

**STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS¹
MARIJUANA REGULATORY AGENCY**

In the Matter of

ENF No. 19-00053 (CMP No. 19-000719)

**Green Skies – Hoover, LLC
License No. PC-000099**

CONSENT ORDER AND STIPULATION

CONSENT ORDER

On January 3, 2020, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the medical marijuana provisioning center facility license (no. PC-000099) of Green Skies – Hoover, LLC (“Respondent”) under the Medical Marijuana Facilities Licensing Act (MMFLA), MCL 333.27101 *et seq.*, and administrative rules promulgated thereunder. The complaint alleged Respondent violated Mich Admin Code, R 333.245(10)(a).

The executive director reviewed the stipulation contained in this document and agrees the public interest is best served by resolution of the complaint. Therefore, the executive director finds that the allegations contained in the complaint are true and that Respondent violated Mich Admin Code, R 333.245(10)(a).

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.

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of two thousand and 00/100 dollars (\$2,000.00). This fine shall be paid within 60 days of the effective date of this order by check or money order made payable to the State of Michigan with enforcement number "19-00053" clearly displayed on the check or money order. Respondent shall mail the fine to Department of Licensing and Regulatory Affairs, Marijuana Regulatory Agency, P.O. Box. 30205, Lansing, Michigan 48909, or Respondent may pay online through the Accela Citizen Access Portal (<https://aca3.accela.com/MIMM>).
2. If Respondent fails to timely pay the fine, Respondent's license shall be suspended until payment is received.
3. 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.
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 407(1) of the MMFLA, MCL 333.27407(1), and Mich Admin Code, R 333.219.

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: 6/15/2020

By: **Andrew Brisbo**
Digitally signed by: Andrew Brisbo
DN: CN = Andrew Brisbo email =
brisboa@michigan.gov C = US O = MRA
Date: 2020.06.15 09:43:58 -0400
Andrew Brisbo, Executive Director
Marijuana Regulatory Agency

STIPULATION

The parties stipulate to the following:

1. The facts alleged in the complaint are true and constitute a violation of the rules promulgated under the MMFLA.
2. Respondent understands and intends that by signing this stipulation, Respondent is waiving the right under the MMFLA, 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 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 represents that the packages at issue were created from caregiver products that were not required to be tested at the time and that the inventory was incorrectly identified in METRC due to a clerical error. Respondent acknowledges its explanation is relevant only for purposes of resolving the formal complaint and has no bearing on any administrative hold that may be in place on any products referenced in the complaint.
 - b) 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:

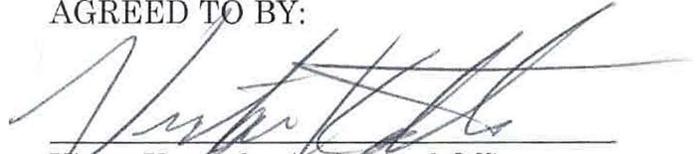
Kavita Kale
Digitally signed by: Kavita Kale
DN: CN = Kavita Kale email =
kalek@michigan.gov C = US
Date: 2020.06.15 08:51:34 -0400'

Kavita Kale
Enforcement Division Director
Marijuana Regulatory Agency
Dated: 06/15/2020

/s/ Erika N. Marzorati

Erika N. Marzorati (P78100)
Risa Hunt-Scully (P58239)
Assistant Attorneys General
Attorneys for Complainant
Dated: 6/11/2020

AGREED TO BY:



Victor Kattoula, Authorized Officer
On behalf of Respondent
Green Skies – Hoover, LLC
Dated: 6/11/20

Michael W. Maher

Michael W. Maher (P66878)
Attorney for Respondent

Dated: 6/11/2020

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

In the Matter of

Green Skies – Hoover, LLC
ERG No. 000437
License No. PC-000099

CMP No. 19-000719
ENF No. 19-00053

FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this formal complaint against Green Skies – Hoover, LLC (“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 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 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.

FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE MRA

5. Respondent holds a state operating license under the MMFLA to operate a medical

MARIJUANA REGULATORY AGENCY
2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909

www.michigan.gov/MRA

LARA is an equal opportunity employer/program

marihuana provisioning center in the state of Michigan.

6. Respondent operated a medical marihuana provisioning center at 20580 Hoover, Detroit Michigan 48205, at all times relevant to this complaint.

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

- a. On October 2, 2019, MRA intelligence analyst discovered three marijuana products (packages) in the statewide monitoring system (METRC) had sales from them before being submitted for testing and receiving passing test results in METRC.
- b. The three packages were created by combining tested marijuana product and untested marijuana product: 1A4050100000644000000628 – 3 Pack Top Shelf Cones (package tag #628); 1A4050100000644000000632 – 5 Pack TOP SHELF PR (package tag #632); and 1A4050100000644000000634 – Shake Jar (package tag #634).
- c. Package tags #628 and #632 were created from source package no. 1A4050100000644000000627 (source package #627). Source package #627 was created from a combination of 34 packages. Out of those 34 packages, one package was submitted for testing and the other 33 packages were not submitted for testing.
- d. Package tag #634 was created from a combination of 100 packages. Out of those 100 packages, one package was submitted for testing and the other 99 packages were not submitted for testing.
- e. In June 2019, products were sold from package tags #628 and #632.
- f. In August 2019, products were sold from package tag #634.
- g. Based on the above, Respondent sold marijuana product out of packages that were created by combining tested and untested marijuana product, in which the untested marijuana product did not have passing test results in METRC, in violation of Mich Admin Code R 333.245(10)(a).

THEREFORE, based on the above, the MRA gives notice of its intent to impose fines and/or

MARIJUANA REGULATORY AGENCY
2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909

www.michigan.gov/MRA
LARA is an equal opportunity employer/program

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 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.

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: 03 Jan 2020

MARIJUANA REGULATORY AGENCY

By: 
Kavita Kale, Enforcement Division Director

MARIJUANA REGULATORY AGENCY
2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909
www.michigan.gov/MRA

LARA is an equal opportunity employer/program

Green Skies – Hoover, LLC
ERG No. 000437
License No. PC-000099

CMP No. 19-000719
ENF No. 19-00053

PROOF OF SERVICE

I hereby certify that on the date below, I mailed a copy of the Compliance Action – Formal Complaint dated January 3, 2020, in the above captioned case by certified mail, return receipt requested to:

Green Skies – Hoover, LLC
20700 Harper Avenue
Harper Woods, Michigan 48219

With a copy to:

Seth Tompkins
Pollicella Tompkins PLLC
4312 East Grand River Avenue
Howell, Michigan 48843

Mail date: January 3, 2020



Abby Rae Brooks
Departmental Technician
Marijuana Regulatory Agency
Department of Licensing & Regulatory
Affairs