

STATE OF MICHIGAN
DEPARTMENT OF REGULATORY AFFAIRS¹
MARIJUANA REGULATORY AGENCY

In the Matter of

TBJ Sweet Leaf, LLC
AU-ER No.: 000287
License No.: AU-R-000184
ENF No.: 20-00068

CMP No.: 20-000658

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On July 21, 2020, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the adult use marihuana retailer establishment license (AU-R-000184) of TBJ Sweet Leaf, LLC (“Respondent”) under the Michigan Regulation and Taxation of Marihuana Act (MRMTA), 2018 IL 1, *et seq.*, and the administrative rules promulgated thereunder. The formal complaint alleged Respondent violated the Adult-Use Marihuana Establishments Emergency Rules 36(2) 49(1)(a),(b),(c),(d),(g),(i) and (k)(i).

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 Adult-Use Marihuana Establishments Emergency Rules 36(2) 49(1)(a),(b),(c),(d),(g),(i) and (k)(i).

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 “20-00068” 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.

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.

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 8 of the MRTMA, MCL 333.27958, and Adult-Use Marihuana Establishment Emergency Rules 20(1).
6. 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: 10/15/20

By: Andrew Brisbo
Andrew Brisbo, Executive Director
Marijuana Regulatory Agency

Digitally signed by: Andrew Brisbo
DN: CN = Andrew Brisbo email =
brisboa@michigan.gov C = US O =
MRA
Date: 2020.10.15 17:33:41 -04'00'

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, 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. Respondent provided documentation that it terminated the employees and manager working at the time of the allegations in the complaint.
 - b. Respondent provided documentation that it adopted a new position and new policies to monitor inventory more closely.
 - c. Respondent provided documentation that numerous audits are now performed to ensure inventory is entered into METRC properly and labeled properly.
 - d. 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,
OU = Marijuana Regulatory Agency
Date: 2020.10.14 12:54:38 -0400

Julie Kluytman, Director
Enforcement Division
Marijuana Regulatory Agency
Dated: 10/14/20

AGREED TO BY:



Bruce Leach, Authorized Officer
On behalf of Respondent
TBJ Sweet Leaf, LLC

Dated: October 14, 2020

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

In the Matter of

TBJ Sweet Leaf, LLC
AU-ER No.: 000287
License No.: AU-R-000184
ENF No.: 20-00068

CMP No.: 20-000658

FORMAL COMPLAINT

The Marijuana Regulatory Agency (“Complainant”) files this formal complaint against TBJ Sweet Leaf, LLC (“Respondent”) alleging upon information and belief as follows:

1. The Marijuana Regulatory Agency (MRA) is authorized under the Michigan Regulation and Taxation of Marihuana Act (MRTMA), 2018 IL1, *et seq.*, and Executive Reorganization Order No.2019-2, MCL 333.27001, to investigate alleged violations of the MRTMA and the Emergency rules 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 marihuana facility operations.
3. Respondent’s conduct as described below is a risk to public health and safety and/or the integrity of marihuana facility operations.

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

FACTUAL ALLEGATIONS AND INTENDED ACTION OF THE MRA

4. Respondent holds an active state operating license under the MRTMA to operate an adult-use marihuana retail establishment in the state of Michigan.

5. Respondent operated at 400 S. Dort Highway, Flint, Michigan 48503, at all times relevant to this complaint.

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

- a. On June 3, 2020 Respondent possessed Sin Mint and Sweet Pink marijuana products and sold Wifi OG marijuana product that did not contain a batch number or identification tag or label, and this product had not been immediately tagged, identified, or recorded as part of a batch in the statewide monitoring system in violation of Adult-Use Marihuana Establishments Emergency Rule 36(2).
- b. On the same date, Wifi OG, Sin Mint, and Sweet Pick marijuana products did not contain the following items that are required on the label in violation of Adult-Use Marihuana Establishment Emergency Rule 49(1)(a),(b),(c),(d),(g),(i),(k)(i):
 - a. The name of the licensee and the state license number of the producer, including business or trade name, and tag or source number as assigned by the statewide monitoring system,
 - b. The name of the licensee and the state license number including business or trade name of the licensee that packaged the product, if different from the marihuana processor of the marihuana product,
 - c. The unique identification number for the package or the harvest, if applicable,
 - d. Date of harvest, if applicable,
 - e. Concentration of THC and CBD,
 - f. Name of the marihuana safety compliance facility that performed any test, any associated test batch number, and any test analysis date;

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

g. A warning that states: "For use by individuals 21 years of age or older only."

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 333.27957(1)(c) and Adult-Use Marihuana Establishment Emergency Rule 69, 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 Adult-Use Marihuana Establishment Emergency Rule 69(3). 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 at (517) 284-8599 or MRA-LegalHearings@michigan.gov.

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

Dated: July 17, 2020

MARIJUANA REGULATORY AGENCY

By: **Kavita Kale**
Kavita Kale, Enforcement Division Director

Digitally signed by: Kavita Kale
DN: CN = Kavita Kale email = kalek@michigan.gov
C = US
Date: 2020.07.17 09:48:18 -0400

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

In the Matter of

TBJ Sweet Leaf, LLC
AU-ER No.: 000287
License No.: AU-R-000184
ENF No.: 20-00068

CMP No.: 20-000658

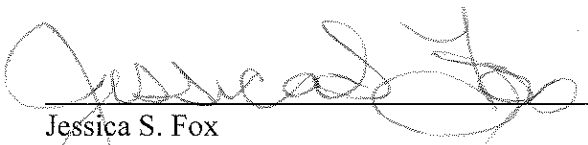
PROOF OF SERVICE

I hereby certify that on July 21, 2020, I mailed a copy of the Compliance Action – Formal Complaint dated 7-17-20 - in the above captioned case by certified mail (return receipt requested) to:

TBJ Sweet Leaf, LLC
400 South Dort Highway
Flint, Michigan 48503

With a copy to:

Bruce Leach
bruceleach.law@gmail.com



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