



**CITY OF YPSILANTI
CITY COUNCIL SPECIAL MEETING
FEBRUARY 28, 2023 @ 6:00 PM
COUNCIL CHAMBERS - CITY HALL
One South Huron, Ypsilanti, MI 48197
[VIRTUAL ACCESS](#)**

Page

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

- A. I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

IV. AGENDA APPROVAL

V. PUBLIC COMMENT (3 MINUTES)

VI. APPEAL HEARINGS

- 3** A. Memo regarding the Appeal Process
[Memo](#)
- 4 - 8** B. The Wurst License, LLC - 705 W. Cross - January 30, 2023 11:30 am
[Appeal](#)
- 9 - 16** C. The District Park, LLC (d.b.a Skymint) - 401 E. Michigan Ave - January 30, 2023 11:25 am
[Appeal](#)
- 17 - 108** D. Guy 3 Ventures, LLC (d.b.a. Quality Roots OF Ypsilanti) - 2 and 4 W. Forest Ave - February 3, 2023, 12:50 pm
[Appeal](#)
- 109 - 114** E. Tama Ventures, LLC - 915 W. Michigan Ave - February 3, 2023 2:00 pm
[Appeal](#)
- 115 - 272** F. Cross Street Services - 513 W. Cross - February 3, 2023 - 3:42 pm
[Appeal](#)

VII. RESOLUTIONS/MOTIONS/DISCUSSIONS

273 - 276

- A. Resolution No. 2023-028, approving the stated policy and federal guidelines for the Tax Board of Review in granting or denying exemptions. **Tabled 2/21/2023**
[2023-028 - Pdf](#)

277 - 278

- B. Resolution No. 2023-040, approving the contract for the POAM Collective Bargaining Unit.
[2023-040 - Pdf](#)

VIII. ADJOURNMENT



**Barr,
Anhut &
Associates, P.C.**
ATTORNEYS AT LAW

105 Pearl Street
Ypsilanti, MI 48197
(734) 481-1234
Fax (734) 483-3871
www.barrlawfirm.com
e-mail: jbarr@barrlawfirm.com

John M. Barr

Jesse O'Jack ~ Of Counsel

Jennifer A. Healy~ Legal Assistant

MEMORANDUM

To: Hon. Mayor and City Council
From: John M. Barr, Ypsilanti City Attorney
Date: February 23, 2013
Re: Appeal process

Several appeals will be coming to City Council. A hearing date has been set for Tuesday, February 28 at 6 pm. Here is a suggested hearing format:

Suggested procedural order for an appeal to City Council:

- (i) Calling of the case by the mayor.
- (ii) Reports of staff.
- (iii) Petitioner's presentation.
- (iv) Council questions to petitioner.
- (v) Rebuttal of staff
- (vi) Final remarks of petitioner.
- (vii) Closing of hearing, discussion, motion and decision.

If the appeal is granted, a motion would be:

"I move to allow the appeal and direct staff to issue the permit."

If the appeal is to be denied, the following motion could be used:

"I move to deny the appeal for the following reasons:" (state the reasons)



27700 Franklin Road, Suite 2500
Southfield, Michigan 48034-8214
Tel: 248.351.3000 | Fax: 248.351.3002

Jonathan H. Schwartz
248.727.1497
jschwartz@taftlaw.com

January 27, 2023

Ypsilanti Clerk's Office
1 S Huron St
Ypsilanti, MI 48197

Re: Notice of Appeal: Ypsi Wurst License LLC - 705 W. Cross St. Permit Denial

Dear City Clerk:

Pursuant to Ypsilanti City Ordinance Section 7-4.6, I am writing this Notice of Appeal to address due process and equity concerns associated with the denial of Ypsi Wurst License LLC's Marihuana Facilities Permit renewal (hereinafter the "Permit" and "Ypsi Wurst"). This Appeal received full support by the Downtown Development Authority Board of Ypsilanti ("DDA"). *See* January 19, 2023 Resolution #2023-1, **Exhibit 1**. Mr. Jesse Kranyak, an Ypsilanti resident, aspired to convert his local restaurant into a marihuana dispensary. Despite receiving the highest number of points, premised upon a merit-based scoring system, Ypsi Wurst's Permit application was inexplicable denied. However, after a former appeal, the Permit received near-unanimous reinstatement by Ypsilanti City Council members.

It became apparent, shortly after this initial appeal, that the City of Ypsilanti opened up the permit process to additional entities and mysteriously did away with many of the costly requirements that bound Ypsi Wurst under its Permit application. Despite additional requirements that Ypsi Wurst had to satisfy, it continued its' pursuits, with support from the DDA. However, after arduous work to fund this project, in conjunction with the City Manager's staff's representations that no adverse action would be taken during the build-out process, on January 6, 2023 Mr. Jesse Kranyak received a Letter notifying him that the Ypsi Wurst Permit had been denied, pursuant to Section 7-4.5 of Ypsilanti's City Code. Specifically, the Letter cited Ypsi Wurst License LLC's alleged "[f]ailure to be provided a state license" and the facility "ceas[ing] operations for 120 days." *See* Permit Revocation Letter, **Exhibit 2**.

The City Manager's arbitrary revocation of the Permit clearly violated principles of due process. "To establish a violation of substantive due process, a plaintiff must first establish the

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4869-0448-5196.v1

January 27, 2023

Page 2

existence of a constitutionally-protected property or liberty interest.” *Johnson v Morales*, 946 F3d 911, 932 (CA 6, 2020). Here, Ypsi Wurst License LLC has such property interest in its marihuana facilities Permit. Next, “a plaintiff must show that the state administrative agency has been guilty of ‘arbitrary and capricious action’ in the strict sense[.]” *Id.* (citation omitted). This means that the plaintiff must show that the administrative decision “is willful and [an] unreasoning action, without consideration and in disregard of the facts or circumstances of the case.” *Id.* (citation omitted).

Here, the City Manager’s revocation of Ypsi Wurst’s Permit disregarded the many explicit oral promises made to Ypsi Wurst with respect to maintenance of its Permit. Mr. Kranyak was specifically told on at least two separate occasions, May 25, 2022 and July 28, 2022, that Ypsi Wurst was not in danger of losing its Permit due to timeliness of construction. In any event, Ypsi Wurst could not have “cease[d] operations for 120 days” because it never formally began operations; it is still under construction. As indicated above, Ypsilanti City staff were constantly apprised of this information. To revoke a Permit, after explicit assurance that its Permit was not in danger of revocation, is the epitome of an unreasoning act.

What’s more, the City of Ypsilanti was working with Ypsi Wurst to provide it various grants, such as the Match on Main and Façade Grant, to *complete* its’ operational plan. For the same reasons, Ypsi Wurst could not have been provided a state license—as it is still in the process of buildout. As the Ypsilanti City Manager is well aware, an applicant cannot apply for a state license until the space has a certificate of occupancy from the city. In fact, one of the grants that the City Manager’s employee suggested Mr. Kranyak accept, the Façade Grant, explicitly prohibits any work *prior* to grant approval. *See* Building Rehabilitation and Façade Program at pg. 3, General Requirements for both Façade and Rehabilitation Grants, https://ypsilantidda.org/wp-content/uploads/2021/03/2021-22-YDDA-Building-Facade-and-Rehab-Grant-Updated_SES.pdf (2. “All grant requests must be submitted *before* any work is started. Work not approved will not be grant-eligible.”); (4. The YDDA Grands Design Committee *must approve* the proposed improvements); (6. Any changes to the originally approved scope of work must be improved in writing by the YDDA *prior to* construction) (*Italics added*). Just recently, on December 18, 2022, Mr. Kranyak received approval for the Façade Grant for \$26,000. *See Exhibit 2*. Only post-approval could Mr. Kranyak complete the project; he started building 8 days after approval.

My client has spent over \$175,000 in construction costs alone, in addition to years of his time, into acquiring a permit, beginning construction of this new facility, and obtaining various city-approved public improvement grants, all while clearly communicating the timeline with the DDA and the City’s Economic Development members. However, due to an arbitrary revocation of its Permit, Ypsi Wurst is facing hundreds of thousands of dollars in damages, not to mention the damage to Mr. Kranyak’s Wurst Bar, and improvements on a building he only holds a lease on. Further, this is separate and apart from the damage done to the City of Ypsilanti, which will also be harmed from the exclusion of a profitable entity, through the efforts of a Ypsilanti resident, to stimulate economic growth on a block on blighted commercial storefronts. West Cross Street is a critically important commercial district in the City of Ypsilanti and serves as a focal point for economic development initiatives.

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January 27, 2023

Page 3

Ypsi Wurst respectfully requests that its Permit is reinstated for the foregoing reasons, in addition to a reimbursement of the \$1,100 appeal fee. If Ypsi Wurst does not receive a Permit reinstatement, it will be forced to pursue litigation in the appropriate forum for injunctive relief and damages, including but not limited to a refund of its appeal fee, as indicated above. We sincerely hope that this dispute can be amicably resolved without further expenditure of City resources.

Sincerely,

Taft Stettinius & Hollister LLP

Jonathan H. Schwartz



Ypsi Wurst License LLC

By: Jesse Kranyak

Taft Stettinius & Hollister LLP / Taftlaw.com / The Modern Law Firm

4869-0448-5196.v1



**RESOLVED BY THE DOWNTOWN DEVELOPMENT
AUTHORITY BOARD OF THE CITY OF YPSILANTI:**

WHEREAS, West Cross Street is a critically important commercial district in the City of Ypsilanti and serves as a focal point for economic development initiatives; and

WHEREAS, The COVID-19 pandemic and subsequent decline in on campus student and faculty populations have devastated local businesses on this corridor; and

WHEREAS, 705 W Cross has been awarded a \$26,000 building rehabilitation grant from the Downtown Development Authority to create a new storefront to host a marijuana retail business; and

WHEREAS, The Downtown Development Authority seeks to stem disinvestment and improve vacancy rates in the district and recognizes the vision from the property and business owners will improve the overall health of the West Cross district;

NOW THEREFORE BE IT RESOLVED THAT the Downtown Development Authority Board of Ypsilanti is in full support of the appeal to be submitted by 705 W Cross to operate a retail marijuana facility.

Resolution #2023-01
DDA Board Meeting 1/19/2023

OFFERED BY: Ylondia Portis

SUPPORTED BY: Kayia Hinton

YES: 10
VOTE: Yes

NO: 0

ABSENT: 2

Taft/

22777 Franklin Road, Suite 2500
Southfield, Michigan 48034-8214
Tel: 248.351.8000 | Fax: 248.351.8062

Jonathan H. Schwartz
248.727.1497
jschwartz@taftlaw.com

CITY OF YPSILANTI

REC#: 00080190 1/30/2023 11:31 AM
OPER: JG TERM: 004
REF#: 992

January 27, 2023

TRAN: MISC2 MISCELLANEOUS
WURST MARIJUANA LICENSE APPEAL
RECREATION MARIJUANA 1,100.00CR

Ypsilanti Clerk's Office
1 S Huron St
Ypsilanti, MI 48197

TENDERED: 1,100.00 CHECK
APPLIED: 1,100.00-

CHANGE: 0.00

Re: Notice of Appeal: Ypsi Wurst License LLC - 705 W. Cross St. Permit Denial

Dear City Clerk:

Pursuant to Ypsilanti City Ordinance Section 7-4.6, I am writing this Notice of Appeal to address due process and equity concerns associated with the denial of Ypsi Wurst License LLC's Marihuana Facilities Permit renewal (hereinafter the "Permit" and "Ypsi Wurst"). This Appeal received full support by the Downtown Development Authority Board of Ypsilanti ("DDA"). See January 19, 2023 Resolution #2023-1, **Exhibit 1**. Mr. Jesse Kranyak, an Ypsilanti resident, aspired to convert his local restaurant into a marihuana dispensary. Despite receiving the highest number of points, premised upon a merit-based scoring system, Ypsi Wurst's Permit application was inexplicable denied. However, after a former appeal, the Permit received near-unanimous reinstatement by Ypsilanti City Council members.

It became apparent, shortly after this initial appeal, that the City of Ypsilanti opened up the permit process to additional entities and mysteriously did away with many of the costly requirements that bound Ypsi Wurst under its Permit application. Despite additional requirements that Ypsi Wurst had to satisfy, it continued its' pursuits, with support from the DDA. However, after arduous work to fund this project, in conjunction with the City Manager's staff's representations that no adverse action would be taken during the build-out process, on January 6, 2023 Mr. Jesse Kranyak received a Letter notifying him that the Ypsi Wurst Permit had been denied, pursuant to Section 7-4.5 of Ypsilanti's City Code. Specifically, the Letter cited Ypsi Wurst License LLC's alleged "[f]ailure to be provided a state license" and the facility "ceas[ing] operations for 120 days." See Permit Revocation Letter, **Exhibit 2**.

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SKYMINT[™]

BRANDS

RECEIVED

JAN 30 2023

CITY OF YPSILANTI
TREASURY DEPARTMENT

11:25 AM

January 30, 2023

Andrew Hellenga
City Clerk
1 South Huron
Ypsilanti, MI 48197

RE: Adult Use Marijuana Permit Renewal Determination Appeal – 401 E. Michigan Avenue

Dear Clerk Hellenga,

This letter is being sent as an appeal to the January 6, 2023, determination that the District Park, LLC received for its Adult Use Marijuana Permit which had been previously issued for 104 E. Michigan Ave.

A quick background of the City's actions thus far are as follows:

- The District Park, LLC (dba Skymint), was issued an Adult Use Marijuana Retailer Permit on September 22nd, 2022.
- Marijuana permits within the city expire on December 31st of each calendar year.
- Skymint thereafter properly and timely filed a permit renewal application with the City and paid the application processing fee.
- On January 6, 2023, Skymint was sent a letter from the City stating that its permit was not being renewed due to the following reasons:
 - "Failure to provide a state license"
 - "If the facility ceases operations for 120 days"
- On January 18, 2022, following several attempts to contact the City, Skymint was provided with further explanation from the City Manager regarding the determination not to renew in which the City Manager stated:
 - "I apologize for my delay in responding. Please schedule to appeal the denial with the city clerk's office. Joe Meyers can explain the ordinance in more detail. It is nothing you did wrong, however it is more to do with the length of time of the project and the amount of time stated in the ordinance."
- On January 20, 2023, Skymint had a phone conversation with Joe Meyers, Director of Administrative Services and economic Development. During the Conversation, Mr. Meyers stated that the rationale behind the determination for non-renewal was based on the fact that the City

was operating under an assumption that our project at 401 E. Michigan Ave was no longer moving forward, since over 120 days had passed from the date in which the Planning Commission had approved the Special Use Permit for the project. Mr. Meyers was very clear that the City had no interest in allowing marijuana permit holders to sit on their permits without taking action.

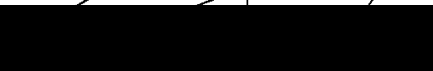
The District Park, LLC (dba Skymint) believes that this determination was made in error for the following reasons:

- **City's claim: "Failure to provide a state license."** – Skymint has done nothing out of compliance to trigger a non-renewal based off of not having a state license. Under Chapter 7, Section 7-5 of the City's Marihuana Ordinance, it states that an applicant must file an application and provide a copy of a *state license or prequalification letter*, for the purposes of initial licensure and for renewal of permits. Skymint provided a prequalification letter in both its initial application and its renewal application as well. Furthermore, a state license is not issued for a location until after construction is completed and a certificate of occupancy has been issued. From that point, a submission may be made to the Michigan Cannabis Regulatory Agency (CRA) to issue a state license, which may take up to 90 days for the CRA to process. Skymint received our local marijuana permit on September 22, 2022, which was only 106 days prior to receiving a determination that our local permit was not being renewed. For a licensee to complete construction, obtain a certificate of occupancy, and for the CRA to process a state marijuana retail license application within that timeframe is completely unreasonable if not impossible. Still, Skymint meets the criteria for our license to be renewed by providing the City with our letter of prequalification, which is compliant for the purposes of renewal within Chapter 7 of the City's Marihuana Ordinance.
- **City's claim: "If a facility ceases operations for 120 days."** – The City's determination not to renew the local marijuana permit for 401 E. Michigan Ave. was issued on January 6th, 2023—**106 days after Skymint was issued with its local marijuana permit**. Skymint had not even had its local operating permit for 120 days at the time of the City's determination not to renew. Because of this, the City has no grounds to deny Skymint a renewal of its local operating permit.
- **City's claim: The City had not heard from anyone and was operating under the assumption that Skymint was not going to be moving forward with its project at 401 E. Michigan Ave.** – Skymint filed for a timely renewal with the City a little over a month after initially receiving its local marihuana permit. Skymint has 24 marijuana retailers located throughout the State of Michigan and is committed to opening another world-class retail location in the City of Ypsilanti. Accordingly, when Skymint submitted an application to renew its local permit for 401 E. Michigan Ave, it was affirming its intent to move forward with the project. Furthermore, at the time Skymint applied for the renewal of its permit, it possessed valid Planning Commission Approvals for both a Special Use Permit and its Site Plan for 401 E. Michigan Ave—which do not expire until July 22, 2023. Because Skymint still has valid approval for its Site Plan and Special Use Permit at 401 E. Michigan Ave, and because it timely filed for a renewal of its local marijuana permit, the City made an unjust assumption that Skymint was not moving forward with its project.

Skymint continues to be tremendously excited to become a valued corporate citizen of Ypsilanti and had been anticipating a 2023 open date for its retail location at 401 E. Michigan Ave. Accordingly, your time and attention is greatly appreciated for the purposes of appealing the City's determination not to renew our permit.

Please let me know if you have any questions and I will await further instructions and next steps to continue to effectuate this appeal.

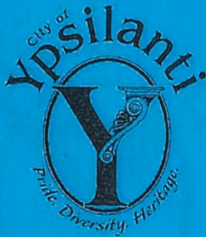
Sincerely,



Nathan Kark
Director of Government Affairs
Skymint Brands

Attachments:

City Adult Use Marijuana Permit
City determination letter of non-renewal
City Special Use Permit and Site Plan approval letter



City of Ypsilanti
Office of the City Clerk
One South Huron, Ypsilanti, MI 48197
Phone: (734) 483-1100 Fax: (734) 487-8742
www.cityofypsilanti.com

Adult Use Marijuana Permit

Address: 401 E. Michigan Ave

License No.: 2022-26

**Business Name: The District Park,
LLC (d.b.a Skymint)**

Date Issued: September 22, 2022

Permit Expires: December 31, 2022

Full Permit Contingent on building Department Approval

The renewal process for marijuana facility permits begins **October 1, 2022**.
THIS PERMIT IS CONTINGENT UPON APPROVAL OF INSPECTION
Permit is non-transferrable and may not be sold or assigned, except as
authorized by City Council Resolution No. 2018-023

This permit is granted pursuant to Chapter 7 of the Ypsilanti Code of Ordinances, as amended, and is only evidence that the applicant has applied for a permit under said Chapter and met the minimum standards required.

The granting and issuance of this permit does not legalize any act prohibited by state or federal law and is not intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with applicable state law or local ordinance. Also, since federal law is not affected by state law or local ordinance, nothing in this permit, or in any companion regulatory provision adopted in any provision of the Code of Ordinances of the City of Ypsilanti, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under State or Federal law. State law does not, nor does local ordinance, protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

If the requirements of Chapter 7 of the Ypsilanti Code of Ordinances are not complied with, the City may revoke any permit granted and/or initiate prosecution for a civil infraction violation. A person or organization who has been issued a permit shall submit it for examination upon demand by any City official or police officer.

Andrew Hellenga
City Clerk



City of Ypsilanti

Office of the City Manager

January 6, 2023

The District Park LLC
10070 Harvest Park
Dimondale MI 48821

RE: Marihuana Permit

This letter is to inform you that your permit renewal for 41 E. Michigan Ave was denied based on the following section of the ordinance:

Sec. 7-4.5. - Non-renewal or revocation. The city manager shall choose to not renew or revoke a permit based on any of the following:

1. A failure to meet the conditions or maintain compliance with the standards established by this chapter in reference to applications for a new permit or the renewal of an existing permit;
2. One or more violations of any city ordinance on the premises;
3. Maintenance of a nuisance on the premises;
4. A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or
5. Nonpayment of real and/or personal property taxes, fines, fees, or liens owed to the city.
6. Failure to be provided a state license.
7. Failure to be provide a Special Use Permit if one is required at that applied to location.
8. Failure to be provided site plan approval.
9. If the facility ceases operations for 120 days.

If you would like to appeal the decision, please contact the City Clerk's office. You can also review section 7-4.6 of the city code and follow that process.

Regards,

Frances McMullan
City Manager

One South Huron Street
Ypsilanti, MI 48197

Tel (734) 483-1810
Fax (734) 483-7260

www.CityofYpsilanti.com



City of Ypsilanti

Community and Economic Development

July 22, 2022

Leoni Wellness LLC
6235 Pontiac Trail
West Bloomfield, MI 48323

RE: Planning Commission Approval of Special Use Permit and Site Plan for 401 E Michigan Ave

Dear Leoni Wellness LLC,

The Planning Commission approved the Special Use Permit and Site Plan for marijuana retailer use at 401 E Michigan Ave at their July 20, 2022 regular meeting. The approvals were with the following findings and conditions.

The Special Use Permit was **approved** with the following findings and conditions:

Finding: The application is substantially in compliance with §122-324(b).

Conditions:

1. Special use approval shall be subject to approval of site plan.
2. Marijuana retailer shall comply with §122-538.

The Site Plan was **approved** with the following findings and conditions:

Findings:

1. The site plan substantially complies with §122-311 and the zoning ordinance.
2. Planning Commissioner waives the 10' parking setback requirement in §122-683 with the finding the parking lot will be graded to on-site catch basins.
3. Planning Commission uses §122-641 to waive the conflicting land use screening requirement (§122-634) along the east lot line with the finding that the topographic features of the site create difficult conditions that would create less effective screening, and that a thick vegetative screening already exists on the other side of the lot line.
4. Planning Commission waives the loading space requirement, in accordance with §122-695, with the finding there will not be large semi-trucks conducting loading/unloading.

Conditions:

1. Elevation plan be revised to comply with Thoroughfare Commercial private frontage standards per §122-485, and Planning Commission waive the awning clear depth and awning height from grade requirements.
2. Site plans shall undergo detailed engineering review.
3. Lighting fixtures shall be dark-sky compliant.
4. A parking space near the dumpster enclosure be eliminated to ensure dumpster enclosure access. Further, an additional parking space in the middle of the eastern row of 12 parking spaces shall be eliminated to provide for a parking lot landscaping island with a tree.
5. Truck turning details or template shall be provided on site plans.
6. At least five bicycle parking spaces shall be provided.
7. Dimensions of curbing and wheel stops shall be noted to protect vehicle overhang from encroaching landscaping areas.
8. The landscape plan's species list shall be approved administratively to ensure no plantings are invasive species and are hardy to Washtenaw County.

This letter serves as your official notice of the Planning Commission's action; keep it with your records. Please provide proof of conditions in a revised site plan set to this office for administrative review. A Certificate of Occupancy will not be issued until site plan conditions are met and approved by this department.

Page 1 of 2

One South Huron Street
Ypsilanti, MI 48197

Tel (734) 483-9646
Fax (734) 483-7260

www.CityofYpsilanti.com

Note that major changes to the approved site plan may require resubmission to the Planning Commission. This site plan approval will expire in one year from date of approval if a building permit is not issued, or two years from date of approval if construction has not begun. Contact me at 734-483-9646 or aaamodt@cityofpysilanti.com with any additional questions.

Sincerely,

A black rectangular box redacting the signature of Andy Aamodt.

Andy Aamodt
City Planner, Community & Economic Development Division

CC: File
Building Department

SKYMIN[®]

BRANDS

CITY OF YPSILANTI

REC#: 00080189 1/30/2023 11:25 AM
OPER: JG TERM: 004
REF#: 4795

TRAN: MISC2 MISCELLANEOUS
SKYMINT APPEAL
RECREATION MARIJUAN 1,100.00CR

TENDERED: 1,100.00 CHECK
APPLIED: 1,100.00-

CHANGE: 0.00

January 30, 2023

Andrew Hellenga
City Clerk
1 South Huron
Ypsilanti, MI 48197

RE: Adult Use Marijuana Permit Renewal Determination Appeal – 401 E. Michigan Avenue

Dear Clerk Hellenga,

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A quick background of the City's actions thus far are as follows:

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RECEIVED

FEB 03 2023

12:50
PM

February 3, 2023

Via Hand Delivery

CITY OF YPSILANTI
TREASURY DEPARTMENT

City of Ypsilanti
Attn: City Clerk
1 S. Huron Street
Ypsilanti, MI 48197

RE: Guy 3 Ventures, LLC (d/b/a Quality Roots of Ypsilanti)
2 & 4 W. Forest Avenue, Ypsilanti, MI
Appeal of January 6, 2023, Denial of Permit Renewal

Dear Clerk:

Enclosed are:

- Guy 3 Ventures, LLC's (d/b/a Quality Roots of Ypsilanti) ("QR") Statement of Appeal of the City Manager's January 6, 2023 Denial of QR's renewal application for marihuana facility permit;
- Supporting Exhibits A – J; and
- Appeal payment of \$1,100.00 (payable to the City of Ypsilanti).

Please file these items forthwith and provide copies to the City Council. In addition, QR hereby requests that its Appeal be heard at the next regularly scheduled City Council meeting. Please confirm receipt of this Letter and that the Appeal will be placed on the City Council's agenda.

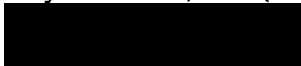
If you have any questions, you may contact me directly.

Sincerely,



Aric Klar

Guy 3 Ventures, LLC (d/b/a Quality Roots of Ypsilanti)



February 3, 2023

Via Hand Delivery

City of Ypsilanti
Attn: City Clerk
1 S. Huron Street
Ypsilanti, MI 48197

RE: Guy 3 Ventures, LLC (d/b/a Quality Roots of Ypsilanti)
2 & 4 W. Forest Avenue, Ypsilanti, MI
Appeal of January 6, 2023, Denial of Permit Renewal

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Enclosed are:

- Guy 3 Ventures, LLC's (d/b/a Quality Roots of Ypsilanti) ("QR") Statement of Appeal of the City Manager's January 6, 2023 Denial of QR's renewal application for marihuana facility permit;
- Supporting Exhibits A – J; and
- Appeal payment of \$1,100.00 (payable to the City of Ypsilanti).

Please file these items forthwith and provide copies to the City Council. In addition, QR hereby requests that its Appeal be heard at the next regularly scheduled City Council meeting. Please confirm receipt of this Letter and that the Appeal will be placed on the City Council's agenda.

If you have any questions, you may contact me directly.

Sincerely,



Aric Klar

Guy 3 Ventures, LLC (d/b/a Quality Roots of Ypsilanti)



GUY 3 VENTURES, LLC (D/B/A QUALITY ROOTS OF YPSILANTI)

Statement of Appeal

Facility Location:

2 & 4 W. Forest Ave.
Ypsilanti, MI

Appealed Decision:

January 6, 2023, Denial of Permit Renewal by City of Ypsilanti City Manager

Appeal Fee: \$1,100.00 (attached)

Decision Appealed

Guy 3 Ventures, LLC (d/b/a Quality Roots of Ypsilanti) (“QR” or “Appellant”) first sought a Marihuana Facility Permit in March 2021, and the City of Ypsilanti renewed that permit on December 16, 2021 (authorizing QR to operate for year 2022). QR timely sought renewal of that permit for 2023. On January 6, 2023, the City of Ypsilanti Office of City Manager (the “City”) denied QR’s permit renewal application via letter denial (the “Denial”). A copy of the January 6, 2023, denial letter is attached as **Exhibit A** (the “Letter”). QR hereby appeals the January 6, 2023 Denial.

Grounds for Appeal

In the Letter, the City Manager claims it is denying QR’s permit renewal pursuant to Ord. Sec. 7-4.5(9), which provides that the City Manager shall not renew a permit . . . “[i]f the facility

ceases operations for 120 days.”¹ The City’s Denial of QR’s permit application is arbitrary, capricious, and without basis in fact or law, as the project has never “ceased to be in operation.” Rather, as set forth in detail below and in the supporting materials, QR and its partners have worked tirelessly for nearly two years to ensure timely and substantial progress in redeveloping what was once a dangerous and blighted property slated for demolition, and in accordance with the various permits, approvals, and reviews granted by the City itself.

Because the City Manager’s Denial is arbitrary, capricious, and not based in fact, the City Council should exercise its authority to reverse the denial and renew QR’s permit for 2023.

Supporting Facts and Documents:

QR took possession of the properties located at 2 & 4 W. Forest Ave (the “Property”) with plans to convert the dangerous, dilapidated, and blighted “Frog Island Beer” and “Farm Bureau” buildings into a class leading marihuana facility and entertainment complex. (See, *99-year-old Ypsilanti landmark Farm Bureau building could get new life as marijuana facility - mlive.com*, **Exhibit B**).

QR submitted its initial Marihuana Facility Permit Application to the City of Ypsilanti in March 2021, with QR obtaining renewal of its permit and initial approval of its site plan in December 2021 (for year 2022). The December 16, 2021 permit renewal was conditioned on QR thereafter obtaining a “detailed engineering review” by the City Engineer. (See December 16, 2021 Permit Approval Letter, **Exhibit C**; Affidavit of Anthony Botezatu, **Exhibit D**).

From February 2022 through June 2022, QR worked directly with the City Engineer’s office to revise and resubmit its site plans for that detailed engineering review, each time

¹ As discussed below, the City Manager’s office has not provided any further clarity or detail about the grounds for denying the permit renewal, despite repeated requests from QR, its counsel, and its local partners.

incorporating comments and addressing concerns from the City Engineer. (**Exhibit D**). The City Engineer granted final approval of QR's revised site plans on June 10, 2022, with the Building Department issuing a Building Permit on June 24, 2022. (**Exhibit D**). Even after QR obtained site plan approval from the City, but before it could begin work towards its marihuana facility project, the blighted and dangerous condition of the Property required several rounds of environmental, drainage, and easement review with state and municipal officials. (**Id.**). Upon receipt of these additional permits and approvals, final site plans were circulated to QR's development partners and construction team in July 2022. (**Exhibit D**).

Development of the Project in accordance with those approved site plans has been constant and consistent. (See, Affidavit of Joe Butler, **Exhibit E**; Construction Schedule, **Exhibit F**; Status Reports, **Exhibit G**; Meeting Minutes, **Exhibit H**). In fact, since August 2022, QR has made substantial progress in the Project, including but not limited to completion of: sewer and sanitary tap; site clearing and selective demolition; site grading and construction of water retention pond; stormwater connections; underground utilities; exterior façade demolition and remediation; interior demolition; and, rough interior carpentry. QR has also completed rough installation of electrical and mechanical utilities, with rough electrical inspection completed and approved. (Affidavit of Joe Butler, **Exhibit E**).

Additional elements of the Project are substantially underway, including: installation of concrete balusters around exterior light poles; roofing repairs and upgrades (expected to be completed by mid-February); rough plumbing; installation and infill of concrete ceiling and flooring; installation of retail front door and storefront windows; and, installation of electrical fixtures and devices. (Affidavit of Joe Butler, **Exhibit E**).

However, the blighted and deteriorated condition of the property has required extensive remediation efforts which, combined with inclement weather, have resulted in delays. These include significant water infiltration from the grain tower, as well as additional water infiltration in the basement from previously exposed penetrations that were not properly remediated before QR took possession of the property. **(Exhibit E)**. Nevertheless, QR continues this work unabated and the Project is approximately 70% complete and with completion scheduled for May 2023. **(Exhibit E)**.

QR submitted a permit renewal application in November 2022 (for year 2023). However, that renewal request was denied on January 6, 2023, by the City Manager's office, alleging that QR has ceased operations at its facility. **(Exhibit A)**. Not only is this demonstrably false in light of substantial progress made in the past six months, but QR is not aware of any representative from the City Manager's office having conducted a site visit to the Project or inquiring about its development status. **(Exhibit E)**. Had the City Manager inquired at any time about the status of the Project, QR would happily have provided the Construction Schedule, Status Reports, and Meeting Minutes, and other information showing the substantial progress made.

In fact, after the Letter was sent by the City Manager, QR attempted to get clarity from the City Manager about the grounds for the Denial. Indeed, on January 12, 2023, QR's counsel, Attorney Craig Aronoff, sent an email to City Manager Frances McMullan, inquiring as to the reasons for the denial and determination that QR had ceased "operations" at the facility, and requesting that City Manager McMullan contact him to discuss the denial letter. **(Exhibit I)**. Attorney Aronoff also left Ms. McMullan a voicemail to that effect. Rather than respond to Attorney Aronoff's inquiry, the City Manager directed the City Clerk to contact Attorney Aronoff and advise him to file an appeal of the Denial.

On January 31, 2023, Jeff Guyton, QR's local partner in the Ypsilanti Project, emailed City Manager McMullan, hoping to "solicit a reply from you regarding the denial of our cannabis permit for 2/4 W Forest," providing additional details about the Project's status and QR's communications with the City, offering to provide the City Manager's office with any information necessary to correct its erroneous Denial, and requesting that the City "provide some clarity and let me know what we could have done better." (**Exhibit J**). Rather than address the substance of Mr. Guyton's request or engage in any actual discussion of the grounds for the Denial or determination, Ms. McMullan simply responded that "the ordinance is what triggered this action" and stating QR could appeal the Denial before the City Council by contacting the City Clerk. (**Exhibit J**). Given QR's significant investment (not less than \$1.5M to date) and efforts to revitalize this blighted and dangerous property, QR finds this lack of communication by the City Manager's office to be incredibly insulting and unprofessional.

REQUESTED RELIEF

The City Manager's determination that QR has "ceased operations" at the Project for 120 days is entirely without any basis in fact and, therefore, is arbitrary and capricious. The City Council can and should overturn the denial and grant QR renewal of all necessary permits for the Project for 2023.

Respectfully submitted,



Craig A. Aronoff, Esq.
Aronoff Law
1221 Bowers St., #161
Birmingham, MI 48012


EXHIBIT A



City of Ypsilanti

Office of the City Manager

January 6, 2023

Guy 3 Ventures OBA Quality Roots of Ypsilanti
21 S Normal St
Ypsilanti MI 48197

RE: Marijuana Permit

This letter is to inform you that your permit renewal for 2 & 4 W. Forest Ave was denied based on the following section of the ordinance:

Sec. 7-4.5. - Non-renewal or revocation. The city manager shall choose to not renew or revoke a permit based on any of the following:

1. A failure to meet the conditions or maintain compliance with the standards established by this chapter in reference to applications for a new permit or the renewal of an existing permit;
2. One or more violations of any city ordinance on the premises;
3. Maintenance of a nuisance on the premises;
4. A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or
5. Nonpayment of real and/or personal property taxes, fines, fees, or liens owed to the city.
6. Failure to be provided a state license;
7. Failure to be provide a Special Use Permit if one is required at that applied to location.
8. Failure to be provided site plan approval.
9. If the facility ceases operations for 120 days.

If you would like to appeal the decision, please contact the City Clerk's office. You can also review section 7-4.6 of the city code and follow that process.

Regards,

Frances McMullan
City Manager

One South Huron Street
Ypsilanti, MI 48197

Tel (734) 483-1810
Fax (734) 483-7260

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EXHIBIT B



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Ann Arbor

99-year-old Ypsilanti landmark Farm Bureau building could get new life as marijuana facility

Updated: Jan. 17, 2022, 11:48 a.m. | Published: Dec. 19, 2021, 11:00 a.m.



Signed-in readers now can
 This file photo from Sept. 14, 2019, shows the former Farm Bureau property at 2-4 W. Forest Ave. in Ypsilanti, Mich. Jenna Kieser

1,136
 shares

NEW!

By **Lucas Smolcic Larson | lsmolciclarsen@mlive.com**

YPSILANTI, MI - An Ypsilanti landmark, the former Farm Bureau building marked by its hulking grain tower and silos, is set to turn 100 next year.

On its centennial birthday, a transformation could be in store, catapulting the deteriorating agricultural structure — also home to the “Frog Island Beer” building — into the forefront of the city’s 21st century economy.

That’s right, it might become a marijuana dispensary.

On Wednesday, Dec. 15, Ypsilanti’s Planning Commission OK’d a special use permit and the first phase of a site plan that re-envision the historic property as a one-stop weed spot.

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The project has united a local entrepreneur, toy store turned marijuana executive and high-profile Detroit real estate investor and businessman.

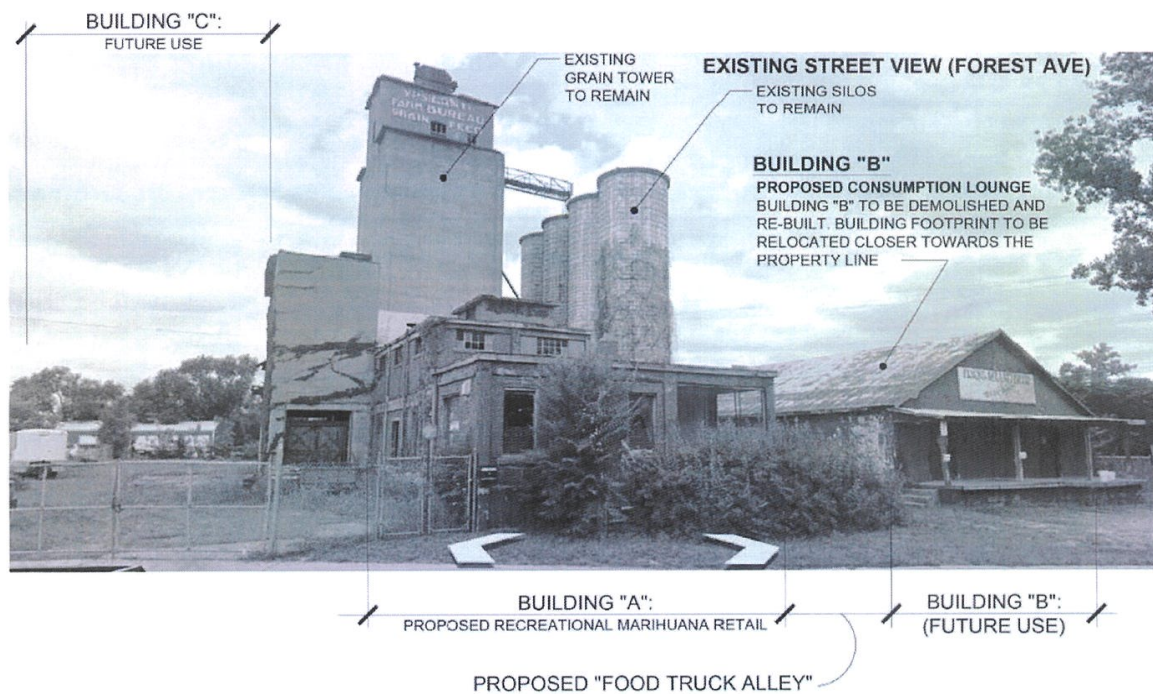
They intend to rehab the Ypsilanti Farm Bureau property, demolishing some of its decrepit vacant buildings while maintaining the signature tower and silos, for a Birmingham-based cannabis retailer, Quality Roots.

"We're also in the fun business," the company's CEO and Eastern Michigan University graduate Aric Klar told city planners, nodding toward the success of local breweries and his intentions to develop a marijuana consumption lounge on the West Forest Avenue property.

Klar founded an independent toy store, Toyology Toys, before going into the weed retail business with his two brothers and father, opening locations in Hamtramck, Battle Creek and soon Berkley, according to the company's website.

Also part of the development team pitching the plans for the historic Ypsilanti property was Anthony Botezatu, representing owner David Farbman, an Oakland County health care, online media and real estate executive, and Ypsilanti resident Jeff Guyton.

Their plans call for preserving most of the main brick building to use as a cannabis retail shop, remodeling it with large glass windows facing the street.



This annotated photograph, part of plans from Royal Oak-based Stucky Vitale Architects, shows the proposed development of the Ypsilanti Farm Bureau property, 2-4 West Forest Ave., as a marijuana retail, consumption and processing location. The Ypsilanti Planning Commission OK'd plans for "Building A," the retail location, on Dec. 15, 2021. Provided by Stucky Vitale Architects

Advertisement

The Frog Island Beer building is slated for demolition, and developers intend to replace it with a consumption lounge, where cannabis products can legally be consumed, while also building a marijuana growing and processing facility on the lot.

The plans also call for a "food truck alley" and parking.

So far, they've only got the Planning Commission's approval on the retail establishment portion of the plans, as officials reserved the right to continue to review the rest of the project as it evolves.

That was no problem for Klar. "It allows us to get going and get business operational as fast as we can," he said.

The property at 2 and 4 West Forest Ave. near Frog Island Park borders a city Department of Public Services facility, train tracks and the Huron River. The buildings date to 1922, city records show.

In 2015, city officials placed the structures on Ypsilanti's dangerous buildings list, which seemed then to herald the beginning of a protracted demolition process.

With holes in the roof, a stairwell ready to collapse and water pooling four-feet deep in the basement, Ann Arbor builder Lorenzo Zamperla scooped up the property for \$17,200 at a tax auction that year.

Read more: See inside crumbling former Farm Bureau building in Ypsilanti as it heads to auction

At the time of the sale, the buildings, used previously as a brewery supply store and antique storage facility, were chock full of hundreds of boxes of old toys, records, board games, baseball cards and other merchandise, according to previous reports.

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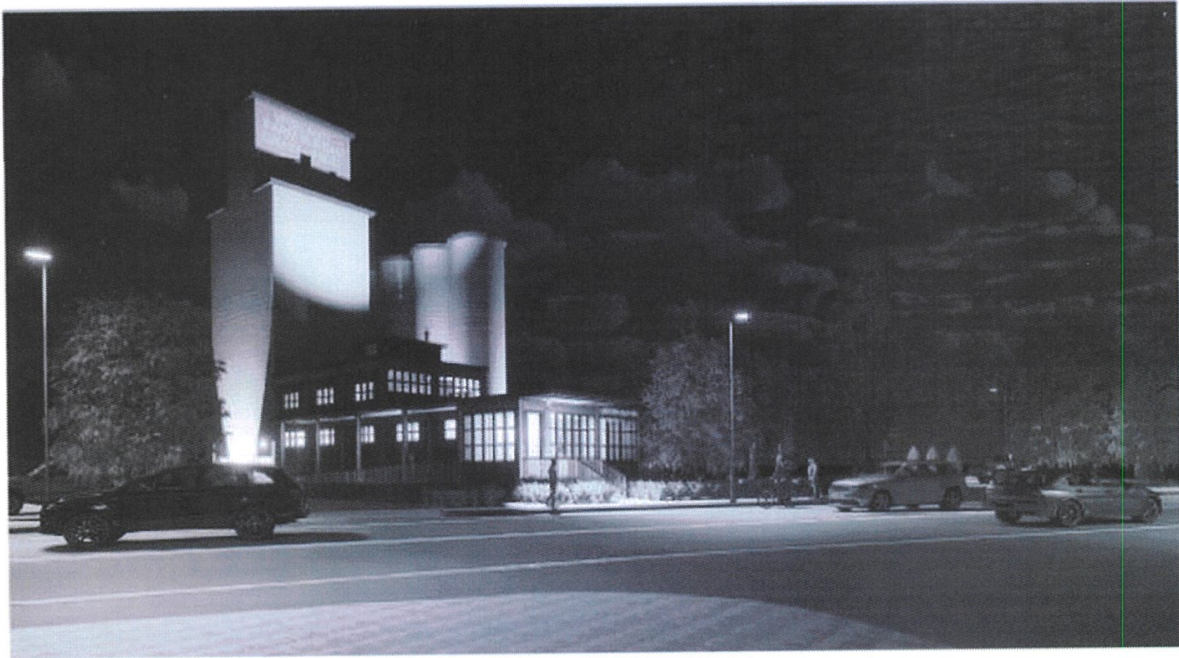
The site was pitched as a brewery, but that never came to fruition, according to Ypsilanti planning documents.

In December 2020, it sold to Monarch Acquisitions II, LLC for \$200,000, city property records show.

According to Ypsilanti's website, cannabis entrepreneurs under the name Guy 3 Ventures have a social equity marijuana facility license from the city for the Farm Bureau property, part of a state program to promote participation in the industry from people and communities (Ypsilanti is one, per Michigan regulators) disproportionately impacted by prohibition of cannabis.



CONCEPTUAL DAY RENDERING
SCALE: N.T.S.



CONCEPTUAL NIGHT RENDERING
SCALE: N.T.S. SITE PLAN REVIEW

Conceptual renderings from Stucky Vitale Architects show developers' plans for a marijuana retail shop at the Ypsilanti Farm Bureau building at 2-4 West Forest Ave. Provided by Stucky Vitale Architects

From the planning side of things, the marijuana retail special use permit for the lot, a little more than 1 acre, cleared the Planning Commission with a 7-0 vote on Dec. 15.

The site plan was approved by a 6-1 vote, but officials placed 16 conditions on their OK. Among them and following concerns from Commissioner Carl Schier, was a requirement that the existing grain tower and silos clear an environmental and safety review.

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The developers will also have to widen the existing sidewalk to 10 feet, thanks to a suggestion from Commissioner Mike Davis Jr., who pointed out the property is on [the Border-to-Border trail route](#), near existing paths through Frog Island Park, and planners should encourage multi-use pathways in the area.

Commissioners also want the developers to ensure there's adequate fencing between the property and the neighboring city facility, as well as the train tracks.

"From a (city) staff level, this site works well," said City Planner Andy Aamodt, "I don't think it's going to be a nuisance for anyone in the area."

Aamodt said in an email the project will next go through a detailed engineering review and building plan assessment before getting construction permits.

Those are "administrative processes," he said, and the developers won't come before any city boards or commissions until they want approval on the later stages of the project.

More from The Ann Arbor News:

[Eastern Michigan University fraternity settles with 8 women in sex assault case](#)

[Ypsilanti will again collect glass in curbside recycling. Here's what else is changing](#)

[Capping 'prolonged struggle.' Superior Township OKs \\$2.4M purchase of land targeted for mobile home park](#)

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EXHIBIT C



City of Ypsilanti

Community and Economic Development

December 16, 2021

Anthony Botezatu
18000 W Nine Mile Road, 10th Floor
Southfield, MI 48075

RE: Planning Commission Approval of Special Use Permit and Site Plan for 2-4 W Forest Ave

Dear Anthony Botezatu,

The Planning Commission approved the Special Use Permit and Site Plan for marijuana retailer use at 2-4 W Forest Ave during the December 15, 2021 regular meeting. The approvals were with the following findings and conditions.

The Special Use Permit was **approved** with the following findings and conditions:

Findings:

1. The application is substantially in compliance with §122-324(b).
2. Approval is for marijuana retailer use only. Applicant must re-apply for Special Use Permits pertaining to Designated Consumption Lounge and Growing/processing uses.

Condition: Special use approval shall be subject to approval of site plan.

The Site Plan was **approved** with the following findings and conditions:

Findings:

1. Due to lack of substantial compliance with Building B and Building C, this site plan approval is for Phase 1, and Building A, only. Phase 1 limits are delineated on sheet C-3 in the submitted packet.
2. Applicant may coordinate an expansion of Phase 1 regarding the parking area to the rear of Building A and the silos, as well as expansion of "grasscrete" sidewalk pavers to the east of Building A, for administrative review.
3. Phase 1 site plan substantially complies with §122-311 and the zoning ordinance.
4. Planning Commission waives the 10' parking setback requirement in §122-683 with the finding the parking lot will be graded to on-site catch basins, landscaping screening is provided, and opposite the property line is a parking lot as well.
5. Planning Commission determines 10'x25' loading space as presented is sufficient, in accordance with §122-694, with the finding there will not be large semi-trucks conducting loading/unloading activity.

Conditions:

1. Building A's private frontage façade details including ground floor transparency shall be noted in elevation plan.
2. Minimum of 50' wide conservation and/or public access easement shall be provided where the lot meets the river.
3. Dumpster enclosure shall have a wooden swing door.
4. Front entrance and bike racks shall provide adequate lighting levels per the zoning ordinance and lighting be dark sky compliant.

Page 1 of 2

One South Huron Street
Ypsilanti, MI 48197

Tel (734) 483-9646
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5. Truck turning details or template shall be provided on site plans.
6. Landscaping near curb-cut shall not affect required traffic visibility requirements in §122-675.
7. Plan should remove parallel parking spaces in front of west façade and replace with landscaping, due to lack of adequate turning radii.
8. Dimensions of curbing and wheel stops shall be noted to protect vehicle overhang from encroaching landscape areas.
9. Site plan shall meet base parking requirement if parallel spaces are removed, or apply for reductions.
10. Fence and security gate shall be removed from plan or re-located in an area that does not impede traffic circulation.
11. Landscape plan's species list shall be approved administratively to ensure no plantings are invasive species.
12. Site plans shall undergo detailed engineering review by the City Engineer.
13. Existing silos on the property shall have engineering review for safety and environmental concerns, and shall be approved by the City Engineer.
14. Fencing on east and west property lines shall be repaired and maintained.
15. W Forest Ave's sidewalk shall be widened to 10' minimum.
16. The parking lot shall be graded to drain to on-site catch basins to avoid any runoff onto adjacent property to the west.

This letter serves as your official notice of the Planning Commission's action; keep it with your records. Please provide proof of conditions to this office for administrative review. A Certificate of Occupancy will not be issued until site plan conditions are met and approved by this department.

Note that major changes to the approved site plan may require resubmission to the Planning Commission. If not acted upon, this site plan approval will expire in two years from date of approval. Contact me at 734-483-9646 or aaamodt@cityofypsilanti.com with any additional questions.

Sincerely,



Andy Aamodt
City Planner, Community & Economic Development Division

CC: File
Building Department

EXHIBIT D

AFFIDAVIT OF ANTHONY BOTEZATU

Anthony Botezatu, being duly sworn, states as follows:

The facts stated herein are based on my own personal knowledge and, if called as a witness, I am competent to testify to the same.

1. I am currently employed as a Project Development Manager with Quantum Grounds, LLC, and Monarch Acquisitions, LLC. Quantum Grounds and Monarch Acquisitions are development partners in Guy 3 Ventures, LLC's (d/b/a Quality Roots of Ypsilanti) ("QR") real property development project located at 2 & 4 W. Forest Ave., Ypsilanti, MI (the "Project").

2. I began serving as Project Development Manager for the Project around August 2021, with the following responsibilities:

- a. Identifying, coordinating, and submitting all necessary city reviews and submittals.
- b. Identifying important deadlines and holding team accountable to meeting those deadlines.
- c. Assembling and working with architects and engineers to ensure required site plans, blueprints, and renderings are compliant with City and code requirements.
- d. Acting on behalf of the landlord and ensuring that all landlord related questions are efficiently and properly addressed in a timely manner.
- e. Identifying all necessary permits required for construction, putting together applications packages, submitting, and coordinating any comments/feedback received until permits are issued.
- f. Keeping inventory of all vendor, contractor, and supplier invoices and ensuring all invoices get paid in a timely manner.
- g. Developing preliminary budgets and construction timelines.

- h. Conducting weekly meetings with construction, ownership, and development partners to discuss current issues and action items at the Project.
- i. Coordinating with tenant to develop plans to operational needs.
- j. Monitoring all on-site activity.
- k. Working directly with counsel to prepare legal documents such a leases, LOIs, operating agreements, definitive agreements, and addendums related to the Project.

3. QR submitted its prepared site plan to the City of Ypsilanti Planning Commission for review in October 2021, and the Planning Commission approved QR's site plan on December 16, 2021, conditioned on "detailed engineering review" for the site plan by the City Engineer.

4. QR then worked with the City Engineer to revise and resubmit its proposed site plan several times between February and June 2022, each time incorporating comments and addressing concerns directly from the City Engineer's office.

5. Final versions of QR's site plan were submitted to the City Engineer following multiple rounds of review, discussion, and revision, with approval granted by the City Engineer on June 10, 2022.

6. QR also sought and obtained Building Permit approval from the City of Ypsilanti Building Department, following multiple rounds of review, with final approval and permit granted on June 24, 2022.

7. Construction versions of the site plans were prepared in July 2022, and made available to the construction team and development team.

8. Due to the significantly blighted and deteriorated nature of the property when QR took possession, existing easements on the property, and the site's proximity to a waterway, and in order to make the site ready for remediation and redevelopment into its intended use, QR and

its partners also worked directly with local and state authorities to obtain numerous other necessary permits and approvals, including:

- a. Soil Erosion & Sedimentation Control Permit
- b. Drain Use Permit
- c. EGLE Permit

9. Substantial work on development of QR's Project then began in August 2022, in accordance with the reviewed and approved site plans, following final negotiations and execution of a property lease with the landowner.

FURTHER AFFIANT SAYETH NOT.

February 2, 2023



NOTARY:

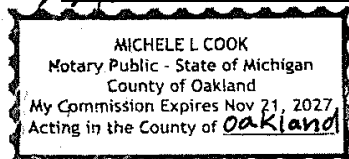


EXHIBIT E

AFFIDAVIT OF JOE BUTLER

Joe Butler, being duly sworn, states as follows:

The facts stated herein are based on my own personal knowledge and, if called as a witness, I am competent to testify to the same.

1. I am currently employed as a project manager with Huntington Construction, which serves as general contractor for Guy 3 Ventures, LLC's (d/b/a Quality Roots of Ypsilanti) ("QR") real property development project located at 2 & 4 W. Forest Ave., Ypsilanti, MI (the "Project").

2. I began serving as project manager at the Project around April 2022, with the following responsibilities:

- a. Overall coordination of construction efforts;
- b. Budget review and optimization;
- c. Coordination with subcontractors and tradesmen;
- d. Coordination with architects and professional services;
- e. Coordination of City and utility inspections; and
- f. Liaison between third-parties and Project ownership.

3. Following demolition and environmental remediation at the site, final project approvals and permits were obtained in early summer 2022, and construction of the Project began in earnest around August 2022.

4. Since August 2022, QR has made substantial progress in the Project, including but not limited to:

- a. Sewer and sanitary tap.
- b. Site clearing and selective demolition.
- c. Site grading and construction of water retention pond.

- d. Stormwater connections.
- e. Underground utilities.
- f. Exterior façade demolition and remediation.
- g. Interior demolition.
- h. Rough interior carpentry.

5. QR has also completed rough installation of electrical and mechanical utilities, with rough electrical inspection completed and approved.

6. Additional elements of the Project are substantially underway, including but not limited to:

- a. Installation of concrete footers for ADA ramp.
- b. Roofing repairs and upgrades (expected to be completed by mid-February).
- c. Rough plumbing.
- d. Installation and infill of concrete ceiling and flooring.
- e. Installation of retail front door and storefront windows.
- f. Installation of electrical fixtures and devices.

7. However, the blighted and deteriorated condition of the property has required extensive remediation efforts which, combined with inclement weather, have resulted in delays. These include but are not necessarily limited to significant water infiltration from the grain tower, as well as additional water infiltration in the basement from previously exposed penetrations that were not properly remediated before QR took possession of the property.

8. At any given time, there are between four and ten workers actively present at the Project site, along with subcontractors, tradesmen, vendors, etc.

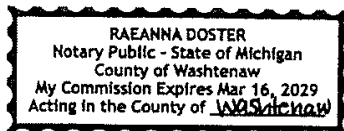
9. At no time have I been contacted by the City Manager's office to inquire whether QR has ceased operations at the Project, and no time has QR ceased "operations" at the Project.

10. The overall status of the Project, not including landscaping and paving, is approximately 70% complete, with overall completion of the Project anticipated for May 2023.

FURTHER AFFIANT SAYETH NOT.

February 3, 2023

NOTARY:



Joe BUTLER 2/3/23

EXHIBIT F

3312 Monarch Quality Roots Baseline Schedule 01.24.2023

ID	Task Name	Duration	Start	Finish	% Complete
1	Subcontract Phase	7 days	Mon 8/29/22	Tue 9/6/22	100%
2	Sewer/Sanitary tap (if necessary)	14 days	Wed 9/7/22	Mon 9/26/22	100%
3	Site Clearing/Selective Site Demo	14 days	Tue 9/27/22	Fri 10/14/22	100%
4	Site Grading / Digging Retention Pond	10 days	Mon 10/17/22	Fri 10/28/22	100%
5	Stormwater Connections	3 days	Thu 10/20/22	Mon 10/24/22	100%
6	Underground Utilities	14 days	Wed 10/19/22	Mon 11/7/22	100%
7	Concrete Balusters for Light Poles	3 days	Wed 2/15/23	Fri 2/17/23	25%
8	Underground Inspections	2 days	Mon 2/20/23	Tue 2/21/23	100%
9	Exterior Façade Demo/Clean up and parging/tuck	10 days	Fri 11/18/22	Thu 12/1/22	100%
10	Exterior Priming and Painting	5 days	Fri 12/2/22	Thu 12/8/22	0%
11	Roofing	5 days	Mon 1/23/23	Fri 1/27/23	25%
12	Interior Demo	3 days	Mon 1/23/23	Wed 1/25/23	100%
13	Rough Carpentry	10 days	Fri 10/21/22	Thu 11/3/22	100%
14	Rough Plumbing	10 days	Wed 2/1/23	Tue 2/14/23	60%
15	Infill concrete ceiling and flooring	5 days	Thu 1/26/23	Wed 2/1/23	90%
16	Rough Electrical	5 days	Wed 2/1/23	Tue 2/7/23	100%
17	Rough Mechanical	10 days	Mon 1/30/23	Fri 2/10/23	0%
18	Rough Electrical Inspection	1 day	Wed 2/8/23	Wed 2/8/23	100%
19	Rough Plumbing Inspection	1 day	Wed 2/15/23	Wed 2/15/23	0%
20	Rough Mechanical	1 day	Mon 2/13/23	Mon 2/13/23	100%
21	Rough Building Inspection	1 day	Tue 2/14/23	Tue 2/14/23	0%
22	Drywall and Finish	5 days	Wed 2/15/23	Tue 2/21/23	0%
23	Patch and Grind Floors	7 days	Wed 2/22/23	Thu 3/2/23	0%
24	Seal Concrete flooring	3 days	Fri 3/3/23	Tue 3/7/23	0%
25	Store Front Door and Window Install	7 days	Tue 2/14/23	Wed 2/22/23	90%
26	Prime and Paint - Interior	6 days	Thu 3/2/23	Thu 3/9/23	0%
27	Install Electrical fixtures and devices	7 days	Thu 2/23/23	Fri 3/3/23	60%
28	Install Millwork	5 days	Mon 3/20/23	Fri 3/24/23	0%
29	Install Plumbing fixtures	3 days	Wed 3/8/23	Fri 3/10/23	0%
30	Install Door and Hardware	3 days	Wed 3/8/23	Fri 3/10/23	0%
31	Complete Mechanical	5 days	Wed 3/8/23	Tue 3/14/23	0%
32	Final Inspections	5 days	Wed 3/15/23	Tue 3/21/23	0%
33	Temp CoFO	1 day	Mon 4/3/23	Mon 4/3/23	0%
34	Finish Grade (weather permitting)	1 day	Mon 4/10/23	Mon 4/10/23	0%
35	Asphalt/Paving (Weather permitting)	5 days	Mon 4/10/23	Fri 4/14/23	0%
36	Landscaping (Weather permitting)	10 days	Mon 4/10/23	Fri 4/21/23	0%
37	Exterior Paint (Weather permitting)	5 days	Mon 4/10/23	Fri 4/14/23	0%

3312 Monarch Quality Roots Baseline Schedule 01.24.2023

Predecessors

1
2
3
4SS+3 days
4SS+2 days
6

12
12
13SS+2 days
13SS
16
14
17
20
21
22
23

23SS+1 day
24
24
24
31

EXHIBIT G



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 01.03.2023

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail: [REDACTED]

Client Primary Contact Name: Anthony Botezatu

E-mail: [REDACTED]

Secondary Contact Name: _____ E-mail: _____ Cell: _____

Initial Completion Date: 01/02/2023

Percentage Completed: 65%

Expected Completion Date: 2/15/23 - TCoF expected

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CoFo until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, difficulty in excavating the ground due to extra abandoned footings and foundations.

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Scope changes resulting in additional reviews from the Planning and Building Department
Waiting final review results to complete necessary change orders and continue rough ins. Site work suffered delay from unexpected cold
weather.

Important Items to Note: Working on install of electric heaters. Outdoor work has stalled due to weather.





**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 01.09.2023

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail _____

Cell _____

Initial Completion Date: 01/02/2023

Percentage Completed: 65%

Expected Completion Date: 3/15/23 - TCoF expected

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CoFO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, difficulty in excavating the ground due to extra abandoned footings and foundations.

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Scope changes resulting in additional reviews from the Planning and Building Department
Waiting final review results to complete necessary change orders and continue rough ins. Site work suffered delay from unexpected cold
weather.

Important Items to Note: Weather delays on roofing and ADA ramp. A lot of water infiltration into building has become
apparent with all of the rain we had. Need to look into waterproofing solutions for basement and tower.

DTE gas finally has us in the install queue, still waiting for DTE electric to install meter. Site walk scheduled for tomorrow morning



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 08.29.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 2%

Expected Completion Date: 1/2/23 - 130 days from contract execution. This will depend heavily on weather and material availability

Reason for Change to the Original Date: _____

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): _____

Important Items to Note: Picked up Permit from the City. Working on getting vendors and trades lined up and under contract this week. Expecting to begin powerwashing and cleaning up the inside of the building in preparation to begin work.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 09.06.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 4%

Expected Completion Date: 1/2/23 - 130 days from contract execution. This will depend heavily on weather and material availability

Reason for Change to the Original Date: _____

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): _____

Important Items to Note: Interior of building cleaned out. Wrapping up contract phase with vendors and working on material lead times. Need up to date mill work drawings from Stuckey and contacts for previously used mill work companies.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 09.12.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail [REDACTED]

Client Primary Contact Name: Anthony Botezatu

E-mail [REDACTED]

Secondary Contact Name: _____ E-mail _____ Cell _____

Initial Completion Date: 01/02/2023 Percentage Completed: 5%

Expected Completion Date: 1/2/23 - 130 days from contract execution. This will depend heavily on weather and material availability

Reason for Change to the Original Date: _____

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): _____

Important Items to Note: Electrical demo begun. Beginning Electrical Rough.

Window openings to be marked out this week and begin cutting for larger windows.

Scheduling meetings will millwork and Aric to meet on site to go over millwork.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 09.19.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 10%

Expected Completion Date: 1/2/23 - 130 days from contract execution. This will depend heavily on weather and material availability

Reason for Change to the Original Date: _____

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): _____

Important Items to Note: Electrical Rough In began, including relocating the new panel. Existing panel will remain for temp power. Marked all window openings, will begin cutting this week. Water meter had to be swapped and ball valve replaced to get water back on in the building. Coordination with Security/Data company necessary for rough in layout



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 09.26.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail: [REDACTED]

Client Primary Contact Name: Anthony Botezatu

E-mail: [REDACTED]

Secondary Contact Name: _____ E-mail: _____ Cell: _____

Initial Completion Date: 01/02/2023

Percentage Completed: 15%

Expected Completion Date: 1/2/23 - 130 days from contract execution. This will depend heavily on weather and material availability

Reason for Change to the Original Date: _____

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): _____

Important Items to Note: Continuing Electrical and Carpentry Rough in, Site work to begin this week. Windows

installed this week or next, depending on availability. Meeting Security/Data trade on site or over phone about layout and conduit needs





**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 10.03.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail: [REDACTED]

Client Primary Contact Name: Anthony Botezatu

E-mail: [REDACTED]

Secondary Contact Name: _____ E-mail: _____ Cell: _____

Initial Completion Date: 01/02/2023

Percentage Completed: 20%

Expected Completion Date: 1/2/23 - 130 days from contract execution. This will depend heavily on weather and material availability

Reason for Change to the Original Date: _____

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): _____

Important Items to Note: Continuing Electrical and Carpentry Rough in, Site work to begin this week. Site meeting on Friday gave some action items and some changes to scope. Working through the changes with Anthony. Some additional security measures for the vault and ceilings.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 10.10.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 25%

Expected Completion Date: 2/2/23

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): _____

Important Items to Note: Continuing Electrical and Carpentry Rough in, Walked with Architect and Clients

Working through securing the vault better and discussed alternate lighting package and eliminating the tile work in favor of Epoxy

Decided to eliminate staircase. Site work begun, retention pond dug.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 10.17.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 25%

Expected Completion Date: 2/2/23

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CoFO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): _____

Important Items to Note: Continued Electrical Rough in, some rework as result of scope alteration. Removed 90% of rough carpentry to allow for ceiling to get infilled. Site work underway, retention pond dug, remaining site staked for paring lot and storm Staircase removal needs an addendum issued and City building department review.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 10.24.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler E-mail: [REDACTED] Cell: [REDACTED]

Client Primary Contact Name: Anthony Botezatu E-mail: [REDACTED]

Secondary Contact Name: _____ E-mail: _____ Cell: _____

Initial Completion Date: 01/02/2023 Percentage Completed: 25%

Expected Completion Date: 2/2/23

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Concrete shortage resulting in manhole assemblies being available for installation. Shortage also delayed concrete ceiling infills being completed

Important Items to Note: Concrete ceiling infills have been completed, first level windows being blocked into place and parging beginning this week. HVAC rough in beginning this week as well. Walls going back up this week as well.

Still waiting for addendum to provide to the city for review as well as drawn details for the front canopy.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 10.31.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 30%

Expected Completion Date: 2/2/23

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Concrete shortage resulting in manhole assemblies being available for installation. Shortage also delayed concrete ceiling infills being completed

Important Items to Note: HVAC rough in began last week and continues this week. Rough carpentry going back in beginning today. Talking with supervisor at DTE to get coordination to being power back to the building.

Manhole assemblies expected to arrive at the end of this week/beginning of next.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 11.07.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail [REDACTED]

Client Primary Contact Name: Anthony Botezatu

E-mail [REDACTED]

Secondary Contact Name: _____ E-mail _____ Cell _____

Initial Completion Date: 01/02/2023

Percentage Completed: 30%

Expected Completion Date: 2/2/23

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, Concrete shortage causing delays

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Concrete shortage resulting in manhole assemblies being available for installation. Shortage also delayed concrete ceiling infills being completed

Important Items to Note: Manhole assemblies expected delivered today. Work to be scheduled upon receipt. Compaction and inspections will be given a minimum of three days notice. HVAC continuing to run rough duct work and set equipment. DTE coordination proving problematic. Continuing to work on getting power back to building, and not interfering with asphalt prep.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 11.14.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 30%

Expected Completion Date: 2/2/23

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, Concrete shortage causing delays

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Concrete shortage resulting in manhole assemblies being available for installation. Shortage also delayed concrete ceiling infills being completed

Important Items to Note: Manhole Assemblies Delivered, OHM scheduled for inspection Tuesday. HVAC work continuing DTE will accept pics for underground conduit for 3 phase line. Parging prep continuing this week. Rough electrical continuing





**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 11.21.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 35%

Expected Completion Date: 2/15/23 - TCoF expected

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, Concrete shortage causing delays
Cold weather came through early and lasted all week with snow, delaying site work. Unlikely to get asphalt done this season

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Scope changes resulting in additional reviews from the Planning and Building Department
Waiting final review results to complete necessary change orders and continue rough ins. Site work suffered delay from unexpected cold weather.

Important Items to Note: HVAC rough in complete and 80% panel 15 window inserts installed. Parging continued at a
Slow pace due to cold temperatures. Working on gas lines this week. Short week due to the holiday. We are getting near to a stand still
for the interior work without bulletin issuance.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 11.28.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail: [REDACTED]

Client Primary Contact Name: Anthony Botezatu

E-mail: [REDACTED]

Secondary Contact Name: _____ E-mail: _____ Cell: _____

Initial Completion Date: 01/02/2023 Percentage Completed: 40%

Expected Completion Date: 2/15/23 - TCoF expected

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, Concrete shortage causing delays
Cold weather came through early and lasted all week with snow, delaying site work. Unlikely to get asphalt done this season

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Scope changes resulting in additional reviews from the Planning and Building Department
Waiting final review results to complete necessary change orders and continue rough ins. Site work suffered delay from unexpected cold weather.

Important Items to Note: Recieved Bulletin 1 and sent out to trades. HVAC roughs completed, completing gas line install this week
trenched and installed conduit for 3 phase power, DTE getting temp power back to building this week. DTE gas connecting gas and new meter
system once electricity back on. Site work continuing this week, parging continuing this week.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 12.05.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail [REDACTED]

Client Primary Contact Name: Anthony Botezatu

E-mail [REDACTED]

Secondary Contact Name: _____ E-mail _____ Cell _____

Initial Completion Date: 01/02/2023 Percentage Completed: 55%

Expected Completion Date: 2/15/23 - TCoF expected

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, Concrete shortage causing delays
Cold weather came through early and lasted all week with snow, delaying site work. Unlikely to get asphalt done this season

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Scope changes resulting in additional reviews from the Planning and Building Department
Waiting final review results to complete necessary change orders and continue rough ins. Site work suffered delay from unexpected cold
weather.

Important Items to Note: Gas lines complete. HVAC rough Complete, Electrical Rough complete. Sewer completed
and inspected. Expecting DTE to run new 3 phase lines from pole to building today and make final connection within a day or two.
DTE gas connection to follow. Working with trades to reconcile all changes from Bulletin 1 and present by the end of the week





**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 12.12.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 60%

Expected Completion Date: 2/15/23 - TCoF expected

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CofO until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, Concrete shortage causing delays

Cold weather came through early and lasted all week with snow, delaying site work. Unlikely to get asphalt done this season

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Scope changes resulting in additional reviews from the Planning and Building Department

Waiting final review results to complete necessary change orders and continue rough ins. Site work suffered delay from unexpected cold weather.

Important Items to Note: Existing sewer line tap ran resulted in necessary additional manhole assembly required. Connection points were not compatible. Parging Complete. Install of Storefront beginning Tuesday. Stoning the parking lot beginning this week as well.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 12.19.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail

Client Primary Contact Name: Anthony Botezatu

E-mail

Secondary Contact Name: _____

E-mail

Cell

Initial Completion Date: 01/02/2023

Percentage Completed: 65%

Expected Completion Date: 2/15/23 - TCoF expected

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CoFo until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, difficulty in excavating the ground due to extra abandoned footings and foundations.

Change Orders Out for Approval: _____

Date Provided to Client: _____

Reason for Delay (If Any): Scope changes resulting in additional reviews from the Planning and Building Department
Waiting final review results to complete necessary change orders and continue rough ins. Site work suffered delay from unexpected cold weather.

Important Items to Note: Approx 15 loads of abandoned extra concrete being pulled out of the ground to set grade for parking lot
electrical rough in for the lighting, Pouring footers for ramp and forming for ramp the week. Facing "holiday" delays. Many distributors
and suppliers shut down the week between Christmas and New Years.



**Huntington
Construction
Company**

Construction Status Report

WORKING HARDER. BUILDING BETTER.

Job Name: 3312 Monarch - Quality Roots 12.27.2022

Job Location: 2 W Forest Ave Ypsilanti

Client Name: Monarch - Quality Roots

HC Project Manager Name: Joe Butler

E-mail: [REDACTED]

Client Primary Contact Name: Anthony Botezatu

E-mail: [REDACTED]

Secondary Contact Name: _____

E-mail: _____

Cell: _____

Initial Completion Date: 01/02/2023

Percentage Completed: 65%

Expected Completion Date: 2/15/23 - TCoF expected

Reason for Change to the Original Date: Making changes to scope that has resulted in some rework and material delays.

Landscaping will need to be scheduled for Spring. Operations will run off Temp CoFo until weather permits install

Challenges that Could Affect the Project: inclement weather and frost laws, difficulty in excavating the ground due to extra abandoned footings and foundations.

Change Orders Out for Approval: _____

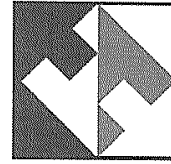
Date Provided to Client: _____

Reason for Delay (If Any): Scope changes resulting in additional reviews from the Planning and Building Department
Waiting final review results to complete necessary change orders and continue rough ins. Site work suffered delay from unexpected cold weather.

Important Items to Note: Poured concrete in basement pit. Leveled Parking Lot.

Combination of holiday, Snow and Deep Freeze left job site vacant for majority of last. I don't expect a lot to be done this week due to rain in the forecast for the majority of the week.

EXHIBIT H



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 8/31/2022

In Attendance:

- John Line – Huntington Construction**
- Andy Gutman – Farbman**
- Sandy Eisho – Farbman**
- Connie Rutz – Huntington Construction**
- Robyn Bergstedt – Farbman**
- Joe Butler – Huntington Construction**
- Jonathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**
- Michael Karr – Quality Roots**
- Jonathan Karr – Quality Roots**
- Aric Karr – Quality Roots**
- Jonah Folbe – Quality Roots**

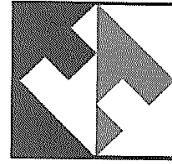
1. Announcements:

- Introductions
- Lease and Contract Executed
- In Contract Phase with Subcontractors and Vendors
- Lined up for pressure washing and cleaning of interior site by end of this week
- Scheduled for roofing company for temp repair/covering while waiting on material lead time.

2. Discussion:

- Quality Roots/Monarch to verify selections have been made and ready for ordering. Quality Roots mentioned millwork companies they have worked with on previous projects, providing contact information.
- Anthony reaching out to Stuckey for up to date millwork and selection details.
- Construction Schedule updated and included with Status Report sent on Tuesday, include city in communication.

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule.
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 9/7/2022

In Attendance:

- John Line – Huntington Construction**
- Andy Gutman – Farbman**
- Sandy Eisho – Farbman**
- Connie Rutz – Huntington Construction**
- Joe Butler – Huntington Construction**
- Jonathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**
- Jonathan Klar – Quality Roots**
- Aric Klar – Quality Roots**
- Jeff Guyton – Quality Roots**

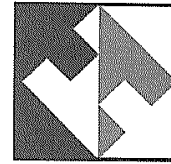
1. Announcements:

- Introductions
- In Contract Phase with Subcontractors and Vendors – Continuing
- Lined up for pressure washing and cleaning of interior site by end of this week - Clean up complete. Pressure washing unable due to no water.
- Scheduled for roofing company for temp repair/covering while waiting on material lead time. 1-2 weeks until completion

2. Discussion:

- Quality Roots/Monarch to verify selections have been made and ready for ordering. Quality Roots mentioned millwork companies they have worked with on previous projects, providing contact information. – Continuing (not at risk for delay at this time)
- Anthony reaching out to Stuckey for up to date millwork and selection details. - Received
- Construction Schedule updated and included with Status Report sent on Tuesday, include city in communication. - Complete
- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Continuing, meeting to be set along with site contractor on site

- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building.
- Working on getting account information to set up for water and gas service.
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay)
- Setting up meetings with millwork vendors, information to follow. Joe and Aric



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 9/14/2022

In Attendance:

- John Line – Huntington Construction**
- Andy Gutman – Farbman**
- Sandy Eisho – Farbman**
- Robyn Bergstedt – Farbman**
- Connie Rutz – Huntington Construction**
- Joe Butler – Huntington Construction**
- Jonathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**

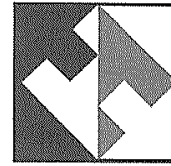
1. Announcements:

- In Contract Phase with Subcontractors and Vendors – Continuing
- Lined up for pressure washing and cleaning of interior site by end of this week - Clean up complete. Pressure washing unable due to no water.
- Scheduled for roofing company for temp repair/covering while waiting on material lead time. 1-2 weeks until completion

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Continuing, meeting to be set along with site contractor on site, Setting for week of 9/26
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. Need to reopen “work order” for gas and electric, working on with electrical Planner from DTE
- Working on getting account information to set up for water and gas service. Water Department coming to site Friday to get water turned back on and test meter, Account already in Monarch Acquisition name as of 2018.
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – no work on this yet, seems to have enough information in most recent plan set, not sure what changes are coming

- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Joes vender has been on vacation this week and half of next, will plan meeting vender Quality Roots has used previously to see if he is a good fit for this project.
- Need Contact information for Data Contractor/Security company for device location coordination. Do we need to have electricians run conduits and place drops for data lines?
-



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 9/21/2022

In Attendance:

- John Line – Huntington Construction**
- Sandy Eisho – Farbman**
- Robyn Bergstedt – Farbman**
- Connie Rutz – Huntington Construction**
- Joe Butler – Huntington Construction**
- Jonathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**
- Jeff Guyton – Quality Roots**
- Jon Klarr – Quality Roots**

1. Announcements:

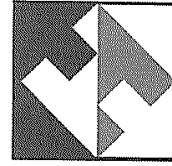
- In Contract Phase with Subcontractors and Vendors – Continuing
- Scheduled for roofing company for temp repair/covering while waiting on material lead time. 1-2 weeks until completion

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Continuing, meeting to be set along with site contractor on site, Setting for week of 9/26
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. Need to reopen “work order” for gas and electric, working on with electrical Planner from DTE
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – no work on this yet, seems to have enough information in most recent plan set, not sure what changes are coming
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Joes vender has been on vacation this week and half of next, will plan meeting vender Quality Roots has used previously to see if he is a good fit for this project.
- Need Contact information for Data Contractor/Security company for device location coordination. Do we need to have electricians run conduits and place drops for data lines?

Received contact info, setting meeting for this week on site. May be able to get necessary information over a phone call rather than site visit.

- Toilet in drawings labeled as Wall Hung unit, which requires a minimum of 18" wall depth for carrier system. Proposed to use tank toilet instead, all agreed. Existing plumbing contract reflects tank and bowl toilet.
- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect.
- Reconnect with Eric Green from Comcast about running new service to building.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 9/28/2022

In Attendance:

- John Line – Huntington Construction**
- Sandy Eisho – Farbman**
- Robyn Bergstedt – Farbman**
- Connie Rutz – Huntington Construction**
- Joe Butler – Huntington Construction**
- Jonathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**
- Jeff Guyton – Quality Roots**
- Andy Gutman - Farbman**
- Aric Klar – Quality Roots**

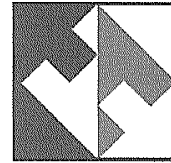
1. Announcements:

- In Contract Phase with Subcontractors and Vendors – Continuing
- Scheduled for roofing company for temp repair/covering while waiting on material lead time. 1-2 weeks until completion

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Continuing, meeting to be set along with site contractor on site, Setting for week of 10/2 – Touched base with Barry Gates, will schedule inspection to inspect sewer. They are too under staffed to visit site prior to inspection.
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. Need to reopen “work order” for gas and electric, working on with electrical Planner from DTE. Expecting solution next week, scheduled phone conversation with planner for tomorrow
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – Hand draw details give, some additional questions on front canopy that should be cleared up with formal addendum. Contractors working on pricing changes.
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Set for this Friday at 9am. Along with Aric and Jon

- Need Contact information for Data Contractor/Security company for device location coordination. Do we need to have electricians run conduits and place drops for data lines? Met with electricians on site, detailed where drops need to be. TechJohnny working on data drawings to work off. Electricians working on pricing for running necessary conduit for low-volt
- Toilet in drawings labeled as Wall Hung unit, which requires a minimum of 18" wall depth for carrier system. Proposed to use tank toilet instead, all agreed. Existing plumbing contract reflects tank and bowl toilet.
- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect. Approved Pay App in system.
- Reconnect with Eric Green from Comcast about running new service to building. Jon Klar finalize contract with Comcast, sent email to Eric Green to set up site coordination.
- Site work beginning this week.
- Working on setting up a manifest at Hazardous Ground Materials disposal site.
- Sent Site and Storefront Submittals to Stucky Vitale for an approval.
- Virginia Tile has manufacturing delays, communications with Stucky and Quality Roots. Working on finding alternatives.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 10/5/2022

In Attendance:

- John Line – Huntington Construction
- Sandy Eisho – Farbman
- Robyn Bergstedt – Farbman
- Connie Rutz – Huntington Construction
- Joe Butler – Huntington Construction
- Anthony Botezatu – Quantum/Monarch
- Andy Gutman - Farbman
- Aric Klar – Quality Roots
- Andy Danaher – Stucky-Vitale

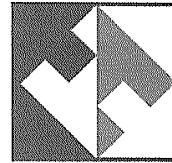
1. Announcements:

- In Contract Phase with Subcontractors and Vendors – Continuing
- Scheduled for roofing company for temp repair/covering while waiting on material lead time. Repair Complete

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Storm ready for inspection next week
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. DTE Electric work order reopened. Sending updated load sheet. DTE Gas work order opened. Need to have gas operated equipment in place to have DTE install meter.
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – Waiting on Bulletin, Working on pricing
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor
- Need Contact information for Data Contractor/Security company for device location coordination. Do we need to have electricians run conduits and place drops for data lines? Complete

- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect. Approved Pay App in system.
- Site work has begun. Found additional Foundations and slabs in the ground while digging for retention pond.
- Working on setting up a manifest at Hazardous Ground Materials disposal site. Completed
- Sent Site and Storefront Submittals to Stucky Vitale for an approval. Completed and Returned
- Virginia Tile has manufacturing delays, communications with Stucky and Quality Roots. Working on finding alternatives. Found possible alternate, waiting decision
- Setting up additional site visit this Friday with Quality Roots and City of Ypsilanti Planning department to discuss options for window openings for security purposes. Reiterated facts about City of Ypsilanti Ordinances for transparency.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 10/12/2022

In Attendance:

- John Line – Huntington Construction**
- Sandy Eisho – Farbman**
- Jonathon Margolis - Farbman**
- Robyn Bergstedt – Farbman**
- Connie Rutz – Huntington Construction**
- Joe Butler – Huntington Construction**
- Anthony Botezatu – Quantum/Monarch**
- Andy Gutman - Farbman**
- Jon Klar – Quality Roots**
- Cheyenne Silter -Stucky Vitale**

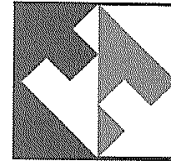
1. Announcements:

- In Contract Phase with Subcontractors and Vendors – Continuing

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Storm ready for inspection next week, expecting
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. DTE Electric work order reopened. Sending updated load sheet. DTE Gas work order opened. Need to have gas operated equipment in place to have DTE install meter.
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – Waiting on Bulletin, Working on pricing
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor
- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect. Moving away from spec'd lighting package to a more economical package.
- Site work has begun. Found additional Foundations and slabs in the ground while digging for retention pond.

- Virginia Tile has manufacturing delays, communications with Stucky and Quality Roots. Working on finding alternatives. Tile removed from finish schedule, moving to epoxy floor coatings.
- Meeting with City Planner went well. Planning department confirmed we are able to removed and block in all ground level windows and use Panel 15 in place of window glass on all windows above first level to satisfy security concerns.
- Security Contractor to update drawings for horizontal conduit runs.
- Getting Millwork contract set up as approved vendor.
- Additional Holes getting infilled in ceiling for security purposes, resulting in carpentry rework. Lost about 4 days to re-work
- Working closely with vendors to reconcile costs.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 10/26/2022

In Attendance:

- John Line – Huntington Construction**
- Robyn Bergstedt – Farbman**
- Connie Rutz – Huntington Construction**
- Joe Butler – Huntington Construction**
- Anthony Botezatu – Quantum/Monarch**
- Jon Klar – Quality Roots**
- Cheyenne Silter -Stucky Vitale**
- Jeffery Best – Stucky Vitale**
- Andy Danaher – Stucky Vitale**
- Jon Klar – Quality Roots**
- Jeff Guyton – Quality Roots**

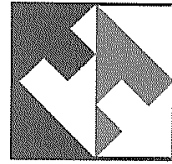
1. Announcements:

- In Contract Phase with Subcontractors and Vendors – Continuing

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Manhole Assemblies delayed due to concrete shortage, expected delivery date of 11/4. Install and Inspection following week.
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. DTE Electric work order reopened. Sending updated load sheet. DTE Gas work order opened. Need to have gas operated equipment in place to have DTE install meter.
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – Waiting on Bulletin, Working on pricing
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor
- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect. Moving away from spec'd lighting package to a more economical package. To be part of Bulletin release.

- Site work has begun. Found additional Foundations and slabs in the ground while digging for retention pond.
- Meeting with City Planner went well. Planning department confirmed we are able to removed and block in all ground level windows and use Panel 15 in place of window glass on all windows above first level to satisfy security concerns. Confirmed via email and phone call from Christopher of Planning Department
- Security Contractor to update drawings for horizontal conduit runs. Setting up meeting/call when electricians are back on site to discuss conduit runs.
- Getting Millwork contract set up as approved vendor. Jon Klar going to reach out about responding to set up meeting.
- Additional Holes getting infilled in ceiling for security purposes, resulting in carpentry rework. Lost about 8 days to re-work.
- Working closely with vendors to reconcile costs. Ongoing
- Bulletin with all the most recent changes; window removal, water fountain relocation, lighting package alteration, etc., coming from Stucky in the next day or two.
- Staircase removal addendum sent into city, via Christopher from the planning department, for review. Anthony to touch base Friday if no response given.
- Coordination with Bassam, for signage and power requirements, to be provided by Jon Klar.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 11/2/2022

In Attendance:

- Andy Gutman – Farbman**
- Sandy Eisho - Farbman**
- Robyn Bergstedt – Farbman**
- Connie Rutz – Huntington Construction**
- Joe Butler – Huntington Construction**
- Anthony Botezatu – Quantum/Monarch**
- Micheal Klar – Quality Roots**
- Jon Klar – Quality Roots**
- Aric Klar – Quality Roots**
- Cheyenne Silter - Stucky Vitale**
- Jeffery Best – Stucky Vitale**
- Andy Danaher – Stucky Vitale**

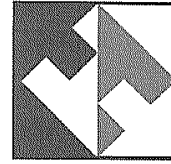
1. Announcements:

- In Contract Phase with Subcontractors and Vendors – Continuing

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Manhole Assemblies delayed due to concrete shortage, expected delivery date of 11/4. Install and Inspection following week.
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. DTE Electric work order reopened. Sending updated load sheet. DTE Gas work order opened. Need to have gas operated equipment in place to have DTE install meter.
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – Waiting on Bulletin, Working on pricing
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor

- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect. Moving away from spec'd lighting package to a more economical package. To be part of Bulletin release.
- Site work has begun. Found additional Foundations and slabs in the ground while digging for retention pond.
- Meeting with City Planner went well. Planning department confirmed we are able to removed and block in all ground level windows and use Panel 15 in place of window glass on all windows above first level to satisfy security concerns. Confirmed via email and phone call from Christopher of Planning Department
- Security Contractor to update drawings for horizontal conduit runs. Setting up meeting/call when electricians are back on site to discuss conduit runs.
- Getting Millwork contract set up as approved vendor. Jon Klar going to reach out about responding to set up meeting.
- Additional Holes getting infilled in ceiling for security purposes, resulting in carpentry rework. Lost about 8 days to re-work.
- Working closely with vendors to reconcile costs. Ongoing
- Bulletin with all the most recent changes; window removal, water fountain relocation, lighting package alteration, etc., coming from Stucky in the next day or two. Going through last round of review, expected soon.
- Staircase removal addendum sent into city, via Christopher from the planning department, for review. Anthony to touch base Friday if no response given. Anthony to Follow up with Christopher, planning department of Ypsilanti.
- Coordination with Bassam, for signage and power requirements, to be provided by Jon Klar.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 11/9/2022

In Attendance: **Sandy Eisho - Farbman**
 Robyn Bergstedt – Farbman
 Joe Butler – Huntington Construction
 Anthony Botezatu – Quantum/Monarch
 Aric Klar – Quality Roots
 Cheyenne Silter - Stucky Vitale
 Andy Danaher – Stucky Vitale

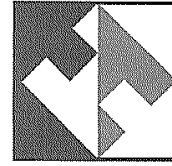
1. Announcements:

- In Contract Phase with Subcontractors and Vendors – Continuing

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Manhole Assemblies delayed due to concrete shortage, expected delivery date of 11/4. Install and Inspection following week.
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. DTE Electric work order reopened. Sending updated load sheet. DTE Gas work order opened. Need to have gas operated equipment in place to have DTE install meter.
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – Waiting on Bulletin, Working on pricing
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor – Resending vendor information and including Aric Klar
- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect. Moving away from spec'd lighting package to a more economical package. To be part of Bulletin release. Bulletin in Review, waiting for release.
- Site work has begun. Found additional Foundations and slabs in the ground while digging for retention pond.

- Meeting with City Planner went well. Planning department confirmed we are able to removed and block in all ground level windows and use Panel 15 in place of window glass on all windows above first level to satisfy security concerns. Confirmed via email and phone call from Christopher of Planning Department
- Security Contractor to update drawings for horizontal conduit runs. Setting up meeting/call when electricians are back on site to discuss conduit runs. Need to have data line installer come to site for coordination with electricians, Joe to set up with TechJohnny
- Working closely with vendors to reconcile costs. Ongoing, need most recent bulletin to complete
- Bulletin with all the most recent changes; window removal, water fountain relocation, lighting package alteration, etc., coming from Stucky in the next day or two. Going through last round of review, expected soon.
- Staircase removal addendum sent into city, via Christopher from the planning department, for review. Anthony to touch base Friday if no response given. Anthony to Follow up with Christopher, planning department of Ypsilanti. Looking into additional contact at Building Department to check on status of review.
- Coordination with Bassam, for signage and power requirements, to be provided by Jon Klar.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 11/16/2022

In Attendance:

- Sandy Eisho – Farbman**
- Andy Gutman – Farbman**
- Johnathon Margolis – Farbman**
- John Line – Huntington Construction**
- Connie Rutz – Huntington Construction**
- Robyn Bergstedt – Farbman**
- Joe Butler – Huntington Construction**
- Cheyenne Silter - Stucky Vitale**
- Jeff Best – Stucky Vitale**

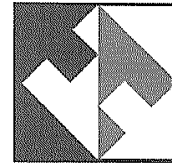
1. Announcements:

- In Contract Phase with Subcontractors and Vendors – Continuing

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Manhole Assemblies delayed due to concrete shortage, expected delivery date of 11/4. Install and Inspection following week.
- Working with DTE to provide adequate load sheets to re-run electrical and necessary gas volume to building. DTE Electric work order reopened. Sending updated load sheet. DTE Gas work order opened. Need to have gas operated equipment in place to have DTE install meter.
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – Waiting on Bulletin, Working on pricing
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor – Resending vendor information and including Aric Klar
- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect. Moving away from spec'd lighting package to a more economical package. To be part of Bulletin release. Bulletin in Review, waiting for release.

- Site work has begun. Found additional Foundations and slabs in the ground while digging for retention pond.
- Meeting with City Planner went well. Planning department confirmed we are able to removed and block in all ground level windows and use Panel 15 in place of window glass on all windows above first level to satisfy security concerns. Confirmed via email and phone call from Christopher of Planning Department
- Security Contractor to update drawings for horizontal conduit runs. Setting up meeting/call when electricians are back on site to discuss conduit runs. Need to have data line installer come to site for coordination with electricians, Joe to set up with TechJohnny. Scheduled for Tuesday Nov. 22nd
- Working closely with vendors to reconcile costs. Ongoing, need most recent bulletin to complete
- Bulletin with all the most recent changes; window removal, water fountain relocation, lighting package alteration, etc., coming from Stucky in the next day or two. Going through last round of review, expected soon.
- Staircase removal addendum sent into city, via Christopher from the planning department, for review. Anthony to touch base Friday if no response given. Anthony to Follow up with Christopher, planning department of Ypsilanti. Looking into additional contact at Building Department to check on status of review. Larry Pickle of Code Enforcement rejected staircase removal. Stucky setting a meeting with Planning Department to discuss and potentially overrule, at Larry's suggestion.
- Coordination with Bassam, for signage and power requirements, to be provided by Jon Klar.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 11/23/2022

In Attendance: **Sandy Eisho – Farbman**
 Andy Gutman – Farbman
 Anthony Botezatu – Quantum/Monarch
 Robyn Bergstedt – Farbman
 Joe Butler – Huntington Construction
 Cheyenne Silter - Stucky Vitale
 Aric Klar – Quality Roots

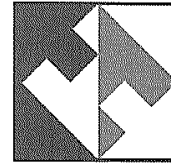
1. Announcements:

- Happy Thanksgiving!

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Manhole Assemblies delayed due to concrete shortage, expected delivery date of 11/4. Install and Inspection following week.
- DTE planner assigned to electric work order. 3 phase conduit trenched in and ready for DTE crew. Probably after 1st of year. Bringing temp power back to building within a “week.”
- Stuckey will have some additional edits to the canopy structure forthcoming (more than two weeks to receive may cause delay) – Waiting on Bulletin, Working on pricing. Received Bulletin 11/23.
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor – Resending vendor information and including Aric Klar.
- Electrical Package Supplier requesting payment up front for lighting system due to it being special order, Requested Imperial Electric to submit Pay App to reflect. Moving away from spec'd lighting package to a more economical package. To be part of Bulletin release. Bulletin in Review, waiting for release. Received Bulletin 11/23.
- Site work has begun. Found additional Foundations and slabs in the ground while digging for retention pond. Getting Price to switch to concrete parking lot to compare to asphalt pricing.

- Working closely with vendors to reconcile costs. Ongoing, need most recent bulletin to complete. Received Bulletin 11/23.
- Bulletin with all the most recent changes; window removal, water fountain relocation, lighting package alteration, etc., coming from Stucky in the next day or two. Going through last round of review, expected soon. Received Bulletin 11/23.
- Staircase removal addendum sent into city, via Christopher from the planning department, for review. Anthony to touch base Friday if no response given. Anthony to Follow up with Christopher, planning department of Ypsilanti. Looking into additional contact at Building Department to check on status of review. Larry Pickle of Code Enforcement rejected staircase removal. Stucky setting a meeting with Planning Department to discuss and potentially overrule, at Larry's suggestion. Giving it two weeks to move to determine course of action



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 11/30/2022

In Attendance:

- Sandy Eisho – Farbman**
- Andy Gutman – Farbman**
- John Line – Huntington Construction**
- Connie Rutz – Huntington Construction**
- Johnathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**
- Robyn Bergstedt – Farbman**
- Joe Butler – Huntington Construction**
- Cheyenne Silter - Stucky Vitale**
- Jon Klar – Quality Roots**
- Aric Klar – Quality Roots**
- Jeff Guyton – Quality Roots**

1. Announcements:

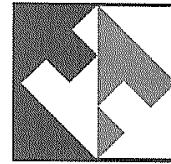
DTE on Track to have permanent power connection completed by Dec 15th.

2. Discussion:

- Site visit to be scheduled with OHM and City of Ypsilanti to manage expectations and ensure appropriate inspection schedule. Manhole Assemblies delayed due to concrete shortage, expected delivery date of 11/4. Install and Inspection following week.
- DTE planner assigned to electric work order. 3 phase conduit trenched in and ready for DTE crew. Probably after 1st of year. Bringing temp power back to building within a “week.”
- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor – Resending vendor information and including Aric Klar.
- Venders Working on Pricing changes in Bulletin 1, Lighting alternates, canopies, etc.
- Staircase removal addendum sent into city, via Christopher from the planning department, for review. Anthony to touch base Friday if no response given. Anthony to Follow up with Christopher, planning department of Ypsilanti. Looking into additional contact at Building Department to check on status of review. Larry Pickle of Code Enforcement rejected

staircase removal. Stucky setting a meeting with Planning Department to discuss and potentially overrule, at Larry's suggestion. Giving it two weeks to move to determine course of action. May need to talk about alternative options.

- DTE Electric scheduled to have 3 phase(permanent) power hook up complete on or before Dec 15th.
- DTE gas needs power to be done to test gas equipment to run new gas line, scheduling with DTE gas Planner to be installed following power completion.
- Site work under way, OHM inspections complete. Testing for Compaction prior to concrete or paving.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 12/7/2022

In Attendance:

- Sandy Eisho – Farbman**
- Connie Rutz – Huntington Construction**
- Johnathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**
- Robyn Bergstedt – Farbman**
- Joe Butler – Huntington Construction**
- Cheyenne Silter - Stucky Vitale**
- Jon Klar – Quality Roots**
- Aric Klar – Quality Roots**
- Andy Danaher – Stucky Vitale**

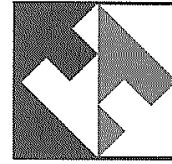
1. Announcements:

DTE on Track to have permanent power connection completed by Dec 9th.

2. Discussion:

- Setting up meetings with millwork vendors, information to follow. Joe and Aric – Need John Flowers contact info to get him set up as vendor – Resending vendor information and including Aric Klar.
- Venders Working on Pricing changes in Bulletin 1, Lighting alternates, canopies, etc.
- Staircase removal addendum sent into city, via Christopher from the planning department, for review. Anthony to touch base Friday if no response given. Anthony to Follow up with Christopher, planning department of Ypsilanti. Looking into additional contact at Building Department to check on status of review. Larry Pickle of Code Enforcement rejected staircase removal. Stucky setting a meeting with Planning Department to discuss and potentially overrule, at Larry's suggestion. Giving it two weeks to move to determine course of action. May need to talk about alternative options. Kurt (Ypsilanti) agreed to allow staircase removal, waiting for formal written response.
- DTE Electric scheduled to have 3 phase(permanent) power hook up complete on or before Dec 9th.

- DTE gas needs power to be done to test gas equipment to run new gas line, scheduling with DTE gas Planner to be installed following power completion. Contacted Gas Coordinator to push work order forward by about a week.
- Site work under way, OHM inspections complete. Testing for Compaction prior to concrete or paving.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 12/14/2022

In Attendance:

- Sandy Eisho – Farbman**
- Johnathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**
- Robyn Bergstedt – Farbman**
- Joe Butler – Huntington Construction**
- Jon Klar – Quality Roots**
- Aric Klar – Quality Roots**
- Andy Danaher – Stucky Vitale**
- John Line – Huntington Construction**

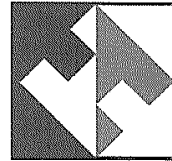
1. Announcements:

Change Order 01

2. Discussion:

- Venders Working on Pricing changes in Bulletin 1, Lighting alternates, canopies, etc.
- Staircase removal addendum sent into city, via Christopher from the planning department, for review. Anthony to touch base Friday if no response given. Anthony to Follow up with Christopher, planning department of Ypsilanti. Looking into additional contact at Building Department to check on status of review. Larry Pickle of Code Enforcement rejected staircase removal. Stucky setting a meeting with Planning Department to discuss and potentially overrule, at Larry's suggestion. Giving it two weeks to move to determine course of action. May need to talk about alternative options. Kurt (Ypsilanti) agreed to allow staircase removal, waiting for formal written response.
- DTE Electric scheduled to have 3 phase(permanent) power hook up complete on or before Dec 9th. Completed 12/14
- DTE gas needs power to be done to test gas equipment to run new gas line, scheduling with DTE gas Planner to be installed following power completion. Contacted Gas Coordinator to push work order forward by about a week.
- Switching to strip lights to augment the track lights in show room.
- Touch base with TechJohnny to schedule install prior to drywall to ensure proper access to conduit runs.

- Quality to cover display case and shelving Millwork, deduct from budgeted number to follow.
- Looking into flooring options due to excessive moisture in the existing concrete floors.
- Looking into options to “shore” up rear tower wall flaking. Review when site walk scheduled.



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 12/21/2022

In Attendance: **Sandy Eisho – Farbman**
 Johnathon Margolis – Farbman
 Anthony Botezatu – Quantum/Monarch
 Robyn Bergstedt – Farbman
 Joe Butler – Huntington Construction
 John Line – Huntington Construction

1. Announcements:

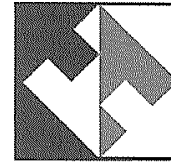
Happy Holidays!!

We have canceled the meeting for 12/28 and will pick it back up the following, regularly scheduled meeting date of 1/4/23.

2. Discussion:

- Venders Working on Pricing changes in Bulletin 1, Lighting alternates, canopies, etc.
- DTE Electric scheduled to have 3 phase(permanent) power hook up complete on or before Dec 9th. Completed 12/14
- DTE gas needs power to be done to test gas equipment to run new gas line, scheduling with DTE gas Planner to be installed following power completion. Contacted Gas Coordinator to push work order forward by about a week.
- Switching to strip lights to augment the track lights in show room.
- Touch base with TechJohnny to schedule install prior to drywall to ensure proper access to conduit runs.
- Quality to cover display case and shelving Millwork, deduct from budgeted number to follow.
- Looking into flooring options due to excessive moisture in the existing concrete floors. Walked through with a few vendors and continue to do moisture readings.
- Looking into options to “shore” up rear tower wall flaking. Review when site walk scheduled. Expecting Prices to come back within a week or so. Holidays causing havoc with responses.

- Revised Lighting package and lighting locations, with options to add more heads if necessary.
-



Huntington Construction

3312 Quality Roots Meeting Notes:

Date of meeting: 1/4/2023

In Attendance:

- Sandy Eisho – Farbman**
- Johnathon Margolis – Farbman**
- Anthony Botezatu – Quantum/Monarch**
- Robyn Bergstedt – Farbman**
- Connie Rutz – Farbman**
- Joe Butler – Huntington Construction**
- John Line – Huntington Construction**
- Jon Klar – Quality Roots**
- Jeff Guyton – Quality Roots**
- Cheyenne Silter – Stucky**
- Andy Danaher – Stucky**

1. Announcements:

Happy 2023!

Joe on PTO Jan 11th- 13th. I will send out a meeting update from our Tuesday Site Walk.
Cancel Jan. 11th meeting, pick back up the following regularly scheduled meeting date, Jan 18th.

2. Discussion:

- DTE Electric scheduled to have 3 phase(permanent) power hook up complete on or before Dec 9th. Completed 12/14
- DTE gas needs power to be done to test gas equipment to run new gas line, scheduling with DTE gas Planner to be installed following power completion. Contacted Gas Coordinator to push work order forward by about a week.
- Switching to strip lights to augment the track lights in show room.
- Touch base with TechJohnny to schedule install prior to drywall to ensure proper access to conduit runs.
- Quality to cover display case and shelving Millwork, deduct from budgeted number to follow.

- Looking into flooring options due to excessive moisture in the existing concrete floors. Walked through with a few vendors and continue to do moisture readings.
- Looking into options to “shore” up rear tower wall flaking. Review when site walk scheduled. Expecting Prices to come back within a week or so. Holidays causing havoc with responses.
- Revised Lighting package and lighting locations, with options to add more heads if necessary.
- Scheduling Site walk for Tuesday Jan 10th.

EXHIBIT I

From: Craig Aronoff
Sent: Thursday, January 12, 2023 7:05 PM
To: fmcnullan@cityofypsilanti.com
Cc: aric klar; Eugene (Jeff) Guyton; Aronoff Law
Subject: Guy 3 Ventures dba Quality Roots of Ypsilanti

Ms. McMullan

Good evening. In follow up to my voicemail, I am hopeful to connect with you as soon as possible on the Guy 3 Ventures cannabis project at 2 & 4 W Forest Ave. As you can imagine, the recent correspondence received from your office denying the renewal of its permit came as a big surprise and is quite distressing.

As is readily available from a site visit, the project has been at full steam ahead since it received its marijuana permit and site plan approval in December 2021. In fact, to date, my clients have nearly \$1.5 million dollars invested in the site of the former Farm Bureau and Frog Island Beer buildings, a century old site previously described as decrepit by MLive in its article touting the new plans for the historical site. See [99-year-old Ypsilanti landmark Farm Bureau building could get new life as marijuana facility - mlive.com](https://www.mlive.com/story/news/local/2021/12/28/99-year-old-ypsilanti-landmark-farm-bureau-building-could-get-new-life-as-marijuana-facility-mlive-com/). At no time since the inception of the project has it been dormant or cease operations, rather on any given day there are a dozen or more construction workers on the site diligently moving it towards its completion. As of 1/9/23, the developer advises that the project is 65% completed.

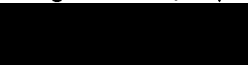
With the foregoing in mind, I would appreciate the opportunity to discuss with you what needs to be accomplished to reverse the recent denial. Please let me know a time or two on Friday, January 12 that you may be available for a call. I look forward to hearing back and resolving this issue without delay.

Thanks

Craig



Craig A. Aronoff, Esq.



craig@craigaronofflaw.com

EXHIBIT J

From: jeff guyton
To: Craig Aronoff; Will Furtado
Subject: Fwd: 2/4 WForest - Guy3 Ventures
Date: Thursday, February 2, 2023 2:45:37 PM

----- Forwarded message -----

From: McMullan, Frances <fmcullan@cityofypsilanti.com>
Date: Tue, Jan 31, 2023 at 12:42 PM
Subject: Re: 2/4 WForest - Guy3 Ventures
To: jeff guyton [REDACTED]
Cc: Desirae Simmons <DSimmons@cityofypsilanti.com>, Evan Sweet <ESweet@cityofypsilanti.com>, nbrown@cityofypsilanti.com <nbrown@cityofypsilanti.com>

Hi Jeff?

Thanks for writing. The ordinance is what triggered this action. Thank you for providing this information. You may appeal before city council by contacting the City Clerk.

Staying Connected,
Frances McMullan

On Jan 31, 2023, at 11:25 AM, jeff guyton <jguytonog@gmail.com> wrote:

Attention: This email was sent to the City of Ypsilanti from an external source. Please be extra vigilant when opening attachments or clicking links.

Hi Ms. McMullan,

I'm writing to hopefully solicit a reply from you regarding the denial of our cannabis permit for 2/4 W Forest.

We were issued a denial in the letter stating that our facility ceased operations for 120 days. We have been working nonstop since taking over ownership of the property. Our developer and construction company is in regular contact with the city and we have been moving exceptionally fast to restore these structures that have been on the dangerous building list for years and years.

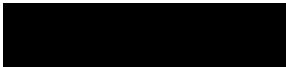
I guess I am writing to ask why?

I thought the city would be happy a lifelong resident in city, an active participant in its wellbeing (long before cannabis), a social equity license holder (less than 5% of the Adult Use licensees) and someone that genuinely care about Ypsi would have embraced my effort. I've invested a good portion of my savings to participate in this project, my first at business ownership and this news and process has been devastating.

I am not trying to create issues, I respect the city and people that work at City Hall. However, if you could provide some clarity and let me know what we could have done better?

Many thanks!
Jeff Guyton
21 S Normal St
734-239-4624

--
Jeff Guyton
Owner



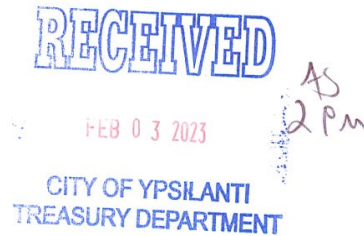
NSGC LEGAL, PLLC
10248 W Jefferson Ave
River Rouge, MI 48218

Sent via Hand Delivery

February 3, 2023

From: Tama Ventures, LLC
610 Washtenaw Rd
Ypsilanti, MI 48197

To: Ypsilanti City Clerk
One South Huron St
Ypsilanti, MI 48197



RE: NOTICE OF APPEAL for TAMA VENTURES, LLC – 915 W MICHIGAN AVE

This letter is to formally notify the Ypsilanti City Clerk and the Ypsilanti City Council that an appeal (the “Appeal”) of the denial of the renewal application submitted by Tama Ventures, LLC and Tareik Awada (collectively the “Social Equity Permittee”) for a social equity marihuana retailer permit is hereby requested. The denial letter (the “Denial”) issued by the City Manager on January 6, 2023 and attached hereto as Exhibit 1 is ambiguous and riddled with inaccuracy. The Applicant will demonstrate compliance with ordinance requirements and detail its diligent and good faith efforts to pursue operational licensure. Tama Ventures, LLC reserves its rights at law and equity and does not waive any such rights or legal remedies by way of this Appeal.

The Social Equity Permittee also protests the legality of charging an additional \$1,100 to file this Appeal. MCL 333.27956(4) states that, “[a] municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.” The renewal application fee of \$5,000, which is equal to the statutory maximum, includes fees for administrative review of this Appeal. An additional fee should not be required.

The Denial is a single-page letter which refers its reader to Section 7-4.5 regarding Non-renewal or revocation. The following highlighted subsections purportedly serve as the basis for denial of marijuana retailer permit renewal application:

2. One or more violations of any city ordinance on the premises;
3. Maintenance of a nuisance on the premises;
5. Non-payment of real and/or personal property taxes, fines, fees, or liens owed to the city.
6. Failure to be provided a state license.
9. If the facility ceases operations for 120 days.

Each subsection cited in support of denial is discussed in detail below.

NSGC LEGAL, PLLC

10248 W Jefferson Ave

River Rouge, MI 48218

Background

Tama Ventures, LLC was awarded its initial permit for a marihuana retailer permit at 915 W Michigan Ave in August, 2021. Shortly thereafter, the Social Equity Permittee worked to obtain its building permit and purchase the real estate to begin construction. After submission of revised construction plans following initial review by Larry Stevens, the building permit was issued on December 10, 2021 . Below is a snapshot of the former site at 915 W Michigan Ave before any demolition occurred.



The Construction Process

Prior to the Social Equity Permittee's involvement, the property at 915 W Michigan Ave received blight violations every year for the preceding 6 years. The property was in severe disrepair. Rehabilitation of the existing structure pursuant to the site plan approved by the Ypsilanti Planning Commission proved to be far more difficult than anticipated. As demolition began, additional problems were uncovered which led to additional challenges. The surprises were so severe, including finding that multiple roofs existing on top of each other, that revised construction plans needed to be completed and approved to meet the needs of added structural support given the existing circumstances and ability to support the green roof that has since been installed. The Social Equity Permittee also had to engage a civil engineer to independently verify the structural integrity of the installed concrete footings.

There is no denying that construction of this site has been arduous to say the least. But as of the date of this Appeal filed with the City of Ypsilanti City Clerk's office, the building is 95% complete. All trades have final approval. Our architect is working with the building official to correct a few errors that were noted during a recent walk-thru with Kurt Weiland. The transformation of the property is remarkable; the Social Equity Permittee has gone above and beyond and has put everything that he has into this project. Below you will find the site in its current state today.



Even with the multitude of challenges that presented themselves throughout the buildout process, Tareik Awada stayed persistent. His team addressed each problem as it arose and worked through solutions step by step without cutting any corners. Now, Tama Ventures has arrived at the finish line ready to operate its business. But instead of preparing for its compliance inspection with the Michigan Cannabis Regulatory Agency, this Social Equity Permittee is fighting to keep his dreams of opening his business alive and is taken aback by the fact that the city is not in continued support of Tama Venture's involvement in the Ypsilanti business community, especially after spending nearly \$1 million to purchase and renovate the property to date. The City Manager's actions are violative of law and amount to a regulatory taking.

Issues Presented

A. One or more violations of any city ordinance on the premises

No further information or citation to the specific violation of city ordinance was provided in support of this allegation. Social Equity Permittee does acknowledge that during the demolition phase of construction, a ticket was received because too much construction debris had accumulated at the property. Once notified of this issue, Tareik Awada immediately contacted the general contractor and related subcontractors to inform of the issue at hand, and clean-up of the property occurred that same day – the issue was immediately rectified, and no further tickets were issued.

B. Maintenance of a nuisance on the premises

Again, no further information or specificity was provided in support of this allegation. Perhaps a nexus exists with regard to section A above such that a single issuance of a ticket for messiness at a construction site translates into maintenance of a nuisance. Social Equity Permittee disputes that any nuisance was ever maintained on the property since having obtained legal title to the real estate.

C. Non-Payment of real and/or personal property taxes, fines, fees, or liens owed to the city

Again, no further information or specificity was provided in support of this allegation. Social Equity Permittee disputes this allegation as all property taxes or other monies owed to the City are paid in full. In the event there is an outstanding balance of which Social Equity Permittee is not aware, they will happily clear same upon notice.

D. Failure to Be Provided a State License

Acknowledgement is made that no state license has been obtained to date. However, diligent and good faith efforts have been made to complete construction and pass final city and state inspections as quickly as possible. From a practical business standpoint, there is absolutely no reason to delay operational timeline. As shown above, the building is very close to getting a certificate of occupancy, which is a prerequisite to any business license. Once the occupancy certificate is obtained, the Tama Ventures, LLC can apply to the City and State for final operational licensure.

There have been numerous hurdles that had to be overcome during the construction process. Exhibit 1 attached, a letter from the architectural firm working on this project, details the various challenges presented throughout this redevelopment.

Tareik Awada understands that the City of Ypsilanti wants to ensure that consistent progress is being made and that an appropriate timeline is imposed to ensure such consistent progress. But construction often doesn't go as planned. In this instance, there were instances of labor and material shortage. There were also many issues with certain subcontractors not performing their tasks properly, which led to further delay as work needed to be re-done to comport with city code requirements and the approved construction documents. Nonetheless, the work has been completed and the final product is something that the Social Equity Permittee and the City of Ypsilanti can be proud of.

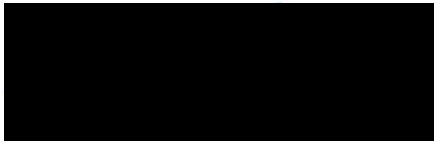
E. If the facility ceases operations for 120 days

No further information or specificity was provided in support of this allegation. As an initial impression, how can a facility that has yet to open have the ability to “cease operations?” Certainly, there have not been any 120-day gaps in construction or pursuit of an operational license to commence business operations since issuance of the initial marihuana retailer permit. This allegation is erroneous and inapplicable.

CONCLUSION

Tama Ventures, LLC deserves a grant of this Appeal request because it has worked diligently and in good faith to commence construction, complete construction, and open its doors to the Ypsilanti community as a top-tier experience for those looking to purchase adult-use marihuana in an establishment that offers top-notch customer service and consumer experience in a professional and comfortable setting. It is unfortunate that this Appeal must be pursued. But Tama Ventures, LLC and its owner, Tareik Awada, have put everything they have into this project and seek permission to continue to build towards the dream of operating at 915 W Michigan Avenue. Tareik asks that you give great consideration to and ultimately find in favor of granting this Appeal.

Respectfully,



Tareik Awada



Nickolas G. Calkins



3250 w. Big Beaver Road
Suite 233
Troy, MI 48084
248-282-6475
jaa@jaarcheng.com

February 03, 2023

To:
City of Ypsilanti

To whom it may concern,

Our firm was contracted back in December of 2021 to take over the site and building design for 915 Michigan Ave. This letter intends to outline some of the hardships our Client and our firm encountered during the design/construction of this project. These hardships were the cause of delay both during the planning/design stages and construction stages.

1. Our firm and Client worked for several months with the planning department, specifically Andy Aamodt, to ensure we not only met all zoning ordinances but also satisfied city planners.
2. It took a few weeks just for us to study this building to make sure we understood and could identify parts and pieces of how it was constructed.
3. This building had several additions. We created a 3d structural model of this building and found that what existed was inadequate and needed reinforcement. Hence, the additional structural steel and repairs made during construction.

It is the opinion of this firm, and we believe any other firm would agree with our opinion that the time taken to reconstruct the building, site, and remodel is proportionate to the amount of work required. The building is close to completion and our firm is working on the last steps needed to obtain a certificate of occupancy. We would be happy to share photographs of the existing site conditions with the city if necessary. Please contact this office if you have any questions or comments.

Thank you,

A black rectangular box redacting the signature of Azher Matty.

Azher Matty

NOTICE OF APPEAL

DENIAL OF CROSS STREET SERVICES, INC. CITY OF YPSILANTI MARIJUANA ESTABLISHMENT RENEWAL PERMIT

I. Introduction

This is an appeal filed on behalf of Cross Street Services, (“CSS” or “Appellant”) pursuant to § 7-4.6 of the City of Ypsilanti (the “City”) Marihuana Ordinance (the “Ordinance”). CSS has successfully operated a City of Ypsilanti permitted marijuana business since 2011¹ (**Exhibit A**).

II. Facts

CSS has been a model corporate City citizen since it began doing business in 2011. CSS has operated in the City at 513 W. Cross Street (the “Property”) without any adverse incidents and has not caused the City any issues for over 11 years. To the contrary, CSS has accomplished precisely what the City, laws of the State of Michigan and the Ordinance envisioned with regard to legalizing marijuana establishments: CSS has safely, securely and legally provided medical and

¹ In 2016, the Medical Marihuana Facilities Act (“MMFLA”) went into effect in Michigan. Under the MMFLA, a municipality may choose to allow marihuana businesses within its jurisdiction, which is commonly referred to as “opting in.” *MCL 333.272059(1)* In November 2017, the City of Ypsilanti “opted in” to the MMFLA, choosing to allow marihuana businesses within the City of Ypsilanti. § 7 *et seq.* In 2018, Michigan voters passed the Michigan Regulation and Taxation of Marijuana Act (“MRTMA”). Under MRTMA, a municipality is presumed to allow an unlimited number of marihuana businesses within its jurisdiction unless it enacts an ordinance to “completely prohibit or limit the number of marihuana establishments within its boundaries,” commonly referred to as “opting-out”. *MCL 333.27956(1)*. A municipality that does not “opt-out” is free to implement its own local permitting process, as long as it does not conflict with MRTMA or any applicable administrative rules. *MCL 33.27956(3)*. If a municipality limits the number of marihuana establishments that may be licensed in the municipality, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with MRTMA. *MCL 333.27959(4)*. In 2019, the City chose not to “opt-out,” allowing a limited number of permits for marihuana businesses within its borders. The Ordinance has been amended a number of time, and since March 31, 2022, the Ordinance limits the number of retail and provisioning center permits through the use of zoning regulations as stipulated in Chapter 122 of the Ypsilanti City Code of Ordinances (the “Code”). There are currently 17 permitted Marijuana Facilities of different types listed on the City of Ypsilanti’s website, including 12 provisioning/retail centers (one of which is CSS).

recreational marihuana to qualifying medical patients and caregivers and adults over the age of 21, submitted itself and its activities to scrutiny and regulation by state and local authorities, generated revenue for the City and State of Michigan, and otherwise positively impacted a community disproportionately impacted by marihuana prohibition and enforcement. CSS, like all years prior, filed for its renewal application, along with the five thousand dollar (\$5,000.00) annual fee, expecting to receive its license for the year 2023. (**Exhibit B**).

Despite its positive history and expectations of renewal of its license, on January 12, 2023, CSS received a letter dated January 6, 2023, denying its full, complete and paid application for renewal of its license to operate as a Marijuana Facility in the City of Ypsilanti. The denial was based upon “non-payment of real/personal taxes, fines, fees, or liens owed to the city.” § 7-4.5(5). The entire substance of this “notice” is a reprint of § 7-4.5 of the Ordinance with the above language highlighted (**Exhibit C**). No other detail or explanation as to the basis of the denial was provided. The letter instructed Appellant to contact the City Clerk’s office and follow the process in § 7-4.6 in order to appeal the denial. § 7-4.6 provides that an appeal must be in writing, filed within 30 days of the decision in question, accompanied by a fee, include the appellant’s signature, and the decision from which the appeal is made and state the specific grounds on which the appeal is based.

In the absence of being provided the specific grounds for denial or appeal, appellant appeared in person at the City Clerk’s office on two separate occasions seeking to address any outstanding “real/personal taxes, fines, fees, or liens owed to the city.” On his first visit to the City he was told his denial was a result of CSS unpaid personal property taxes in the amount of Two Hundred, Twenty Four Dollars and thirty one cents (\$224.31); CSS immediately paid this amount,

and associated costs, to the City on the same day it received its Notice of Denial, January 12, 2023 **(Exhibit D)**.

After paying the personal property taxes, CSS spoke with the City again, and was told the real reason for the denial was due to unpaid real property taxes on the Property. CSS leases its location from Mayson Al-Shalby (the “Landlord”), and under the terms of the lease, the Landlord is responsible for the payment of real property taxes on the Property **(Exhibit E)**. Despite not being responsible for these taxes, on January 24, 2023, CSS paid the real property taxes, and associated costs, on the Property in the amount of Two Thousand Seven Hundred Ninety Two Dollars and thirty nine cents (\$2,792.39) **(Exhibit F)**. CSS also paid personal and real property taxes not yet due for the year 2023 on the same date.

III. Specific Grounds for Appeal

Nothing contained in the appeal shall serve as a waiver of any appealable issue or any administrative or judicial remedy. Appellant expressly reserves the right to raise additional grounds for appeal. In addition, nothing contained in the appeal shall waive or limit Appellant’s ability to seek judicial relief arising out of or relating to any acts and omissions by the City with respect to the adoption, application, and enforcement of the City’s Marihuana Ordinance.

A. The taking of CSS’s license is not an equitable remedy in light of the circumstances.

CSS has operated in the City with the City’s blessing for over a decade. The City is now effectively shutting down its business over a miniscule amount of late paid taxes, some of which were not even CSS’s responsibility, and immediately paid upon notice to CSS. After 11 successful years operating its business without any complaints directed to the City about its business, CSS submitted its renewal application, along with a Five Thousand Dollar (\$5,000.00) renewal fee, as

it has for the past 10 years and received a denial presumably because there were personal and real property taxes due of Three Thousand Sixteen Dollars and Seventy Cents (\$3016.70) of which only Two Hundred, Twenty Four Dollars and Thirty One Cents (\$224.31) was CSS's legal responsibility. Nonetheless CSS paid the amount due for personal and real property taxes associated with the Property, as well as paid in advance the upcoming personal and real property for 2023. To shut down a 11 year old business that has never received any complaints is an unreasonable and inequitable remedy.

B. Because the City's grounds for denial have been cured within a reasonable period of time and CSS's application is full, complete and compliant with all requirements, a renewal permit must be issued by the City.

It is well accepted that local governments have only the power granted to them by the applicable state laws. As is required under state law, the City enacted the Ordinance in accordance with MRTMA, MMFLA, MMMA and MTA. *Marihuana Ordinance*, § 7-1. Under the MMFLA, an applicant for a state permit "shall" be provided a "reasonable period of time to correct" an application deficiency identified by the board. *MCL 333.27403*. This same standard should apply to applicants for local permits under the Ordinance. Furthermore, the language of § 7-4 imposes a duty upon the City to issue permits that meet all requirements of the Ordinance. As such, the City must approve CSS's cured application and renew its permit.

§ 7-4 of the Ordinance sets forth the requirements for renewing a marihuana establishment permit. The Ordinance authorizes the City Manager to deny renewal applications for various reasons, including "[n]onpayment of real and/or personal property taxes, fines, fees, or liens owed to the city." *Marihuana Ordinance*, § 7-4.1(d), (e). However, § 7-4.1(d) states that "[a] permit shall be issued or renewed upon payment of the required fee, submission of a completed application in accordance with all provisions and requirements of this article, and compliance with

all requirements of this article.” In general, “shall” indicates a mandatory duty. *Ross v Michigan Dep’t of Treasury*, 255 Mich. App 51, 58; 662 N.W.2d 36 (2003).

On January 12, 2023, Appellant received notice that CSS’s renewal application was denied for “non-payment of real/personal taxes, fines, fees, or liens owed to the city.” (**Exhibit C**) That same day, Appellant went to the City Clerk’s office, where the Clerk explained that the denial was due to unpaid personal property taxes. Appellant paid the outstanding amounts requested by the City Clerk immediately. Several days later Appellant was informed that there were further amounts for real property taxes outstanding, and although under the terms of its lease agreement (**Exhibit E**) these were the responsibility of the owner of the Property, CSS immediately returned to the Clerk’s office on January 24, 2023 to pay the Property’s arrear taxes (**Exhibit F**).

As of January 24, 2023, just 12 days after CSS received notice that its application was denied all of CSS’s and its Landlord’s associated “real/personal taxes, fines, fees, or liens” due to the City have been paid, thereby correcting the problem with its renewal application cited as reason for denial by the City. Thus, CSS’s renewal application meets all requirements for approval under § 7, and in the absence of any language allowing the city to deny a cured renewal application, and in accordance with the mandatory language of § 7-4.3 of the Ordinance and MCL 333.27403 and other applicable state laws, the City Manager must renew the permit.²

² MRTMA also imposes this duty upon the City through MCL 333.27966(2). If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.

IV. Alternative Grounds For Appeal

A. As enacted and enforced by the City, portions of § 7 are so imprecise and unreasonable so as to be invalid under the Michigan Constitution.

It is well settled that local governments have only the power granted them under the state constitution and statutes. When determining whether an ordinance is valid, Michigan courts apply a reasonableness standard. In order to be a valid exercise of the power granted to local governments under Article 7 of the Michigan Constitution, an ordinance enacted by the City of Ypsilanti must be “precise and reasonable.” *Ethics Handbook for Michigan Municipalities*, Section 2, Chapter 7. . To be precise, the language of an ordinance must not be “vague, ambiguous, or indefinite.” An ordinance is unconstitutionally vague if it denies a person of ordinary intelligence a reasonable opportunity to know what is...required under the ordinance. *Plymouth Township v Hancock*, 236 Mich. App 197, 200. The language of Chapter 7 of the City Code is imprecise, inconsistent, ambiguous and/or indefinite with regard to at least the following: (1) the level of discretion reserved by the City in deciding an appeal regarding the denial of permits and renewals; (2) any differences between the process, standard of review and level of discretion in issuing initial permits and renewals; (3) the effect of curing any application defects on issuance or denial of initial permits or renewals; and (4) the appeal process and standard of review on appeal of application and renewal denials. Furthermore, the Ordinance provides no standards or guidance for the City Clerk, City Council or City manager with regard to these issues. In the absence of definite standards guiding the City’s decisions on these issues, the Ordinance “becomes an open door to favoritism and discrimination, a ready tool for the suppression of competition.” *Osius v St. Clair Shores*, 344 Mich. 693; 75 N.W.2d.25; 1956 Mich LEXIS 450 . *Osius v St. Clair Shores*, 344 Mich. 693; 75 N.W.2d.25; 1956 Mich LEXIS 450. (an ordinance is fatally defective where a

zoning board was simply given authority to issue or deny permits without specific guidance, “according to their own ideas.”).

B. The City’s clear intent to use zoning rules and other non-competitive means to aggressively limit the number of marijuana establishments within the City’s borders violates the specific requirements of and is inconsistent with the spirit and intent of MRTMA.

The same rules that govern statutory constructions govern the construction of ordinances. *Albright v. Portage*, 188 Mich App. 342, 352 n7. “The primary goal of statutory interpretation is to ascertain and give effect to the intent of the legislature” and “[t]he starting point for determining the intent of the legislature is the specific language of the statute” *In re RFF*, 242 Mich. App. 188, 198-199; 617 N.W.2d 745 (2000). The City’s plan to limit the number and type of marijuana businesses within its borders through non-competitive means is in direct violation with the specific requirements of MRTMA and MMFLA.³ § 7 was originally adopted in 2017 and has been amended multiple times, including most recently in early 2022, when the City eliminated the cap on the number of marijuana establishments and the competitive process used to select applicants for permits in favor of using a system of zoning requirements. It is clear from the specific language of § 7 that the City still intends to limit the number of marijuana establishments allowed within its borders through non-competitive means. For example, see § 7-1(b) which states a purpose of the Ordinance is to “place limits on the number of marijuana establishments within the city; § 7-4.1(g) which states “[p]ursuant to the MRTMA, MMFLA, MMMA, and MTA, the City of Ypsilanti authorizes the operation in the city of the following types and number of ...marijuana facilities... [t]he amounts of ...facility types will be regulated by zoning as stipulated in Chapter

³ Many of the municipalities which have “opted in” have adopted zoning ordinances to “specify the districts in which a facility may locate...and generally require buffers from land uses such as schools, churches, parks, and libraries,” in conjunction with regulatory ordinances “limiting the number and types of facilities, setting odor control, waste, and security requirements, and setting the prerequisites to obtain the local permit.

122 of the Ypsilanti City Code...” Using zoning to limit the number of facilities in the City still requires a competitive process when there are competing applicants in the same area where, under a zoning ordinance, there can only be a limited number of facilities. Without a competitive process to choose, even under a zoning ordinance, the City’s ordinances conflict with State law.

V. Objection to the \$1,100 Appeal Fee

The MRTMA caps the amount that a municipality can charge as a nonrefundable application fee at \$5,000. *MCL § 333.27956(4)*. By statute, this fee is to be used to “defray application, administrative, and enforcement costs” associated with the Ordinance. *Id.* Pursuant to the Ordinance and the Marijuana Facility Permit application form, CSS paid the maximum allowable application fee of \$5,000 when it submitted its renewal application for 2023. Accordingly, because that nonrefundable fee is intended to defray the cost of administering the Ordinance, which includes accepting this appeal, the \$1,100 non-refundable fee that is being charged is in violation of the MRTMA. CSS requests that the filing fee be returned, and expressly. Reserves the right to challenge the City’s ability to charge this amount.

VI. Conclusion

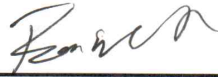
For the foregoing reasons, CSS’s application for renewal of its Marihuana Establishment permit should be approved without delay.

Appellant

Cross Street Services, INC.

Attorney

Benjamin D. Joffe PLLC



By:

Its:

Benjamin D. Joffe

P77134

Index of Exhibits

- Exhibit A: 2011 City of Ypsilanti Business Permit
- Exhibit B: Renewal Application and Confirmation of Renewal Fee Payment
- Exhibit C: January 6, 2022 Letter From the City Denying Renewal Application
- Exhibit D: Confirmation of Payment of 224.31 Personal Property Tax Bill
- Exhibit E: Lease Agreement For 513 W. Cross Street
- Exhibit F: Confirmation of Payment of \$2,792.39 Real Property Tax Bill

~~the right to challenge the City's ability to charge this amount.~~

~~H. Conclusion.~~

~~For the foregoing reasons, CSS's application for renewal of its Marihuana Establishment permit should be approved without delay.~~

Appellant

Attorney

Cross Street Services, INC. Benjamin D. Joffe PLLC

Amy Snyder

By:

Benjamin D. Joffe

Its:

P77134 *[Signature]*

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CITY OF YPSILANTI
APPEAL OF DENIAL OF MARIHUANA ESTABLISHMENT
RENEWAL PERMIT

PROOF OF SERVICE

I certify that on February 3, 2023 I delivered, via hand delivery both digital and physical copies of Cross Street Services's appeal of its denial of its marihuana establishment permit renewal to Ypsilanti City Hall at One South Huron Street, Ypsilanti, MI 48197.

A large black rectangular redaction box covering the signature of Brian Fox.

Brian Fox

Exhibit A

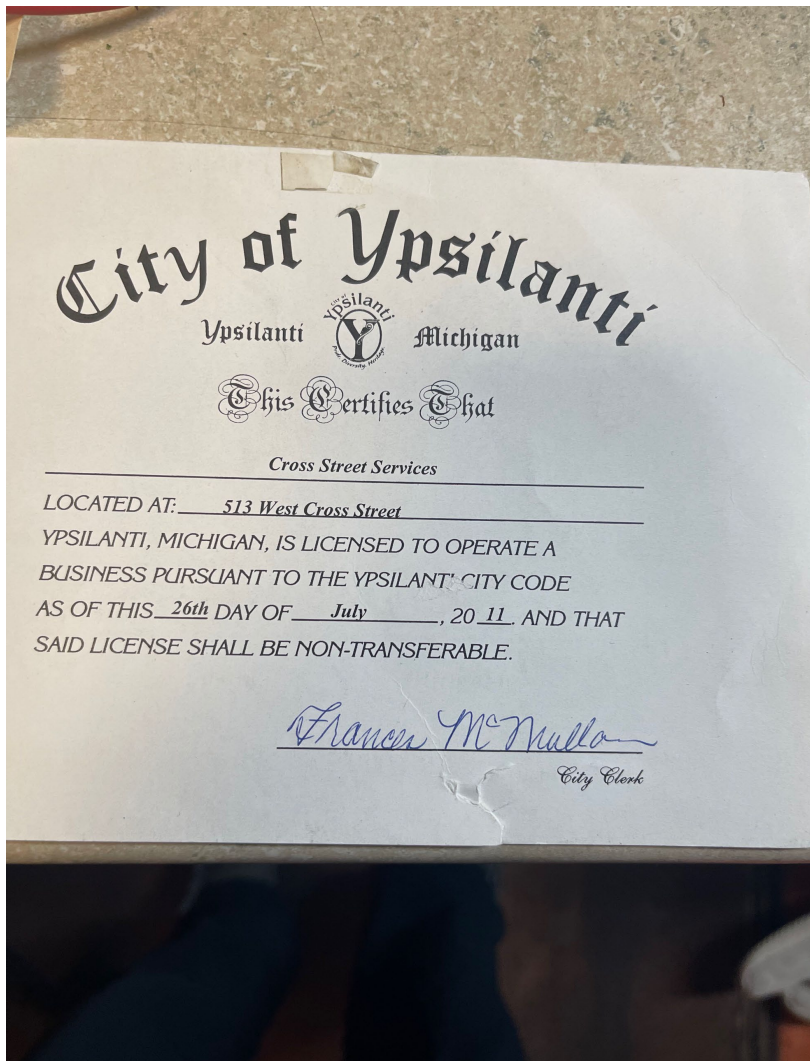


Exhibit B



MARIHUANA FACILITY PERMIT APPLICATION

CITY OF YPSILANTI CLERK'S OFFICE

One South Huron, Ypsilanti, MI 48197

Office (734) 483-1100 Fax (734) 487-8742

www.cityofypsilanti.com

**All required information must be submitted at the time of application.
Attach additional pages when necessary.**

Applications must be provided in both hardcopy and digital flash drive

Non-Refundable Fee - Subject to change by City Council without notice.

\$5,000 – Initial Permit Application – application will not be accepted without fee

Clerk initials

Type of application – A separate application and fee must be filed for Recreational and Medical Facilities

Recreational

- | | |
|--|---|
| ☐ Retailer | ☐ Microbusiness |
| ☐ Growing/Processing Facility | ☐ Excess Grower |
| ☐ Safety Compliance Facility | ☐ Designated Consumption |
| ☐ Secure Transport | |

Medical

- ☒ Provisioning Center
☐ Cultivation/Processing Facility

BUSINESS INFORMATION

Business Name: <u>Cross Street Service, Inc.</u>		Phone: <u>[REDACTED]</u>
Business Address: <u>513 W. Cross Street</u>		
City: <u>Ypsilanti</u>	State: <u>MI</u>	Zip: <u>48197</u>
Business Mailing Address (if different):		
City:	State:	Zip:
Square footage to be occupied: <u>975</u>		Number of Employees: <u>8</u>
Hours of Operation: <u>M-Sat 9am-9pm</u> <u>Sun - 10-8pm</u>		
Business type: (check all that apply)		
☐ Sole Proprietorship		
☐ Corporation (including LLC)		
☐ Partnership		
☒ S Corporation		
☐ Trust		

Attachment A:

Articles of Incorporation

Michigan Department of Energy, Labor & Economic Growth

Filing Endorsement

This is to Certify that the ARTICLES OF INCORPORATION - PROFIT
for

CROSS STREET SERVICE INC.

ID NUMBER: 03997M

received by facsimile transmission on March 17, 2011 is hereby endorsed
Filed on March 17, 2011 by the Administrator.

The document is effective on the date filed, unless a
subsequent effective date within 90 days after
received date is stated in the document.



In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 17TH day
of March, 2011.

Director

Bureau of Commercial Services

Sent by Facsimile Transmission 11076

**MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES**

Date Received

(FOR BUREAU USE ONLY)

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

SHALABY BOOKKEEPING & TAX SERVICE

Address

2724 BRANDYWINE

City

ANN ARBOR

State

MI

ZIP Code

48104

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

ARTICLES OF INCORPORATION**For use by Domestic Profit Corporations**

(Please read information and instructions on reverse side)

Pursuant to the provisions of Act 284, Public Acts of 1972, the undersigned executes the following Articles:

ARTICLE I

The name of the corporation is:

CROSS STREET SERVICE INC.

ARTICLE II

The purpose or purposes for which the corporation is formed is to engage in any activity within the purposes for which corporations may be formed under the Business Corporation Act of Michigan.

RETAIL

ARTICLE III

The total authorized shares:

1. Common Shares 60000

Preferred Shares _____

2. A statement of all or any of the relative rights, preferences and limitations of the shares of each class is as follows:

ARTICLE IV1. The name of the resident agent at the registered office is: AMY OTT

2. The street address of the location of the registered office is:

513 W. CROSS STREET

(Street Address)

YPSILANT

(City)

, Michigan

48197

(Zip Code)

3. The mailing address of the registered office if different than above:

SAME

(P.O. Box or Street Address)

(City)

, Michigan

(Zip Code)

03/17/2011 11:28AM (GMT-04:00)

ARTICLE V

The name(s) and address(es) of the incorporator(s) is (are) as follows:

Name	Residence or Business Address
JOB KRAKOWSKI	[REDACTED]
AMY OTTO	[REDACTED]
LISA G. SNYDER	[REDACTED]

ARTICLE VI (Optional, Delete if not applicable)

When a compromise or arrangement or plan of reorganization of this corporation is proposed between this corporation and its creditors or any class of them or between this corporation and its shareholders or any class of them, a court of equity jurisdiction within the state, on application of this corporation or of a creditor or shareholder thereof, or an application of a receiver appointed for the corporation, may order a meeting of the creditors or class of creditors or of the shareholders or class of shareholders to be affected by the proposed compromise or arrangement or reorganization, to be summoned in such manner as the court directs. If a majority in number representing 3/4 in value of the creditors or class of creditors, or of the shareholders or class of shareholders to be affected by the proposed compromise or arrangement or a reorganization, agree to a compromise or arrangement or a reorganization of this corporation as a consequence of the compromise or arrangement, the compromise or arrangement of the reorganization, if sanctioned by the court to which the application has been made, shall be binding on all the creditors or class of creditors, or on all the shareholders or class of shareholders and also on this corporation.

ARTICLE VII (Optional, Delete if not applicable)

Any action required or permitted by the Act to be taken at an annual or special meeting of shareholders may be taken without a meeting, without prior notice, and without a vote, if consents in writing, setting forth the action so taken, are signed by the holders of outstanding shares having not less than the minimum number of votes that would be necessary to authorize or take the action at a meeting at which all shares entitled to vote on the action were present and voted. A written consent shall bear the date of signature of the shareholder who signs the consent. Written consents are not effective to take corporate action unless within 60 days after the record date for determining shareholders entitled to express consent to or to dissent from a proposal without a meeting, written consents dated not more than 10 days before the record date and signed by a sufficient number of shareholders to take the action are delivered to the corporation. Delivery shall be to the corporation's registered office, its principal place of business, or an officer or agent of the corporation having custody of the minutes of the proceedings of its shareholders. Delivery made to a corporation's registered office shall be by hand or by certified or registered mail, return receipt requested.

Prompt notice of taking of the corporate action without a meeting by less than unanimous written consent shall be given to shareholders who would have been entitled to notice of the shareholder meeting if the action had been taken at a meeting and who have not consented to the action in writing. An electronic transmission consenting to an action must comply with Section 407(3).

03/17/2011 11:28AM (GMT-04:00)

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We), the incorporator(s) sign my (our) name(s) this 14 day of March, 2011

Ang Otter

Ravi Kishore

Lin J

03/17/2011 11:28AM (GMT-04:00)

Clerk initials

☐ Non-Profit Organization

If business type is anything other than a sole proprietorship, attach the following:

☐ Attachment A - Articles of incorporation; LLC Articles of Organization; Partnership Agreement; DBA Certificate

List below all officers, directors, shareholders, members, and partners including their home addresses. If the business is a partnership, list the names and home addresses of each of the partners. If necessary, provide additional information on a separate sheet.

Name	Home Address, City, State & Zip Code	DOB	Position
Amy Snyder	[REDACTED]	2/6/73	Director
Job Krakowski	[REDACTED]	11/8/87	Officer
Lisa Snyder	[REDACTED]	7/15/62	Officer

APPLICANT INFORMATION: Highest level official or employee of business/ cooperative such as Board President, Chief Executive Officer, Executive Director or comparable position.

Applicant Name: Amy Snyder Date of Birth: 2-6-73

Applicant Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

☐ Attachment B - Provide state or federally issued photo identification.

OPERATOR INFORMATION: If different than the applicant, list the individual(s) responsible for day to day operations.

Operator Name: Job Krakowski Date of Birth: 11-8-87

Applicant Address: [REDACTED]

City: Ypsilanti State: MI Zip: [REDACTED]

Operator Name: Lisa Snyder Date of Birth: 7-15-62

Applicant Address: [REDACTED]

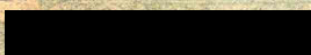
City: [REDACTED] State: [REDACTED] Zip: [REDACTED]

☐ Attachment C - Provide state or federally issued photo identification and background checks. (Ypsilanti Police Department will Verify)



MICHIGAN MI USA

DRIVER LICENSE



DOB 11-03-1987

JOB TRAVIS KRAKOWSKI II



Sex M

Hgt 511

Eyes BLU

Lic Type 0

End NONE

Restrictions Corrective Lens



ISS 04-23-2021

EXP 11-08-2024

110887

[Signature]

DD: 1200451216109

Rev 01-21-2011

MICHIGAN MI USA

DRIVER LICENSE

NOT FOR FEDERAL IDENTIFICATION



DOB 07-15-1962

LISA GAVE SNYDER

EXP 10-11-2022

EXP 07-15-2026

07-15-2026

Sex F

Hgt 5'02"

Eyes BLU

Lic Type D

End 11-15-2022

Restrictions None



Lisa Gave Snyder

DD123521131748

RENEWAL
Due 10-11-2022

Clerk initials

LICENSE INFORMATION

List all professional licenses, including those related to marijuana/marihuana currently held or held in the past by the applicant/operator:

Medical Marijuana - State of MI & City of Ypsi.
Recreational Marijuana - State of MI & City of Ypsi.

Has the applicant and/or operator been denied an application for a professional license, including those related to marijuana/marihuana, from any jurisdiction? (include state and local applications)

☐ Yes ☒ No

If yes state when, where and why:

See attached

Has the applicant had a professional license, including those related to marijuana/marihuana, suspended or revoked by any jurisdiction? (include state and local applications)

☒ Yes ☐ No

If yes state when, where and why:

Upsilanti - Use on
premise 10-2013

Has the applicant or operator ever been convicted of a felony or controlled substances violations(s) in a federal, state, or other court? ☐ Yes ☒ No

If yes, please provide the following: (if necessary, provide additional information on a separate sheet):

Name and Location of Court	Conviction Charge	Sentence	Date of Sentencing	Last date of incarceration/parole/probation

Attachment to Cross Street Service, Inc. – Application

In response to the Question concerning whether the applicant and/or operator has been denied for an application for a professional license, including those related to marijuana/marihuana, from any jurisdiction, Cross Street Service, Inc. offers the following explanation.

Cross Street Service, Inc. has not had an application denied. Cross Street Service, Inc.'s state application for a state operating license for this location remains pending. In the interest of full disclosure, Cross Street Service, Inc.'s state application for this location was initially denied. A copy of the initial denial letter is included. Cross Street Service, Inc. timely requested a public investigative hearing to contest the denial. A public investigative hearing was held in front of Administrative Law Judge Christopher S. Saunders on September 12, 2019. On November 21, 2019, Judge Saunders issued a Proposal for Decision that found by clear and convincing evidence that Cross Street Service, Inc. should be granted its state operating license and included a recommendation that the Marijuana Regulatory Agency grant Cross Street Service, Inc.'s application. A copy of Judge Saunders's Proposal for Decision is attached.

As a result, Cross Street Service, Inc.'s application remains pending. Furthermore, Cross Street Service, Inc. has been operating with state approval pursuant to MRA Emergency Rule 19. As a result of the Michigan Court of Claims Decision authored by Judge Borrello in *Green Genie, Inc v State of Michigan*, Cross Street Service, Inc.'s temporary operating status constitutes a license from the State of Michigan to permit it to operate, and Cross Street Service, Inc. may continue to operate pursuant to state law until a final order denying its application becomes effective. A copy of Judge Borrello's opinion and order is also attached for reference.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

June 4, 2019

Cross Street Service, Inc.
513 W. Cross St.
Ypsilanti, MI 48197
Amy-joy@comcast.net; jfraser@4grewal.com

Application No. ERGA-18-000172
PCA-18-000042

Dear Cross Street Service, Inc.:

On May 29, 2019, your February 14, 2018 application for a state operating license for a provisioning center under the Michigan Marihuana Facilities Licensing Act, MCL 333.27101 *et seq.*, was **denied** by the Marijuana Regulatory Agency for the following reason(s):

Pursuant to Section 402(2)(c) of the Act, (The applicant has knowingly submitted an application for a license under this act that contains false information.)

As evidenced by the following:

The applicant knowingly failed to disclose on Disclosure 5 that the applicant has been filed against it or been served with a complaint or other notice with any public body regarding the delinquent payment of any tax required under federal state or local law. The information from Rehmann was a federal tax lien against the applicant entity that was filed in Washtenaw County, MI on March 22, 2016 in the amount of \$34,523.49. This lien was not released until April 17, 2017. Applicant's explanation for the non-disclosure indicates a knowing decision not to disclose information clearly required by Disclosure 5.

Pursuant to Section 402(3)(a) of the Act, (The applicant's integrity, moral character, and reputation.)

As evidenced by the following:

The applicant knowingly failed to disclose on Disclosure 5 that the applicant has been filed against it or been served with a complaint or other notice with any public body regarding the delinquent payment of any tax required under federal state or local law. The information from Rehmann was a federal tax lien against the applicant entity that was filed in Washtenaw County, MI on March 22, 2016 in the amount of \$34,523.49. This lien was not released until April 17, 2017.

Pursuant to Section 402(3)(a) of the Act, (Personal and business probity to operate or maintain a marihuana facility.); and

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.

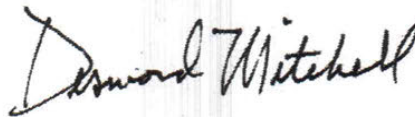
Pursuant to Section 402(3)(f) of the Act, (The applicant has been served with a complaint, or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years.)

As evidenced by the following:

The applicant knowingly failed to disclose on Disclosure 5 that the applicant has been filed against it or been served with a complaint or other notice with any public body regarding the delinquent payment of any tax required under federal state or local law. The information from Rehmann was a federal tax lien against the applicant entity that was filed in Washtenaw County, MI on March 22, 2016 in the amount of \$34,523.49. This lien was not released until April 17, 2017.

Under section 407(3) of the Act, MCL 333.27407(3), and Rule 93 of the administrative rules promulgated thereunder, being R 333.293, you have the right to request a public investigative hearing at which you have the opportunity to present testimony and evidence to establish by clear and convincing evidence your eligibility and suitability for a license.

A request for a public investigative hearing must be filed in writing within 21 days from the date of service of this letter at the following address: Department of Licensing and Regulatory Affairs, Marijuana Regulatory Agency, P.O. Box 30205, Lansing MI, 48909 or sent electronically to MRA-Legal@michigan.gov.



Desmond Mitchell, Division Director
Facilities Licensing Division
Marijuana Regulatory Agency
Department of Licensing and Regulatory Affairs

STATE OF MICHIGAN
COURT OF CLAIMS

GREEN GENIE, INC. et al,

Plaintiffs,

v

STATE OF MICHIGAN et al.,

Defendants.

OPINION AND ORDER

Case Nos. 19-000045-MB; 19-000046-MZ;
19-000047-MB; 19-000049-MB; 19-000050-
MB; 19-000051-MZ; 19-000052-MZ; 19-
000053-MB

Hon. Stephen L. Borrello

Pending before the Court in these actions for declaratory and injunctive relief are defendants' motions for summary disposition. For the reasons that follow, defendants' motions are DENIED in those cases where plaintiffs have satisfied MCL 600.6431(1)'s requirements, but are GRANTED in Docket Nos. 19-000045-MB, 19-000050-MB, 19-000052-MZ, and 19-000053-MB, for the reason that plaintiffs in those cases failed to comply strictly with the notice-and-verification requirements set forth in MCL 600.6431(1). And as to cases where this procedural flaw does not exist, Docket Nos. 19-000046-MZ, 19-000047-MB, 19-000049-MB, and 19-000051-MZ, the Court GRANTS judgment in favor of plaintiffs, the non-moving parties, pursuant to MCR 2.116(I)(2). Finally, the Court DENIES as moot the motion for immediate consideration and the motion for leave to file an amicus brief in Docket No. 19-000052-MZ.

I. BACKGROUND

The circumstances leading to the filing of this lawsuit are lengthy, and an extensive recitation of the facts would be of no great benefit to any of the parties involved; for this reason, the Court will offer only a brief summary. Following the 2016 passage of the Medical Marijuana Facilities Licensing Act (MMFLA), facilities were permitted to apply for licensing as provisioning centers, growers, and processors. For reasons that are neither pertinent nor readily apparent, the licensing process and regulatory bodies were ill-equipped to timely review and rule on licensing applications. As a result, entities which met certain requirements were permitted to operate temporarily while their respective applications were being reviewed.

This temporary operating status led to the creation of various iterations of emergency rules by the Department of Licensing and Regulatory Affairs (LARA) which, among other matters, provided a regularly changing date after which the unlicensed facilities would have to cease operations. One of the problems this created was that many license applicants (hereinafter “applicant-plaintiffs”) had yet to receive a ruling on their applications by the various dates chosen in the emergency rules. For reasons unknown, LARA exacerbated this problem, in fact doing so several times, leading to looming shut-down dates and concocted threats of forfeiture actions and/or criminal prosecution, all of which prompted various entities to seek relief in this Court. As a result, the Court issued, on more than one occasion, injunctive relief to those entities seeking licensure and on whose applications LARA had not yet ruled or otherwise issued final decisions.

LARA abandoned the emergency rules in late 2018. However, in January 2019, the Medical Marijuana Licensing Board took an approach similar to the former emergency rules and issued a resolution stating that it would not take disciplinary action against applicant-plaintiffs

who were temporarily operating until March 31, 2019, provided certain requirements were met. At this point, it had been well over a year since provisional operations began, and LARA still had not completed its review of many license applications.

The new deadline—March 31, 2019—was set without any apparent regard for whether LARA would rule on all of the pending applications by its passage. And, despite the passage of additional time, not all of the applications received a decision by the looming deadline. Moreover, for the applicant-plaintiffs who were denied a license, the March 31, 2019 deadline was set to expire before the process for appealing a license denial had run its course. Stated otherwise, the expiration of the deadline would have forced entities which had yet to receive rulings on their applications, as well as any appealing entities, to immediately cease operations, or face possible criminal and civil forfeiture actions. It thus became clear that the looming deadline was decided and announced, notwithstanding the ongoing application process or ongoing appellate process. Plaintiff Top Dollar Holdings, LLC, was one of those entities that faced being shut down before the appellate process had even begun. According to ¶ 49 of its complaint, Top Dollar’s license application was denied on or about March 21, 2019, “with little discussion and no evidence” cited in support of the denial.

At or around this same time, the Marijuana Regulatory Agency (MRA) was created by way of Executive Order 2019-07. Effective April 30, 2019, the executive order transferred all of the “authorities, powers, duties, functions, and responsibilities” of the Medical Marijuana Licensing Board to the newly created MRA. Section 5(j) of Executive Order 2019-07 specified that the order was: “not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before

the successor of any officer or entity affected by this order.” Thus, the order preserves any ongoing proceedings involving the soon-to-be-defunct Licensing Board.

II. DISCUSSION AS TO ENTITIES SEEKING LICENSURE

Applicant-plaintiffs in these consolidated cases have asked the Court for declaratory and injunctive relief. Injunctive relief “represents an extraordinary and drastic use of judicial power that should be employed sparingly and only with full conviction of its urgent necessity.” *Davis v Detroit Fin Review Team*, 296 Mich App 568, 613; 821 NW2d 896 (2012) (citation and quotation marks omitted). “Stated another way, injunctive relief is an extraordinary remedy that issues only when justice requires, there is no adequate remedy at law, and there exists a real and imminent danger of irreparable injury.” *Id.* (citation and quotation marks omitted).

The Court begins its analysis by again stating that use of its injunctive power is reserved only for the rarest of cases. And, while the underlying subject-matter of these cases gives them curb appeal, the grounds on which relief is warranted—process and procedure—are significantly less stirring. To that end, the Court agrees with the pertinent plaintiffs that the state’s action in this case offends due process and the Administrative Procedures Act (APA) and entitles applicant-plaintiffs to the requested relief. Turning first to due process, “The Due Process Clause of the Fourteenth Amendment provides that ‘[no] State [shall] deprive any person of life, liberty, or property, without due process of law[.]’ ” *In re Forfeiture of 2000 GMC Denali & Contents*, 316 Mich App 562, 573; 892 NW2d 388 (2016). “[T]he touchstone of due process, generally, is protection of the individual against arbitrary action of government[.]” *Bonner v City of Brighton*, 495 Mich 209, 224; 848 NW2d 380 (2014) (citation and quotation marks omitted). The substantive component of due process “protects against the arbitrary exercise of governmental power, whereas the procedural component is fittingly aimed at ensuring

constitutionally sufficient procedures for the protection of life, liberty, and property interests.” *Id.* (citation and quotation marks omitted). In order for the procedural protections of the due process clause to apply, a litigant must have a property or liberty interest. *PT Today, Inc v Comm’r of Office of Fin & Ins Servs*, 270 Mich App 110, 130-131; 715 NW2d 398 (2006). The source of a property interest is typically state law. *Id.*, citing *Bd of Regents of State Colleges v Roth*, 408 US 564, 576-577; 92 S Ct 2701; 33 L Ed 2d 548 (1972).

Defendants first argue that plaintiffs’ due process claims fail because they contend that plaintiffs have no property rights at stake, such that they cannot even petition the Court for relief. In support, they cite MCL 333.27409, which declares that a “state operating license” issued under the MMFLA “is a revocable privilege granted by this state and is not a property right.” And, according to defendants, if a license cannot create a property right, the provisional interest held by applicant-plaintiffs certainly creates no property rights. The Court rejects that position, as well as the notion that any license granted under the MMFLA does not create a property right. The MMFLA cannot, by creating a license with all the traditional trappings of a property right, arbitrarily ignore those characteristics and simply declare that no property right exists. A license granted by the state to operate or to take some action is, by all accounts, a benefit. See, e.g., *Bundo v Walled Lake*, 395 Mich 679, 693; 238 NW2d 154 (1976). As explained by the United States Supreme Court in *Perry v Sinderman*, 408 US 593, 601; 92 S Ct 2694; 33 L Ed 2d 570 (1972), “[a] person’s interest in a benefit is a ‘property’ interest for due process purposes if there are such rules or mutually explicit understandings that support [the plaintiff’s] claim of entitlement to the benefit and that [the plaintiff] may invoke at a hearing.” In other words, it is whether the benefit is protected by existing rules or understandings that is dispositive in determining whether a property right exists, not whether or how the benefit has been labeled. *Id.*

In the matters presented to this Court, a license under the MMFLA is plainly a property right. Indeed, licenses under the act are surrounded by all the traditional trappings of property rights, including notice and hearings—albeit post-deprivation or post-suspension hearings—and appellate procedures. See, e.g., MCL 333.27407(1)-(5). See also *Bundo*, 395 Mich App at 695-696 (discussing liquor licenses and property rights created thereby). In addition, as will be discussed in more detail below, the provisional licenses under which the applicant-plaintiffs operated in these cases were sufficient to create property rights as well.

With that backdrop, the Court concludes that the state's actions offended due process for the reason that they were arbitrary and capricious, they continue to be arbitrary and capricious, and because the state's actions infringed on the pertinent plaintiffs' property interests without affording plaintiff's procedural due process. At the outset, the Court notes that LARA's entire method of handling license applications has been "apt to sudden change, freakish, or whimsical[.]"¹ See *Mich Farm Bureau v Dep't of Environmental Quality*, 292 Mich App 106, 141; 807 NW2d 866 (2011) (describing the arbitrary and capricious standard) (citation and quotation marks omitted). In reliance on permission and approval from LARA, the pertinent plaintiffs began operating their respective facilities pending a final decision on licensure. Plaintiffs did so with the understanding that their applications might not be granted. In fact, had the respective applications been denied and had plaintiffs had a full and fair opportunity to

¹ During oral argument the state asserted its main goal in the numerous announcements of looming deadlines was to further its regulatory goal of licensing all providers of medical marijuana. However, the state failed to provide any rationale for how the continuous setting of looming deadlines promotes a more regulated market. And to the extent that the state might continue with this variation on a theme, such deadlines, enacted under the misleading guise of proper regulation, will likely continue to be constitutionally infirm as well.

appeal those denials, this might very well be a completely different case with a completely different outcome. However, LARA has repeatedly attempted to revoke operating status—on which applicant-plaintiffs were induced by defendants to rely—before ruling on the merits of many of the applications. The shut-down date has been ever-changing, with the only constant being that the shut-down date moves without regard for whether all of the applications have received a substantive and final decision on the merits. These bait-and-switch announcements effectuated by LARA were entirely arbitrary and capricious.

As for procedural due process, the Court concludes that applicant-plaintiffs in this case had a provisional license, as the term “license” is understood under the APA. Indeed, MCL 24.205(a) defines a “license” as “the whole or part of an agency permit, certificate, *approval*, registration, charter, *or similar form of permission required by law.*” During the pendency of the application process, plaintiffs plainly had approval and permission from LARA to operate their respective facilities. The existence of this provisional license is significant, because it brings into play MCL 24.291(2) of the APA, which states that:

When a licensee makes timely and sufficient application for renewal of a license or a new license with reference to activity of a continuing nature, the existing license does not expire until a decision on the application is finally made by the agency, and if the application is denied or the terms of the new license are limited, until the last day for applying for judicial review of the agency order or a later date fixed by order of the reviewing court. [Emphasis added.]

Here, the provisionally licensed plaintiffs applied for “new” licenses with reference to an activity of a continuing nature. As a result, the APA forbids LARA from revoking these provisional

licenses “until a decision on the application is finally made by the agency[.]”² Hence, LARA cannot impose an arbitrary deadline and force applicant-plaintiffs to cease operations regardless of whether it has made a decision on their applications. The imposition of the March 31, 2019 deadline by way of the Board resolution is thus contrary to MCL 24.291(2).

As for the “final agency” decision contemplated by MCL 24.291(2) in this case, the Court turns its attention to the MMFLA. The MMFLA states at MCL 333.27407(2) that the soon-to-be-replaced Medical Marijuana Licensing Board “shall comply with the administrative procedures act” (APA) “when denying, revoking, suspending, or restricting a license or imposing a fine.” In addition, MCL 333.27407(3) states that, if the Board denies a license, it “shall, upon request, provide a public investigative hearing at which the applicant is given the opportunity to present testimony and evidence to establish its suitability for a license.”³ As a result, the APA mandates that applicant-plaintiffs in these cases must be permitted to continue operating and that their provisional licenses do not expire until: (1) in the case of an application that is granted, the day of the agency’s final determination; and (2) in the case of an application that is denied, “until the last day for applying for judicial review of the agency order[.]” MCL 24.291(2). The

² The Court’s ruling should not be understood as prohibiting LARA from taking action against these provisionally licensed entities should LARA determine the entities are in violation of the law in any other respects. However, it appears there are no such allegations with respect to applicant-plaintiffs at this time.

³ The allegations in plaintiff Top Dollar’s complaint include that LARA denied its application without citing any facts or evidence and with little discussion. A review of the complaints filed by applicant-plaintiffs reveals that these allegations sound a common refrain. If true, such allegations sound in the nature of an arbitrary and capricious denial, and could very well be grounds for reversal of the initial licensure denial and/or may be indicative of the notion that the applicant has satisfied its obligation of establishing eligibility for licensure under the act. See Mich Admin Code, R 333.293(8) (discussing the burden an applicant for licensure must meet under the MMFLA). Indeed, the lack of rationale provided for the application denial would appear to go directly to the heart of the strength (or lack thereof) of the case against licensure.

MMFLA does not expressly provide for judicial review; instead, it points to the APA. “The APA’s procedure for judicial review of an agency’s decision states that ‘a petition for review shall be filed in the circuit court for the county where petitioner resides or has his or her principal place of business in this state, or in the circuit court for Ingham County.’ ” *Teddy 23, LLC v Mich Film Office*, 313 Mich App 557, 567; 884 NW2d 799 (2015), quoting MCL 24.303. The time for seeking judicial review in circuit court under the APA is 60 days “after the date of mailing notice of the final decision or order of the agency[.]” MCL 24.304(1).

In light of the above, LARA is prohibited from arbitrarily revoking the provisional licenses held by applicant-plaintiffs until it issues a decision and, if the application is denied, until 60 days after the date of mailing notice of the final agency decision. See MCL 24.291(2). To this end, defendants are enjoined and restrained from enforcing the March 31, 2019 shut-down date with respect to all applicants—whether named as plaintiffs in these actions or otherwise—until 60 days post-issuance of the final licensing decision denying licensure.⁴ The injunctive relief granted by this Court will remain in effect for 60 days after the date of mailing notice to the respective applicants of any final agency decision denying licensure.

For the avoidance of doubt, this Court’s order only restrains and enjoins defendants from enforcing the March 31, 2019 shut-down date set forth in the January 2019 Board resolution. All other matters covered in the January resolution, such as those pertaining to testing of products, are not the subject of this Court’s grant of injunctive relief, for the reason that there have been no

⁴ If that time period has already expired for applicants and seeking judicial review in circuit court is no longer an option, then those applicants are not entitled to any relief under this Court’s opinion and order.

meritorious issues raised with respect to the same. Instead, those matters remain subject to LARA's decision-making and rule-making authority, with which this Court will not interfere.

III. ANALYSIS AS TO LICENSED PLAINTIFF, THE CURING CORNER LLC

As for matters within the province of LARA and which there have been no meritorious grounds raised which would permit this Court to interfere with LARA's authority, one of the plaintiffs in these consolidated cases, The Curing Corner, LLC (Docket No. 19-000052-MZ), asks this Court for declaratory relief of a different nature. Chiefly, plaintiff Curing Corner asks this Court to essentially require LARA to extend previous iterations of now-expired emergency rules. There are numerous reasons why the Court declines to grant the relief requested by plaintiff Curing Corner. Firstly, as defendants correctly note, plaintiff Curing Corner failed to comply with the unambiguous condition precedent set forth in MCL 600.6431(1) for commencing its action against the state. The complaint was neither signed nor verified, and plaintiff's subsequent attempts to cure that deficiency are ineffective. *Progress Mich v Attorney General*, 324 Mich App 659, 673-674; 922 NW2d 654 (2018). As a result, the complaint filed by plaintiff Curing Corner must be dismissed and summary disposition must issue in defendants' favor pursuant to MCR 2.116(C)(7). See *id.*⁵ Secondly, the Court is without authority to grant

⁵ This same procedural flaw exists in Docket Nos. 19-000045-MB, 19-000050-MB, and 19-000053-MB, as outlined in defendants' briefing in those cases. And, because plaintiffs in those cases failed to follow the unambiguous notice-and-verification requirements contained in the Court of Claims Act, the Court is bound to dismiss those cases as well. *Progress Mich*, 324 Mich App at 673-674. Nevertheless, the relief granted in this case will work to the benefit of the plaintiffs in those dismissed cases, notwithstanding their lack of compliance with the necessary conditions precedent for suing the state in this Court. Lastly, as it concerns compliance with § 6431, the Court disagrees with defendants' assertions that the respective plaintiffs in Docket Nos. 19-000047-MB, 19-000049-MB, and 19-000051-MZ failed to strictly comply with the statute. Rather—as to Docket Nos. 19-000049-MB and 19-000051-MZ—the Court concludes that the verification pages attached to the respective complaints, which bear signatures by

the relief plaintiff Curing Corner requests and it will not dictate to LARA procedures for the sale of medical marijuana. This Court is not the appropriate forum for plaintiff Curing Corner to address those concerns. Thirdly, plaintiff Curing Corner has failed to present any evidence or expert testimony to substantiate the alleged harm(s) necessary to state a prima facie case for injunctive relief. Hence, even if plaintiff had complied with the requirements of MCL 600.6431(1), the Court would decline to grant the relief requested by plaintiff Curing Corner.

individuals who aver to be members capable of signing the verification in representative capacities and who aver that the allegations in the complaint are true to the best of their knowledge and belief, satisfy § 6431. And as it concerns Docket No. 19-000047-MB, it appears the states' briefing has overlooked the signed and verified notice of intent filed by the plaintiff in that case.

IV. CONCLUSIONS

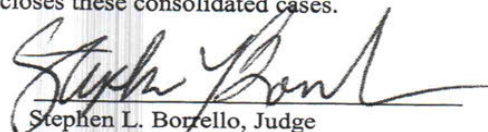
IT IS HEREBY ORDERED that defendants' motions for summary disposition are GRANTED in Docket Nos. 19-000045-MB; 19-000050-MB; 19-000052-MZ; and 19-000053-MZ, with the dismissals in Docket Nos. 19-000045-MB; 19-000050-MB; and 19-000053 being solely occasioned on the failure to comply with MCL 600.6431. Nevertheless, the injunctive relief granted in the following paragraph of this order will apply to those plaintiffs, and to all similarly situated plaintiffs in this state.

IT IS HEREBY FURTHER ORDERED that judgment is GRANTED to plaintiffs, the non-moving parties, in the cases where the failure to comply with MCL 600.6431 does not exist, Docket Nos. 19-000046-MZ, 19-000047-MB, 19-000049-MB, and 19-000051-MZ, for the reason that defendants' actions offend due process and violate the APA. The provisional licenses granted to applicant-plaintiffs remain in effect until a final decision is made on the applications, and if an application is denied, for 60 days after the denial in accordance with MCL 24.291(2). Defendants are hereby ENJOINED and RESTRAINED from enforcing any shut-down date before ruling on the applications and before the time period for seeking judicial review in circuit court expires.

IT IS HEREBY FURTHER ORDERED that the motion for immediate consideration and the motion to file an amicus brief in Docket No. 19-000052-MZ are DENIED as moot.

This order resolves the last pending claim and closes these consolidated cases.

Dated: April 30, 2019


Stephen L. Borzello, Judge
Court of Claims

**STATE OF MICHIGAN
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

IN THE MATTER OF:

**Cross Street Services, Inc.,
Petitioner**

v

**Marijuana Regulatory Agency,
Respondent**

Docket No.: 19-013075

Case No.: ERGA-18-000172

**Agency: Marijuana Regulatory
Agency**

Case Type: Facility License

**Filing Type: Determination of Eligibility
and Suitability of
Application for a State
Operating License**

Issued and entered
this 21st day of November 2019
by: Christopher S. Saunders
Administrative Law Judge

PROPOSAL FOR DECISION

PROCEDURAL HISTORY

This matter concerns an Application for prequalification status for a state operating license filed by Petitioner, Cross Street Service, Inc. (Petitioner) under the Medical Marihuana Facilities Licensing Act (Act), 2016 PA 281, as amended. MCL 333.27101, *et seq.* On June 4, 2019, the Marijuana Regulatory Agency (Respondent) issued a Notice of Denial to Cross Street Service, Inc., (Petitioner). The Notice of Denial alleges that Petitioner violated provisions of the Medical Marihuana Facilities Licensing Act, Act 281 of 2016, as amended (Act), MCL 333.27101, *et seq.*

Petitioner subsequently filed a request for public investigative hearing under Section 407(3) of the Act and Rule 93 of the Administrative Rules. On June 20, 2019, the matter was referred to the Michigan Office of Administrative Hearings and Rules (MOAHR) to schedule and conduct the Public Investigative Hearing. On June 21, 2019, MOAHR issued a Notice of Hearing scheduling the Public Investigative Hearing to convene on July 25, 2019.

On July 11, 2019, Petitioner's attorney requested that the July 25, 2019, hearing be

19-013075

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adjourned and that the date be converted to a prehearing conference. On July 11, 2019, an Order Granting Adjournment and Converting Hearing into Telephone Prehearing Conference was issued. The telephone prehearing conference was held as scheduled on July 25, 2019. On July 26, 2019, an Order Following Prehearing Conference and Scheduling Hearing Date was issued scheduling the hearing for September 12, 2019.

The Public Investigative Hearing was convened as scheduled on September 12, 2019. The case was assigned to Administrative Law Judge (ALJ) Christopher S. Saunders. Attorney John Fraser appeared on behalf of Petitioner. Assistant Attorneys General Alyssa Grissom and Risa Hunt-Scully appeared on behalf of Respondent.

WITNESSES

The following witness appeared and provided testimony:

1. Amy Snyder, President Cross Street Service, Inc.
2. Joseph Angell, CPA

EXHIBITS

The following exhibits were offered by Petitioner and admitted into evidence unless otherwise indicated:

1. Petitioner's Exhibit 1 is a copy of Petitioner's prequalification application.
2. Petitioner's Exhibit 2 is a copy of Petitioner's entity facility application.
3. Petitioner's Exhibit 3 is a copy of Amy Snyder's driver license¹.
4. Petitioner's Exhibit 4 is a copy of Marcus Snyder's driver license.
5. Petitioner's Exhibit 5 is a copy of Job Krakowski's driver license.
6. Petitioner's Exhibit 6 is a copy of Amos Snyder's driver license.
7. Petitioner's Exhibit 7 is a copy of Lisa Snyder's driver license.

¹ The undersigned Administrative Law Judge has blocked out the driver license number on all copies of driver licenses submitted for purposes of privacy.

8. Petitioner's Exhibit 8 is a copy of a supplemental prequalification application for Amy Snyder.
9. Petitioner's Exhibit 9 is a copy of a supplemental prequalification application for Marcus Snyder.
10. Petitioner's Exhibit 10 is a copy of a supplemental prequalification application for Job Krakowski.
11. Petitioner's Exhibit 11 is a copy of a supplemental prequalification application for Amos Snyder.
12. Petitioner's Exhibit 12 is a copy of a supplemental prequalification application for Lisa Snyder.
13. Petitioner's Exhibit 13 is a copy of a certificate of good standing from the State of Michigan, Department of Licensing and Regulatory Affairs pertaining to Cross Street Service, Inc. (Petitioner).
14. Petitioner's Exhibit 14 is a copy of Petitioner's articles of incorporation.
15. Petitioner's Exhibit 15 is a copy of Petitioner's corporate bylaws.
16. Petitioner's Exhibit 16 is an Independent Accountant's Report on Examination of Compliance, dated April 30, 2019.
17. Petitioner's Exhibit 17 is Petitioner's staffing plan.
18. Petitioner's Exhibit 18 is a copy of the floor plan for Petitioner's facility.
19. Petitioner's Exhibit 19 is Petitioner's record keeping plan.
20. Petitioner's Exhibit 20 is Petitioner's marketing plan.
21. Petitioner's Exhibit 21 is a copy of the City of Ypsilanti's medical marijuana ordinance.
22. Petitioner's Exhibit 22 is a copy of Petitioner's technology plan.
23. Petitioner's Exhibit 23 is a copy of Petitioner's lease agreement with its landlord.

24. Petitioner's Exhibit 24 contains documents pertaining to Petitioner's approval to operate by the City of Ypsilanti.
25. Petitioner's Exhibit 25 is a copy of a certificate of insurance for Petitioner.
26. Petitioner's Exhibit 26 is a copy of a Certificate of Compliance issued to Petitioner by the City of Ypsilanti.
27. Petitioner's Exhibit 27 is a copy of an Inspection Report issued by Respondent, and dated December 28, 2018.

The following exhibits were offered by Respondent and admitted into evidence unless otherwise indicated:

1. Respondent's Exhibit A is an MRA Application Review Denial Checklist, amended May 30, 2019.
2. Respondent's Exhibit C is a copy of a background report pertaining to Petitioner, conducted by Rehmann.
3. Respondent's Exhibit D contains email communication between Petitioner and Respondent.
4. Respondent's Exhibit E is a copy of a Director Report pertaining to Petitioner.
5. Respondent's Exhibit F contains information pertaining to Petitioner's federal tax lien and the installment agreement pertaining thereto.

ISSUE

Whether Petitioner has established, by clear and convincing evidence, that it is eligible and suitable for a provisioning center license as defined in the Act?

APPLICABLE LAW

MCL 333.27401 provides, in relevant part:

Sec. 401.

(1) Beginning 360 days after the effective date of this act, a person may apply to the board for state operating licenses in the categories of class A, B, or C grower; processor; provisioning center; secure transporter; and safety compliance facility as provided in this act. The application shall be made under oath on a form provided by the board and shall contain information as prescribed by the board, including, but not limited to, all of the following:

(a) The name, business address, business telephone number, social security number, and, if applicable, federal tax identification number of the applicant.

(b) The identity of every person having any ownership interest in the applicant with respect to which the license is sought. If the disclosed entity is a trust, the application shall disclose the names and addresses of the beneficiaries; if a corporation, the names and addresses of all shareholders, officers, and directors; if a partnership or limited liability partnership, the names and addresses of all partners; if a limited partnership or limited liability limited partnership, the names of all partners, both general and limited; or if a limited liability company, the names and addresses of all members and managers.

(c) An identification of any business that is directly or indirectly involved in the growing, processing, testing, transporting, or sale of marihuana, including, if applicable, the state of incorporation or registration, in which an applicant or, if the applicant is an individual, the applicant's spouse, parent, or child has any equity interest. If an applicant is a corporation, partnership, or other business entity, the applicant shall identify any other corporation, partnership, or other business entity that is directly or indirectly involved in the growing, processing, testing, transporting, or sale of marihuana in which it has any equity interest, including, if applicable, the state of incorporation or registration. An applicant may comply with this subdivision by filing a copy of the applicant's registration with the Securities and Exchange Commission if the registration contains the information required by this subdivision.

(d) Whether an applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning any criminal offense under the laws of any jurisdiction, either felony or controlled-substance-related misdemeanor, not including traffic violations, regardless of whether the offense has been reversed on appeal or otherwise, including the date, the name and location of the court, arresting agency, and prosecuting agency, the case caption, the docket number, the offense, the disposition, and the location and length of incarceration.

(e) Whether an applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.

(f) Whether an applicant has filed, or been served with, a complaint or other notice filed with any public body, regarding the delinquency in the payment of, or a dispute over the filings concerning the payment of, any tax required under federal, state, or local law, including the amount, type of tax, taxing agency, and time periods involved.

(g) A statement listing the names and titles of all public officials or officers of any unit of government, and the spouses, parents, and children of those public officials or officers, who, directly or indirectly, own any financial interest in, have any beneficial interest in, are the creditors of or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with an applicant. As used in this subdivision, public official or officer does not include a person who would have to be listed solely because of his or her state or federal military service.

(h) A description of the type of marihuana facility; anticipated or actual number of employees; and projected or actual gross receipts.

(i) Financial information in the manner and form prescribed by the board.

(j) A paper copy or electronic posting website reference for the ordinance or zoning restriction that the municipality adopted to authorize or restrict operation of 1 or more marihuana facilities in the municipality.

(k) A copy of the notice informing the municipality by registered mail that the applicant has applied for a license under this act. The applicant shall also certify that it has delivered the notice to the municipality or will do so by 10 days after the date the applicant submits the application for a license to the board.

(l) Any other information the department requires by rule.

(2) The board shall use information provided on the application as a basis to conduct a thorough background investigation on the applicant. A false application is cause for the board to deny a license. The board shall not consider an incomplete application but shall, within a reasonable time, return the application to the applicant with notification of the deficiency and instructions for submitting a corrected application. Information the board obtains from the background investigation is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(3) An applicant must provide written consent to the inspections, examinations, searches, and seizures provided for in section 303(1)(c)(i) to (iv) and to disclosure to the board and its agents of otherwise confidential records, including tax records held by any federal, state, or local agency, or credit bureau or financial institution, while applying for or holding a license. Information the board receives under this subsection is exempt from disclosure

under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(4) An applicant must certify that the applicant does not have an interest in any other state operating license that is prohibited under this act.

(5) A nonrefundable application fee must be paid at the time of filing to defray the costs associated with the background investigation conducted by the board. The department in consultation with the board shall set the amount of the application fee for each category and class of license by rule. If the costs of the investigation and processing the application exceed the application fee, the applicant shall pay the additional amount to the board. All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the board in the course of its review or investigation of an application for a license under this act shall be disclosed only in accordance with this act. The information, records, interviews, reports, statements, memoranda, or other data are not admissible as evidence or discoverable in any action of any kind in any court or before any tribunal, board, agency, or person, except for any action considered necessary by the board.

(6) By 10 days after the date the applicant submits an application to the board, the applicant shall notify the municipality by registered mail that it has applied for a license under this act.

MCL 333.27401.

MCL 333.27402 provides, in relevant part:

Sec. 402.

(1) The board shall issue a license to an applicant who submits a complete application and pays both the nonrefundable application fee required under section 401(5)

and the regulatory assessment established by the board for the first year of operation, if the board determines that the applicant is qualified to receive a license under this act.

(2) An applicant is ineligible to receive a license if any of the following circumstances exist:

(a) The applicant has been convicted of or released from incarceration for a felony under the laws of this state, any other state, or the United States within the past 10 years or has been convicted of a controlled substance-related felony within the past 10 years.

(b) Within the past 5 years the applicant has been convicted of a misdemeanor involving a controlled substance, theft, dishonesty, or fraud in any state or been found responsible for violating a local ordinance in any state involving a controlled substance, dishonesty, theft, or fraud that substantially corresponds to a misdemeanor in that state.

(c) The applicant has knowingly submitted an application for a license under this act that contains false information.

(d) The applicant is a member of the board.

(e) The applicant fails to demonstrate the applicant's ability to maintain adequate premises liability and casualty insurance for its proposed marihuana facility.

(f) The applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.

(g) The applicant, if an individual, has been a resident of this state for less than a continuous 2-year period immediately preceding the date of filing the application. The requirements in this subdivision do not apply after June 30, 2018.

(h) The board determines that the applicant is not in compliance with section 205(1).

(i) The applicant fails to meet other criteria established by rule.

(3) In determining whether to grant a license to an applicant, the board may also consider all of the following:

(a) The integrity, moral character, and reputation; personal and business probity; financial ability and experience; and responsibility or means to operate or maintain a marihuana facility of the applicant and of any other person that meets either of the following:

(i) Controls, directly or indirectly, the applicant.

(ii) Is controlled, directly or indirectly, by the applicant or by a person who controls, directly or indirectly, the applicant.

(b) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.

(c) The sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana facility.

(d) Whether the applicant has been indicted for, charged with, arrested for, or convicted of, pled guilty or nolo contendere to, forfeited bail concerning, or had expunged any relevant criminal offense under the laws of any jurisdiction, either felony or misdemeanor, not including traffic violations, regardless of whether the offense has been expunged, pardoned, or reversed on appeal or otherwise.

(e) Whether the applicant has filed, or had filed against it, a proceeding for bankruptcy within the past 7 years.

(f) Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years.

(g) Whether the applicant has a history of noncompliance with any regulatory requirements in this state or any other jurisdiction.

(h) Whether at the time of application the applicant is a defendant in litigation involving its business practices.

(i) Whether the applicant meets other standards in rules applicable to the license category.

(4) Each applicant shall submit with its application, on forms provided by the board, a passport quality photograph and shall ensure that 1 set of fingerprints is submitted to the department of state police for each person having any ownership interest in the marihuana facility and each person who is an officer, director, or managerial employee of the applicant, in order for the department of state police to conduct a criminal history check on each person and to forward each person's fingerprints to the Federal Bureau of Investigation for a national criminal history check. The applicant shall submit with its application each person's written consent to the criminal history check described in this section and the submission of each person's fingerprints to, and the inclusion of each person's fingerprints in, the state and federal database systems described in subsection (7).

(5) The fingerprints required under subsection (4) may be taken by a law enforcement agency or any other person determined by the department of state police to be qualified to take fingerprints. The applicant shall submit a fingerprint processing fee to the department in an amount required under section 3 of 1935 PA 120, MCL 28.273, and any costs imposed by the Federal Bureau of Investigation.

(6) The department of state police shall conduct a criminal history check on each person described in subsection (4) and shall request the Federal Bureau of Investigation to make a determination of the existence of any national criminal history pertaining to each person. The department of state police shall provide the board with a written report containing the criminal history record information of each person who was the subject of the criminal history check conducted under this section.

(7) All of the following apply concerning fingerprints submitted to the department of state police under this section:

(a) The department of state police shall store and retain all fingerprints submitted under this section in an automated fingerprint identification system database that searches against latent fingerprints, and provides for an automatic notification if and when a subsequent fingerprint is submitted into the system that matches a set of fingerprints previously submitted under this section or if and when the criminal history of an individual whose fingerprints are retained in the system is updated. Upon receiving a notification, the department of state police shall immediately notify the board. Information in the database maintained under this subsection is confidential, is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person except for purposes of this act or for law enforcement purposes.

(b) The department of state police shall forward all fingerprints submitted to it under this section to the Federal Bureau of Investigation for submission of those fingerprints into the FBI automatic notification system. This subdivision does not apply until the department of state police is a participant in the FBI automatic notification system. As used in this subdivision:

(i) "Automatic notification system" means a system that stores and retains fingerprints, and that provides for an automatic notification to a participant if and when a fingerprint is submitted into the system that matches an individual whose fingerprints are retained in the system or if and when the criminal history of an individual whose fingerprints are retained in the system is updated.

(ii) "FBI automatic notification system" means the automatic notification system that is maintained by the Federal Bureau of Investigation.

(8) The board shall review all applications for licenses and shall inform each applicant of the board's decision.

(9) A license shall be issued for a 1-year period and is renewable annually. Except as otherwise provided in this act, the board shall renew a license if all of the following requirements are met:

(a) The licensee applies to the board on a renewal form provided by the board that requires information prescribed in rules.

(b) The application is received by the board on or before the expiration date of the current license.

(c) The licensee pays the regulatory assessment under section 603.

(d) The licensee meets the requirements of this act and any other renewal requirements set forth in rules.

(10) The department shall notify the licensee by mail or electronic mail at the last known address on file with the board advising of the time, procedure, and regulatory assessment under section 603. The failure of the licensee to

tracking act, if a licensee no longer meets the eligibility requirements for a license under this act, or if an applicant or licensee fails to provide information the board requests to assist in any investigation, inquiry, or board hearing, the board may deny, suspend, revoke, or restrict a license. The board may suspend, revoke, or restrict a license and require the removal of a licensee or an employee of a licensee for a violation of this act, rules, the marihuana tracking act, or any ordinance adopted under section 205. The board may impose civil fines of up to \$5,000.00 against an individual and up to \$10,000.00 or an amount equal to the daily gross receipts, whichever is greater, against a licensee for each violation of this act, rules, or an order of the board. Assessment of a civil fine under this subsection is not a bar to the investigation, arrest, charging, or prosecution of an individual for any other violation of this act and is not grounds to suppress evidence in any criminal prosecution that arises under this act or any other law of this state.

(2) The board shall comply with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, when denying, revoking, suspending, or restricting a license or imposing a fine. The board may suspend a license without notice or hearing upon a determination that the safety or health of patrons or employees is jeopardized by continuing a marihuana facility's operation. If the board suspends a license under this subsection without notice or hearing, a prompt post-suspension hearing must be held to determine if the suspension should remain in effect. The suspension may remain in effect until the board determines that the cause for suspension has been abated. The board may revoke the license or approve a transfer or sale of the license upon a determination that the licensee has not made satisfactory progress toward abating the hazard.

(3) After denying an application for a license, the board shall, upon request, provide a public investigative hearing at which the applicant is given the opportunity to present testimony and evidence to establish its suitability for a license. Other testimony and evidence may be presented at the hearing, but the board's decision must be based on the whole record

receive notice under this subsection does not relieve the licensee of the responsibility for renewing the license.

(11) If a license renewal application is not submitted by the license expiration date, the license may be renewed within 60 days after its expiration date upon application, payment of the regulatory assessment under section 603, and satisfaction of any renewal requirement and late fee set forth in rules. The licensee may continue to operate during the 60 days after the license expiration date if the license is renewed by the end of the 60-day period.

(12) License expiration does not terminate the board's authority to impose sanctions on a licensee whose license has expired.

(13) In its decision on an application for renewal, the board shall consider any specific written input it receives from an individual or entity within the local unit of government in which the applicant for renewal is located.

(14) A licensee must consent in writing to inspections, examinations, searches, and seizures that are permitted under this act and must provide a handwriting exemplar, fingerprints, photographs, and information as authorized in this act or by rules.

(15) An applicant or licensee has a continuing duty to provide information requested by the board and to cooperate in any investigation, inquiry, or hearing conducted by the board.

MCL 333.27402.

MCL 333.27407 provides, in relevant part:

Sec. 407.

(1) If an applicant or licensee fails to comply with this act or rules, if a licensee fails to comply with the marihuana

before the board and is not limited to testimony and evidence submitted at the public investigative hearing.

(4) Except for license applicants who may be granted a hearing at the discretion of the board under subsection (3), any party aggrieved by an action of the board suspending, revoking, restricting, or refusing to renew a license, or imposing a fine, shall be given a hearing before the board upon request. A request for a hearing must be made to the board in writing within 21 days after service of notice of the action of the board. Notice of the action of the board must be served either by personal delivery or by certified mail, postage prepaid, to the aggrieved party. Notice served by certified mail is considered complete on the business day following the date of the mailing.

(5) The board may conduct investigative and contested case hearings; issue subpoenas for the attendance of witnesses; issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents; and administer oaths and affirmations to witnesses as appropriate to exercise and discharge the powers and duties of the board under this act. The executive director or his or her designee may issue subpoenas and administer oaths and affirmations to witnesses.

MCL 333.27407.

Rules

R 333.209 Marihuana facility plan.

Rule 9. (1) An applicant shall submit a marihuana facility plan for the proposed marihuana facility as required in R 333.207 and upon request by the department. Upon the request of the department, an applicant or licensee may be required to submit a revised marihuana facility plan.

(2) The marihuana facility plan must include, but is not limited to, all of the following.

(a) The type of proposed marihuana facility, the location of the marihuana facility, a description of the municipality where the marihuana facility will be located, and any of the following, if applicable:

(i) A statement in the marihuana facility plan that a combination of state operating licenses will operate as separate marihuana facilities at the same location, as provided under R 333.232.

(ii) A statement in the marihuana facility plan that the applicant has or intends to apply to stack a license at the proposed marihuana facility as provided under R 333.220.

(b) A diagram of the marihuana facility including, but not limited to, all of the following:

(i) The proposed facility's size and dimensions.

(ii) Specifications of the marihuana facility.

(iii) Physical address.

(iv) Location of common entryways, doorways, or passageways.

(v) Means of public entry or exit.

(vi) Limited-access areas within the marihuana facility.

(vii) An indication of the distinct areas or structures for separate marihuana facilities at the same location as provided in R 333.232.

(c) A detailed floor plan and layout that includes all of the following:

- (i) Dimensions of the marihuana facility including interior and exterior rooms.
- (ii) Maximum storage capabilities.
- (iii) Number of rooms.
- (iv) Dividing structures.
- (v) Fire walls.
- (vi) Entrances and exits.
- (vii) Locations of hazardous material storage.
- (viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.
- (d) Means of egress, including, but not limited to, delivery and transfer points.
- (e) Construction details for structures and fire-rated construction for required walls.
- (f) Building structure information, including but not limited to, new, pre-existing, free-standing, or fixed.
- (g) Building type information, including but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.
- (h) Zoning classification and zoning information.

(i) If the proposed marihuana facility is in a location that contains multiple tenants and any applicable occupancy restrictions.

(j) A proposed security plan that demonstrates the proposed marihuana facility meets the security requirements specified in R 333.235.

(k) Any other information required by the department if not inconsistent with the act and these rules.

(3) Any changes or modifications to the marihuana facility plan under this rule must be reported to the department and may require preapproval by the department.

(4) The department may provide a copy of the marihuana facility plan to the BFS, local fire department, and local law enforcement for use in pre-incident review and planning.

(5) The department may reinspect the marihuana facility to verify the plan at any time and may require that the plan be resubmitted upon renewal.

R 333.213 Denial of issuance of license; additional reasons.

Rule 13. (1) If an applicant fails to comply with the act or these rules, a license may be denied by the department as provided under the act and these rules.

(2) In addition to the reasons for denial in the act, a license may be denied by the department as provided in the act and these rules for any of the following reasons:

(a) The applicant's marihuana facility plan does not fully comply with the act or these rules.

- (b) The applicant's proposed marihuana facility or marihuana facility is substantially different from the marihuana facility plan pursuant to R 333.209 and these rules.
- (c) The department is unable to access the proposed marihuana facility for pre-licensure physical inspection or the applicant denied the department access to the proposed marihuana facility.
- (d) The applicant made a material misrepresentation on the application.
- (e) The applicant failed to correct any deficiencies within the application in accordance with section 403 of the act, MCL 333.27403, and these rules.
- (f) The applicant failed to satisfy the confirmation of compliance by a municipality in accordance with section 205 of the act, MCL 333.27205, and these rules.
- (g) The applicant is operating a proposed marihuana facility or marihuana facility without a license after December 15, 2017, that would otherwise require a state operating license under the act and these rules. This subdivision does not apply to an applicant that applied no later than February 15, 2018, has a valid temporary operation attestation from the municipality in which the proposed marihuana facility is operating on file with the department, and is operating a proposed marihuana facility pursuant to the emergency rules filed October 1, 2018, while in effect, and any extension, if applicable.

R 333.292 Hearing procedures; scope and construction of rules.

Rule 92. (1) These rules apply to hearings under the jurisdiction of the agency involving the denial of a license or other licensing action pursuant to section 407 of the act, MCL 333.27407 or involving complaints brought by licensees pursuant to section 302 of the act, MCL 333.27302.

(2) These rules are construed to secure a fair, efficient, and impartial determination of the issues presented in a manner consistent with due process.

(3) If the rules do not address a specific procedure, the MAHS general hearing rules, the currently effective Michigan court rules, and the contested case provisions of sections 71 to 87 of the APA, MCL 24.271 to 24.287, apply.

R 333.293 Hearing on license denial.

Rule 93. (1) An applicant denied a license by the agency may request a public investigative hearing in writing within 21 days of service of notice of the denial.

(2) After the agency receives notice of an applicant's request for a public investigative hearing, the agency shall provide an opportunity for such hearing at which the applicant may present testimony and evidence to establish suitability for a license.

(3) The agency shall provide the applicant with written notice of the public investigative hearing not less than 2 weeks before the hearing date. The notice must include all of the following information:

- (a) A statement of the date, hour, place, and nature of the hearing.
 - (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
 - (c) A short and plain statement of the issues involved, and reference to the pertinent sections of the act and rules involved.
 - (d) A short description of the order and manner of presentation for the hearing.
- (4) Not less than 2 weeks before the hearing, the agency shall post notice of the public investigative hearing at its business office in a prominent place that is open and visible to the public.
- (5) The agency, or 1 or more administrative law judges designated and authorized by the agency, shall conduct and preside over the public investigative hearing and shall do all of the following:
- (a) Administer oaths or affirmations to witnesses called to testify at the hearing.
 - (b) Receive evidence in the form of testimony and exhibits.
 - (c) Establish and regulate the order of presentation and course of the public investigative hearing; set the time and place for continued hearings; and fix the time for filing written arguments, legal briefs, and other legal documents.
 - (d) Accept and consider relevant written and oral stipulations of fact and law that are made part of the hearing record.

(6) Upon timely request of the applicant or the agency in accordance with the Michigan court rules, the agency or the agency's designated administrative law judge may issue subpoenas duces tecum for the production of books, ledgers, records, memoranda, electronically retrievable data, and other pertinent documents and administer oaths and affirmations to witnesses as appropriate to exercise and discharge the powers and duties under the act.

(7) During the public investigative hearing, the applicant and the agency must be given a full opportunity to present witnesses, ask questions or cross-examine the opposing party's witnesses, and present all relevant information to the agency regarding the applicant's eligibility and suitability for licensure.

(8) The applicant shall at all times have the burden of establishing, by clear and convincing evidence, its eligibility and suitability for licensure under the act and these rules.

(9) The agency shall record the public investigative hearing at its direction, stenographically or by other means, to adequately ensure preservation of an accurate record of the hearing.

(10) Following the public investigative hearing, the matter must be considered by a quorum at a regular or emergency meeting properly noticed in accordance to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, at which the agency shall decide whether to affirm, reverse, or modify in whole or in part the denial of license.

(11) The agency's decision to affirm, reverse, or modify in whole or in part the denial of license must be based on the whole record before the agency and not be limited to testimony and evidence submitted at the public investigative

hearing, in accordance with section 407(3) of the act, MCL 333.27407.

(12) The agency's decision to affirm, reverse, or modify in whole or in part the denial of license must be reduced to writing and served upon the applicant and agency within a reasonable time.

FINDINGS OF FACT

The following findings of fact are established based on the entire record in this matter, including the witness testimony and admitted exhibits:

1. On or about April 9, 2018, Petitioner filed an application for prequalification status for a state operating license, specifically a Provisioning Center license, with Respondent. (Resp. Exhibit E).
2. Petitioner is a corporation whose articles of incorporation have been filed with the Michigan Department of Energy, Labor, and Economic Growth. (Pet. Exhibit 14).
3. Petitioner corporation is owned by three individuals: Job Krakowski, Amy Snyder (Otto), and Lisa Snyder. Each individual owns an equal 33 1/3 % of Petitioner corporation. (Resp. Exhibit E, Pet. Exhibit 14).
4. Amy Snyder is the president of Petitioner, Cross Street Service, Inc. (Pet. Exhibit 1).
5. Petitioner currently operates as a medical marijuana provisioning center at its location of 513 W. Cross Street, Ypsilanti, MI 48197. (Pet. Exhibits 17 and 24).
6. Petitioner has been approved to operate as a medical marijuana provisioning center by the City of Ypsilanti under the city ordinance allowing for such a business. (Pet. Exhibit 24).
7. Petitioner opened for business in 2011. Petitioner has operated at the same location since 2011.
8. After Petitioner opened for business, it hired an accountant who was a friend

of the family of Amy Snyder.

9. This accountant prepared tax returns for Petitioner for the years of 2012, 2013, and 2014.
10. Amy Snyder testified that the accountant initially used by Petitioner was not familiar with the intricacies of taxation pertaining to a medical marijuana business. She testified that the accountant wrote off certain items that would have been allowable for a business outside of the medical marijuana industry but that in actuality were not allowed because Petitioner is a medical marijuana business.
11. In either 2013 or 2014, Petitioner was audited by the Internal Revenue Service (IRS) for the 2012 tax year.
12. The IRS audit resulted in a tax deficiency for Petitioner.
13. As a result of the deficiency, a federal tax lien in the amount of \$34,523.49 was levied against Petitioner. (Resp. Exhibit A).
14. Petitioner entered into an installment agreement with the IRS wherein Petitioner agreed to pay the deficiency in monthly installments of \$3,000.00 and to stay current with tax filings and tax payments. (Resp. Exhibit F).
15. Petitioner abided by the terms of the agreement and paid off the deficiency in the time contemplated by the installment agreement.
16. The federal tax lien against Petitioner was released on April 17, 2017. (Resp. Exhibit A).
17. Petitioner has since retained the services of an accountant who is familiar with the intricacies of a medical marijuana business.
18. There are no current outstanding tax obligations owed by Petitioner.
19. Petitioner is not delinquent on the payment of any taxes.
20. Amy Snyder testified that Petitioner's initial attorney (Randolph Barker) submitted the prequalification application on behalf of Petitioner.
21. Ms. Snyder further testified that she reviewed the application before Mr. Barker submitted it.

22. Ms. Snyder testified that Mr. Barker was unaware of the federal tax lien and that she did not discuss it with him.
23. Petitioner did not list the federal tax lien that was discharged on April 17, 2017, on Disclosure 5 of the prequalification application.
24. Amy Snyder testified that the federal tax lien was not listed on Disclosure 5 of the prequalification application because she thought that only current liens had to be listed and that the lien in question did not have to be listed because it had already been lifted.
25. On May 29, 2019, the Marijuana Regulatory Agency (Respondent) denied Petitioner's application for a state operating license for a provisioning center.
26. On May 30, 2019, an Amended MRA Application Review Denial Checklist was created by Respondent showing that Petitioner's prequalification and State Operating License application had been denied. The denial checklist states that Petitioner's application is denied based on three sections of the Act, specifically: Section 402(2)(c) – The applicant has knowingly submitted an application for a license under this Act that contains false information; Section 402(3)(a) – The applicant's integrity, moral character, and reputation; Section 402(3)(a) - Personal and business probity to operate or maintain a marijuana facility; and Section 402(3)(f) – The applicant has been served with a complaint, or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years. (Resp. Exhibit A).
27. On June 4, 2019, Respondent issued a letter to Petitioner, informing it that its prequalification and State Operating License application had been denied for the reasons listed on the Application Review Denial Checklist.
28. Both the June 4, 2019, letter to Petitioner and the May 30, 2019, Amended MRA Application Review Denial Checklist state that the denial based on Section 402(2)(c) is evidenced by, "The applicant knowingly failed to disclose on Disclosure 5 that the applicant has been filed against it or been served with a complaint or other notice with any public body regarding the delinquent payment of any tax required under federal state or local law. The information from Rehmann was a federal tax lien against the applicant entity that was filed in Washtenaw County, MI on March 22, 2016, in the amount of \$34,523.49. This lien was not released until April 17, 2017. Applicant's explanation for the non-disclosure indicates a knowing decision not to

disclose information clearly required by Disclosure 5." (Resp. Exhibit A).

29. Both the June 4, 2019, letter to Petitioner and the May 30, 2019, Amended MRA Application Review Denial Checklist state that the denial based on Sections 402(3)(a) and 402(3)(f) is evidenced by, "The applicant knowingly failed to disclose on Disclosure 5 that the applicant has been filed against it or been served with a complaint or other notice with any public body regarding the delinquent payment of any tax required under federal state or local law. The information from Rehmann was a federal tax lien against the applicant entity that was filed in Washtenaw County, MI on March 22, 2016, in the amount of \$34,523.49. The lien was not released until April 17, 2017." (Resp. Exhibit A).

CONCLUSIONS OF LAW

Under Rule 93(8), the Petitioner bears the burden of establishing, by clear and convincing evidence, its eligibility and suitability for licensure under the Act. Michigan law describes the "clear and convincing" evidence standard as that which persuades the trier of fact "...that the truth of the contention is 'highly probable'." McCormick on Evidence, Third Ed., p 959-960. Furthermore, evidence is clear and convincing when it "produce[s] in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established, evidence so clear, direct and weighty and convincing as to enable [the factfinder] to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue." ... Evidence may be uncontroverted, and yet not be "clear and convincing." ... Conversely, evidence may be "clear and convincing" despite the fact that it has been contradicted. [Internal citation omitted.] *In re Martin*, 450 Mich 204, 227; 538 NW2d 399, 410 (1995).

Respondent has a statutory duty to issue a license to an applicant "if the board determines that the applicant is qualified to receive a license under this act." MCL 333.27402(1). Under § 402 of the Act, "[a]n applicant is ineligible to receive a license if ... [t]he applicant has knowingly submitted an application for a license under this act that contains false information." MCL 333.27402(2)(c). Section 402(2)(c) is implicated when an Applicant "knowingly" submits an application with false information. MCL 333.27402(2)(c). The word "knowingly" has been defined by the Michigan Court of Appeals as an act that is conscious, intentional, and deliberate. *People v Maynor*, 256 Mich App 238, 242; 662 NW2d 468 (2003).

The evidence presented establishes that Petitioner's application was denied because of one primary issue, the failure of Petitioner to list the federal tax lien that was discharged

April 17, 2017. Respondent contends that the failure of Petitioner to include this information on its application shows that Petitioner knowingly submitted an application that contains false information, and that Respondent was required to deny the application in accordance with MCL 333.27402(2)(c). Respondent further contends that the failure of Petitioner to include this information on its application goes to Petitioner's integrity, moral character, and reputation and its personal and business probity to operate or maintain a marihuana facility and that such was taken into consideration when considering Petitioner's application in accordance with MCL 333.27402(3)(a). Respondent additionally contends that Petitioner has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years, and that this was taken into consideration when considering Petitioner's application in accordance with MCL 333.27402(3)(f). There was no evidence submitted which would suggest any additional reasons for the denial of Petitioner's application.

All of the cited reasons for the denial of Petitioner's application relate to Petitioner's failure to disclose the federal tax lien released on April 17, 2017, on Disclosure 5 of its application. Question 3 on Disclosure 5 states, "Has there been filed against the applicant, or has the applicant been served with, a complaint or other notice, filed with any public body regarding the delinquent payment of any tax required under federal, state, or local law?" Petitioner answered "no" to this question on its application. (see Pet. Exhibit 1). At the hearing, Amy Snyder testified that she answered the above-cited question in the negative because at the time the application was completed, the federal tax obligation had been satisfied and the associated lien removed. Ms. Snyder testified that she thought the question was asking about any current tax issues and therefore did not relate to her previously resolved issues.

I find Ms. Snyder's testimony to be credible. She credibly testified that she did not list the federal tax lien which was discharged April 17, 2017, on the Disclosure 5 because she read the question about such on the disclosure to be in reference to current outstanding tax liabilities. I find Ms. Snyder's interpretation of this question on Disclosure 5 to be reasonable. The question does not ask if there has ever been filed nor does it specify a time period in which a complaint or other notice has been filed; rather, the question asks if there has been filed or has the applicant been served with. I find Ms. Snyder's explanation as to why question 3 on disclosure 5 was answered with a "no" to be reasonable given the language of the question. It was reasonable for Ms. Snyder to believe that question 3 on disclosure 5 was asking about currently delinquent taxes and, in turn, for the question to be answered in the negative given that the previous tax issues had been delineated.

Respondent contends that Petitioner knowingly supplied false information on its application by answering "no" to question 3 on disclosure 5. The submission of an

application with false information makes an applicant categorically ineligible for a state operating license under Section 402(2)(c), but only if the applicant *knowingly* tenders an application containing false information. Under Rule 13(2)(d), a license may be denied where an application contains a misrepresentation, but only if the misrepresentation is "material" in nature. In this case, Ms. Snyder credibly testified that she did not know that question 3 on disclosure 5 was asking for any information other than information related to current tax issues. Given the credible testimony of Ms. Snyder on behalf of Petitioner, as well as the relative ambiguity of question 3 on disclosure 5, I find that Petitioner has shown, by clear and convincing evidence, that Petitioner did not knowingly submit an application containing false information. Therefore, Petitioner should not have been categorically ineligible for a state operating license under Section 402(2)(c).

Respondent also stated in its June 4, 2019, denial letter, and on its Amended MRA Application Review Denial Checklist (see Resp. Exhibit A), that Petitioner's integrity, moral character, and reputation were considered in denying its application. As stated above, Respondent stated that Petitioner's integrity, moral character, and reputation was evidenced by Petitioner failing to disclose the federal tax lien on question 3 of disclosure 5. As per the analysis above, I find that it was reasonable for Petitioner to think that it was unnecessary to include this information on the application and therefore did not knowingly submit an application containing false information. In this capacity, I do not find that there is evidence of poor integrity, moral character, or reputation.

Additionally, Petitioner provided evidence about how the tax deficiency and the resultant lien arose. Ms. Snyder provided credible testimony that the tax deficiency arose from an audit for the 2012 tax year performed by the IRS. Ms. Snyder credibly testified that the accountant Petitioner had hired (who did the taxes for the 2012 tax year) was not aware that certain items routinely written off for non-medical marijuana businesses were not allowed to be written off for a medical marijuana business. After the audit was conducted, the errors regarding the written off expenses were corrected, and a deficiency in the amount of \$34,523.49 was discovered. Petitioner then entered into an installment agreement wherein it agreed to pay \$3,000.00 per month to the IRS until the deficiency was satisfied. Petitioner abided by the terms of the installment agreement and satisfied the deficiency within the allotted time. As Petitioner abided by the terms of the installment agreement and satisfied the deficiency in question, the IRS tax lien was removed April 17, 2017.

If Respondent is asserting that the existence of the tax deficiency, payment plan, and resultant lien evidences a lack of integrity, moral character, or reputation, I disagree. Petitioner hired a CPA to do its accounting, and Ms. Snyder credibly testified that the CPA in question was a family friend. That CPA was not familiar with preparing taxes for a medical marijuana business and the unique nature of the rules for such a business.

After the IRS audit was conducted, a deficiency was discovered based on items written off that were not allowed to be written off for a medical marijuana business, and Petitioner entered into a payment plan with the IRS to satisfy the deficiency. Petitioner made monthly payments of \$3,000.00 until the deficiency was satisfied. At the hearing, Ms. Snyder was open and transparent about the events that lead to the deficiency as well as the actions undertaken by Petitioner to rectify such. In addition to satisfying the terms of the repayment agreement, Petitioner retained the services of a new CPA (Joseph Angell) who is familiar with the unique tax issues presented by a medical marijuana business. I find that the remedial actions taken by Petitioner evidence good moral character, integrity, and reputation, and that Petitioner has shown such by clear and convincing evidence.

Furthermore, I find that the actions taken by Petitioner to remediate its tax issues show that Petitioner possesses good personal and business probity. Again, as per the analysis above, Petitioner was found to have a tax deficiency. The deficiency arose due to Petitioner's taxes for the 2012 tax year being filed by an accountant who was not familiar with the unique and relatively new rules pertaining to medical marijuana businesses. When the deficiency was discovered after the IRS audit, Petitioner entered into an installment agreement (consisting of payments in the amount of \$3,000.00 per month) and successfully met the terms of the agreement. Petitioner then hired a new CPA who is familiar with the tax issues for a medical marijuana business. This shows that Petitioner has the ability to not only learn from its mistakes, but to alter its business to satisfy unpredicted expenses and obligations. Accordingly, I find that Petitioner has shown it possesses the requisite business probity to operate a medical marijuana facility by clear and convincing evidence.

Finally, Respondent lists as a reason for the denial of Petitioner's application MCL 333.27402(3)(f), which states, "Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years." This is a discretionary section of the Act which states that, "In determining whether to grant a license to an applicant, the board may also consider all of the following:" (MCL 333.27402(3)). Therefore, the existence of these circumstances does not constitute categorical ineligibility for an applicant.

The evidence presented shows that the tax issues in question pertaining to Petitioner arose due to a legitimate and understandable reason; a mistake made by Petitioner's CPA regarding a new and unique area of taxation, specifically the medical marijuana industry. After an audit was conducted by the IRS and a deficiency discovered, Petitioner entered into an installment agreement to satisfy the deficiency. The evidence presented shows that Petitioner satisfied the deficiency according to the terms of the repayment agreement, that no payments were missed, and that the agreement was not

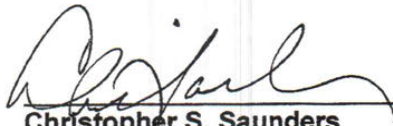
in any way otherwise breached. Black's Law Dictionary defines delinquent tax as "A tax not paid when due" (Black' Law Dictionary 11th ed. 2019). There is no evidence that Petitioner did not pay the taxes assessed for the 2012 tax year when those taxes were initially calculated (albeit erroneously) by its former CPA. After the IRS conducted its audit, it was discovered that certain write offs were not allowed because of the nature of Petitioner's business. It was therefore determined that Petitioner was deficient \$34,523.49 for the 2012 tax year. Subsequently, a repayment agreement was entered into wherein the IRS and the Petitioner agreed that the deficient tax would be paid in monthly installments of \$3,000.00. Therefore, the tax in question was due at the end of the installment agreement. Because Petitioner complied with the terms of the installment agreement and paid the tax as agreed with the IRS, the tax was paid when due (as per the agreement with the IRS) and was therefore not delinquent. Again, Petitioner has satisfied the tax deficiency from 2012, took immediate steps to remedy such, and complied with the terms of the installment agreement. There was no evidence presented to show that Petitioner has any current outstanding tax obligations or that Petitioner is delinquent in the payment of any taxes owed.

Accordingly, I find that Petitioner has demonstrated, by clear and convincing evidence, that it meets the qualifications for licensure in accordance with the Act.

PROPOSED DECISION

Based on the evidence presented, the undersigned proposes that the above Findings of Fact and Conclusions of Law be adopted, and the following Order issued:

1. That the above Findings of Fact and Conclusions of Law are adopted.
2. That Petitioner's application for a state operating license be **APPROVED**.


Christopher S. Saunders
Administrative Law Judge

EXCEPTIONS

If a party chooses to file Exceptions to this Proposal for Decision, the Exceptions must be filed within twenty-one (21) days after the Proposal for Decision is issued and entered. An opposing party may file a response within fourteen (14) days after initial

19-013075

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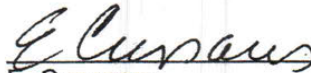
Exceptions are filed. All Exceptions and Responses to Exceptions must be filed with **Colleen Curtis, Marijuana Regulatory Agency-Legal Section, P.O. Box 30205, Lansing, MI 48909** (MRA-Legal@michigan.gov) and served on all parties to the proceeding.

19-013075

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PROOF OF SERVICE

I certify that I served a copy of the foregoing document upon all parties and/or attorneys, to their last-known addresses in the manner specified below, this 22nd day of November 2019.



E. Cussans
Michigan Office of Administrative Hearings
and Rules

Via First Class Mail:

Cross Street Service, Inc.
513 W. Cross Street
Ypsilanti, MI 48197

John W Fraser
Grewal Law PLLC
2290 Science Parkway
Okemos, MI 48864

Via I.D. Mail:

Risa Hunt-Scully
Assistant Attorney General
Licensing and Regulation Division
PO Box 30755
Lansing, MI 48909

Colleen Curtis
Marijuana Regulatory Agency
MRA
P.O. Box 30083
Lansing, MI 48909

Clerk initials

PROPERTY OWNER INFORMATION

Owner Name: Maulsoun Alashaby

Home Address: [REDACTED]

Home Phone: [REDACTED]

City: [REDACTED]

State: [REDACTED]

Zip: [REDACTED]

Does the Applicant have legal possession of the premises from the date that this permit may be issued by virtue of ownership, lease or other arrangement?

☐

Ownership

☒

Lease

☐

Other: (explain in detail)

☐

Attachment D - Provide proof of ownership or copy of the lease

☐

Attachment E - If premises are leased, attach written permission from the owner of the premises for the use specified in this application.

FACILITY INFORMATION

Does applicant have alarm system in place?

☒

Yes

☐

No

If yes, name of alarm company, contact name and number:

734 - 365-8807

Prudential Alarm

☐

Attachment F - Proof of insurance for fire damage in the amount of the value of the premises and liability insurance with the minimum limits of \$1,000,000

☐

Attachment G - Proof that all employees are over the age of 21

☐

Attachment H - Describe storage facilities of all Marihuana on site, including lotions, baked goods, usable, and all other forms.

☐

Attachment I - Describe the security plan for this facility includ, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements.

Commercial Rental Agreement and Lease

This commercial rental agreement is made between:

Maysoun Al-Shalby (owner) and

Cross Street Services, Inc. and its owners (tenants)

For the property on:

513 W. Cross Street

Ypsilanti, MI 48197

Cross Street Services, Inc. and its owners are responsible for complying with local and state laws in the process of conducting business.

The lease is for ten years starting on December 1, 2018 and is automatically renewed for the amount of \$1,200.00 a month.

Cross Street Services, Inc. and its owners are responsible for the Electric, Gas, Telephone, snow removal, trash, and lawn care.

Cross Street Services, Inc. and its owners will seek prior approval from the landlord prior to any alterations to the building.

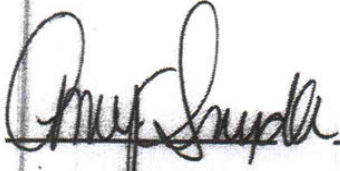
Cross Street Services, Inc. and its owners are responsible for insuring their personal property.

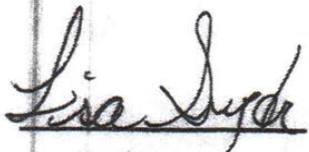
Cross Street Services, Inc. and its owners agree to use the premises for commercial purposes only and not for illegal, immoral or hazardous purposes.

Maysoun Al-Shalby agrees to a no-complete clause for ten years upon the expiration of the lease.

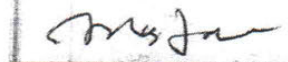
Maysoun Al-Shalby agrees to provide Cross Street Services, Inc. and its owners first rights to purchase the building during the duration of the lease.

ANY AMENDMENTS TO THIS LEASE AGREEMENT MUST BE APPROVED BY ALL PARTIES.

 12/20/18
Amy Snyder (tenant) Date

 12/20/18
Lisa Snyder (tenant) Date

 12-20-18
Job Travis Krakowski (tenant) Date

 12-20-2018
Maysoun Al-Shalby (owner) Date

To whom it may concern:

I, Maysoun Al-Shalby (owner), am leasing our property on 513 W. Cross Street to Cross Street Services, Inc. and its owners. I understand that Cross Street Services, Inc. will be offering Medical Marijuana to its patients/clients. Cross Street Services, Inc. agrees to comply with state and local restrictions and laws.

We have a ten year lease giving Cross Street Services, Inc. and its owners our permission to conduct business at 513 W. Cross Street, Ypsilanti, MI.

Maysoun Al-Shalby
Maysoun Al-Shalby (Owner)

12-20-2018
Date



**Conifer
Insurance
Company**

Policy Number

CICP014564

COMMERCIAL LINES POLICY COMMON POLICY DECLARATIONS

Named Insured and Mailing Address:

Cross Street Service, Inc
DBA: Cross Street Shop

513 W Cross
Ypsilanti, MI 48197

POLICY PERIOD: From 9/27/2022 to 9/27/2023 12:01 Standard Time at your mailing address above.	
IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.	
INSURED TYPE: Corporation	
THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.	
COVERAGE PARTS	PREMIUM
Commercial Property Coverage Part	Not Applicable
Commercial General Liability Coverage Part	\$1,189.00
Commercial Liquor Liability Coverage Part	Not Applicable
Commercial Medical Malpractice Coverage Part	Not Applicable
Commercial Auto Coverage Part	Not Applicable
Commercial Inland Marine Coverage Part	Not Applicable
Director and Officers Liability Coverage Part	Not Applicable
Commercial Product Liability Coverage Part	\$1,000.00
Michigan Marihuana Liability Coverage Part	\$250.00
Glass	Not Applicable
Management Protection Liability Coverage Part	Not Applicable
TOTAL POLICY PREMIUM	\$2,439.00

Servicing Agent:

Patrick Casey McManamon (000619A)
1468 W. 9th Street
Suite 805
Cleveland, OH 44113
(800) 420-5757

Responsible Agent of Record:

Cannasure Insurance Services, LLC (000619)
DBA: CIS, LLC
1468 W. 9th Street
Suite 805
Cleveland, OH 44113
(800) 420-5757

550 W. Merrill Street • Suite 200 • Birmingham, MI 48009 • 248-559-0840 • Fax 248-559-0870 •
underwriting@coniferinsurance.com



**Conifer
Insurance
Company**

550 W. Merrill Street • Suite 200 • Birmingham, MI 48009 • 248-559-0840 • Fax 248-559-0870 •
underwriting@coniferinsurance.com



**Conifer
Insurance
Company**

Forms and Endorsements made part of this policy at time of issue:

Premium

CIIL00 (04-22) On Site Consumption Exclusion

CICPRIV01 (10-15) Privacy Policy

IL0003 (07-02) Calculation of Premium

IL0017 (11-98) Common Policy Conditions

Marijuana Risk Warranty

This policy is exempt from the filing requirements of section 2236 of the insurance code of 1956, 1956 PA 218, MCL 500.2236.

COUNTERSIGNED: 9/27/2022

DATE

BY:

AUTHORIZED REPRESENTATIVE

In Witness Whereof, we have caused this policy to be executed and attested, and, if required by state law, this policy shall not be valid unless countersigned by our authorized representative.

Secretary

President

THESE DECLARATIONS TOGETHER WITH THE COMMON POLICY CONDITIONS COVERAGE PART DECLARATIONS, COVERAGE PART COVERAGE FORM(S) AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

Policy Number: CACP014564

CIIL 00 04 22

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ON SITE CONSUMPTION EXCLUSION

There is no coverage for on premises or on site consumption of cannabis products.

Conifer Holdings, Inc. and its subsidiaries Privacy Policy

This is our “**privacy notice**” to you. You have probably received similar notices from other insurance companies, banks and credit card companies. You receive these sorts of notices because Federal and state laws require your financial institutions to explain to you how they handle your “nonpublic personal information.”

“Nonpublic personal information” is personal information about you or your finances that you provide to us or we obtain when we do business with you. This information is generally private and unavailable to the general public.

When we refer to “we” or “us” we mean Conifer Holdings, Inc. and its parent, subsidiaries.

Conifer does not sell your information to anyone, we do not share your information with anyone but our own Affiliates and the persons who provide services to us when we work for you and within our Company, we communicate the need to protect your information to those who may have access to it, and we’ve established physical, electronic, and procedural safeguards to protect your information. We even protect your information after you are no longer our customer.

We may share information about you that is not publicly available. We may share this information now or in the future. We do this for several reasons: to serve you, to identify you as our customer or our former customer, to process your policy and requests quickly, to pay your claim and to develop products we believe you will want and use. The information about you that we collect and where it comes from varies depending on how we are serving you.

Information from you – when submitting your application or requesting an insurance quote, you may give us information such as your name, address, telephone number, birth date, driver’s license number, and social security number.

Information about your transactions – we may keep information about our transactions with us, such as the products you purchase from us, the amount you paid for insurance, your account balances, or payment history.

From other outside sources – we may also collect other information. This may include information from consumer reporting agencies such as your credit history, credit scores, driving record, employment, or we may ask a doctor for more information about our medical history.

We share your information with service providers who help us to help you

Sometimes we may share your information with a company or business that is not officially connected to us but who may do work on our behalf. These service providers need access to your information to provide these operational or other support services. Examples of the sorts of services that these companies may do are printing payment coupons, preparing or mailing account statements, processing customer transactions or software programming, claims adjusting or helping us market our own products. To make sure that your information stays confidential and secure, these service providers must agree to safeguard your information the same way we do.

We also share your information for other legal and routine business reasons

The privacy laws permit us to disclose information we have about you in other situations. We can disclose your information: If you say we can or tell us to, to protect against insurance fraud or unauthorized transactions, to control the risk of our insurance transactions, to resolve a dispute between us or answer your questions, to persons who hold some legal or beneficial interest relating to you, to persons who are acting in a fiduciary or representative on your behalf, to industry and professional organizations that ask us for customer information in order to conduct research studies that never identify individuals, to State guaranty funds or agencies, and our examiners, attorneys, accountants, and auditors, to a consumer reporting agency, or from a consumer report from a consumer reporting agency, to an actual or potential buyer or investor in some or all of this company, to comply with federal, state, or local laws, rules, and other applicable legal requirements, to comply with a civil, criminal, or regulatory investigation, subpoena, or summons by a governmental authority, to respond to a subpoena or to our regulators and/or if otherwise required by law.

CICPRIV 01 10 15

Finally, if we do provide your information to any party outside our company we require them to abide by the same privacy standards as indicated here.

We do not share your information with anyone else

The insurance companies, banks and credit card companies with which you deal sometimes share your information with other banks, motor vehicle manufacturers or dealers, health clubs, travel agencies, car rental agencies, hotels, airlines, or publishers, so they can offer you their own financial or non-financial products and services.

We do not share your information with any such outside companies.

If you have any questions concerning this notice, please contact the Conifer Holdings, Inc., Conifer Insurance Company, White Pine Insurance Company, American Colonial Insurance Company, Red Cedar Insurance Company, Sycamore Insurance Company, Inc., American Colonial Insurance Services, at 550 West Merrill Street, Suite 200, Birmingham, MI 48009 or visit our website at www.coniferinsurance.com.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CALCULATION OF PREMIUM

This endorsement modifies insurance provided under the following:

BOILER AND MACHINERY COVERAGE PART
CAPITAL ASSETS PROGRAM (OUTPUT POLICY) COVERAGE PART
COMMERCIAL AUTOMOBILE COVERAGE PART
COMMERCIAL GENERAL LIABILITY COVERAGE PART
COMMERCIAL INLAND MARINE COVERAGE PART
COMMERCIAL PROPERTY COVERAGE PART
CRIME AND FIDELITY COVERAGE PART
EMPLOYMENT-RELATED PRACTICES LIABILITY COVERAGE PART
FARM COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
OWNERS AND CONTRACTORS PROTECTIVE LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
PROFESSIONAL LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART

The following is added:

The premium shown in the Declarations was computed based on rates in effect at the time the policy was issued. On each renewal, continuation, or anniversary of the effective date of this policy, we will compute the premium in accordance with our rates and rules then in effect.

COMMON POLICY CONDITIONS

All Coverage Parts included in this policy are subject to the following conditions.

A.Cancellation

1. The first Named Insured shown in the Declarations may cancel this policy by mailing or delivering to us advance written notice of cancellation.
2. We may cancel this policy by mailing or delivering to the first Named Insured written notice of cancellation at least:
 - a. 10 days before the effective date of cancellation if we cancel for nonpayment of premium; or
 - b. 30 days before the effective date of cancellation if we cancel for any other reason.
3. We will mail or deliver our notice to the first Named Insured's last mailing address known to us.
4. Notice of cancellation will state the effective date of cancellation. The policy period will end on that date.
5. If this policy is cancelled, we will send the first Named Insured any premium refund due. If we cancel, the refund will be pro rata. If the first Named Insured cancels, the refund may be less than pro rata. The cancellation will be effective even if we have not made or offered a refund.
6. If notice is mailed, proof of mailing will be sufficient proof of notice.

B.Changes

This policy contains all the agreements between you and us concerning the insurance afforded. The first Named Insured shown in the Declarations is authorized to make changes in the terms of this policy with our consent. This policy's terms can be amended or waived only by endorsement issued by us and made a part of this policy.

C.Examination Of Your Books And Records

We may examine and audit your books and records as they relate to this policy at any time during the policy period and up to three years afterward.

D.Inspections And Surveys

1. We have the right to:
 - a. Make inspections and surveys at any time;

- b. Give you reports on the conditions we find; and

- c. Recommend changes.

2. We are not obligated to make any inspections, surveys, reports or recommendations and any such actions we do undertake relate only to insurability and the premiums to be charged. We do not make safety inspections. We do not undertake to perform the duty of any person or organization to provide for the health or safety of workers or the public. And we do not warrant that conditions:

- a. Are safe or healthful; or

- b. Comply with laws, regulations, codes or standards.

3. Paragraphs 1. and 2. of this condition apply not only to us, but also to any rating, advisory, rate service or similar organization which makes insurance inspections, surveys, reports or recommendations.

4. Paragraph 2. of this condition does not apply to any inspections, surveys, reports or recommendations we may make relative to certification, under state or municipal statutes, ordinances or regulations, of boilers, pressure vessels or elevators.

E.Premiums

The first Named Insured shown in the Declarations:

1. Is responsible for the payment of all premiums; and
2. Will be the payee for any return premiums we pay.

F.Transfer Of Your Rights And Duties Under This Policy

Your rights and duties under this policy may not be transferred without our written consent except in the case of death of an individual named insured.

If you die, your rights and duties will be transferred to your legal representative but only while acting within the scope of duties as your legal representative. Until your legal representative is appointed, anyone having proper temporary custody of your property will have your rights and duties but only with respect to that property.

Marijuana Risk Warranty

In consideration of the premium charged, it is hereby agreed and understood that the following warranties apply to this policy.

- A. No coverage will be afforded by this policy for theft unless the following items are strictly adhered to:
1. Store all **finished stock** in a secure, locked safe or vault and in such a manner as to prevent diversion, theft and loss;
 2. During non-business hours, all **finished stock** must be kept in a locked, 1 / 2 ton or greater safe which is bolted to the floor or in a locked TL-15 rated or greater safe which is bolted to the floor or in a locked one ton or greater safe. This includes perishable items such as kif, butane hash, cookies and any other preparation of medical marijuana.
 3. An operating and functional central station burglar alarm must be installed at the premises which have contacts on all windows and doors that open to the outside. The alarm must have contacts on all windows and doors adjacent to common stairways and/or hallways. Furthermore, the alarm must have motion detectors which cover the room in which the safe is kept. This burglar alarm must be turned on and fully operational during non-business hours.
- B. No coverage will be afforded by this policy for fire and/or smoke damage or any other peril which arises out of a loss by fire unless:
1. The premises have been inspected by a licensed electrician who has determined that the electrical architecture, power supply and number of circuits is adequate for the nature of your operations.

Signed by the First Named Insured

Date

POLICY NUMBER: CICIP014564

COMMERCIAL GENERAL LIABILITY

COMMERCIAL GENERAL LIABILITY DECLARATION

Conifer Insurance 550 W. Merrill Street Suite 200 Birmingham, MI 48009 Phone 248-559-0840 / Fax 248-559-0870 underwriting@coniferinsurance.com	Cannasure Insurance Services, LLC DBA: CIS, LLC 1468 W. 9th Street Suite 805 Cleveland, OH 44113 (800) 420-5757
Named Insured:	Cross Street Service, Inc
DBA:	Cross Street Shop
Mailing Address:	513 W Cross Ypsilanti, MI 48197
Policy Period:	9/27/2022 to 9/27/2023 at 12:01 A.M. Standard Time at your mailing address above.

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

LIMITS OF INSURANCE

Each Occurrence Limit \$1,000,000
General Aggregate Limit \$2,000,000
Personal & Advertising Injury Limit \$1,000,000 Any one person or organization
Damage to Premises \$100,000 Any one premises
Products/Completed Operations Aggregate Limit Excluded
Medical Expense Limit \$1,000 Any one person

DESCRIPTION OF BUSINESS

FORM OF BUSINESS:

☐ Individual ☐ Partnership ☒ Corporation ☐ LLC ☐ Joint Venture ☐ Other

ALL PREMISES YOU OWN, RENT OR OCCUPY

Loc #	DBA	Address
1	Cross Street Shop	513 W Cross Ypsilanti, MI 48197

CLASSIFICATION AND PREMIUM

Loc #	Item #	Class Code	Premium
1	1	13720 - Health or Natural Food Stores	Included

ENDORSEMENTS

Forms and Endorsements made part of this policy at time of issue:

<u>Description</u>	<u>Premium</u>
CG0001 (04-13) Commercial General Liability Form	
CG0068 (05-09) Recording and Distribution of Material or Information In Violation of Law Exclusion	
CG2101 (11-85) Exclusion - Athletics or Sports Participants	
CG2106 (05-14) Exclusion - Access or Disclosure of Confidential or Personal Information and Data - Related Liability - with Limited Bodily Injury Exception	
CG2109 (06-15) Exclusion - Unmanned Aircraft	
CG2132 (05-09) Communicable Disease Exclusion	
CG2139 (10-93) Contractual Liability Limitation	
CG2146 (07-98) Abuse or Molestation Exclusion	
CG2147 (12-07) Employment-Related Practices Exclusion	
CG2149 (09-99) Total Pollution Exclusion	
CG2166 (06-15) Exclusion - Volunteer Workers	
CG2167 (12-04) Fungi and Bacteria Exclusion	
CG2173 (01-15) Exclusion of Certified Acts of Terrorism	
CG2175 (01-15) Exclusion of Certified Acts of Terrorism and Exclusion Of Other Acts of Terrorism Committed Outside The United States	
CG2176 (01-15) Exclusion of Punitive Damages as a Result of Certified Acts of Terrorism	
CG2186 (12-04) Exclusion - Exterior Insulation and Finish Systems	
CG2191 (01-06) Exclusion of Terrorism Involving Nuclear, Biological, or Chemical Terrorism	
CG2196 (03-05) Silica or Silica-Related Dust Exclusion	
CIGL 88 (10-21) Cannabis Liability Exclusion	
CIGL01 (04-10) Exclusion - Lead Paint	
CIGL02 (04-10) Exclusion - Asbestos	
CIGL05 (05-17) Animals Exclusion	
CIGL21 (04-19) Cross Suits Exclusion	
CIGL32 (01-14) Minimum Earned Premium Endorsement	
CIGL34 (08-14) Firearms Exclusion	
CIHC01 (10-15) Biological or Chemical Materials Exclusion	
CIHC02 (08-15) Seepage And/Or Pollution And/Or Contamination Exclusion	
IL0021 (09-08) Nuclear Energy Liability Exclusion Endorsement	
CG0168 (12-04) Michigan Changes	
CG2104 (11-85) Products/Completed Operations Hazard Exclusion	
CG2116 (07-98) Exclusion-Designated Professional Services	

CG2144 (07-98) Limitation of Coverage to Designated Premises

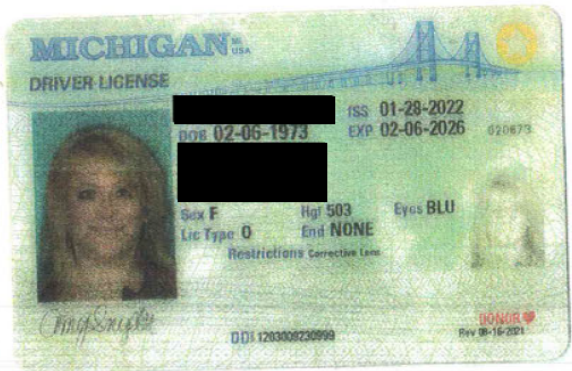
CIGL03 (09-10) Exclusion - Assault & Battery

IL0286 (09-08) Michigan Changes Cancellation and NonRenewal

**THESE DECLARATIONS, TOGETHER WITH THE COMMON POLICY CONDITIONS
AND COVERAGE FORM(S) AND ANY ENDORSEMENT(S), COMPLETE THE ABOVE
NUMBERED POLICY.**

Attachment G:

**Proof that all employees are over the
age of 21**



MICHIGAN MI USA

DRIVER LICENSE



ISS 04-23-2021
DOB 11-03-1987 EXP 11-08-2024 110887

JOB TRAVIS KRAKOWSKI II

Sex M Hgt 511 Eyes BLU
Lic Type 0 End NONE
Restrictions Corrective Lens



[Signature]

DD: 1200451216169

Rev 01-21-2011







MICHIGAN MI USA
DRIVER LICENSE
NOT FOR FEDERAL IDENTIFICATION

ISS 05-04-2021
EXP 05-03-2025 959372

DOB 05-03-1972
GEORGE GERALD COUCH

Sex M Hgt 600 Eyes BRO
Lic Type D End NONE
Restrictions NONE

DD: 1200544851440
DONOR Rev 07-21-2011

MICHIGAN

CHAUFFEUR LICENSE
NOT FOR FEDERAL IDENTIFICATION

ISS 03-21-2022

DOB 05-14-1970

EXP 05-14-2026

051470

MICHAEL FORTIN SWARINGEN



Sex M

Hgt 603

Eyes BLU

Lic Type C

End NONE

Restrictions NONE



Michael Swaringen

DD# 1281408745440

DONOR ♥

Rev 08-16-2021

MICHIGAN MI
USA

DRIVER LICENSE

NOT FOR FEDERAL IDENTIFICATION



[REDACTED]

DOB 07-15-1982

LISA GAVE SENTER

[REDACTED]

Sex F

Hgt 5'02"

Eyes BLU

Lic Type D

Exp 01/01/2026

Restrictions None



Lisa Gave Senter

0012027151740

EXP 01/01/2026



Attachment H:

Description of Storage Facilities for Medical Marijuana

**Cross Street Services, Inc.
513 W. Cross Street
Ypsilanti, MI 48197**

Storage Facility for all Medical Marijuana on Site:

In general, Cross Street Services, Inc. will have all Medical Marijuana and products displayed on shelves under supervision/possession of the registered employee/caregiver responsible for their product during business hours.

Upon completion of the business day, each employee/caregiver is responsible for securing remaining product in their personal storage vault/safe which is bolted to the floor and located under the display shelf in their dispensing area. Each storage area will be monitored by the projected security plan.

Each employee/caregiver will provide their own personal vault/safe for storage of product, in which they will only have access to.

• SEE ATTACHED SECURITY PLAN

Attachment I:

Description of Security Plan

**Cross Street Services, Inc.
513 W. Cross Street
Ypsilanti, MI 48197**

Security Plan (Projected)

Cross Street Services, Inc.'s security plan consists of motion detector sensors, cameras, monitors, door sensors, door buzzer, motion detector lights, marijuana storage vault/safe, employee panic buttons, and all monitored by ~~ADT~~ Business Security Plans.

*Prudential
Alarm*

Cross Street Services, Inc. security plan consists of:

- Motion Detector Sensors (6)
- Cameras (6)
- Monitors (24 hour internet monitoring)
- Door Sensors (3)
- Door Buzzer (1)
- Motion Detector Lights (2)
- Marijuana Storage Facility Vault/Safe (2)
- Employee Panic Buttons (3)
- Key Pad/Thumb Print Sensor (1)

SEE ATTACHED: PROJECTED BUILDING SECURITY FLOOR PLAN

Clerk initials

Additional attachments:

- ☐ **Attachment J** – Provide proof of compliance with the Statewide Monitoring System.
- ☐ **Attachment K** - Area map, drawn to scale, indicating within a radius of one thousand feet (1,000) from the boundaries of the proposed facility parcel, the proximity of the site to any school and existing marihuana facilities. Existing schools list as of 1-17-2020:
 - Ypsilanti Middle School, 510 Emerick Street
 - Ypsilanti International Elementary School, 503 Oak Street
 - Ypsilanti High School, 2095 Packard Road
 - Perry School, 550 Perry Street
 - Washtenaw International Middle/High School Academy , 105 N. Mansfield Street
 - Estabrook Elementary School, 1555 W. Cross Street
 - WSC Academy, 565-855 Jefferson
 - Huron Valley Catholic School, 1300 N. Prospect Rd
- ☐ **Attachment L** – A Copy of state license or prequalification letter
- ☐ **Attachment M – Retailer/Microbusinesses/Designated Consumption Establishments only:** Provide a description of the products and services to be provided by the establishment, including retail sales of food and/or beverages, if any, and any related accommodations or facilities
- ☐ **Attachment N – Growing/Processing/Safety Compliance Facility applications only:** Provide a description of the growing and processing procedures, including volatile chemicals stored or used on the premises.
- ☐ **Attachment O** – Provide copy of facility social equity plan as required by the State of Michigan.
- ☐ **Attachment P** – Provide a document explaining every section in the scoring rubric and how you meet or do not meet the sections in the scoring rubric except the volunteerism plan.
- ☐ **Attachment Q** – Volunteerism Plan. **The volunteerism section of the rubric must be sealed in a separate envelope. DO NOT INCLUDE VOLUNTEERISM ON SUBMITTED FLASH DRIVE.**

Additional notes:

- Applicants must receive a certificate of occupancy from the Building Department within 60 days of receiving a Marihuana Facility Permit, and prior to opening and/or operating the Facility.

Dual Equity
Set? Plan?
O

Attachment J:

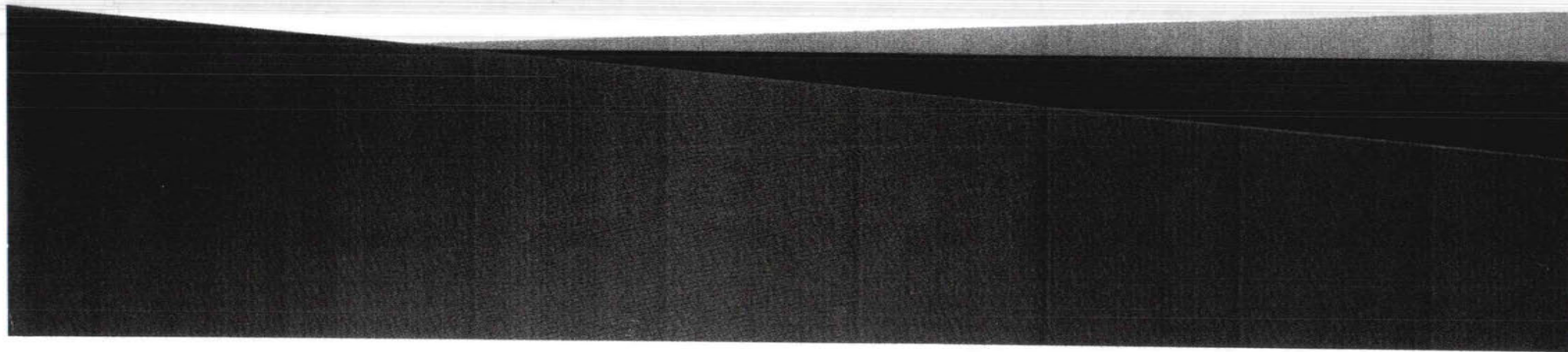
Compliance with Statewide Monitoring System



metrcTM

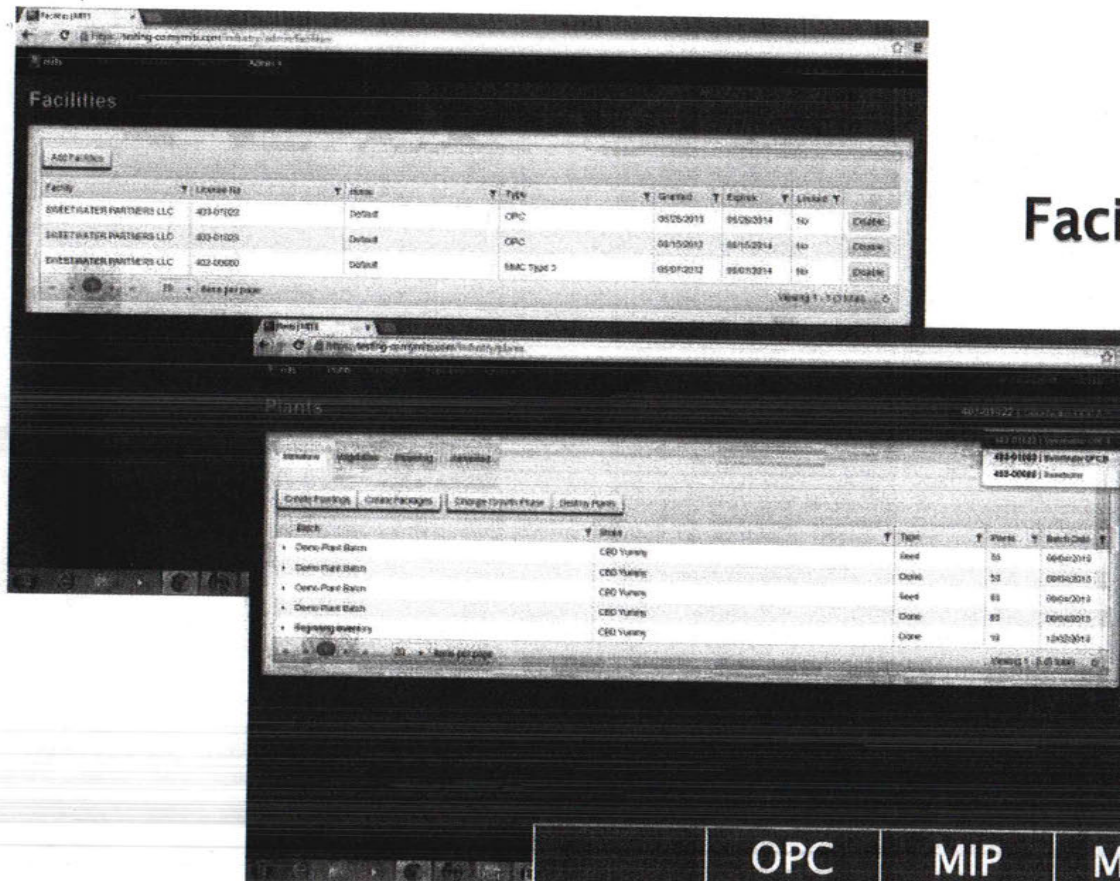
a snap shot

marijuana **e**nforcement **t**racking **r**eporting & **C**ompliance



Facilities & License Type

Facility Selection



- ▶ In the upper right hand corner select from a list of facilities.
- ▶ If you are an employee of a single facility you will only see one option.
- ▶ If you are an employee of multiple facilities you will need to select one.
- ▶ A medical business and a retail business are considered two different facilities even if they are in the same building.
- ▶ The options in the navigation bar will be based on employee permissions and the facility type.

	OPC	MIP	MMC
Plants	✓		
Packages	✓	✓	✓
Transfers	✓	✓	✓
Sales			✓

Patients

Patients | METS

https://testing-co.mymits.com/industry/admin/patients

mits | Dashboard | Tools | Admin

402-00680 | Sweetwater

Patients

Add Patients Edit Patients

License No.	Granted	Expires	Recom'd Plants	Recom'd Ounces	Registered	
000001	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000002	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000003	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000004	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000005	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000006	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000007	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000008	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000009	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000010	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000011	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000012	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000013	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000014	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue
000015	06/06/2013	06/01/2014	6	2	12/03/2013	Discontinue

MMR # is the only patient information in metrc.

Initial Setup Process

- Receive metric Administrator credentials
- Add facilities
- Select facility
- For each facility add:
 - employees
 - strains
 - items
 - rooms (OPC)
 - patients (MMC)
 - Order tags
 - When tags arrive you can begin to enter plants and packages
- Select next facility return to step 4

Plants

Immature

Vegetative

Flowering

Harvested

Change Room

Change Growth Phase

Assign Tags

es by Room

Manicure Plants

Harvest Plants

Each Plant is uniquely
number & ID

Tag	Strain	Room	Batch Date	Phase Date
▶ ABCDEF012345670000001022	CATMAN	Broom Closet	12/05/2013	03/05/2014
▣ ABCDEF012345670000000190	CATMAN		013	03/06/2014
Description	Employee		reported	
Planted			03/05/2014 03:23 pm	
Plant moved to room "Plants Room"	SCOTT DENHOLM	12/15/2013	03/05/2014 03:24 pm	
Changed Growth Phase to Vegetative	SCOTT DENHOLM	12/15/2013	03/05/2014 03:24 pm	
Attached tag ABCDEF012345670000000190	SCOTT DENHOLM	12/15/2013	03/05/2014 03:24 pm	
Changed Growth Phase to Flowering	SCOTT DENHOLM	03/06/2014	03/06/2014 02:38 pm	
▶ ABCDEF012345670000000191	CATMAN	Plants Room	12/05/2013	03/06/2014
▶ ABCDEF012345670000000193	CATMAN	Plants Room	12/05/2013	03/06/2014

All activities and
"Chain of Custody"
events are logged

◀ ◁ 1 ▷ ▶ 20 items per page

Viewing 1 - 5 (5 total)

Website

mertrc.com

The image shows a screenshot of the mertrc.com website and an email. The website has a dark background with the 'metrc' logo (formerly mits) and a login form with fields for Username and Password, and a green 'Log In' button. Below the login form is a 'User Profile' section. An email titled 'Welcome to mits' is shown, containing instructions for first-time login and password recovery. A callout box points to a link in the email, and another callout box points to the 'Log In' button on the website.

Log in | metrc

https://com.mits.com/log-in?ReturnUrl=%2F

metrc
formerly mits

Username Password Log In

Click to access your account.
or click here to reset your password.

User Profile

Personal & Security Info

Full Name: John Doe Username: support

Email: john.doe@mertrc.com Password: [Redacted]

Phone Number: [Redacted] Current Password: [Redacted]

Password Recovery

Security Question: Question

Security Answer: [Redacted]

Click the green log in button and you will be directed to your "User Profile"

Complete all information within the page and click Save Profile

This will complete your log in credentials.

Welcome to mits™!

Log-in and set your password here: <http://mits-testline.flourmill.com:9082/log-in/first-time>

First Time log-in key: FDAQnKyo0OpMewY5uxHPAwvN10J

Once your password is set, you will log-in here: <http://mits-testline.flourmill.com:9082/>

Select this link and the key will be entered automatically.

Welcome to mits" email,
Follow these steps to
complete your login
credentials:

- Click on the first link You will be directed to the website.
- Your Security Key field will be populated.

Packages

my MITS Plants Packages Transfers Financials Admin Help & Support X00086

MMC CO OPC A | 403-MMC1

Packages

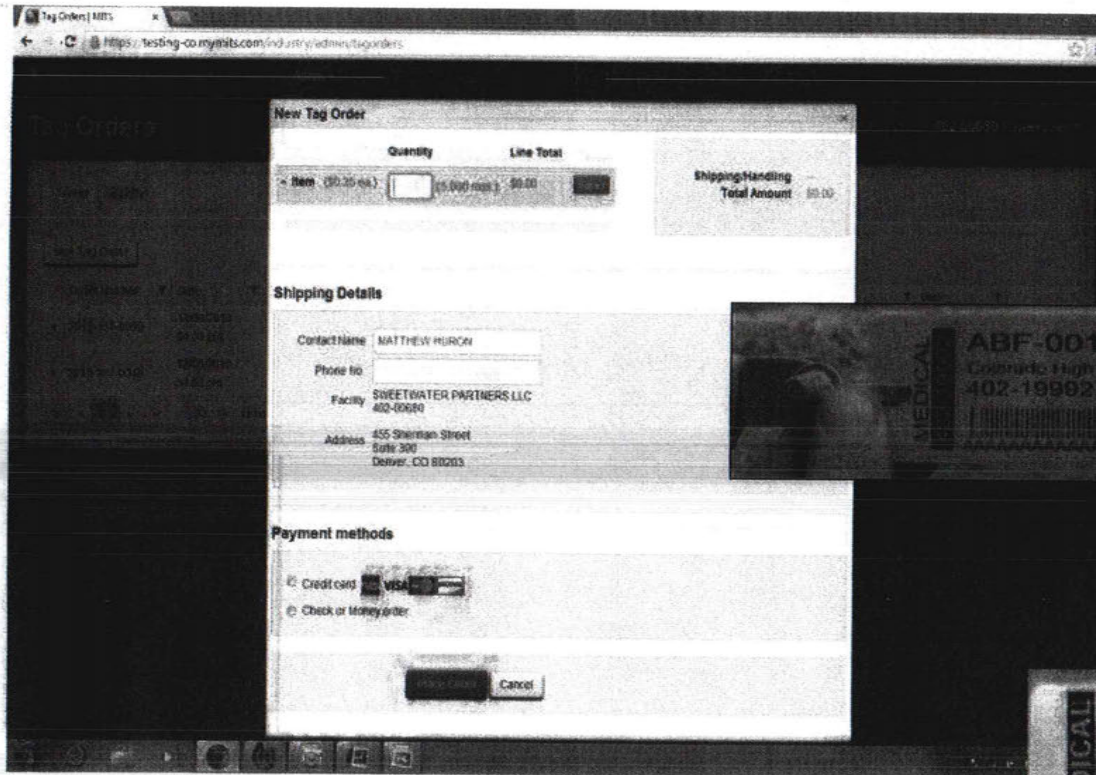
New Packages Adjust Packages

Each Package is uniquely number & ID

Tag	Item	Quantity	Date
▶ ABCDEF012345670000010041	Buds	1 oz	
☒ ABCDEF012345670000010042	Buds	0.5767 oz	
Description		Employee	
Packaged 1 Ounces of Buds from Harvest "2014-01-14-Harvest Room-H"		SCOTT DENHOLM	01/24/2014 03/05/2014 03:25 pm
Used 12 Grams for Package ABCDEF012345670000006004		SCOTT DENHOLM	03/05/2014 03/05/2014 11:19 pm
◀ ◁ 1 ▷ ▶ ▶▶ 20 Items per page Viewing 1 - 2 (2 total) 🔍			
▶ ABCDEF012345670000010043	Buds	1 oz	01/24/2014 Discontinue
▶ ABCDEF012345670000010044	Buds	1 oz	01/24/2014 Discontinue
▶ ABCDEF012345670000010045	Buds	0.8942 oz	01/24/2014 Discontinue

All activities and "Chain of Custody" events are logged

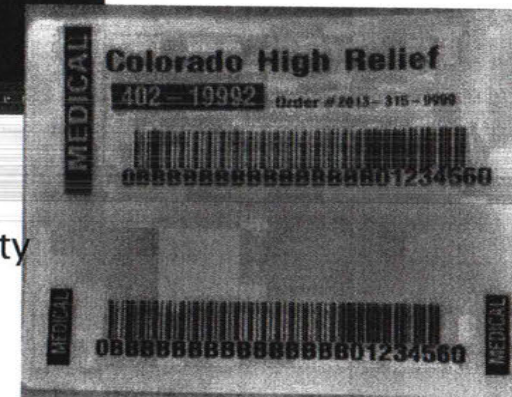
I ags



Plant tag

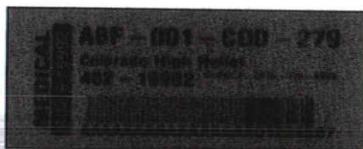


Package tag

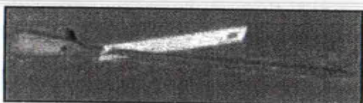


- Encoded with Licensee specific serial number
- Security ID read from chip
- Serial number and Security ID logged into metrc by facility
- Tested and pass QC after encoded
- Print human readable information

Plant Tag / Strap Attachment



Step 1 - Open the perforated holes in tag

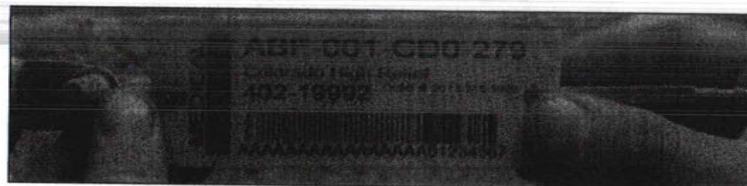


Step 2 - Attach Strap through 1st hole



Step 3 - Attach Strap through 2nd hole

Final Assembly



Attachment to Small Plant



Point of strap used for inserting into small plant container



Strap inserted into growth media

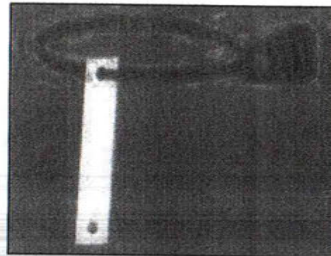
Tag Attached to Larger Plant



This picture demonstrates the use of a tag until attachment is safe for the plant

When attaching permanently to the plant:

Close strap by insert point of Strap into locking mechanism



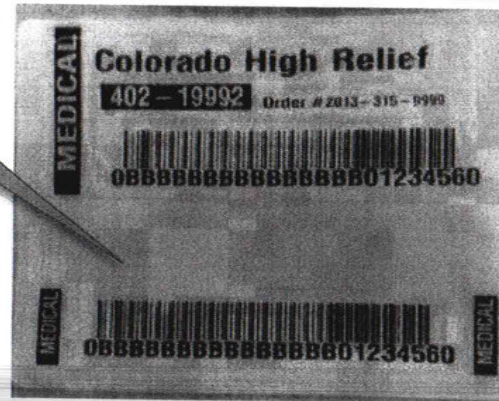
Once the pointed end of the strap is inserted into the locking mechanism it will not come apart again



Package tag

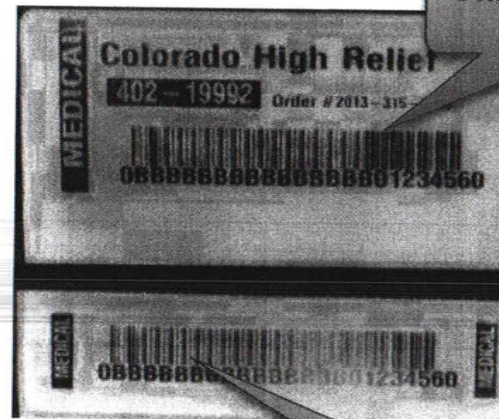
- ▶ The Package tag is made specifically for transfer use.
- ▶ The package tag is perforated with the upper and lower information being the same.

Perforation



- ▶ The Package tag breaks into 2 pieces:
 - The larger portion stays with the package
 - The lower portion can be attached to another device such as a container at retail.

Stays with original package

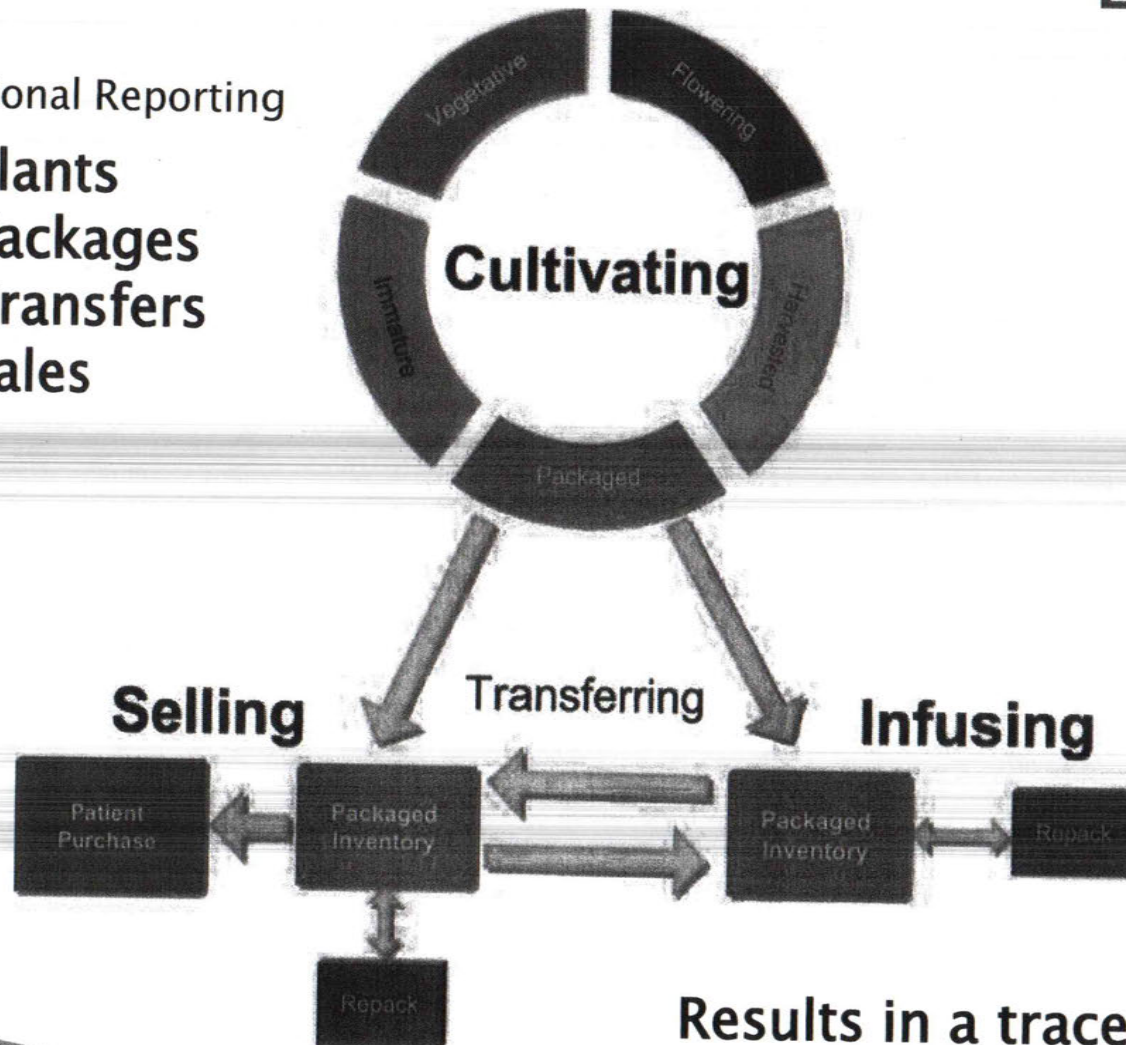


Optionally applied to a retail container

Life Cycle

Functional Reporting

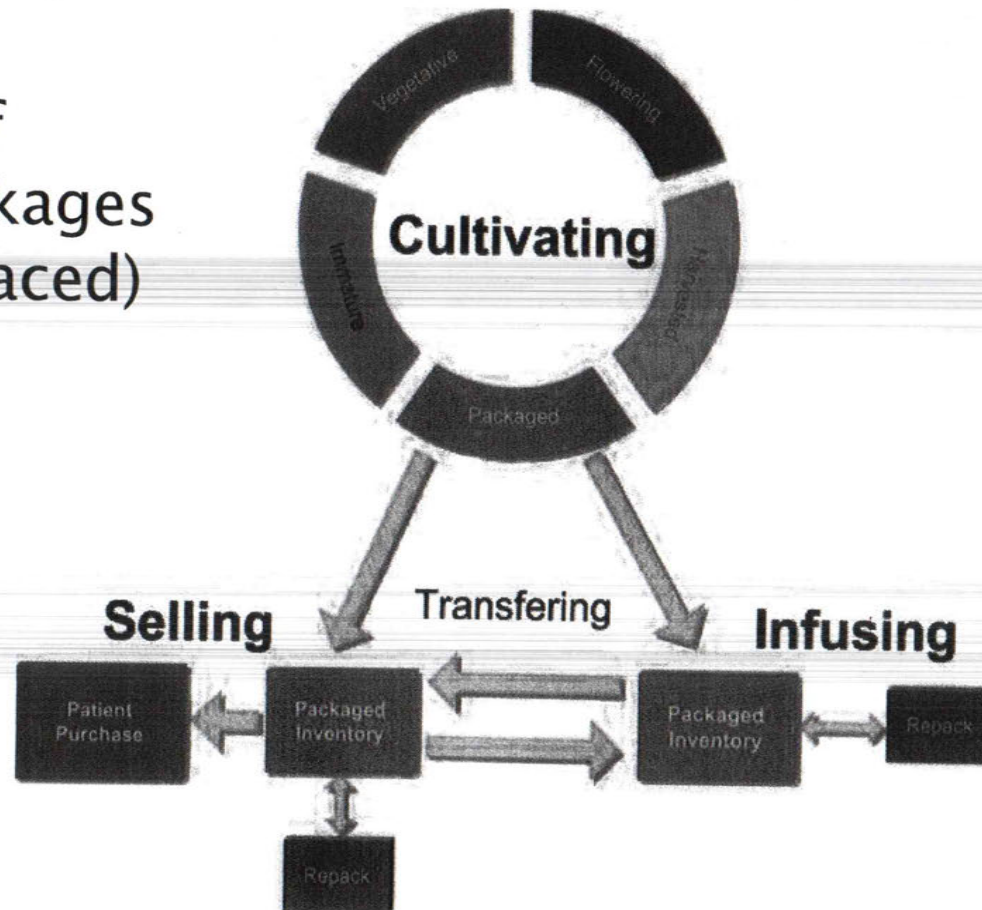
- Plants
- Packages
- Transfers
- Sales



Results in a traceable chain of custody

Secure End-to-End “Chain of Custody”

- ▶ Serialization of Plants and Packages (Individually traced)
- ▶ Track Licensee Activities



9/24/2014

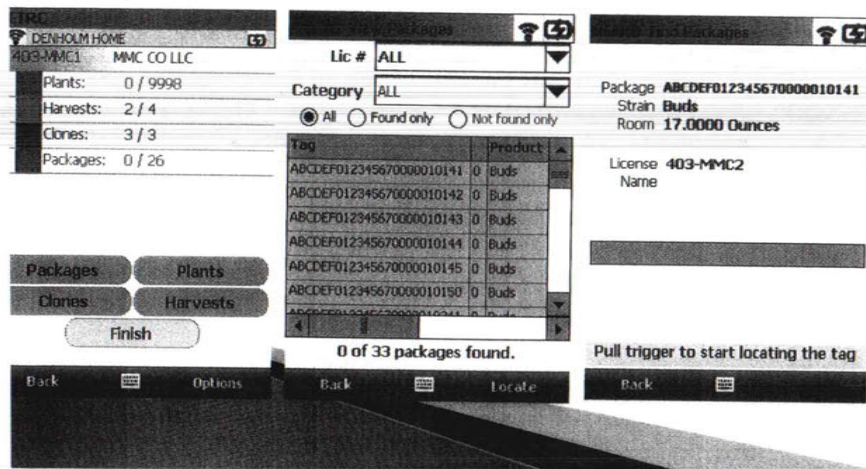
Enhance Enforcement Activities

- ▶ Automate Processes
- ▶ On Line "Real-Time" Travel Manifest
- ▶ RFID based Onsite Inspections
- ▶ Identify High Risk Behavior
- ▶ Efficiently Regulate the Industry – Demonstrate Compliance/Non-compliance



Mobile Inspection Application

The metrc Mobile Investigation Application is designed for use in the inspection / investigation process. Oversight requires the onsite inspection of a facility or location. metrc data can be downloaded via Wi-Fi or cellular service to a mobile RFID device allowing for accurate real-time inspection information.



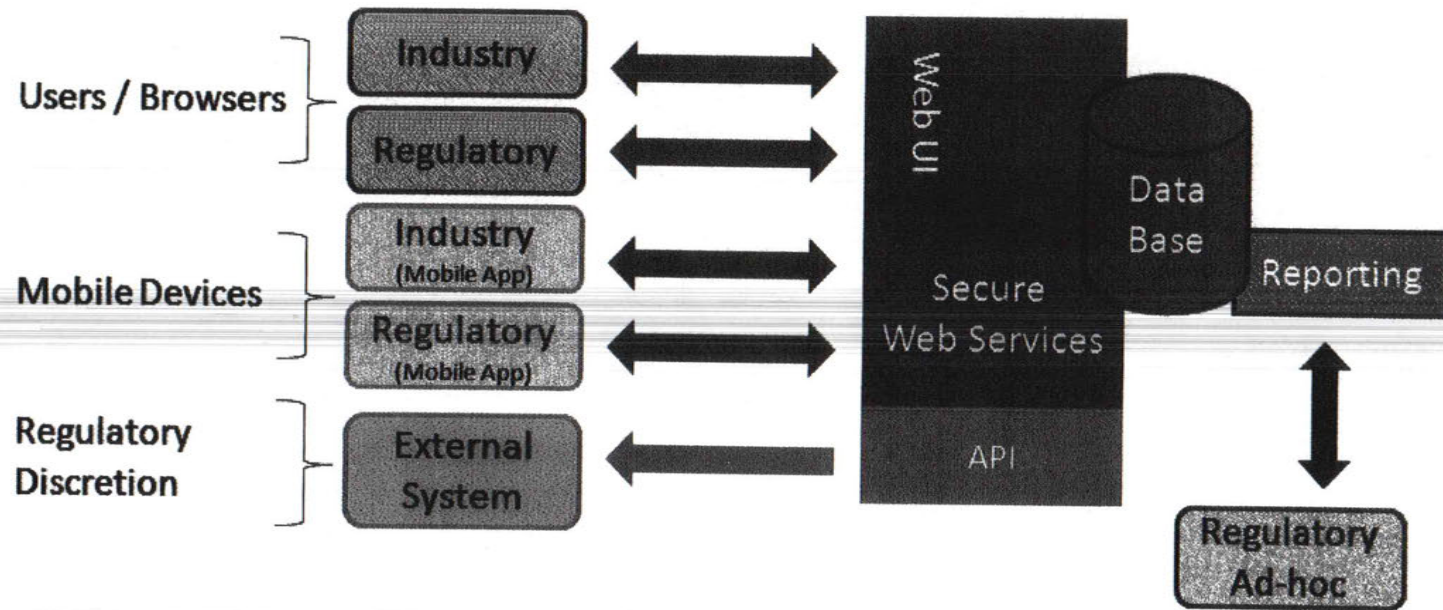
Features

- Auditing / Inspections
- Investigations
- Enforcement Support
- Seek & Find Capability
 - Quickly isolate and identify
 - feature for rogue product by unique ID #
- RFID Scanning
- Securely Encoded Tags
- Verify Inventory
 - Plants
 - Packages
 - Harvest
- Place on Hold

I ransters

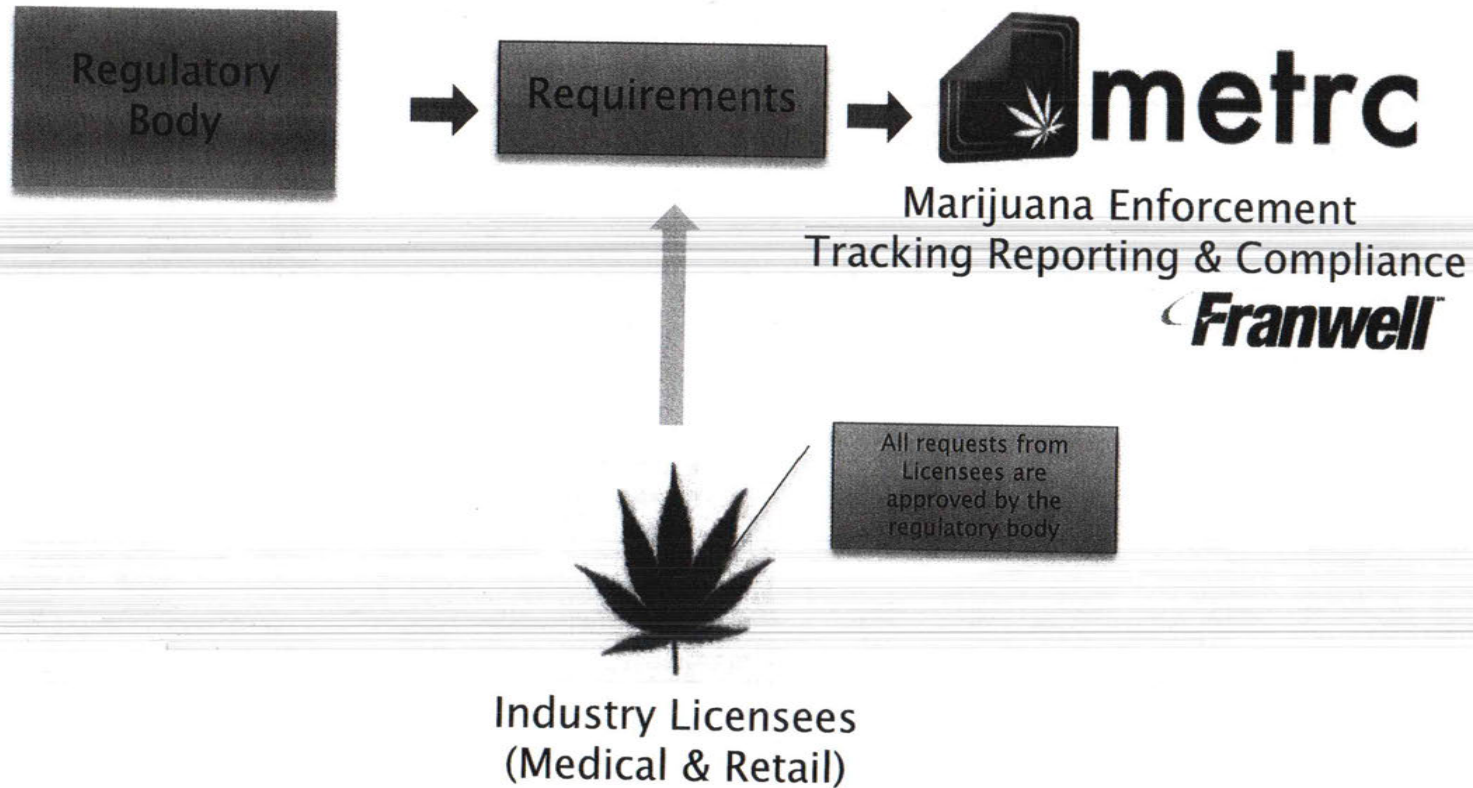
A pdf image of the
manifest can be
printed or displayed

II Component Parts



Metrc is a web-based solution made up of a browser interface and a mobile application for both the industry and regulatory users. The backend is a series of secure Web Services, Database and an API. Each regulatory body can decide whether to allow external systems the use of an API to pull data on a secure validated connection. Finally, the regulatory body can use the reporting engine to build adhoc reports based on their individual needs.

Relationship





www.metroc.com

Attachment K:

**Area Map drawn to scale indicating
within a radius of 1,000 feet from the
boundaries of the proposed dispensary
location**

Attachment K:

Approximate Distance Calculations from our location to schools and 3rd Coast Dispensary:

Schools: (must maintain 1,000 foot distance)

East Middle School	10,032 Feet
Adams Elementary	4,224 Feet
Ypsilanti Middle School	6,336 Feet
Ypsilanti High School	6,964 Feet
New Beginnings Academy	5,280 Feet
Fitchers/Adult Education	6,336 Feet
Estabrook Elementary	4,752 Feet
Chapel Elementary	4,224 Feet
Perry Elementary	5,808 Feet

Dispensary: (must maintain 500 foot distance)

3 rd Coast Dispensary	1,584 Feet
----------------------------------	------------

Attachment L:

Application to State

Application ^{copy}
to State

Attachment M:

Products and Services

Cross Street Services, Inc.

513 W. Cross Street

Ypsilanti, MI 48197

Product and Services

In general, Cross Street Services, Inc. will provide general care for all ages, with the exception of minors, as well as providing multiple options to create a complete solution. Cross Street Services, Inc. will provide services including but not limited to medical marijuana, and will also incorporate multiple solutions, such as vitamins and herbal solutions. The costs will depend upon the materials used, the specialists' time and the amount designated for each solution.

Cross Street Services, Inc. philosophy is that optimal health and performance can be attained through the proper balance of education and solutions offered. Our goal is to educate our patients as well as dispense herbal solutions and medical marijuana to them.

Cross Street Services, Inc. will focus on each individual case. After each consultation and where appropriate, each patient will be offered education, as it relates to each particular case. Our goal is to create the most, well-rounded experience for each patient in order to optimize their needs.

Cross Street Services, Inc. will maintain privacy according to HIPAA rules. Our services will hold no prejudice to race, creed, color or socioeconomic status. Everyone will be welcome for great services under the required medical certifications needed.

Cross Street Services, Inc. will provide the following retail products:

- Municipal Medical Marijuana
- Tested edibles and concentrates
- Lotions and topicals
- Consulting

Each Marihuana Permit Application will be processed through a merit based review scoring system. A City staffed selection committee will rely on a weighted scoring rubric to evaluate each application. The total possible number of points for an individual application is 190. Once scored, the applications will be ranked highest to lowest with the Highest being the first license to be issued. The applicant will be required to create a plan that clearly states the criteria listed below and shall be notarized to the truthfulness of the application. No sample plans will be distributed. Once the scoring has taken place, staff will place all applications with personal information (addresses redacted on the city's website for transparency.

	Points Available	Points Given (City Use Only)
1. Qualifications of the Applicant		
a. Applicant demonstrates a history of operating a business - More than 2 years experience	1	1
b. Applicant demonstrates a history of operating a business - More than 5 years experience	3	3
c. Applicant Is a City of Ypsilanti resident, or if the applicant is a corporate entity, partnership, LLC or Trust, 25-50% of the owners or partners must be City of Ypsilanti Residents	10	
d. Applicant Is a City of Ypsilanti resident, or if the applicant is a corporate entity, partnership, LLC or Trust, 51% of the owners or partners must be City of Ypsilanti Residents	20	
2. Ability to operate		
a. Business plan	1	1
b. Applicant presents a detailed description of estimated capital of at least \$300,000	2	2
c. Applicant presents a detailed description of estimated capital of at least \$500,000	3	
d. Applicant presents a detailed description of estimated capital of at least \$900,000	4	
e. Applicants business plan includes daily operations schedule	1	1
f. Applicants presents a proposed staffing plan, complete with descriptions of duties proposed wages and employee qualifications/hiring criteria	1	1
g. Applicant presents a documented employee policy book and code of ethics to ensure honesty and integrity of employees	1	1
3. Security Plan		
a. Applicant presents a plan to deter and prevent unauthorized entrance to the facility	1	1
b. Applicant present a plan to deter and prevent theft and diversion	1	1
c. Applicant presents a plan for 24/7 video surveillance, both inside and outside the facility with an agreement to share data with the police	1	1

4. Timeline to open		
a. Facility will be open and operational 6 months after issuance of full license	1	1
b. Facility will be open and operational 3 months after issuance of full license	3	3
c. Facility will be open and operational 1 months after issuance of full license	5	5
5. Job Creation and Staffing Plan		
a. Applicant proposes in business plan to pay a living wage with benefits	5	5
b. Applicant proposes to create at least 6 full time jobs	1	1
c. Applicant proposes to create at least 12 full time jobs	3	
d. Applicant proposes to create at least 25 full time jobs	6	
6. Hiring		
a. Applicant has employee development plan for training of employees such as education benefits or on the job training	1	1
b. Applicant commits to hiring at least 50% of staff from the City of Ypsilanti	5	5
c. Applicant commits to hiring at least 75% of staff from City of Ypsilanti	7	
d. Applicant commits to hiring a City of Ypsilanti/Washtenaw County contractor to complete the necessary work on the building.	5	5
7. Applicants plan detailed economic benefit to the city by the way of improvements to real property		
a. A 25% increase in landscaping beyond the minimum landscaping requirement in the zoning ordinance	2	
b. The parking lot is located behind the building.	1	
c. A building exterior that consists, or will consist, of at least 80% brick, stone, stucco, transparent glass, or a combination thereof.	5	5
d. A façade fronting a street that consists, or will consist, of at least 35% windows.	3	3
e. A façade facing the public entrance to the building that that consists, or will consist, of at least 75% windows.	5	5
8. Energy Standards		
a. Entire building meets or will meet the most current adopted version of the Michigan Energy Code for Commercial buildings.	2	
b. Entire building is ENERGY STAR certified and inspected by an ENERGY STAR qualifying person(s).	1	

(If this is applicable, then all items marked with an asterisk* below are also applicable.)		
c. *ENERGY STAR certified water heater or tankless water heater	1	1
d. *ENERGY STAR certified appliances (oven, refrigerator, freezer)	1	
e. *ENERGY STAR certified heating and cooling systems (furnace, air conditioning)	1	1
f. *ENERGY STAR lighting/fan fixtures	1	
g. *ENERGY STAR certified exterior doors	1	
h. WaterSense labeled lavatory fixtures	1	
i. Carbon filter/scrubber for odor control	1	
9. Master Plan elements to be included in the project		
a. Ability to hold and treat at least 20% more stormwater than the required minimum through rain gardens, underground basins, or other methods approved by the City Department of Public Works (DPW).	3	
b. A roof garden covering at least 50% of the total square feet of the roof area of the principle building, or 2,000 sq. ft. of roof area, whichever is less. The roof garden shall be designed and installed by a qualified entity. A plan(s) for the design, installation, and 2-year maintenance must be submitted with building permit application/plans to fulfill this element.	5	
c. A bicycle rack(s) located by the front or main entrance to accommodate at least 4 bicycles.	1	
d. The site is located within 200 ft. from a transit stop. (Submit transit map.)	5	5
e. More than 50% of the electricity for the business comes from solar power.	3	
f. More than 75% of the electricity for the business comes from solar power.	5	
10. Social Equity		
a. Applicant has obtained a license from the social equity program from the State of Michigan	10	
11. Application Requirements		
a. Applicant has filled out the paperwork in full	10	10
b. Applicant has received preapproval from the state of Michigan	15	
c. Applicant has submitted a volunteerism plan (community benefits). Volunteerism plans will be scored blindly and need to be placed in a separate sealed envelope with the name of the applicant on the outside. Once received, each volunteerism plan	15	15

redacted of identifying information and scored by city staff. The plan found best for the community will score 15 points with others being awarded less than 15 points. Plans shall include the benefit to the neighborhood and community.		
Total Points	190	84

CROSS STREET SERVICE INC. D/B/A CROSS STREET SHOP
DETAILED ECONOMIC BENEFIT TO THE CITY OF YPSILANTI BY WAY OF
IMPROVEMENTS TO REAL PROPERTY

Cross Street Service Inc. d/b/a Cross Street Shop ("Cross Street Shop") has taken the following steps to improve the real property at its location at 513 W. Cross Street:

- Upgrades: Complete floor covering and paint of interior and new interior doors.
- The landscaping for the site has been improved as follows:
- The parking for the facility is located on roadside front of building, paid parking.
- The building exterior consists of the following building materials: (50% of the façade is imitation brick and 50% is transparent glass, which comprises approximately 50% of the exterior of the building and the remaining of the building is block.
- The building contains a façade fronting a street that consists or will consist of at least 35% windows

CROSS STREET SERVICE INC. D/B/A CROSS STREET SHOP
ENERGY STANDARDS

Cross Street Service Inc. d/b/a Cross Street Shop ("Cross Street Shop") has taken the following steps with respect to energy standards for its facility:

- Entire Building meets most current adopted version of the Michigan Energy Code for Commercial Buildings
- Entire building is ENERGY STAR certified and has been inspected by an ENERGY STAR qualifying person
 - The building contains an ENERGY STAR certified water heater or tankless water heater
 - The building contains ENERGY STAR certified heating and cooling systems
 - The building contains ENERGY STAR certified lighting/fan fixtures
- Carbon filters/scrubbers have been installed for odor control

CROSS STREET SERVICE INC. D/B/A CROSS STREET SHOP
VOLUNTEERISM PLAN

Cross Street Service Inc. d/b/a Cross Street Shop ("Cross Street Shop") submits the following volunteerism plan as part of its efforts to give back to the local community:

- Actively involved with volunteering services to youth sports groups (501c3) Intruders Fastpitch.
- Actively volunteer charitable donations to Ypsilanti Public Schools sports programs and after school programs.
- Actively and previously donate to Washtenaw County Command Officers Association

CROSS STREET SERVICE INC. D/B/A CROSS STREET SHOP
MASTER PLAN ELEMENTS TO BE INCLUDED IN THE PROJECT

Cross Street Service Inc. d/b/a Cross Street Shop ("Cross Street Shop") has taken the following steps with respect to the listed Master Plan Elements:

- The facility's stormwater system meets the minimum standards required by DPW.
- The facility does not have a roof garden.
- The facility does not have a bicycle rack near the main entrance that can accommodate at least 4 bicycles.
- The facility is located within 200 feet from a transit stop. If so, a transit map is attached.
- The facility does not utilize solar power for the business. If so, we need to indicate how much as a percentage.

CROSS STREET SERVICE INC.

STAFFING PLAN

Cross Street Service Inc. d/b/a Cross Street Shop ("Cross Street Shop") intends to employ 6 full-time budtenders, 4 full-time receptionists, 2 full-time security personnel and 1 full-time manager.

Amy Snyder is the President of Cross Street Shop and shall also serve in the role of the general manager overseeing and ensuring compliance with all state and local laws, ordinances, and regulations. Depending on strength of sales and revenue, Cross Street Shop looks forward to expanding its team and hiring motivated and well-qualified individuals to join its operation. Cross Street Shop shall conduct a criminal background check on any prospective employee prior to hiring. The results of this check shall be stored at the facility in accordance with Cross Street Shop's inventory and recordkeeping plan. Cross Street Shop also requires all employees to immediately report any new or pending criminal charges or convictions to Savinder Singh or their designated manager.

All new employees will be properly credentialed with METRC upon hiring and shall be promptly removed from METRC upon termination. A copy of Cross Street Shop's Employee Handbook, Training, and Education Plan is included. All employees shall be at least 21 years of age to work at Cross Street Shop.

Release of Liability, Indemnification, and Waiver

This Application or the granting of a permit hereunder is not intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana/marihuana not in strict compliance with state or federal law. Also, since federal law is not affected by state law or local ordinance, nothing in this permit application; the granting of a permit hereunder; or any City of Ypsilanti ordinance, policy, or rule is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. State law, this permit application, or the issuance of a city permit does not protect users, or the owners of properties on which the use of marijuana/marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

Upon issuance and acceptance of a permit for Marihuana Facilities and/or renewal, the undersigned individually and on behalf of _____, as its duly authorized agent, hereby unconditionally and irrevocably waives, discharges, and releases the City of Ypsilanti, its agents, employees, and officials from any and all claims, damages, and liability in any way arising out of or related to the permitted premises including, but not limited to, issuance of a permit to permittee and any and all acts, omissions damages, or injuries to any person or property resulting from any act, omission, condition, occurrence, or criminal act occurring upon or in relation to the premises, and to indemnify, defend, and hold harmless the City of Ypsilanti, including its agents, employees, and officials to the fullest extent permitted by law and equity for any and all claims, damages, injuries, or liabilities at law or equity in any way arising out of or related to any acts, omissions, activities, conditions, or occurrences or incidents in any way related to the premises.

Additionally, the applicant hereby agrees to not violate any of the laws of the State of Michigan or the ordinances of the City of Ypsilanti in conducting the business in which the permit will be used, and that a violation on the premises may be cause for objecting to renewal of the permit, or for revocation of the permit.

The applicant agrees to make the premises open for inspection upon request by the Building Official, the Fire Department, and law enforcement officials for compliance with all applicable laws and rules, during the stated hours of operation/use and as such other times as anyone is present on the premises. The applicant agrees to quarterly inspections by the City Official's designee to confirm the facility is operating in accordance with applicable laws including, but not limited to, state law and local ordinances.

Authorized Signature	Title	Date
----------------------	-------	------

Oath of Application

I swear or affirm, under penalty of perjury, that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Code of Ordinances of the City of Ypsilanti, all rules and regulations which govern my Marihuana Facility Permit, and the laws of the State of Michigan.

Application must be accompanied by a Certificate of Occupancy from the City of Ypsilanti Building Department OR received by the owner of the premises within 60 days of application.

Authorized Signature <i>Chris Snyder</i>	Title <i>Director</i>	Date <i>11-2-22</i>
---	--------------------------	------------------------

Authorization of Criminal Background Check

I hereby allow the City of Ypsilanti Police Department to perform a criminal background check based on information gathered from this application form.

Applicant's Printed Name <i>Lisa Snyder</i>	Title <i>Officer</i>	Date <i>11-2-22</i>
Applicant's Signature <i>Lisa Snyder</i>	Title	Date
Operator's Printed Name <i>Job Kerkowski</i>	Title <i>Officer</i>	Date <i>11-2-22</i>
Operator's Signature <i>Job Kerkowski</i>		

STATE OF MICHIGAN)
)ss.
COUNTY OF WASHTENAW)

Subscribed and sworn to before me a Notary Public on this 2ND day of OCTOBER, 2022, by the above named AMY, LISA SNYDER, who has appeared before me and presented photo identification and sworn that they have read the foregoing and says it is true to the best of his/her knowledge.



Manny Sikka
_____, Notary Public
WASHTENAW County, Michigan
My commission expires: 3-21-2026

For Department Use Only

City Clerk Application Date Received _____ Complete/Incomplete

Planning/Zoning Approved/Not Approved Date: _____

Building Department Approval: _____ Signed by: _____

Police Department Approval: _____ Signed by: _____

Fire Department Approval: _____ Signed by: _____

Treasurer's Approval: _____ Signed by: _____

Assessor's Approval: _____ Signed by: _____

City Attorney's Approval: _____ Signed by: _____

City Manager: _____ Final Approval _____ Date _____

07000806



No. 2497681

6-12/410

CASHIER'S CHECK

DATE DECEMBER 01, 2022

PAY TO THE ORDER OF CITY OF YPSILANTI

\$ 5,000.00

FIVE THOUSAND AND 00 / 100***** DOLLARS

MARCUS SNYDER

REMITTER

PNC Bank, National Association



OFFICIAL SIGNATURE

⑈02497681⑈ ⑆041000124⑆ 4011048446⑈

Exhibit C



City of Ypsilanti

Office of the City Manager

January 6, 2023

Cross Street Services
513 W. Cross St
Ypsilanti, MI 48197

RE: Marihuana Permit

This letter is to inform you that your permit renewal for 513 W. Cross was denied based on the following section of the ordinance:

Sec. 7-4.5. - Non-renewal or revocation. The city manager shall choose to not renew or revoke a permit based on any of the following:

1. A failure to meet the conditions or maintain compliance with the standards established by this chapter in reference to applications for a new permit or the renewal of an existing permit;
2. One or more violations of any city ordinance on the premises;
3. Maintenance of a nuisance on the premises;
4. A demonstrated history of excessive calls for public safety (police, fire, and EMS) originating from the premises, being three or more calls in any 30-day period; or
5. Nonpayment of real and/or personal property taxes, fines, fees, or liens owed to the city.
6. Failure to be provided a state license.
7. Failure to be provide a Special Use Permit if one is required at that applied to location.
8. Failure to be provided site plan approval.
9. If the facility ceases operations for 120 days.

If you would like to appeal the decision, please contact the City Clerk's office. You can also review section 7-4.6 of the city code and follow that process.

Regards,

Frances McMullan
City Manager

One South Huron Street
Ypsilanti, MI 48197

Tel (734) 483-1810
Fax (734) 483-7260

www.CityofYpsilanti.com

Exhibit D

Print Date: 01/12/2023
Recpt Date: 01/12/2023

2022
Official Winter Tax Receipt
CITY OF YPSILANTI
11-99-32-070-090

Recpt No: 00003175

CITY OF YPSILANTI
ONE SOUTH HURON ST
YPSILANTI MI 48197

Received of:
CROSS STREET SERVICES
LISA SNYDER, AMY OTTO, TRAVIS KRAKO
513 W CROSS ST
YPSILANTI MI 48197

TAXABLE: 3,000 SEV: 3,000 SCHL: 81020
PRE/HBT: 100.0000 CLASS: 251

PREVIOUS PAYMENTS

Date	Chk #	Amount
------	-------	--------

PREVIOUS PAYMENTS

Date	Chk #	Amount
------	-------	--------

** CURRENT PAYMENT **

Date	Chk #	Amount
01/12/2023	CASH	10.19

Total Recvd: 10.19

DETAILED BREAKDOWN OF BILLING/PAYMENTS FOR 11-99-32-070-090

DESCRIPTION	MILLAGE	Tax Billed	Total Paid	BALANCE
LIBRARY	0.6739	2.02	2.02	0.00
COUNTY	2.6901	8.07	8.07	0.00

Admin Fee		0.10	0.10	0.00
Interest/Pen		0.00	0.00	0.00
Over Payments		0.00	0.00	0.00
TOTALS ----->	3.36400	10.19	10.19	0.00

CNTY: 01/01/2022 - 12/31/2022 Cty: -
SCHL: - ST: -

Property Description
PERSONAL PROPERTY

Addr: 513 W CROSS ST

I HEREBY CERTIFY THAT APPLICATION WAS MADE TO PAY
ALL TAXES, SPECIAL ASSESSMENTS AND SURCHARGES, DUE
AND PAYABLE AT THIS OFFICE ON THE DESCRIPTION SHOWN
IN THIS RECEIPT EXCEPT THOSE AMOUNTS SHOWN IN
THE 'BALANCE' COLUMN ABOVE.

To: CROSS STREET SERVICES
LISA SNYDER, AMY OTTO, TRAVIS KRAKO
513 W CROSS ST
YPSILANTI MI 48197

TREASURER
Cashier jgoncicki

01/12/2023

09:24 AM

By: myang2

DAILY CASH JOURNAL FOR CITY OF YPSILANTI

PostDate	Parcel #	Year	Cashier	Owner	Payment	Check No	Recpt No	Batch
01/12/2023	11-99-12-070-090	2021	ASHITH	CROSS STREET SERVICES	242.59	CASH	0000000153	DL011

TOTALS FOR ALL

TOTAL TRANSACTIONS:	1
TOTAL CHECKS:	0.00
TOTAL CASH:	242.59
TOTAL INTERNET:	0.00
TOTAL REVERSALS:	0.00
TOTAL COLLECTED:	242.59

Print Date: 01/12/2023
Recpt Date: 01/12/2023

2022
Official Summer Tax Receipt
CITY OF YPSILANTI
11-99-32-070-090

Recpt No: 00004793

CITY OF YPSILANTI
ONE SOUTH MURON ST
YPSILANTI MI 48197

Received of:
CROSS STREET SERVICES
LISA SNYDER, AMY OTTO, TRAVIS KRAKO
513 W CROSS ST
YPSILANTI MI 48197

TAXABLE: 3,000 SEV: 3,000 SCHL: 81020
PRE/MBT: 100.0000 CLASS: 251

PREVIOUS PAYMENTS

PREVIOUS PAYMENTS

Date	Chk #	Amount	Date	Chk #	Amount
------	-------	--------	------	-------	--------

** CURRENT PAYMENT **

Date	Chk #	Amount
01/12/2023	CAS:	225.78

Total Recvd: 225.78

DETAILED BREAKDOWN OF BILLING/PAYMENTS FOR 11-99-32-070-090

DESCRIPTION	MILLAGE	Tax Billed	Total Paid	BALANCE
CITY	25.9964	77.98	77.98	0.00
SANITATION	2.5265	7.57	7.57	0.00
PUBLIC TRANSIT	0.8890	2.66	2.66	0.00
WATER ST 2016A	1.8698	5.60	5.60	0.00
AAATA	0.6805	2.04	2.04	0.00
SCHL OF	6.0000	18.00	18.00	0.00
SCHL DBT	7.0000	21.00	21.00	0.00
SINKING FUND	2.9023	8.70	8.70	0.00
STATE ED	6.0000	18.00	18.00	0.00
WCC	3.3548	10.06	10.06	0.00
MISD	5.5989	16.79	16.79	0.00
LIBRARY	1.7894	5.36	5.36	0.00
COUNTY	4.3512	13.05	13.05	0.00
WEST CROSS DDA	1.7306	5.19	5.19	0.00

Admin Fee	2.12	2.12	0.00	
Interest/Pen	11.66	11.66	0.00	
Over Payments	0.00	0.00	0.00	
TOTALS ----->	70.68940	225.78	225.78	0.00

CNTY: 01/01/2022 - 12/31/2022 Cty: 07/01/2022 - 06/30/2023
SCHL: 07/01/2023 - 06/30/2023 ST : 10/01/2022 - 09/30/2023

Property Description
PERSONAL PROPERTY

Addr: 513 W CROSS ST

I HEREBY CLRTIFY THAT APPLICATION WAS MADE TO PAY
ALL TAXES, SPECIAL ASSESSMENTS AND SURCHARGES, DUE
AND PAYABLE AT THIS OFFICE ON THE DESCRIPTION SHOWN
IN THIS RECEIPT EXCEPT THOSE AMOUNTS SHOWN IN
THE 'BALANCE' COLUMN ABOVE.

To: CROSS STREET SERVICES
LISA SNYDER, AMY OTTO, TRAVIS KRAKO
513 W CROSS ST
YPSILANTI MI 48197

TREASURER
Cashier jgoscicki

Exhibit E

Commercial Rental Agreement and Lease

This commercial rental agreement is made between:

Maysoun Al-Shalby (owner) and

Cross Street Services, Inc. and its owners (tenants)

For the property on:

513 W. Cross Street

Ypsilanti, MI 48197

Cross Street Services, Inc. and its owners are responsible for complying with local and state laws in the process of conducting business.

The lease is for ten years starting on December 1, 2018 and is automatically renewed for the amount of \$1,200.00 a month.

Cross Street Services, Inc. and its owners are responsible for the Electric, Gas, Telephone, snow removal, trash, and lawn care.

Cross Street Services, Inc. and its owners will seek prior approval from the landlord prior to any alterations to the building.

Cross Street Services, Inc. and its owners are responsible for insuring their personal property.

Cross Street Services, Inc. and its owners agree to use the premises for commercial purposes only and not for illegal, immoral or hazardous purposes.

Maysoun Al-Shalby agrees to a no-complete clause for ten years upon the expiration of the lease.

Maysoun Al-Shalby agrees to provide Cross Street Services, Inc. and its owners first rights to purchase the building during the duration of the lease.

ANY AMENDMENTS TO THIS LEASE AGREEMENT MUST BE APPROVED BY ALL PARTIES.

Amy Snyder 12/20/18
Amy Snyder (tenant) Date

Lisa Snyder 12/20/18
Lisa Snyder (tenant) Date

Job Travis Krakowski 12-20-18
Job Travis Krakowski (tenant) Date

Maysoun Al-Shalby 12-20-2018
Maysoun Al-Shalby (owner) Date

To whom it may concern:

I, Maysoun Al-Shalby (owner), am leasing our property on 513 W. Cross Street to Cross Street Services, Inc. and its owners. I understand that Cross Street Services, Inc. will be offering Medical Marijuana to its patients/clients. Cross Street Services, Inc. agrees to comply with state and local restrictions and laws.

We have a ten year lease giving Cross Street Services, Inc. and its owners our permission to conduct business at 513 W. Cross Street, Ypsilanti, MI.

Maysoun Al-Shalby

Maysoun Al-Shalby (Owner)

12-20-2018

Date

Exhibit F

Print Date: 02/02/2023
Recpt Date: 02/02/2023

2022
Official Summer Tax Receipt
CITY OF YPSILANTI
11-11-40-183-004

Recpt No: 00004838

CITY OF YPSILANTI
ONE SOUTH HURON ST
YPSILANTI MI 48197

Received of:
ALSHALBY MAYSOUN
2724 BRANDYWINE
ANN ARBOR MI 48104

TAXABLE: 30,488 SEV: 40,200 SCHL: 81020
PRE/MBT: 0.0000 CLASS: 201

PREVIOUS PAYMENTS

Date	Chk #	Amount
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PREVIOUS PAYMENTS

Date	Chk #	Amount
------	-------	--------

** CURRENT PAYMENT **

Date	Chk #	Amount
02/02/2023	CASH	2,792.39

Total Recvd: 2,792.39

DETAILED BREAKDOWN OF BILLING/PAYMENTS FOR 11-11-40-183-004

DESCRIPTION	MILLAGE	Tax Billed	Total Paid	BALANCE
CITY	25.9964	792.57	792.57	0.00
SANITATION	2.5265	77.02	77.02	0.00
PUBLIC TRANSIT	0.8890	27.10	27.10	0.00
WATER ST 2016A	1.8698	57.00	57.00	0.00
AAATA	0.6805	20.74	20.74	0.00
SCHL OP	18.0000	548.78	548.78	0.00
SCHL DBT	7.0000	213.41	213.41	0.00
SINKING FUND	2.9023	88.48	88.48	0.00
STATE ED	6.0000	182.92	182.92	0.00
WCC	3.3548	102.28	102.28	0.00
WISD	5.5989	170.69	170.69	0.00
LIBRARY	1.7894	54.55	54.55	0.00
COUNTY	4.3512	132.65	132.65	0.00
DLQ WATER	0.0000	88.77	88.77	0.00
WEST CROSS DDA	1.7306	52.76	52.76	0.00

Admin Fee	26.09	26.09	0.00	
Interest/Pen	156.58	156.58	0.00	
Over Payments	0.00	0.00	0.00	
TOTALS ----->	82.68940	2,792.39	2,792.39	0.00

CNTY: 01/01/2022 - 12/31/2022 Cty: 07/01/2022 - 06/30/2023
SCHL: 07/01/2023 - 06/30/2023 ST : 10/01/2022 - 09/30/2023

Property Description

*OLD SID - 11 11-115-304-20 YP CITY 13W-22A COM 4.5 FT
E OF NE COR OF LOT 4, TH S 0 DEG 07'30" E 62.04 FT, TH
S 89 DEG 38'30"W 14.79 FT, TH N 1 DEG 06' 15" W

Addr: 513 W CROSS ST

I HEREBY CERTIFY THAT APPLICATION WAS MADE TO PAY
ALL TAXES, SPECIAL ASSESSMENTS AND SURCHARGES, DUE
AND PAYABLE AT THIS OFFICE ON THE DESCRIPTION SHOWN
IN THIS RECEIPT EXCEPT THOSE AMOUNTS SHOWN IN
THE 'BALANCE' COLUMN ABOVE.

To: ALSHALBY MAYSOUN
2724 BRANDYWINE
ANN ARBOR MI 48104

TREASURER
Cashier jgoscicki



Resolution No. 2023-028
February 28, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS the adoption of guidelines for poverty exemptions is required of the City Council; and

WHEREAS the principal residence of persons, who the Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390 of 1994, the City of Ypsilanti, Washtenaw County adopts the following guidelines for the Board of Review to implement.

The Board of Review shall use the following guidelines to determine if a property owner qualifies for a poverty exemption from property taxes:

Exemptions will be granted to owners of homesteads only. Property must be granted at least a 50% homestead exemption from the State of Michigan.

Per, MCL 211.7u(3), the application for consideration must be received by the Assessor's Office at least one day prior to the last session of the Board of Review. The application can be made by mail, if received one day prior to the last session of the Board of Review.

All applicants must file a claim with the Board of Review on a form prescribed by the State Tax Commission. The application must be filled out in its entirety and all requested documentation must be attached. If an area does not apply to the applicant, "N/A" must be used. If the application is not complete or requested documentation is not included, the Board of Review will deny the exemption. All pages included with this application must be returned when the application is submitted for review.

Per MCL 211.7u(7), a person who files a claim for Poverty exemption is not prohibited from also appealing the assessment on the property to the Board of Review in the same year.

All income and assets for persons in the household are reported in accordance with a form prescribed by the State Tax Commission.

1. Per MCL 211.7u(2)(b), federal and state income tax returns for all persons residing in the principal residence must be included with the application including any property tax credit returns. The tax returns may be from the current or preceding tax year. A completed signed copy of each of the following should be submitted:

#Resolution No. 2023-028

- a. The most recent Michigan Homestead Property Tax Credit (MI 1040 CR).
 - b. The most recent Federal Income Tax Return (1040) if you are required to file federal income tax.
 - c. The most recent Federal Income Tax Return (1040) for all other occupants of your home.
2. The following additional documents are required for assessing household income:
- a. If any person in the household is not required to file federal or state tax returns, the included affidavit, form 4988, must be completed by each person that does not file taxes.
 - b. The most recent statement for all bank accounts, investments, IRAs, CDs, 401Ks, money market, annuities, etc. The statement submitted must be complete with no missing pages and submitted for all persons residing in the home.
 - c. Proof of income/assets from the Social Security Administration, Veterans Administration, Medicare, Medicaid, Bridge Card, and any College/University scholarships for all persons residing in the home.
 - d. The most recent mortgage statement of the primary residence under review, including any reverse mortgages.
 - e. If primary residence being sought for exemption was purchased within the past two years of this application, homeowner's closing statements must be submitted with application.
3. The household income threshold for eligibility for the poverty tax exemption is based on the number of people in the household.
- a. The board of review has the authority to reduce the current year taxable value 100% or 50% or 25%.
 - b. The assessing unit adopts the following guidelines in taxable value related to poverty.
 - i. Taxable value shall be reduced by 25% if the income is equal to or greater than 75% of the poverty level set by the governing body.
 - ii. Taxable value shall be reduced by 50% if the income is greater than 100% of the federal poverty level and less than 75% of the poverty level set by the governing body.
 - iii. Taxable value shall be reduced by 100% if the income is less than 100% of the federal poverty level.
 - c. For 2023 taxes, those values are list here:

Household Size	Federal Poverty Guidelines	Ypsilanti Poverty Guidelines	25% Taxable Value Exemption	50% Taxable Value Exemption	100% Taxable Value Exemption
1	\$13,590	\$24,750	\$18,563 to \$24,750	\$13,590 to \$18,562	\$0 to \$13,590
2	\$18,310	\$28,290	\$21,225 to \$28,290	\$18,310 to \$21,224	\$0 to \$18,310
3	\$23,030	\$31,830	\$23,888 to \$31,830	\$23,030 to \$23,887	\$0 to \$23,030
4	\$27,750	\$31,980	\$26,513 to \$31,980	\$27,750 to \$26,512	\$0 to \$27,750

#Resolution No. 2023-028

5	\$32,470	\$38,190	\$28,650 to \$38,190	\$32,470 to \$28,649	\$0 to \$32,470
6	\$37,190	\$41,010	\$30,788 to \$41,010	\$37,190 to \$20,787	\$0 to \$37,190
7	\$41,910	\$43,830	\$32,888 to \$43,830	\$41,190 to \$22,887	\$0 to \$41,910
8	\$46,630	\$46,650	\$35,025 to \$46,650	\$46,630 to \$25,024	\$0 to \$46,630

4. Applicants must complete and submit a Poverty Exemption Asset Test form and meet the maximum asset eligibility test as follows: Assets other than the taxpayers' primary residence, standard mode of transportation and usual household goods valued at more than \$25,000 will be considered and added to the household income to determine eligibility. The applicant shall not have ownership interest in any real estate other than the primary residence being considered for exemption. Those assets include:

- a. A second home, additional land not associated with the primary residence, or other buildings other than the primary residence being sought for exemption.
- b. Vehicles and other recreational vehicles such as motor homes, campers, ATVs, boats, and motorcycles.
- c. Jewelry, antiques, artwork, equipment, and other personal property of value.
- d. Bank accounts, stocks, bonds, and investments. This also includes the money received from the sale of stocks, bonds, investments, cars, and houses unless a person is in the specific business of selling such property.
- e. Withdrawals of bank accounts and borrowed money.
- f. Gifts, loans, lump-sum inheritances, and one-time insurance payments.
- g. Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.
- h. Federal non-cash benefits programs such as Medicare, Medicaid, food stamps, and school lunches.
- i. The total interest income in all accounts (checking, savings, CDs, IRAs, 401Ks, money market, annuities, etc.)

5. Poverty exemptions shall be granted for one year only. The property owner must apply every year to receive an exemption.

The City of Ypsilanti Poverty Exemption Guidelines and Application will be updated annually with the current year Poverty Income Guidelines as established by the United States Department of Health and Human Services without further resolutions. If alternative guidelines are adopted by this governing body a new resolution will be required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption and that City Council approve this resolution replacing Resolution 2023-013.

OFFERED BY: _____

#Resolution No. 2023-028

SECONDED BY: _____

YES:

NO:

ABSENT:

VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this
28 day of February 2023

#Resolution No. 2023-028



REQUEST FOR LEGISLATION

TO: Mayor and City Council
FROM: Frances McMullan
DATE: February 28, 2023
SUBJECT: POAM 2023-2026 COLLECTIVE BARGAINING AGREEMENT

DESCRIPTION:

POAM 2023-2026 COLLECTIVE BARGAINING AGREEMENT

SUMMARY:

POAM, representing the city's patrol officers, and the city have reached a tentative agreement on a new collective bargaining agreement for the term of January 1, 2023, through December 31, 2025.

PREVIOUS COUNCIL ACTION:

None

FINANCIAL IMPACT:

Please refer to the tentative agreement for specific details.

CITY MANAGER APPROVAL: _____ COUNCIL AGENDA DATE: _____

CITY MANAGER COMMENTS: _____

FISCAL SERVICES DIRECTOR APPROVAL: _____



Resolution No. 2023-040
February 28, 2023

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

WHEREAS, the POAM, collective bargaining agreement with the city expired on December 31, 2022; and

WHEREAS, the city and the union have been engaged in contract negotiations for a successor contract; and

WHEREAS, the city and the union have reached a tentative agreement on a new collective bargaining agreement for the term commencing on January 1, 2023, and terminating on December 31, 2025; and

WHEREAS, the city desires to approve the new contract as presented.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF YPSILANTI that the city council does hereby approve the new collective bargaining agreement between the City of Ypsilanti and the POAM, for the term commencing on January 1, 2023, and terminating on December 31, 2025, as presented and authorize the Mayor, City Manager, and City Clerk to execute the agreement on behalf of the city after approval by the City Attorney as to form.

OFFERED BY: _____

SECONDED BY: _____

YES: NO: ABSENT: VOTE:

This resolution is adopted by the Council of the City of Ypsilanti and approved by the Mayor this 28 day of February 2023

#Resolution No. 2023-040