

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

In the Matter of

BERRY GREEN MANAGEMENT, INC.
License No.: AU-P-000161

ENF No.: 21-00212

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On September 16, 2021, the Cannabis Regulatory Agency (CRA) issued a formal complaint against the adult-use marijuana processor license (AU-P-000161) of Berry Green Management Inc. (Respondent) under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951 *et seq.*, and the administrative rules promulgated thereunder. The formal complaint alleged Respondent violated Mich Admin Code, R 420.403(10)(a), R 420.504(1)(g), and R 420.504(1)(k)(iv).

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 420.403(10)(a), R 420.504(1)(g), and R 420.504(1)(k)(iv).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of five thousand and 00/100 dollars (\$5,000). This fine shall be paid within 30 days of the effective date of this order by check, money order, or online through Accela Citizen Access (ACA). Instructions on how to make online payments can be found under the Tips for Licensees bulletin section at www.michigan.gov/cra. Check or money orders shall be made payable to the State of Michigan with enforcement number "21-00212" and license number "AU-P-000161" clearly displayed on

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the check or money order. Respondent shall mail the fine to Department of Licensing and Regulatory Affairs, Cannabis Regulatory Agency, PO BOX 30205, Lansing, Michigan 48909.

2. If Respondent fails to timely comply with the terms of this order, Respondent's license shall be suspended until compliance is demonstrated.
3. Unless otherwise specified in this order, Respondent shall direct any communications to the CRA that are required by the terms of this order to CRA-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 7(1)(c) of the MRTMA, MCL 333.27957, and Mich Admin Code, 420.808.
6. Upon timely compliance of the terms of this order 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 30 days after the date signed by the CRA's executive director or his designee, as set forth below.

CANNABIS REGULATORY AGENCY

Signed on: 07/21/2023

By:  Brian Hanna
Digitally signed by: Brian Hanna
DN: CN = Brian Hanna, email = hannaab@michigan.gov, C = US, O = CRA, OU = CRA
Date: 2023.07.21 15:50:11 -04'00'

Brian Hanna, Executive Director
or his designee
Cannabis 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 MRTMA.
2. Respondent understands and intends that by signing this stipulation, Respondent is waiving the right under the MRTMA, the administrative rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to require the CRA to prove the violations set forth in the formal complaint by presentation of evidence and legal authority, and to present a defense to the violations.
3. The parties considered the following in reaching this agreement:
 - a. One product was sold with several fields of required information incorrect or missing from the label.
 - b. There is not sufficient evidence that any of the other products reviewed during the investigation with incorrect or missing information on the labels were sold or transferred.
 - c. Respondent provided a standard operating procedure (SOP) that included compliant processes for packaging and labeling.
 - d. Respondent stated it was transitioning to a new point-of-sale system and an employee that was being trained did not notice that certain data did not get pulled into the system from Metrc.
 - e. Respondent provided photos showing that all non-compliant package labels had been corrected.
 - f. Respondent was cooperative and wishes to resolve the allegations without the need for and expense of an administrative hearing.
 - g. Respondent has been licensed as medical marijuana processor since 2021 and has no prior discipline against its license.

4. The CRA's operations director or his designee must approve this proposed agreement before it is forwarded to the CRA'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 CRA's operations 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.

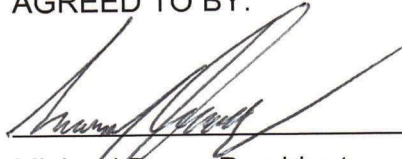
AGREED TO BY:

Desmond
Mitchell

Digitally signed by
Desmond Mitchell
Date: 2023.07.21
06:55:28 -04'00'

Desmond Mitchell, Operations Director
or his designee
Cannabis Regulatory Agency

AGREED TO BY:



Michael Berry, President
on behalf of Respondent
Berry Green Management, Inc.

Dated: 07/21/2023

Dated: 7.19.23

M. Bahoura

Mike M. Bahoura (P80205)
Attorney for Respondent

Dated: 7-19-2023

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

In the Matter of

Berry Green Management, Inc.
AU-ER No.: 000752
License No.: AU-P-000161
ENF No.: 21-00212

CMP No.: 21-000405

FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this formal complaint against Berry Green Management, Inc. (“Respondent”) alleging upon information and belief as follows:

1. The Marijuana Regulatory Agency (MRA) is authorized under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), 2018 IL1, *et seq.*, and Executive Reorganization Order No.2019-2, MCL 333.27001, to investigate alleged violations of the MRTMA and the Administrative Rule promulgated thereunder, take disciplinary action to prevent such violations, and impose fines and other sanctions against applicants and licensees that violate the MRTMA or Administrative Rules.

2. Section 8(1)(d) of the MRTMA provides that the Administrative Rules must ensure the health, safety, and security of the public and integrity of the marihuana establishment operations.

3. Respondent’s conduct as described below is a risk to public health and safety and/or the integrity of marihuana establishment operations.

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FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE MRA

4. Respondent holds an active state license under the MRTMA to operate an adult use processor establishment in the state of Michigan.

5. Respondent operated at 1356 Lapeer Road, Lapeer, Michigan 48446, at all times relevant to this complaint.

6. Following an investigation, the MRA determined that Respondent violated the MRTMA and/or Administrative Rules promulgated thereunder as set forth below:

- a. On March 9, 2021, the MRA received a complaint about Respondent's edible adult-use marijuana product.
- b. During the investigation into the complaint, the MRA viewed photographs of the MKX chocolate bars in question.
- c. The label on the bar that was provided by the complaint contained a best by date. The product is required to have an expiration date as it was produced after June 22, 2020. Respondent is in violation of Mich Admin Code, R 420.403(10) which states that [T]he end product (edible marijuana product) must be a shelf stable edible marihuana product and state the following information: (a) A product expiration date, upon which the marihuana product is no longer fit for consumption. Once a label with an expiration date has been affixed to a marihuana product, a licensee shall not alter that expiration date or affix a new label with a later expiration date.
- d. The label on the bar also did not include the required statement that the actual value of THC and CBD may vary from the reported value by 10% in violation of Mich Admin Code, R 420.504(1)(g).
- e. Further, the product did not contain the required warning: "For use by individuals 21 years of age or older or registered qualifying patients only."

Keep out of reach of children.” This warning is required by Mich Admin Code, R 420.504(1)(k)(iv).

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 333.27957 (1)(c) 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 MRTMA and/or the Emergency 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

By Email: MRA-LegalHearings@michigan.gov

If Respondent fails to timely respond to this formal complaint, a contested case

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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.

Dated: 9/16/21

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

Digitally signed by Claire Patterson
Date: 2021.09.16 16:06:34 -04'00'