

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

In the Matter of

Our Friendly Gardens, LLC
dba Apex Cannabis Company
License No.: AU-G-B-000198

ENF No.: 23-00345

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On June 1, 2023, the Cannabis Regulatory Agency (CRA) issued a formal complaint against the adult-use marijuana class B grower establishment license (AU-G-B-000198) of Our Friendly Gardens, LLC ("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 420.209(5), R 420.209 (6)(a)(i), R 420.209 (6)(a)(ii), R 420.209 (6)(a)(iii), R 420.209 (6)(a)(iv), R 420.209(6)(a)(v), R 420.209(6)(a)(vi), R 420.209(6)(a)(vii), R 420.209(6)(b), and R 420.209(11).

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 some of the allegations contained in the formal complaint are true and that Respondent violated Mich Admin Code, R 420.209(11).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of Five Thousand and 00/100 dollars (\$5,000.00). 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. Check or money orders

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shall be made payable to the State of Michigan with enforcement number "23-00345" and license number "AU-G-B-000198" clearly displayed on 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. The alleged violations of Mich Admin Code, R 420.209(5), R 420.209 (6)(a)(i), R 420.209 (6)(a)(ii), R 420.209 (6)(a)(iii), R 420.209 (6)(a)(iv), R 420.209(6)(a)(v), R 420.209(6)(a)(vi), R 420.209(6)(a)(vii), and R 420.209(6)(b) are DISMISSED.
4. 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.
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 shall be subject to fines and/or other sanctions under section 7(1)(c) of the MRTMA, MCL 333.27957, and Mich Admin Code, R 420.808.
7. 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.

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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: 9/8/2023

By: Brian Hanna
Digitally signed by: Brian Hanna
DN: CN = Brian Hanna email = hannah@michigan.gov, C = US O = CRA OU = CRA
Date: 2023.09.08 16:46:22 -0400

Brian Hanna, Executive Director
or his designee
Cannabis Regulatory Agency

STIPULATION

The parties stipulate to the following:

1. Some of 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, 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 provided documentation, a surveillance log, which indicated on December 15, 2022, the surveillance system was checked and had 30 days of surveillance retention.
 - b. Respondent stated at the compliance conference that its surveillance system was unable to retain 30 days of recordings because of insufficient storage capacity.

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- c. Respondent fixed the noncompliance within a week of notice; this was confirmed by the CRA on February 3, 2023, at a follow-up inspection.
 - d. Respondent provided a standard operating procedure (SOP) and associated surveillance log.
 - e. Respondent provided documentation that since the noncompliance it has received no deficiencies during its inspections.
 - f. Upon further review, the CRA dismissed violations based on a lack of sufficient evidence.
 - g. Respondent was cooperative and wishes to resolve the allegations without the need for and expense of an administrative hearing.
 - h. Respondent has been licensed as a class B grower since 2022 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.

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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:

Desmond
Mitchell

Digitally signed by Desmond
Mitchell
Date: 2023.09.08 07:48:18
-04'00'

Desmond Mitchell, Operations Director
or his designee
Cannabis Regulatory Agency

Dated: 9/8/2023

AGREED TO BY:



Larry Auge, Jr. Authorized Officer
on behalf of Respondent
Our Friendly Gardens, LLC

Dated: 8/30/2023



Kristina Munsters, P74507
Attorney for Respondent

Dated: 08/30/2023

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

In the Matter of

Our Friendly Gardens, LLC dba Apex Cannabis Company
License No.: AU-G-B-000198

ENF No: 23-00345

FORMAL COMPLAINT

The Cannabis Regulatory Agency (“Complainant”) files this formal complaint against Our Friendly Garden, LLC dba Apex Cannabis Company (“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 class B grower establishment in the state of Michigan.
4. Respondent operated at 2130 Apollo Dr., Lansing, Michigan 48906, 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 January 30, 2023, a CRA Regulation Officer (RO) conducted a semi-annual inspection at Respondent's grower establishment.
- b. The CRA RO observed that Respondent was only able to retain 28 days of surveillance recordings, going back to January 2, 2023.
- c. On February 3, 2023, the CRA RO conducted a follow-up inspection at Respondent's grower establishment.
- d. During the February 3, 2023 follow-up inspection, the CRA RO observed that Respondent was able to retain the required 30 days of surveillance recordings.

Count I

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(5), which states a licensee shall have a video surveillance system that, at a minimum, consists of digital or network video recorders, cameras capable of meeting the recording requirements in this rule, video monitors, digital archiving devices, and a color printer capable of delivering still photos.

Count II

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(6)(a)(i), which states a licensee shall ensure the video surveillance system does all the following: (a) records, at a minimum, the following areas: (i) any areas where marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the marihuana business.

Count III

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(6)(a)(ii), which states a licensee shall ensure the video surveillance system does all the following: (a) records, at a minimum, the

following areas: (ii) limited access areas and security rooms. Transfers between rooms must be recorded.

Count IV

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(6)(a)(iii), which states a licensee shall ensure the video surveillance system does all the following: (a) records, at a minimum, the following areas: (iii) areas storing a surveillance system storage device with not less than 1 camera recording the access points to the secured surveillance recording area.

Count V

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(6)(a)(iv), which states a licensee shall ensure the video surveillance system does all the following: (a) records, at a minimum, the following areas: (iv) the entrances and exits to the building, which must be recorded from both indoor and outdoor vantage points.

Count VI

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(6)(a)(v), which states a licensee shall ensure the video surveillance system does all the following: (a) records, at a minimum, the following areas: (v) the areas of entrance and exit between marihuana businesses at the same location if applicable, including any transfers between marihuana businesses.

Count VII

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(6)(a)(vi), which states a licensee shall ensure the video surveillance system does all the following: (a) records, at a minimum, the

following areas: (vi) point of sale areas where marihuana products are sold and displayed for sale.

Count VIII

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(6)(a)(vii), which states a licensee shall ensure the video surveillance system does all the following: (a) records, at a minimum, the following areas: (vii) areas where marihuana or marihuana products are destroyed.

Count IX

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(6)(b), which states a licensee shall ensure the video surveillance system does all the following: (b) records images effectively and efficiently of the area under surveillance with a minimum of 720p resolution.

Count X

Respondent's actions as described above in paragraph b demonstrate a violation of Mich Admin Code, R 420.209(11), which states a licensee shall keep surveillance recordings for a minimum of 30 calendar days, except in instances of investigation or inspection by the agency in which case the licensee shall retain the recordings until the time as the agency notifies the licensee that the recordings may be destroyed.

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:

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

If Respondent fails to timely respond to this formal complaint, a contested case hearing will be scheduled to resolve this matter.

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Questions about this complaint should be directed to the Cannabis Regulatory Agency's legal section at (517) 284-8599 or CRA-LegalHearings@michigan.gov.

Dated: 6/1/23

By: Alyssa A. Grissom

Digitally signed by Alyssa A.
Grissom
Date: 2023.06.01 15:57:30 -04'00'

Alyssa A. Grissom
Legal Section Manager
Cannabis Regulatory Agency

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