

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

In the Matter of

CROSS COUNTRY ENTERPRISES LLC  
dba Exclusive Kalamazoo  
License No.: AU-R-000289

ENF No.: 22-00606

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

CONSENT ORDER

On February 15, 2023, the Cannabis Regulatory Agency (CRA) issued a formal complaint against the adult use marijuana retail establishment license AU-R-000289 of Cross Country Enterprises LLC dba Exclusive Kalamazoo (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 420.505(1)(b).

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 420.505(1)(b).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of three thousand and 00/100 dollars (\$3,000.00). 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](http://www.michigan.gov/cra). Check or money orders shall be made payable to the State of Michigan with enforcement number "22-00606" and license number "AU-R-000289" clearly displayed on the check or money order. Respondent shall mail the fine to Department of

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

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Licensing and Regulatory Affairs, Cannabis Regulatory Agency, PO BOX 30205, Lansing, Michigan 48909.

2. Within 30 days of the effective date of this order, Respondent will submit a standard operating procedure (SOP) detailing all operational steps necessary to ensure accurate and complete product labeling and prevent sales of expired products.
3. The CRA will review Respondent's SOP, and if necessary, issue a notice of deficiency (NOD). Respondent will correct any deficiencies within 30 days of receiving an NOD, or any later date agreed to by the CRA in writing.
4. If Respondent fails to timely comply with the terms of this order, Respondent's license shall be suspended until compliance is demonstrated.
5. 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-CSS@michigan.gov](mailto:CRA-CSS@michigan.gov).
6. Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.
7. If Respondent violates any term or condition set forth in this order, Respondent shall 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.
8. 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.

**CONTINUED ON NEXT PAGE**

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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: 10/20/2023

By: Brian Hanna  
Digitally signed by: Brian Hanna  
DN: CN = Brian Hanna email =  
hannab@michigan.gov C = US O =  
CRA OU = CRA  
Date: 2023.10.20 10:21:25 -0400

Brian Hanna, Executive Director  
or his designee  
Cannabis Regulatory Agency

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. Respondent admitted its staff told the customer the expiration date on the product label was only a “best by” date. Respondent further admitted that was not an appropriate response.
  - b. Respondent stated it subsequently implemented new SOPs and a new point of sale system to prevent sales of expired products.
  - c. Respondent was cooperative and wishes to resolve the allegations without the need for and expense of an administrative hearing.

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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: 2023.10.19  
16:44:27 -04'00'

Desmond Mitchell, Operations Director  
or his designee  
Cannabis Regulatory Agency

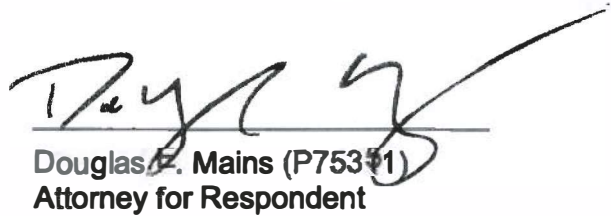
Dated: 10/19/2023

AGREED TO BY:



Aram Freij, Managing Member  
on behalf of Respondent  
Cross Country Enterprises LLC

Dated: 10/9/2023



Douglas E. Mains (P75351)  
Attorney for Respondent

Dated: 10/9/2023

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
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In the Matter of

Cross Country Enterprises LLC dba Exclusive Kalamazoo  
License No.: AU-R-000289

ENF No: 22-00606

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FORMAL COMPLAINT

The Cannabis Regulatory Agency (“Complainant”) files this formal complaint against Cross Country Enterprises LLC dba Exclusive Kalamazoo (“Respondent”) alleging upon information and belief as follows:

1. The Cannabis Regulatory Agency (CRA) is authorized under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), MCL 333.27951, *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 marijuana establishment operations.

FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE CRA

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

4. Respondent operated at 937 Foster Ave., Kalamazoo, Michigan 49048, at all times relevant to this complaint.

5. Following an investigation, the CRA determined that Respondent violated the MRTMA and/or administrative rules promulgated thereunder as set forth below:

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- a. On July 7, 2022, an adult use customer purchased Margarita Chill THC Gummies (Metrc tag# 1A405030000CA59000002998) from Respondent's adult use retailer establishment.
- b. The abovementioned product had an expiration date labeled on the marijuana packaging of December 21, 2021.

### **Count I**

Respondent's actions as described above demonstrate a violation of Mich Admin Code, R 420.505(1)(b), which states a marihuana sales location shall verify all of the following prior to selling or transferring marihuana or a marihuana product to a marihuana customer: (b) The marihuana product is not past its expiration date.

THEREFORE, based on the above, the CRA 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.

Pursuant to Mich Admin Code, R 420.704(2), any party aggrieved by an action of the CRA 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 CRA 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 administrative rules. A compliance conference request must be submitted to the CRA in writing.

Hearing and compliance conference requests must be submitted in writing by one of the following methods:

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By Mail: Department of Licensing & Regulatory Affairs  
Cannabis Regulatory Agency  
P.O. Box 30205  
Lansing, Michigan 48909

In Person: Department of Licensing & Regulatory Affairs  
Cannabis Regulatory Agency  
2407 North Grand River  
Lansing, Michigan 48906

By Email: [CRA-LegalHearings@michigan.gov](mailto:CRA-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 Cannabis Regulatory Agency's legal section at (517) 284-8599 or [CRA-LegalHearings@michigan.gov](mailto:CRA-LegalHearings@michigan.gov).

Dated: 

2/15/2023
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By: 

Alyssa A. Grissom	Digitally signed by Alyssa A. Grissom Date: 2023.02.15 10:16:10 -05'00'
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Alyssa A. Grissom  
Legal Section Manager  
Cannabis Regulatory Agency