

STATE OF MICHIGAN
DEPARTMENT OF REGULATORY AFFAIRS¹
MARIJUANA REGULATORY AGENCY

In the Matter of

TBJ Sweet Leaf, LLC
ERG No.: 000107
License No.: PC-000202
ENF No.: 20-00152

CMP No.: 20-000976

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

On December 16, 2020, the Marijuana Regulatory Agency (MRA) issued a formal complaint against the medical marijuana provisioning center facility license (PC-000202) of TBJ Sweet Leaf, LLC (“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 420.209(12), R 420.212(6), and R 420.210(2).

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 Mich Admin Code, R 420.209(12).

Accordingly, for these violations, IT IS ORDERED:

1. Respondent must pay a fine in the amount of Five hundred and 00/100 dollars (\$500.00). 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 “20-00152” 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.

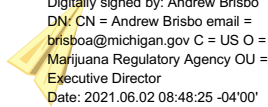
3. The paragraphs of the formal complaint alleging violations of Mich Admin Code R 420.212(6) and R 420.210(2) are DISMISSED.
4. Unless otherwise specified in this order, Respondent shall direct any communications to the MRA that are required by the terms of this order to MRA-LegalHearings@michigan.gov.
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 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.
7. 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: 6/2/21

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 =
 Marijuana Regulatory Agency OU =
 Executive Director
 Date: 2021.06.02 08:48:25 -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 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. Respondent provided photographic documentation that the containers in question did in fact have all required identification tags/labels affixed.
 - b. Respondent provided photographic documentation that the containers and product in question was not actually accessible to any customer as they were permanently affixed to the counter and permanently sealed shut.
 - c. Respondent indicated that it was on the phone with the surveillance company in an attempt to gain access to the video footage while MRA staff were onsite but were not receiving timely assistance from the surveillance company.
 - d. Respondent avers that the MRA did not request the video footage be provided to the MRA upon retrieval but indicated that coverage recorded by cellular telephone would be sufficient.
 - e. Respondent indicates that it had recently passed a semi-annual inspection and there were no issues with access and providing video footage.
 - f. 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: 2021.06.01 11:41:10 - 04'00'

Julie Kluytman, Director
Enforcement Division
Marijuana Regulatory Agency

Dated: 6/1/21

AGREED TO BY:



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

Dated: 5-26-2021

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

In the Matter of

TBJ Sweet Leaf, LLC
ERG No.: 000107
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ENF No.: 20-00152

CMP No.: 20-000976

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 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.

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 400 South Dort Highway, Flint, Michigan, 48503 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. On October 6, 2020, Respondent was unable to provide surveillance video footage from October 2, 2020 upon request by the MRA in violation of Mich Admin Code, R 420.209(12), which requires a licensee to keep surveillance recordings in a manner that allows the agency to view and obtain copies of the recording at the marihuana business immediately upon request, and also requires a licensee to send or otherwise provide copies of the recordings to the agency upon request, within the time specified by the agency.
- b. While the MRA was onsite, Respondent possessed marijuana products that were on a counter and accessible to customers in violation of Mich Admin Code, R 420.212(6), which requires the storage of marijuana products for sale behind a counter or other barrier so that they are not readily accessible by customers.
- c. Respondent also possessed marijuana products that did not have an affixed tag or label with identification numbers assigned in the statewide monitoring system (METRC) in violation of R 420.210(2), which prohibits a marihuana business from having an marihuana product without a batch number or identification tag or label pursuant to these rules.

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.

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Under MCL 333.27407(4) and Mich Admin Code, R 420.704(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 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 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

By Email: MRA-LegalHearings@michigan.gov

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 at (517) 284-8599 or MRA-LegalHearings@michigan.gov.

Dated: 12/15/20

MARIJUANA REGULATORY AGENCY

By: Claire
Patterson

Digitally signed by: Claire Patterson
DN: CN = Claire Patterson email =
PattersonC8@michigan.gov C = US
O = MRA OU = LARA
Date: 2020.12.15 10:17:16 -05'00'

Claire Patterson, Scientific and Legal Section Manager
Enforcement Division

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