By:  _____
 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 provided updated standard operating procedures that include checks of the statewide monitoring system (METRC) for administrative holds at open and close of the provisioning center, along with prior to each transaction.
 - b. Respondent had received the marijuana products in question at two provisioning centers on the same date. The items were placed on administrative hold in both locations, on the same date that it had reported a discrepancy in the package received at the other licensed provisioning center. Respondent believed that the hold was related to the discrepancies in the package.
 - c. Respondent ceased all sales of the marijuana product once it was made aware that the product was recalled due to possible contamination.
 - d. Respondent avers that it did not sell the possibly contaminated marijuana product (hand rolled pre-rolls) but it had received the machine rolled pre-rolls, however, pre-rolls are not identified by manufacturing processes in METRC.
 - e. Respondent has not had any previous disciplinary action issued against it.
 - f. Respondent and the MRA engaged in negotiations of the proposed penalties listed in the Consent Order.
 - g. 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.

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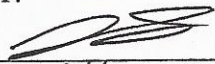
By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

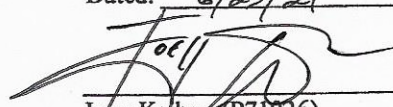
AGREED TO BY:

Julie Kluytman
Digitally signed by Julie Kluytman
DN: CN = Julie Kluytman email =
kluytman@michigan.gov C = US O =
Michigan Regulatory Agency
Date: 2021.07.22 15:36:51 -0400

Julie Kluytman, Director
Enforcement Division
Marijuana Regulatory Agency
Dated: _____

AGREED TO BY:


Jonathon Subler, Authorized Officer
On behalf of Respondent
DNVK Lapeer, Inc.
Dated: 6/25/21


Joey Keibou (P71026)
Attorney for Respondent
Dated: 6/26/21

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ENF No. 20-00111
MRA 5044

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MARIJUANA REGULATORY AGENCY

In the Matter of

DNVK Lapeer, Inc.
ERG No.: 000006
License No.: PC-000274
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FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this formal complaint against DNVK Lapeer, Inc. (“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 provisioning center in the state of Michigan.

6. Respondent operated at 2401 West Genesee Street, Lapeer, Michigan, 48446 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 July 31, 2020, at 2:10 P.M., the MRA placed statewide monitoring system (METRC) package tag numbers following on administrative hold:
 - a. 1A4050100005016000006255,
 - b. 1A4050100005016000006256,
 - c. 1A4050100005016000006257,
 - d. 1A4050100005016000006258, and
 - e. 1A4050100005016000006260.
- b. Respondent made a total of 131 sales from the above listed packages on July 31, 2020, August 2, August 2, August 3, and August 4, 2020 that were on administrative hold in violation of Mich Admin Code R 420.502(3) and 420.505(1)(a).
- c. On August 26, 2020, Respondent stated that he was unaware of the administrative hold until August 5, 2020 when he happened to click on the hold tab in METRC. Respondent failed to verify in METRC that the product was not placed on administrative hold, before processing 131 sales, in violation of Mich Admin Code R 420.502(4).

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.

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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

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 at (517) 284-8599 or MRA-LegalHearings@michigan.gov.

Dated: 10/20/20

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 =
PattersonC@mi@michigan.gov C = US O =
MRA OU = LARA
Date: 2020.10.20 11:06:54 -0400

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