

STATE OF MICHIGAN  
DEPARTMENT OF REGULATORY AFFAIRS<sup>1</sup>  
MARIJUANA REGULATORY AGENCY

In the Matter of

Green Genie, Inc.  
ERG No.: 000122  
License No.: PC-000009  
ENF No.: 20-00052

CMP No.: 20-000178

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

CONSENT ORDER

On September 23, 2020, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the medical marijuana provisioning center facility license (PC-000009) of Green Genie, 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 333.236(1), R 333.236(2), R 333.233(5), R 333.238(1), R 333.273(1), and Rule 3(1)(a) of the Testing of Marijuana Product Intended for Inhalation Emergency Rules.

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 as they relate to the allegations that Respondent violated Mich Admin Code, R 333.236(2), R 333.238(1), R 333.273(1).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of Ten Thousand and 00/100 dollars (\$10,000.00). 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 "20-00052" 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.

<sup>1</sup> 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 paragraph of the formal complaint alleging a violation of Mich Admin Code R 333.236(1), R 333.233(5), Rule 3(1)(a) of the Testing of Marihuana Product Intended for Inhalation is DISMISSED.
4. Any administrative hold placed on product in the statewide monitoring system as a result of this investigation is hereby lifted, and the product at issue in the investigation may be removed from quarantine upon the execution of this Consent Order.
5. 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](mailto:MRA-LegalHearings@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 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.
8. 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: 2/9/21

By:

Andrew Brisbo

Digitally signed by: Andrew Brisbo  
DN: CN = Andrew Brisbo email =  
brisboa@michigan.gov C = US O =  
Marijuana Regulatory Agency OU =  
Executive Director  
Date: 2021.02.09.15:27:39 -0500

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 as related to the allegations that Respondent violated Mich Admin Code, R 333.236(2), R 333.238(1), and R 333.273(1), 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. The transaction in the statewide monitoring system (METRC) of marihuana product intended for inhalation without passing test results for Vitamin E Acetate, was not a transaction to a patient or caregiver, but a test transaction to ensure that the point-of-sale system was communicating with METRC appropriately, as evidenced by the quantity and price of the transaction both being zero.
  - b. That the marihuana product (flower) at Respondent's location was identified in METRC and did have an associated METRC tag, the physical bag holding the flower, however, did not have that tag affixed to it at the time of the investigation.
  - c. The flower that did not have a tag affixed to the bag was in the safe and was not in a sales area. The flower was being moved from one bag to another and the new bag had not had the METRC tag affixed at the time of the investigation.
  - d. Respondent was a temporarily operating facility and the product in question was beginning inventory.
  - e. 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.


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 =  
kluytmanj@michigan.gov C = AD  
Date: 2021.02.09 13:09:43 -05'00'

Julie Kluytman, Director  
Enforcement Division  
Marijuana Regulatory Agency  
Dated: 2/9/21

AGREED TO BY:

  
Alvin Alosachi, Authorized Officer  
On behalf of Respondent  
Green Genie, Inc.  
Dated: 2-9-2021



Jonathan F. Karmo (P 76768)  
Attorney for Respondent  
Dated: 2/9/2021

STATE OF MICHIGAN  
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 Green Genie, 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 26400 West McNichols, Detroit, Michigan, 48219 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. Respondent sold marihuana product intended for inhalation, statewide monitoring system (METRC) package tag number #1A40501000040110000000628, on December 6, 2019 and December 11, 2019 without that product having passing test results for the required analytes in violation of rule 3(1)(a) of the Emergency Rules for Testing Marihuana Product Intended for Inhalation.

b. Following an investigation on February 5, 2020, the MRA determined that the Respondent violated the MMFLA and/or administrative rules promulgated thereunder as set forth below:

i. Respondent had 17 different strains of marihuana product intended for inhalation listed under the single METRC tag #1A40501000040110000000628 (METRC tag #0628). Respondent failed to identify and track its inventory of marihuana products consistently in METRC in violation of Mich Admin Code R 333.238(1).

ii. Respondent possessed marihuana product that was identified in METRC, but did not have a METRC tag attached to the product, which was located in a safe. The items and METRC tags are as follows:

A. Banana Kush: METRC Tag  
#1A4050100004011000000349;

B. GSC: METRC Tag# 1A4050100004011000000421;

- C. Ghost Dream: METRC Tag# 1A4050100004011000000143;
- D. The Black: METRC Tag# 1A4050100004011000000536;
- E. Fisco Snaps: METRC Tag# 1A40501000040000000138;

Respondent possessed marijuana product without a batch number or identification tag or label pursuant to these rules and did not immediately tag marijuana product in violation of Mich Admin Code 333.236(2).

iii. Respondent also possessed large black bags of marijuana product intended for inhalation that did not contain METRC tags. The items were labeled as follows:

- A. The Gram 1G vape carts –
  1. Green Crack,
  2. Strawberry Cheesecake,
  3. Super Lemon Hayes,
  4. Grand Daddy Purple and
  5. Durban Poison.

Respondent possessed marijuana product without a batch number or identification tag or label pursuant to these rules and did not immediately tag marijuana product in violation of Mich Admin Code 333.236(2).

iv. Respondent possessed and sold marihuana product that did not contain all of the required items on the label prior to sale. The following items were missing from the label in violation of Mich Admin Code R 333.273(1)(g),(h), and (i):

- A. The concentration of THC and cannabidiol (CBD);
- B. The activation time expressed in words or through a pictogram;
- C. The associated test batch number for any testing, and the test analysis date for the Vitamin E Acetate testing was not correct.

c. Following an investigation on February 19, 2020, the MRA determined that Respondent violated the MMFLA and/or administrative rules promulgated thereunder as follows:

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- i. Respondent possessed marijuana flower that had not been identified in METRC and did not contain a METRC tag. Respondent failed to enter its current inventory into METRC in violation of Mich Admin Code R 333.233(5).
- ii. Respondent had combined multiple strains of marijuana flower in a single tote for the purposes of creating pre-roll products. The METRC tags were listed on the tote, but they had not been combined in METRC. Respondent failed to identify and track its inventory of marijuana products consistently in METRC in violation of Mich Admin Code R 333.238(1).
- iii. Respondent possessed a number of bags of marijuana flower that had not been entered into METRC in violation of Mich Admin Code R 333.236(1).
- iv. Respondent possessed over 100 additional and different marijuana products from those identified on February 5, 2020 along with a number of large bags of marijuana product that did not contain METRC tags. Respondent possessed marijuana product without a batch number or identification tag or label pursuant to these rules and did not immediately tag marijuana product in violation of Mich Admin Code 333.236(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 333.29494(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 333.294(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.

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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](mailto:MRA-LegalHearings@michigan.gov).

Dated: 9/22/20

**MARIJUANA REGULATORY AGENCY**

Claire

By: Patterson

 Digitally signed by: Claire Patterson  
DN: CN = Claire Patterson email =  
PattersonC8@michigan.gov C = US  
O = MRA OU = LARA  
Date: 2020.09.22.19:12:19 -0400

Claire Patterson, Scientific and Legal Section Manager  
Enforcement Division

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**PROOF OF SERVICE**

I hereby certify that on September 23, 2020, I mailed a copy of the Formal Complaint dated September 22, 2020, in the above captioned case by certified mail (return receipt requested) to:

Green Genie, Inc.  
24600 West McNichols  
Detroit, MI 48219

With a copy to:

Michael F. Wais, Esq.  
Howard & Howard Attorneys PLLC  
450 W. 4th St.  
Royal Oak, MI 48067-2557

Jessica S.  
Fox

Digitally signed by Jessica  
S. Fox  
Date: 2020.09.23  
08:53:24 -04'00'

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Jessica S. Fox  
Departmental Analyst  
Marijuana Regulatory Agency  
Department of Licensing & Regulatory  
Affairs