

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

In the Matter of

HCM Provisioning Inc.

**d/b/a Elite Wellness Mt. Morris
License No. PC-000162**

ENF No. 20-00027 (CMP No. 19-000764)

CONSENT ORDER AND STIPULATION

CONSENT ORDER

On March 25, 2020, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the medical marijuana provisioning center facility license (no. PC-000162) of HCM Provisioning Inc., d/b/a Elite Wellness Mt. Morris (“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 333.235(3) and R 333.273(1)(k)(i), (ii), and (iii).

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 333.235(3) and R 333.273(1)(k)(i), (ii), and (iii).

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 30 days of the effective date of this order by check or money order made payable to the State of Michigan with enforcement number "20-00027" 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.

Signed on: 6/8/2020

MARIJUANA REGULATORY AGENCY

By:

Andrew Brisbo	Digitally signed by: Andrew Brisbo DN: CN = Andrew Brisbo email = brisboa@michigan.gov C = US O = MRA Date: 2020.06.08 15:17:16 -04'00'
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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) Regarding the allegation in paragraph 7(a) of the complaint, Respondent states that it has a system installed whereby the door from the waiting room to the sales area is always in the locked position and either a key must be used or the receptionist may push a button to allow entry. Respondent represents that on the dates in question, this system was in place, the door was locked, and the receptionist pushed the button to allow the MRA agents on site to enter the sales area.
 - b) Regarding the allegation in paragraph 7(b) of the complaint, Respondent states that the product at issue was a caregiver product received already packaged in or around January 2019. Respondent states that it purchased Avery labels and made tags for the product as soon as it was made aware of the issue. Respondent represents that it has learned from this situation and taken steps to avoid future recurrences.
 - c) 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.

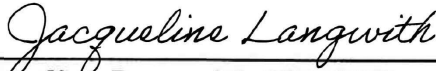
AGREED TO BY:


Kavita Kale
Enforcement Division Director
Marijuana Regulatory Agency
Dated: 06/08/2020

/s/ Erika N. Marzorati
Erika N. Marzorati (P78100)
Assistant Attorney General
Attorney for Complainant
Dated: 6/8/2020

AGREED TO BY:


Chad Wurtzel, Authorized Officer
On behalf of Respondent
HCM Provisioning Inc.,
d/b/a Elite Wellness
Dated: 6/8/2020


Jacqueline Langwith (P79600)
Attorney for Respondent
Dated: 6-8-2020

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

In the Matter of

HCM Provisioning, Inc., dba Elite Wellness Mt. Morris
ERG No.: 000245
License No.: PC-000162
ENF No.: 20-00027

CMP No.: 19-000764

FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this formal complaint against HCM Provisioning, Inc., dba Elite Wellness Mt. Morris (“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 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.

MARIJUANA REGULATORY AGENCY
2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909
www.michigan.gov/MRA
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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 9423 N. Dort Highway, Mt. Morris, Michigan, 48458 at all times relevant to this complaint.

7. Following an investigation completed on December 13, 2019, the MRA determined that Respondent violated the MMFLA and/or administrative rules promulgated thereunder as set forth below:

- a. On November 19, 2019 and December 11, 2019, Respondent failed to lock the door leading from the public waiting area to the sales floor in violation of Mich Admin Code R 333.235 (3).
- b. On November 19, 2019, Respondent's "Detroit Growers Gummies" with statewide monitoring (METRC) package tag 1A4050100001771000000013 did not contain the following warnings in violation of Mich Admin Code R 333.273 (1)(k)(i), (ii) and/or (iii):
 - i. "For use by registered qualifying patients only. Keep out of the reach of children."
 - ii. "It is illegal to drive a motor vehicle while under the influence of marihuana."
 - iii. "National Poison Control Center 1-800-222-1222."

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.

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's legal section at (517) 284-8599 or MRA-LegalHearings@michigan.gov.

Dated: March 25, 2020

MARIJUANA REGULATORY AGENCY

By: 

Kavita Kale, Enforcement Division Director

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In the Matter of

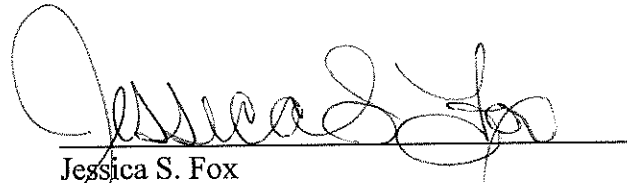
HCM Provisioning, Inc., dba Elite Wellness Mt. Morris
ERG No.: 000245
License No.: PC-000162
ENF No.: 20-00027

CMP No.: 19-000764

PROOF OF SERVICE

I hereby certify that on March 25, 2020, I mailed a copy of the Formal Complaint dated March 25, 2020, in the above captioned case by certified mail (return receipt requested) to:

HCM Provisioning, Inc., dba Elite Wellness Mt. Morris
c/o Pollicella & Associates, PLLC
4312 E. Grand River Ave.
Howell, MI 48843



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

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