



## Medical Marihuana Commission

### Commission Members

Robert Ford, Jr., Chairperson  
Paul S. Wilson, Vice Chairperson  
Yauna Shepherd, Secretary  
Bruce Turpin, DDS

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone (248) 758-3200  
Fax (248) 758-3160  
[www.pontiac.mi.us](http://www.pontiac.mi.us)

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Jonathan Starks, Commission Clerk

### REGULAR MEETING AGENDA

April 28, 2022

6:00 p.m.

Pontiac City Hall

47450 Woodward Ave.

Pontiac, MI 48342

City Council Chambers

**Call to Order**

**Roll Call**

**Authorization to Excuse Commissioners**

**Amendments to and Approval of the Agenda**

**Approval of the Minutes**

1. April 14, 2022

**Agenda Items**

**Communications**

2. Communication from Vincente Sederberg LLP withdrawing Nature's Medicine two Provisioning Center appeals in the Downtown Overlay District

**Cesar Chavez Overlay District Provisioning Centers Appeals Hearings**

3. Discussion on Pure Life Solutions II LLC dba Caesars Garden Appeal
4. Resolution on Pure Life Solutions II LLC dba Caesars Garden Appeal
5. Discussion on The Dixie Depot Appeal
6. Resolution on The Dixie Depot Appeal
7. Discussion on PGSH Holdings LLC Appeal
8. Resolution on PGSH Holdings LLC Appeal

**Public Comment (3 minute time limit)**

**Adjournment**

The Medical Marihuana Facilities Licensing Act 281 of 2016 333.27205 section 205(4) exempts from disclosure under the Freedom of Information Act 1976 PA 442. MCL 15.231 to 15.246 the contents of an Medical Marihuana Facility Application. Information from the attached supporting documentation has been redacted to comply with Medical Marihuana Facilities Licensing Act 281 of 2016 33.27205 section 205 (4).

**#1**

# **Minutes**

**Official Proceedings  
Pontiac Medical Marihuana Commission  
3<sup>rd</sup> Session of the Commission**

**Call to order**

A Regular Meeting of the Medical Marihuana Commission of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Thursday, April 14, 2022 at 1:05 p.m. by Vice Chair Robert Ford, Jr.

**Roll Call**

**Members Present** – Robert Ford, Jr., Yauna Shepherd, Bruce Turpin and Paul Wilson.

City Clerk Doyle was present.  
City Attorney Chubb was present.  
A quorum was announced.

**Amendments to the Agenda**

**Motion to remove agenda items #9 Discussion on Pure Life Solutions II LLC dba Caesars Garden Appeal through agenda items #22 Resolution on Nature's Remedy of Pontiac Appeal from the agenda.** Moved by Commissioner Wilson and second by Commissioner Turpin.

Ayes: Shepherd, Turpin, Wilson and Ford  
No: None  
**Motion Carried**

**Approval of the Agenda**

**Motion to approve the agenda as amended.** Moved by Commissioner Shepherd and second by Commissioner Wilson.

Ayes: Turpin, Wilson, Ford and Shepherd  
No: None  
**Motion Carried**

**Approval of the Minutes**

**Motion to approve meeting minutes for April 7, 2022.** Moved by Commissioner Turpin and second by Commissioner Wilson.

Ayes: Wilson, Ford, Shepherd and Turpin  
No: None  
**Motion Carried**

**Communication**

Chairman Johnson and Commissioner Turner have resigned from the Commission.

**Agenda Items**

MMC 22-6 **Resolution to elect Robert Ford, Jr. as the Chairman of the Commission.** Moved by Commissioner Shepherd and second by Commissioner Turpin.

Whereas, Ordinance 2357(B) section 3(a) requires the membership to elect from its members a chairman, vice chairman and secretary.

April 14, 2022 Draft

Now, Therefore, Be It Resolved, the Medical Marihuana Commission elects Robert Ford, Jr as Chairman.

Ayes: Ford, Shepherd, Turpin and Wilson

No: None

**Resolution Passed**

**MMC 22-7 Resolution to elect Paul Wilson as the Vice Chairman of the Commission.** Moved by Commissioner Shepherd and second by Commissioner Turpin.

Whereas, Ordinance 2357(B) section 3(a) requires the membership to elect from its members a chairman, vice chairman and secretary.

Now, Therefore, Be It Resolved, the Medical Marihuana Commission elects Paul Wilson as Vice Chairman.

Ayes: Shepherd, Turpin, Wilson and Ford

No: None

**Resolution Passed**

**MMC 22-8 Resolution to reschedule and adopt new meeting dates.** Moved by Commissioner Turpin and second by Commissioner Shepherd.

Whereas, the Commission scheduled the following meetings: April 20, 2022 at 1:00p.m., April 21, 2022 at 1:00p.m., April 22, 2022 at 1:00p.m., April 27, 2022 at 1:00p.m., April 28, 2022 at 1:00p.m., and April 29, 2022 at 1:00p.m.; and,

Whereas, the Commission is rescheduling the April 20, 2022 meeting at 1:00p.m. to April 28, 2022 at 6:00p.m.; and,

Whereas, the Commission is rescheduling the April 21, 2022 meeting at 1:00p.m. to May 12, 2022 at 6:00p.m.; and,

Whereas, the Commission is rescheduling the April 22, 2022 meeting at 1:00p.m. to May 18, 2022 at 6:00p.m.; and,

Whereas, the Commission is rescheduling the April 27, 2022 meeting at 1:00p.m. to May 19, 2022 at 6:00p.m.; and,

Whereas, the Commission is rescheduling the April 28, 2022 meeting at 1:00p.m. to May 25, 2022 at 6:00p.m.; and,

Whereas, the Commission is rescheduling the April 29, 2022 meeting at 1:00p.m. to May 26, 2022 at 6:00p.m.; and,

Whereas, the Medical Marihuana Commission is setting April 28<sup>th</sup>, May 12<sup>th</sup>, May 18<sup>th</sup>, May 19<sup>th</sup>, May 25<sup>th</sup> and May 26<sup>th</sup> as the new dates for appeals; and,

Now, Therefore Be It Resolved, the Medical Marihuana Commission schedules the three Cesar Chavez Hearings for April 28, 2022 beginning at 6pm. The four Walton Blvd Hearings for May 12, 2022 beginning at 6pm. Five Downtown Hearings for May 18, 2022 beginning at 6pm. Four Downtown Hearings for May 19, 2022 beginning at 6pm. Five Non Overlay Hearings for May 25, 2022 beginning at 6pm. Four Non Overlay Hearings for May 26, 2022 beginning at 6pm.

Ayes: Turpin, Wilson, Ford and Shepherd

No: None

**Resolution Passed**

#### **Public Comment**

One (1) individual addressed the body during public comment.

1. Yohannes Bolds



**Adjournment**

**Motion to adjourn the meeting.** Moved by Commissioner Wilson and second by Commissioner Shepherd.

Ayes: Wilson, Ford, Shepherd and Turpin

No: None

**Motion Carried**

Chairman Robert Ford, Jr adjourned the meeting at 2:04 p.m.

---

Jonathan Starks  
Commission Clerk

DRAFT

**#2**

# **Communication**

California | Colorado | Florida | Massachusetts | Michigan | New Jersey | New York | Texas

April 20, 2022  
Via Electronic Delivery

Medical Marihuana Commission  
47450 Woodward  
Pontiac, MI 48342  
c/o Jonathan Starks, Commission Clerk

**Re: Nature's Medicine will not be seeking further appeal**

Mr. Starks,

On behalf of Natures Medicines, the applicant will no longer be pursuing the appeals before the Marihuana Commission. Please find the attached [REDACTED] Notice letters referencing the appeals at issue.

Natures Medicines no longer maintains its property interest in the proposed site and no longer seeks licensure in the City of Pontiac at this location.

Thank you,



Travis Copenhaver  
Vicente Sederberg, LP  
334 E. Washington St.  
Ann Arbor, MI 48104  
734-206-7406  
T.Copenhaver@VicenteSederberg.com

/enc



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Jonathan Starks, Commission Clerk

April 18, 2022

Patricia Myers  
Nature's Medicine  
45 N Saginaw St  
Royal Oak, MI 48067

Re: DT [REDACTED] Marihuana Commission Appeal New Hearing Date  
May 19, 2022 at 6:00 p.m.

Dear Ms. Myers,

The Medical Marihuana Commission has received your appeal from the City Clerk.

Your appeal hearing scheduled for Thursday, April 21, 2022 at 1:00 p.m. has been **rescheduled to Thursday, May 19, 2022 at 6:00 p.m.** The hearing will be conducted at Pontiac City Hall 47450 Woodward, Pontiac, Michigan 48342 in the City Council Chambers located on the 2<sup>nd</sup> floor.

If you have any questions, please contact me at (248) 758-3005.

Sincerely,

Handwritten signature of Jonathan Starks in cursive script.  
Jonathan Starks  
Commission Clerk

cc: Jiharkumar Patel  
Garland Doyle, City Clerk



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Jonathan Starks, Commission Clerk

April 18, 2022

Patricia Myers  
Nature's Medicine  
45 N Saginaw St  
Royal Oak, MI 48067

Re: DT [REDACTED] Marihuana Commission Appeal New Hearing Date  
May 19, 2022 at 6:00 p.m.

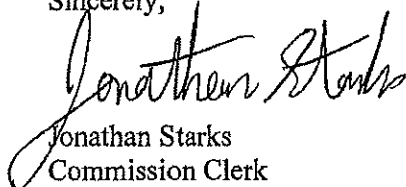
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If you have any questions, please contact me at (248) 758-3005.

Sincerely,

  
Jonathan Starks  
Commission Clerk

cc: Jiharkumar Patel  
Garland Doyle, City Clerk

**#3**

**Pure Life  
Solutions II  
LLC dba  
Caesars  
Garden  
Discussion**

# **Commission Appeal**

Application Name Pure Life Solutions II, LLC Application Number [REDACTED]



RECEIVED  
AUG 06 2021  
BY: JS

**CITY OF PONTIAC MEDICAL MARIHUANA COMMISSION**

Following a denial of an application by the City Clerk after review by the Hearing Officer, an appellant who wishes to appeal the denial of its application may further appeal to the medical marihuana commission by filing a written statement fully setting forth the grounds for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marihuana commission shall only overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Please note the Medical Marihuana Commission is a public body. Any documents that you submit as a part of your appeal to Medical Marihuana Commission are public and subject to disclosure in accordance with the Freedom of Information Act (FOIA). The hearing officer recommendation and the Clerk's decision on your appeal will be submitted to the Medical Marihuana Commission and therefore will subject to public disclosure.

Please use the appeal form below if you are submitting an appeal to the Medical Marihuana Commission. You can only appeal to the Medical Marihuana Commission after you have received a decision letter from the City Clerk about your hearing officer appeal.

**Medical Marihuana Facility Permit Application  
Medical Marihuana Commission Appeal Form**

Appellant Name (Applicant)		Address	
Pure Life Solutions II, LLC		4905 Seasons Ct.	
City	State	Zip Code	
Troy	MI	48098	
Appellant's Representative or Contact Person for Purposes of Appeal			
Steve Ori / Michael Stein			
Phone Number		Email Address	
248-885-5443		Steve@franklinliquorstore.com Steinlawpllc@gmail.com	

Appellant Representative or Contact Person  
Print Name Michael Stein Signature M. Stein Date 8/5/21



Application Name Pure Life Solutions II, LLC Application Number 

**Written Statement of Appeal**

**\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number**

*\* See attached Appeal*

For Office of the City Clerk Use Only

Hearing Officer Appeal Hearing Date \_\_\_\_\_  
Clerk Decision Letter Date \_\_\_\_\_

**PURE LIFE SOLUTIONS II, LLC**



**APPEAL**

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**STATEMENT OF ISSUES PRESENTED**

1. WAS THE CITY OF PONTIAC'S DECISION TO DENY APPLICANT SUPPORTED BY COMPETENT MATERIAL, AND SUBSTANTIAL EVIDENCE?

Applicant Answer: No

2. WAS THE APPLICANTS DENIAL BASED ON ARBITRARY & CAPRICIOUS FINDINGS

Applicant Answer: Yes

3. WAS THE APPLICANT'S DENIAL BASED ON IMPROPER/INCONSISTENT REVIEW METHODS

Applicant Answer: Yes

4. DID THE DENIAL/REVIEW METHOD COMPLY WITH PONTIAC'S ORDINANCE

Applicant Answer: No

5. DID THE CITY DEPRIVE THE APPELLANT OF DUE PROCESS BY APPLYING DIFFERENT STANDARDS TO THE APPLICATIONS.

Applicant Answer: YES

6. SHOULD THIS CITY COMMITTEE REVERSE THE DECISION TO DENY APPELLANTS APPLICATION?

Applicant Answer: YES

## **I. INTRODUCTION**

The applicant, PURE LIFE SOLUTIONS II, LLC (here “Pure Life” or “the Appellant/Applicant”) has applied for a Medical Marijuana Provisioning Center Business License in the City of Pontiac (“the Application”), under its ordinance and in accordance with the Michigan Medical Marijuana Facilities Licensing Act, however, Appellant’s license was denied for purported insufficient material. Quite simply, the City of Pontiac either did not fully review the entire application or ignored the sufficiency of the plans provided. Appellant has therefore filed the instant appeal pursuant to Pontiac City Ordinance as its only avenue to seek review of its denial and status in the City of Pontiac and asks this Committee to reverse the City Clerk’s decision due to lack of material, competent, and substantial evidence showing very deficient submittals on the Applicants part, erroneous and improper denial, arbitrary & capricious findings, inconsistent/unfair review process, and failure to score the application in accordance with its own ordinance.

## **II. STATEMENT OF FACTS**

### **A. Appellant’s Application**

Appellant, Pure Life is owned by highly recognized and awarded local Michigan residents, who timely filed an application for an MMPC license [REDACTED] with the City of Pontiac (here “City”) for the property located at **910 Cesar Chavez, Pontiac, MI.**

### **B. Procedural History**

On or about March 2, 2021, the City Clerk provided notice to Pure Life that the City Clerk and members of its review team had reviewed, scored, and ranked the Application No. 4 out of 17 applications submitted and awarded a total score of 111 points out of 130 available points (Exhibit A, “Scoring Form”).

On or about July 6<sup>th</sup>, 2021, Pure Life received a letter from the Clerk advising that

it would not be selected to receive a Provisioning Center license. The correspondence from the Clerk's office indicated that Pure Life was now in 6<sup>th</sup> place out of 17 and would not receive a provisioning center license (See Exhibit B).

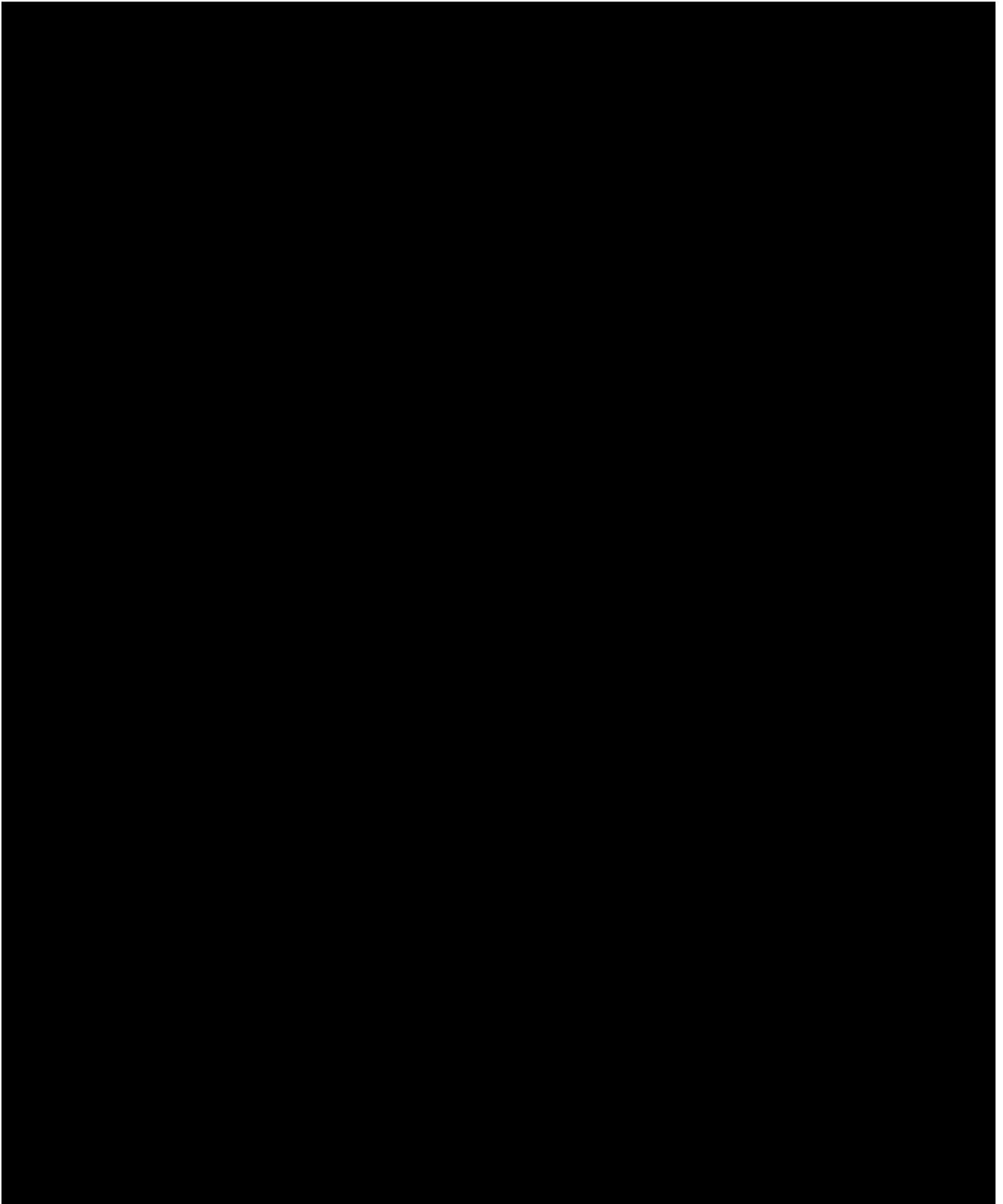
After this blatant attempt to screw Pure Life out of a license, Pure Life is left with no further avenues for reconsideration of the City's administrative decision. Therefore, Pure Life files the instant Appeal

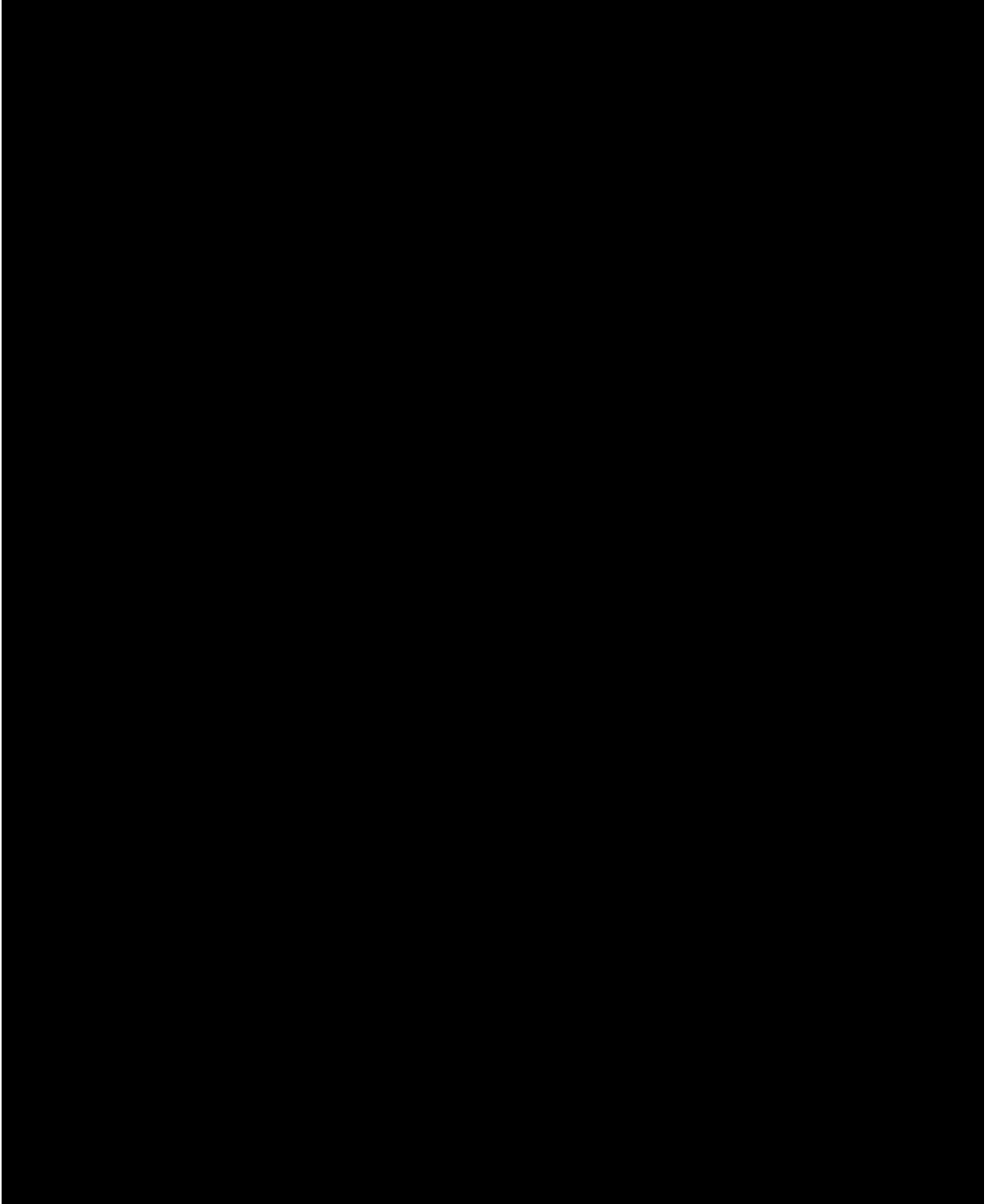
### **III. STANDARD OF REVIEW**

The basis for this appeal is (1) lack of material, competent, and substantial evidence for denial; (2) erroneous and improper denial; (3) arbitrary & capricious findings; (4) Applicant's denial was based on unfair/inconsistent review process; (5) Review/Scoring methods do not comply with the ordinance; (6) Scoring was an abuse of discretion.

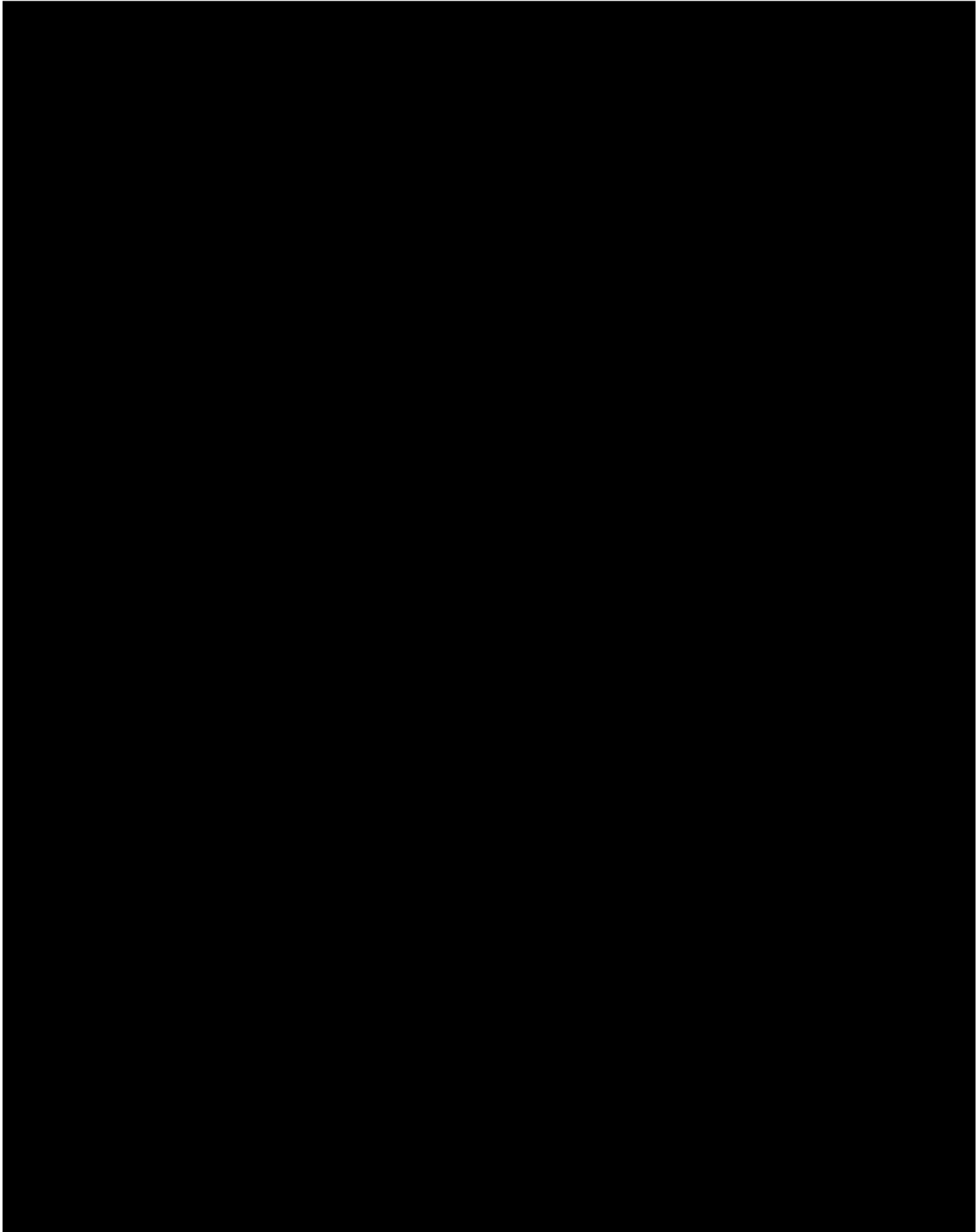
Although Appellant recognizes the Clerk's office is not a court of law, the applicable standard of review is whether the decision is supported by competent, material, and substantial evidence on the record, and represents the reasonable exercise of the board's discretion. "Substantial evidence" is evidence that a reasonable person would accept as sufficient to support a conclusion." *Edw C Levy Co v Marine City Zoning Bd of Appeals*, 293 Mich App 333, 341-42; 810 NW2d 621 (2011) (quoting *Dowerk v Charter Tp of Oxford*, 233 Mich App 62, 72; 592 NW2d 724 (1998)). Furthermore, application review must be proper, consistent, comply with the City of Pontiac ordinance and not an abuse of discretion.

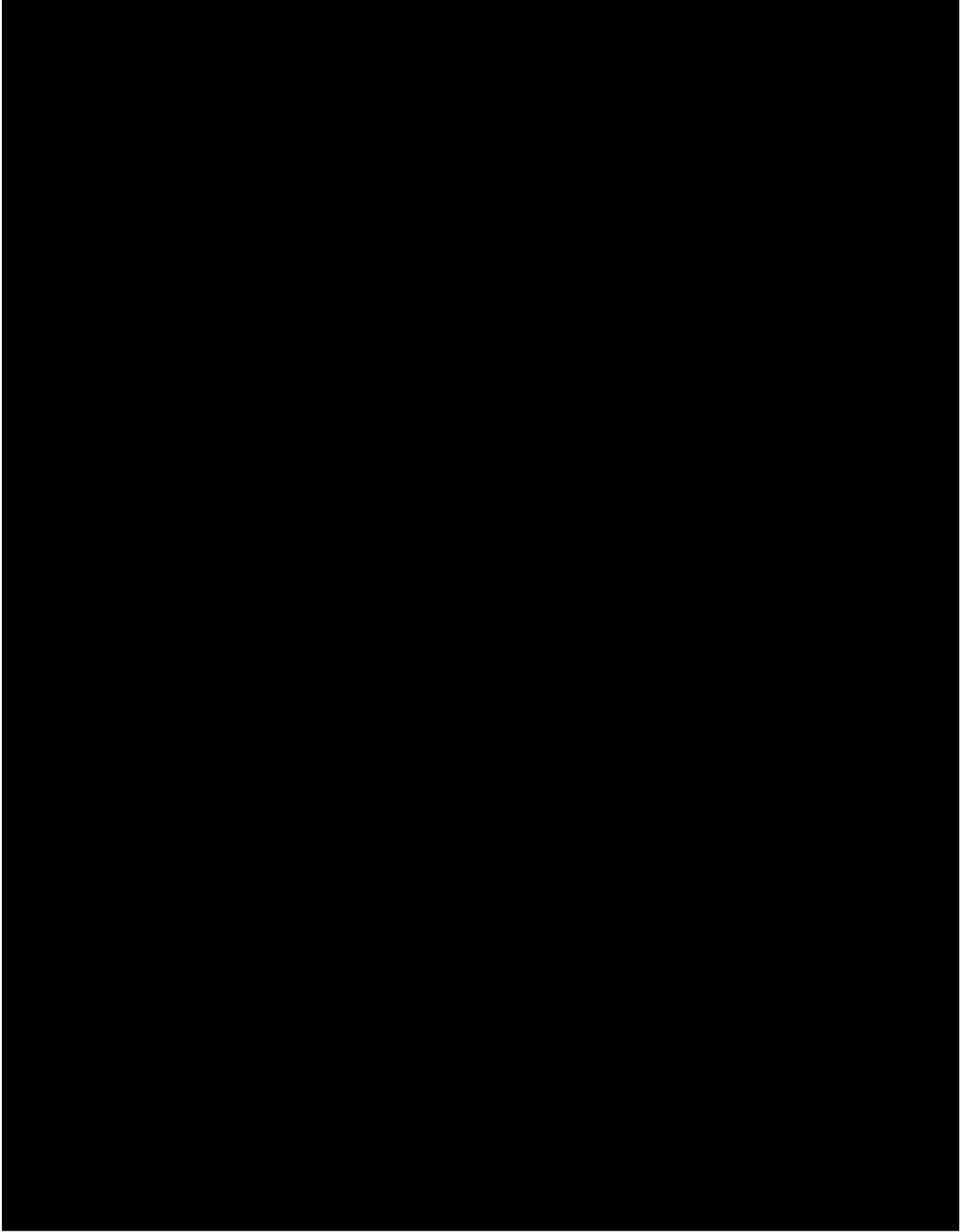
#### IV. ARGUMENT

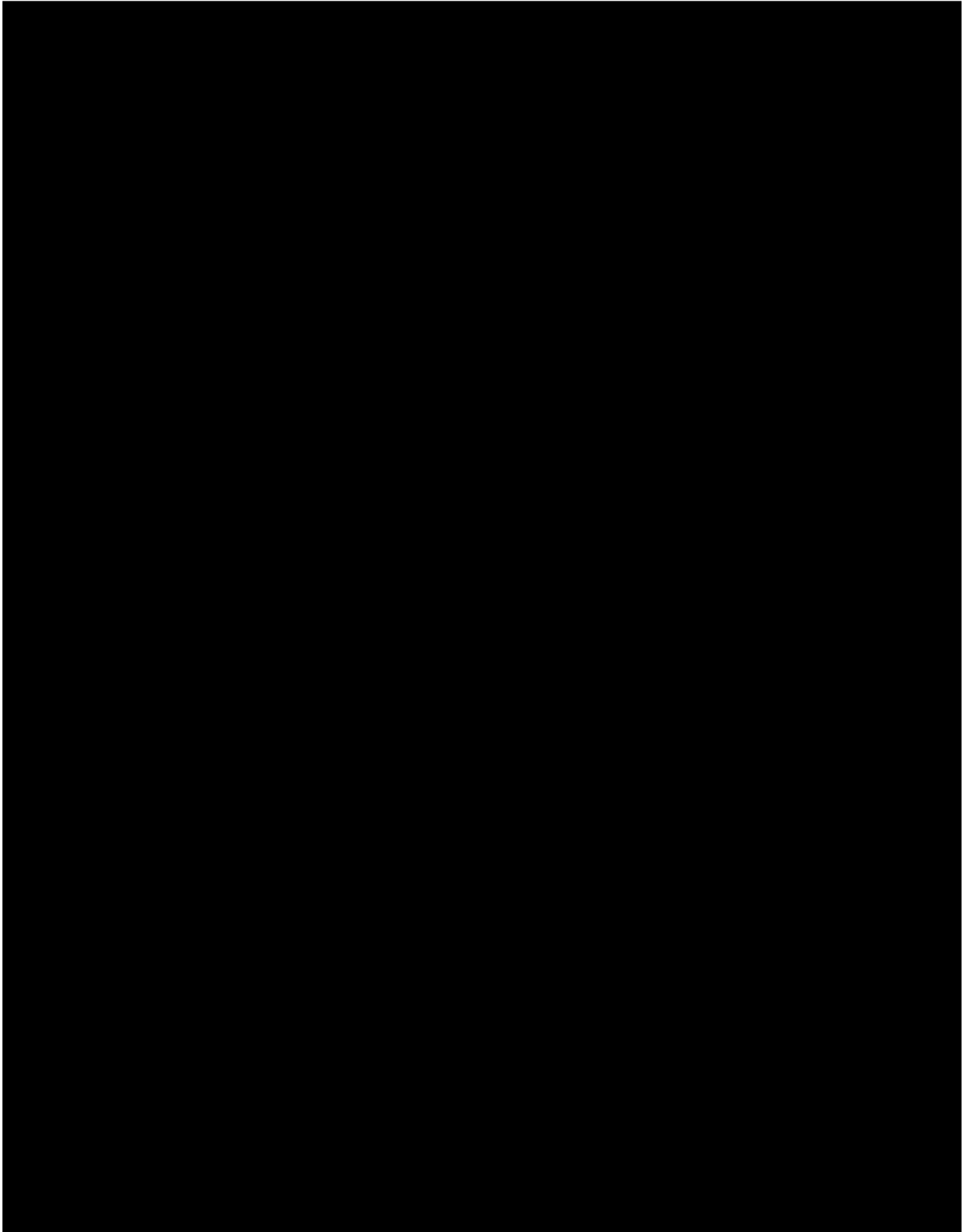














## **I. CONCLUSION**

Based on the applicants records of performing the community outreach and plans that have been attached that were all done prior to the application window closing, it is our belief that the reviewer did not give proper scores in the aforementioned categories.

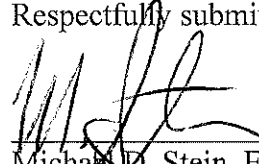
On behalf of the applicant, we request an immediate review of this appeal as we have raised serious concerns about the accuracy of this review and scoring that has missed many items that were actually supplied.

## **II. RELIEF REQUESTED**

It is clear in this case that Pure Life 's application was wrongfully denied and that it has now been unfairly stripped of its ability to receive a license. The City's scoring and denial is clearly arbitrary & capricious, inappropriate, inaccurate and an utter failure to score in conformance with the Medical Marijuana Ordinance.

WHEREFORE, Appellant respectfully requests the Committee order the City of Pontiac to reverse its decision, award a minimum of 10 additional points and give applicant approval for its Pontiac Medical Marijuana Provisioning Center.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Stein', written over a horizontal line.

Michael D. Stein, Esq

## EXHIBIT A

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez



**City of Pontiac  
Office of the City Clerk**

**Medical Marihuana Provisioning Center Scoring Form**

<b>Application Category</b>	<b>Applicant Points</b>	<b>Maximum Points</b>
<b>Content and Sufficiency of Information</b>		<b>50</b>
<b>Background Information</b>		<b>5</b>
Marihuana Regulations	0.5	(1.5)
Business Entity	2	(2)
Security	1.5	(1.5)
Financial Background	10	10
Economic Benefits	10	10
Community Development	10	10
<b>Facility (Planning and Sanitation)</b>		<b>10</b>
Planning	1	(8)
Sanitation	0	(2)
<b>Patient Education</b>		<b>5</b>
Staff Training and Education	2.5	(2.5)
Patient and Community Programs	2.5	(2.5)
<b>Land Use</b>		<b>20</b>
Resident Safety	10	10
Neighborhood Land Use	1	10
Community Impact	10	<b>10</b>
Managerial Resources	10	<b>10</b>
Financial Resources	10	<b>10</b>
Job Creation	10	<b>10</b>
Philanthropic and Community Improvement	10	<b>10</b>
Physical Improvements	10	<b>10</b>
<b>Applicant Total Score</b>	<b>111</b>	<b>130</b>

Applicant Ranking: 4 of 17 Total Applicants

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if no deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>CONTENT AND SUFFICIENCY OF INFORMATION</b>						50	
<b>Background Information - Marijuana Regulations</b>							
			0.5	1.5			

In this sub-category, applicants can receive up to 1.5 points.

**Applicant Information** (Sec. 8(c)(1) and (3))

- **Name**
  - If the applicant is an individual, provide the full name as it appears on a state issued driver's license or passport.
  - If the applicant is an entity, provide the entity name as it appears on official government documents (e.g., Articles of Incorporation, Articles of Organization, Certificate of Formation, etc.).
- **Date of Birth** (if individual) (month/day/year) (e.g., 06/20/1990) / **Employer Identification Number** (if entity)
- **Phone Number**: Provide a phone number for the applicant.
- **Address**: Provide a mailing address for the applicant.
- **Email address**: Provide an active email address that is regularly checked by the applicant.

**Insurance** (Sec. 8(c)(25))

The applicant must provide proof of premises liability and casualty insurance consistent with the requirements of LARA.

LARA Rule 11 sets forth the following minimum limits of insurance:

- bodily injury (casualty insurance) – not less than \$100,000.00; and
- commercial general liability covering premises liability – not less than \$100,000.00.

**BACKGROUND INFORMATION**



All Documents Returned to Office of City Clerk

Reviewer Name: Jonathan Starks

Signature: Jonathan Starks Title: Special Assistant



Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if no deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>CONTENT AND SUFFICIENCY OF INFORMATION</b>							
<i>Background Information - Business Entity</i>							
			2	2.0			

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

**BACKGROUND INFORMATION**

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Background Information**

**Organization Documentation**

- *Official Business Formation Document (Sec. 8(c)(2)).* The applicant must provide a copy of its formation document filed with the applicable jurisdiction (e.g., Michigan or another state). For a Michigan limited liability company this would be the applicant's Articles of Organization, and for a Michigan corporation this would be the applicant's Articles of Incorporation.
- *Copy of Governing Documents (Sec. 8(c)(4)).* The applicant must provide a copy of its current governing documents. For a Michigan limited liability company this would typically be an Operating Agreement and for a Michigan corporation this would typically be Bylaws.

**Ownership Structure (Sec. 8(c)(7))**

The applicant must submit evidence of the proposed ownership structure of the applicant, including ownership percentages held by each stakeholder. Such attachment must include all direct and indirect owners of the applicant. Graphical images with an entity chart are acceptable.

**Organization Chart (Sec. 8(c)(8))**

The applicant must submit a current organization chart that includes position descriptions and the names of each person holding such position. Graphical images with an organization chart are acceptable.

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if no deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>Background Information - Security</b>							
			1.0	1.0			
			0.5	0.5			

In this sub-category, applicants can receive up to 1.5 points

**BACKGROUND INFORMATION**

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Brian R. Stair

Signature: [Signature]

Title: Security Consultant

**CONTENT AND SUFFICIENCY OF INFORMATION – Background Information**

**Criminal Background (Sec. 8(c)(14))**

The applicant must submit a criminal background report of the applicant's criminal history. Such reports shall be obtained by the applicant through the internet Criminal History Access Tool (ICHAT) for applicants residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants who reside in other states or have resided in other states within 5 years prior to the date of application. The applicant is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application.

**Security Plan (Sec. 8(c)(17))**

The applicant must submit a security plan for the proposed medical marijuana facility that is consistent with the requirements of LARA Rule 35. LARA Rule 35 has 13 subparts, which imposes twelve requirements on the part of the applicant. The applicant must be able to attest that it has requisite systems in place and that it will be able to follow the procedures put in place by LARA.



Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Financial Reviewer

Title: \_\_\_\_\_

**CONTENT AND SUFFICIENCY OF INFORMATION – Financial Background**

The second section of the application applies to the applicant's business and financial information.

**Proposed Business Plan** (Sec. 8(c)(6))

The applicant must submit a proposed business plan. A complete business plan should include a description of the following for the applicant:

- Business and Objectives;
- Location, Facilities and Equipment;
- Market and Competitive Analysis;
- Management and Organization;
- Products and Services;
- Marketing Plan and Sales Strategy;
- Funding; and
- Financial Projections.

The applicant may include cross references to other sections of the application to reference the applicant's (a) short and long term business objectives; (b) the proposed marketing, advertising and business promotion plan for the facility; (c) planned capital investment in the City of Pontiac; (d) expected job creation; (e) community education plans; and (f) charitable plans and strategies. These items may be considered as part of the applicant's business plan.

**Capital Investment** (Sec. 8(c)(10))

The applicant must describe the planned tangible capital investment in the City of Pontiac, including (i) detail related to the number and nature of proposed medical marijuana facilities (including if the applicant is applying for a stacked license or if the applicant plans to apply for future licenses) and (ii) whether the locations of such facilities will be owned or leased. In describing the planned capital investment in the City, the applicant should also describe its investment in the location (e.g., purchase price of the location or monthly/annual rent and proposed investment in improvements at the location).

**Financial Structure and Financing** (Sec. 8(c)(12))

The applicant must describe the financial structure and the financing of the proposed medical marijuana facility. Graphical images are acceptable, so long as the entities or individuals referenced on the graph have been identified in the application.

The financial structure should include the structure of the applicant's sources of financing, including owners' equity, short and long-term debt and liabilities, and accounts payable. The financial structure should show the applicant's debt-equity ratio and all debt or equity investors in the proposed medical marijuana facility. Failure to include a detailed explanation of how and by whom the facility will be financed may result in the application being delayed or rejected.

**Business Goals** (Sec. 8(c)(13))

The applicant must describe its short-term and long-term business goals and objectives for the proposed medical marijuana facility.

The applicant's business goals and objectives should be specific and measurable. Goals are statements of the applicant's desired achievements, while objectives are specific steps or actions the applicant can/will take to reach a particular goal. The applicant's goals and objectives should be separately identified, and the goals should support the applicant's proposed business plan. Goals can be in areas such as sales, profitability, product range, community outreach, efficiency and customer service/approval, with a range of objectives to meet such goals.

[continued on next page]

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

**Marketing Plan** (Sec. 8(c)(9))

The applicant must submit a proposed marketing, advertising, and business promotion plan for the proposed medical marihuana facility. The proposed plan should describe all the means and methods of promoting the proposed medical marihuana facility, including which marketing strategies the applicant will implement, such as:

- e-mail marketing;
- attending industry related events and conferences;
- become a member of business and industry associations (local, state and/or national);
- online advertising;
- direct communication with other licensed medical marihuana facilities;
- development of a website or social media accounts; and
- sponsorship or establishment of community programs.

The plan should acknowledge that all advertising, marketing, signs and materials will comply with state laws and any Pontiac City ordinances.

**Inventory and Recordkeeping Plan** (Sec. 8(c)(22))

The applicant must submit a proposed inventory and recordkeeping plan consistent with the requirements of LARA. The plan should identify the following:

- How the applicant will keep records;
- What specific information will be reported on the METRIC system (e.g., the applicant should report lot and batch information throughout the entire chain of custody);
- How the applicant will identify inventory discrepancies;
- How the applicant will tag, batch, label and log information into the METRIC system; and
- How marihuana will be stored at the facility.

**Minimum Capitalization Requirement** (Sec. 8(c)(24))

The applicant must verify that it has met the minimum capitalization consistent with the requirements of LARA Rule 12. To satisfy this requirement, the applicant must submit Certified Public Accountant (CPA) attested financial statements consistent with the requirements of LARA Rule 12 validating the capitalization amounts and sources.

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>Economic Benefits</b>							
			10	10			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) points if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Economic Benefits** (Sec. 8(c)(11))

The applicant must provide an explanation of the economic benefits to the City of Pontiac and the job creation to be achieved by the proposed medical marihuana facility, including: (i) the number and types of jobs the medical marihuana facility is expected to create; (ii) the amount and type of compensation expected to be paid for such jobs; and (iii) the projected annual budget and revenue of the medical marihuana facility.

**ECONOMIC BENEFITS**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: Sherman J. Taylor

Title: Financial Reviewer

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

		Criteria							
		Yes	No	Satisfactory (S) or Very Deficient (VD) (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>Community Development</b>				S or VD					
	Commitment to providing community benefits and quality of pledged community benefits				4	4	10	10	
	• A description of the proposed community outreach and education strategies.								
	Duration of pledged community benefits				3	3			
	• A description of the amount of time or financial commitment to each program. • A description of the length (days, weeks, months) of each commitment and cumulative duration.								
	Community support for pledged community benefits				3	3			
	• Community outreach meetings that occur at a variety of places (community centers, churches, etc.). • A description of the planned frequency of community outreach meetings. • A description of the applicant's plans for responding to community concerns. • A description of the applicant's efforts to connect with community leaders. • A description of the involvement of key stakeholders in community development programs.								

- In the sub-category with a maximum of four (4) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Four (4) points if their submission is **Satisfactory**.
- In each sub-category with a maximum of three (3) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Three (3) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular sub-category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular sub-category if it satisfies the criteria set out for that category, as applicable.

**PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.**

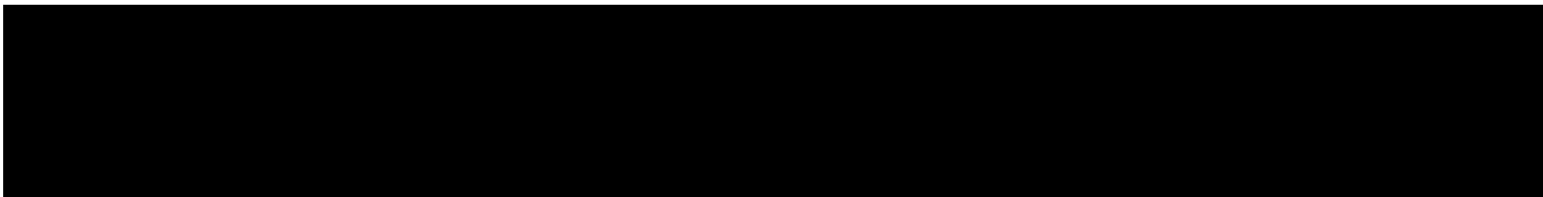
**COMMUNITY DEVELOPMENT**



Applicant Name Caesars Garden

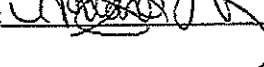
Application Number [REDACTED]

District Cesar Chavez



All Documents Returned to Office of City Clerk

Reviewer Name: Gartland Doyle

Signature: 

Title: Interim City Clerk

**CONTENT AND SUFFICIENCY OF INFORMATION – Community Development**

**Community Outreach and Education (Sec. 8(c)(15))**

The applicant must describe its proposed community outreach and education strategies. This should include specific steps that the applicant intends to take with regard to community outreach and education.

Community outreach and education initiatives can include, but are not limited to, the following:

- reaching out to local homeowner associations, neighborhood associations, community groups, businesses and/or property owners within a reasonable proximity of the proposed facility to request a meeting with representatives and provide information about the facility; applicants who contact homeowner's associations, neighborhood associations, community groups, businesses and/or property owners should include the name of the association/business/owner and contact person if meetings have been scheduled;
- description of the applicant's plan for responding to community concerns; and
- partnering with neighborhood associations and/or community groups or sponsoring events for neighborhood associations and/or community groups (if this is part of your efforts, please describe in detail which organizations you intend to partner with or have committed partnerships or sponsorships and how that will further your community outreach).

***If an applicant does not pledge community benefits, the applicant will receive a zero (0) score for this section.***



Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Planning (Facility)**

**Floor Plan (Sec. 8(c)(18))**

The applicant must submit a floor plan of the proposed medical marihuana facility consistent with the requirements of the City of Pontiac Zoning Ordinance, Section 6.208.

**Scale Diagram (Sec. 8(c)(19))**

The applicant must submit a scale diagram illustrating the property upon which the proposed medical marihuana facility is to be operated, including all available parking spaces and specifying which parking spaces are handicapped-accessible.

Such scale diagram must be in the form of a property survey prepared by a licensed professional surveyor.

**Signage (Sec. 8(c)(20))**


The applicant must submit a depiction of any proposed text or graphic materials that will be shown on the exterior of the proposed medical marihuana facility.

**Location Map (Sec. 8(c)(27))**

The applicant must submit a location map that identifies the relative locations of, and distances from, the nearest school, childcare center, public park containing playground equipment, or religious institution. Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac's Medical Marihuana Zoning Ordinance #2363, the measurement must be taken along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center or religious institution, or, for a public park, from the playground equipment nearest the contemplated location, and from the primary point of ingress to the contemplated location.

Such location map must be in the form of a survey map prepared by a licensed professional surveyor.

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

		Criteria							
		Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>Facility (Planning and Sanitation)</b>									
<b>Sanitation Section</b>									
	Facility sanitation plan				0	2			
	Plan for ensuring proper treatment and security of waste								
	Contracts with service providers for waste disposal and treatment								

- In this sub-category, applicants will receive: (a) zero (0) no point if there submission is **Very Deficient**, (b) One (1) point if their submission is **Somewhat Deficient**, or (c) Two (2) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

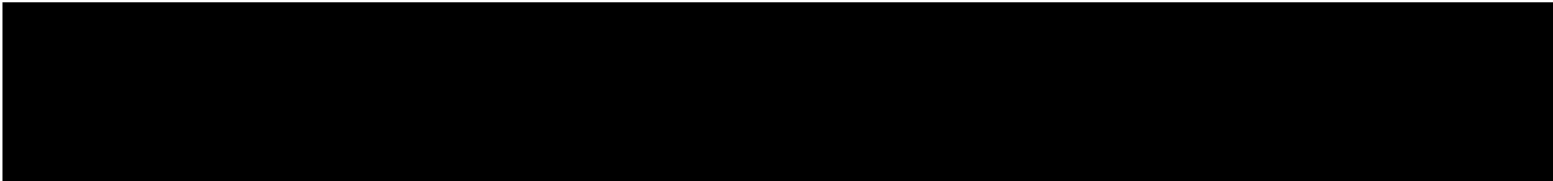
PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

SANITATION SECTION

Satisfactory

Deficient

Very Deficient



All Documents Returned to Office of City Clerk

Reviewer Name: Dan Ringo

Signature: 

Title: Director

**CONTENT AND SUFFICIENCY OF INFORMATION – Facility (Planning and Public Works)**

**Facility Sanitation Plan (Sec. 8(c)(21))**

The applicant must submit a facility sanitation plan that describes how waste will be stored and disposed and how marijuana will be rendered unusable upon disposal at the proposed medical marijuana facility. Such facility sanitation plan must comply with all laws, including any guidelines published by LARA.

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
				5			
			2.5	2.5			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Five (5) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.**

**PATIENT EDUCATION**

Satisfactory  Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: Sherman J. Taylor

Title: Financial Reviewer

**CONTENT AND SUFFICIENCY OF INFORMATION – Patient Education**

**Staff Training and Education (Sec. 8(c)(5))**

The applicant must describe the training and education that the applicant will provide to all of its employees.

Training and education should include courses about the regulations of marihuana and employee manuals and other materials that include, but are not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and daily limits. Employee training and education is not and should not be limited to marihuana related matters. Applicants are encouraged to describe other training and educational opportunities they may offer their employees.

Applicant Name Caesars Garden

Application Number                     

District Cesar Chavez

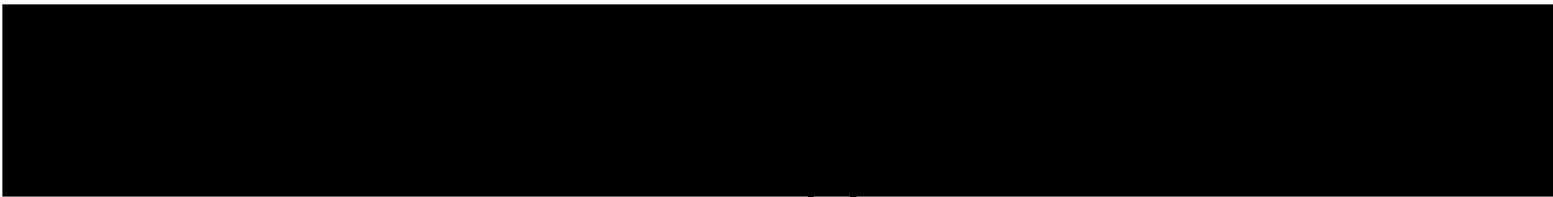
		Criteria						
Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name	
				5				
			2.5	2.5				

- In this sub-category, applicants can receive: (a) Half (0.5) point if their submission is **Very Deficient**, or (b) Two and a half (2.5) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

PATIENT EDUCATION

Satisfactory  Very Deficient



All Documents Returned to Office of City Clerk

Reviewer Name: Garland Doyle

Signature: [Handwritten Signature]

Title: Interim City Clerk

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Patient Education**

**Patient Education Plan (Sec. 8(c)(28))**

The applicant must describe the educational materials and information that will be provided to or available to patients at the facility.

Information should be provided verbally and in writing and include information regarding the risks and benefits of medical marijuana usage, scientific publications or brochures from medical organizations regarding the health risks and recommended dosages, and materials regarding the risks of impairment and addiction.

**Drug and Alcohol Awareness Programs (Sec. 8(c)(29))**

The applicant must describe its plan for providing and/or making available to the public drug and alcohol awareness programs.

Applicant should describe the frequency with which it intends to host drug or alcohol awareness programs, including identification of the individuals who will provide information regarding potential risks and addictions, if it intends to host such programs on-site; identify the channels through which it intends to disseminate awareness information; or describe its plan for engaging in partnerships with community organizations to provide referrals to drug and alcohol awareness programs.

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

	Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>LAND USE</b>							20	
<b>A. Resident Safety</b>								
Detriment to resident safety								
System for communicating potential safety threats to neighborhood residents				10	10			
Plan for securing facility including surveillance								
Agreements with law enforcement or private security company to ensure area safety								

- In these sub-categories, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) points if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

LAND USE

Satisfactory  Somewhat Deficient  Very Deficient

Comments:

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All Documents Returned to Office of City Clerk

Reviewer Name: Brian R. Stair

Signature: [Signature]

Title: Security Consultant



Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

LAND USE

Detriment to Resident Safety (Sec. 9(f)(2))

The applicant must explain whether the proposed facility is anticipated to have any detrimental effects on resident safety and, if so, the applicant's plan for mitigating those safety risks, including any systems for communicating threats to neighborhood residents and plans for securing the facility area, such as surveillance cameras, private security contracts, or agreements with local law enforcement for additional security patrols.

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

	Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>LAND USE</b>							20	
<b>B: Neighborhood Land Use</b>								
Consistency with neighborhood land use								
Efforts to ensure character of neighborhood maintained								
Plan to ensure product and materials are kept away from minors				1	10			
Partnerships with community organizations to mitigate negative effects								
Partnerships with area businesses to mitigate issues								
Effect on traffic patterns								

- In these sub-categories, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) point if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

LAND USE

Satisfactory     Somewhat Deficient     Very Deficient



All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature: [Handwritten Signature]

Title: Planning Manager

11.16.20 / 1.19.21 / 12.31.21

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

### LAND USE

#### Consistency with Land Use and Effect on Traffic Patterns (Sec. 9(f)(2))

The applicant must explain whether the proposed facility is consistent with the character and existing land use in the surrounding neighborhood, including any anticipated impact on neighborhood traffic flow and the applicant's plan to minimize disruptions to neighborhood residents' quality of life and to ensure that residents have continued ease of access to the area. The applicant should specifically describe the availability of parking near the facility and any partnerships with community organizations and/or law enforcement to minimize congestion and potential traffic and neighborhood hazards.

Below are the applicable standards that should be used to evaluate the facility plan and land use submissions:

- All Medical Marijuana Facilities must meet the following applicable Building Codes: (i) Michigan Building Code 2015; (ii) Michigan Mechanical 2015; (iii) Michigan Plumbing Code 2015; and (iv) National Electrical Code 2017
- Applicants shall be required to obtain permits for build out of medical marijuana facilities – such permits may include: (i) Building; (ii) Electrical; (iii) Mechanical; (iv) Plumbing; (v) Fire Alarm (Security System); and (vi) Fire Suppression
- Applicable Medical Marijuana Facilities must meet applicable requirements of the International Fire Code 2015 edition and National Fire Protection Association (NFPA) standards (including NFPA 1 2018)
- Applicants are subject to Property Maintenance Code 2015, Section 107.5
- Review of Medical Marijuana Applications by the City of Pontiac Planning Division; without limitation, review of permits is subject to the following provisions of the Pontiac Zoning Ordinance:
  - Uses Permitted by District: Article 2, Chapter 2
  - Dimensional and Development Standards for Zoning District: Article 2, Chapter 3
  - Frontage Design Standards: Article 2, Chapter 4
  - Dimension & Development Standards for Specific Uses: Article 2, Chapter 5
  - Special Purpose Zoning Districts: Article 3, Chapter 11
  - General Provision: Article 4
    - Accessory Structures and Fences: Chapter 1
    - General Standards: Chapter 2
    - Parking: Chapter 3
    - Landscaping & Buffering: Chapter 4
    - Exterior Lighting: Chapter 5
    - Performance Standards: Chapter 7
  - Signs: Article 5
  - Site Plan Review: Article 6, Chapter 3
  - Special Exception Permit Review: Article 6, Chapter 3
  - Variances & Appeals: Article 6, Chapter 4
  - Permits, Fees, Violations and Penalties: Article 6, Chapter 7
  - Zoning Text & Map Amendments: Article 6, Chapter 8
  - Public Hearing Procedures: Article 6, Chapter 9
  - Definitions: Article 7, Chapter 1, 2 & 3

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Reviewer Name
<b>COMMUNITY IMPACT</b>							
	Planned community outreach initiatives				10	10	
	Meetings with community leaders and stakeholders						
	Availability of facility managers to address community concerns						
	Promptness in responding to community concerns						
	Physical improvements to building						
	Capital investment in building and time for completion						
	Impact on traffic						
	Plan for ensuring uninterrupted street access						
	Effect on noise level						
	Efforts to control facility area and eliminate loitering						
	Mitigation of odor effects						
	Technology in place to mitigate odors						

In this category, applicants can receive:

- One (1) point if their submission is *Very Deficient*,
- Five (5) points if their submission is *Somewhat Deficient*, or
- Ten (10) points if their submission is *Satisfactory*.

A submission will be deemed *Very Deficient* in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed *Somewhat Deficient* in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed *Satisfactory* in a particular category if it satisfies the criteria set out for that category, as applicable.

**Community Outreach and Minimization of Traffic, Noise, and Odors (Sec. 9(f)(3))**  
 The applicant must describe its efforts to address anticipated community concerns regarding increased noise, odors, and traffic as a result of the facility, including specific strategies to make managers available to address concerns and any technologies that the applicant intends to utilize to mitigate noise and odors.

COMMUNITY IMPACT

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

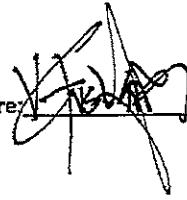
Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature: 

Title: Planning Manager

11-16-20 / Rev 1-19-21 / Rev 1-21-21

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>MANAGERIAL RESOURCES</b>						10	
	Description of each primary stakeholder's relevant business experience	[REDACTED]					
	History of operating similar medical marihuana facilities	[REDACTED]					
	Whether applicant currently operates other medical marihuana facilities	[REDACTED]					
	Whether facility managers are stakeholders of applicant	[REDACTED]			10	10	
	Whether facility manager has operated other medical marihuana facilities	[REDACTED]					
	Proof of regulatory compliance	[REDACTED]					
	Criminal background history by applicant and stakeholders	[REDACTED]					

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

If an applicant and all of its stakeholders have received prequalification approval from the department or board, the applicant shall receive the maximum number of scoring points under this category.

**Record of Detrimental Acts** (Sec. 9(f)(4))

The applicant must disclose and describe whether it or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare. This should not be limited to criminal charges or convictions. For each such act, the applicant should disclose the date of the act, the factual background, the resolution of the incident, and any discipline imposed.

**MANAGERIAL RESOURCES**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Reviewer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>FINANCIAL RESOURCES</b>							
	Sufficient financial resources to fund business plan				10	10	
	Description of allocation of financial resources to each phase of business plan						
	Anticipated reinvestment of profits into business						
	Copies of financial statements and tax returns of applicant and primary stakeholders for last three years						
	Business experience to execute business plan						
	Managerial history of key stakeholders and managers including copies of resumes						
	CPA attestation of net worth or bank statements						
	Pre-qualification with State of Michigan (maximum points awarded)						

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

If an applicant and all of its stakeholders have received prequalification approval from the department or board, the applicant shall receive the maximum number of scoring points under this category.

**Financial Resources** (Sec. 9(f)(5))

The applicant must submit documentation sufficient to reasonably and tangibly demonstrate that it possesses sufficient financial resources to fund, and the requisite business experience to execute, the submitted business plan and other plans required by this application. Suggested documentation includes verified financial statements, bank statements, resumes or other employment records, and tax returns.

**FINANCIAL RESOURCES**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Applicant Name Ceasars Garden

Application Number 

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

	Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>JOB CREATION</b>						
Anticipated job creation						
Number of full-time and part-time positions expected to be created						
Nature of each position						
Hourly wages or salaries for each position						
Qualifications required for each position (high school, college, certifications, etc.)				10	10	
Healthcare and benefits to be provided						
Plan and strategy to attract employees from City of Pontiac						
Plans and initiatives for recruiting prospective employees						
Marketing of jobs and recruiting efforts via a variety of media, including in-person meetings within community						

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Anticipated Job Creation (Sec. 9(f)(6))**

The applicant must identify the job creation to be achieved by the proposed medical marijuana facility, including: (i) the number of full-time and part-time positions the medical marijuana facility is expected to create; (ii) the hourly wages or salaries to be paid for such jobs; (iii) any plans and strategies to attract and hire employees from the City of Pontiac; and (iv) whether the applicant plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave.

JOB CREATION

Satisfactory  Somewhat Deficient  Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: Sherman J. Taylor

Title: Financial Reviewer

Applicant Name Caesars Garden

Application Number [REDACTED]

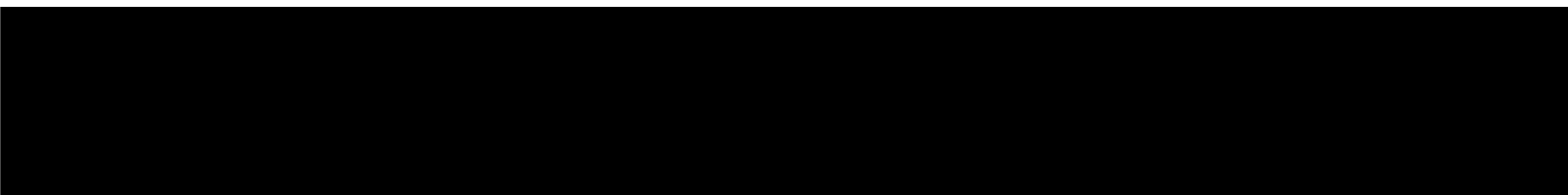
District Cesar Chavez

		Yes	No	Satisfactory (S) or Very Deficient (VD) (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Points	Reviewer Name
<b>PHILANTHROPIC AND COMMUNITY IMPROVEMENT</b>									
S or VD									
Commitment to providing community benefits and quality of pledged community benefits					4	4	10	10	
<ul style="list-style-type: none"> <li>A description of proposed charitable plans, whether through financial donations or volunteer work.</li> <li>A description of the community improvement programs aimed at the City of Pontiac.</li> </ul>									
Duration of pledged community benefits					3	3			
<ul style="list-style-type: none"> <li>A description of the amount of time or financial commitment to each program.</li> <li>A description of the length (days, weeks, months) of each commitment and cumulative duration.</li> </ul>									
Community support for pledged community benefits					3	3			
<ul style="list-style-type: none"> <li>A description of the applicant's plans for responding to community concerns.</li> <li>A description of the applicant's efforts to connect with community leaders.</li> <li>A description of the involvement of key stakeholders in community development programs.</li> </ul>									

- In the sub-category with a maximum of four (4) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Four (4) points if their submission is **Satisfactory**.
- In each sub-category with a maximum of three (3) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Three (3) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular sub-category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular sub-category if it satisfies the criteria set out for that category, as applicable.

**PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.**

**PHILANTHROPIC AND COMMUNITY IMPROVEMENT**



Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Garland Doyle

Signature: 

Title: Interim City Clerk

**PHILANTHROPIC AND COMMUNITY IMPROVEMENT**

**Philanthropic & Community Improvement Programs (Sec. 9(f)(7))**

The applicant must describe its planned philanthropic or community improvement programs, including whether the applicant intends to contribute through financial donations or volunteer work; the time or financial commitment; the community organizations it plans to volunteer or work with and/or donate to; and the applicant's plan for communicating with the City of Pontiac to identify particular areas of need.

**Charitable Plans (Sec. 8(c)(16))**

The applicant must describe its proposed charitable plans, whether through financial donations or volunteer work. The applicant should list which charitable organizations it plans to volunteer or work with and/or donate to, and the details of such proposed relationship.

With regards to charitable plans, the City Clerk will consider those community benefits pledged to the City of Pontiac as part of the provisioning center application and award points based on the commitment, quality, duration, community support, and amount pledged of such pledged benefits.

***If an applicant does not pledge community benefits, the applicant will receive a zero (0) score for this section.***

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain comments)	Points	Max Possible Points	Reviewer Name
<b>PHYSICAL IMPROVEMENTS</b>							
Proximity to other structures							
More than 1,000 feet from operational public or private school					10	10	
More than 500 feet from operational commercial childcare organization, public park with playground equipment, or religious institution							

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Proximity to Other Structures** (Sec. 9(f)(8))

Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac’s Medical Marihuana Zoning Ordinance #2363, the applicant must submit documentation showing the proximity of the proposed medical marihuana facility to other structures, including (a) whether the proposed medical marihuana facility is more than 1,000 feet from an operational public or private school, and (b) more than 500 feet from an operational commercial childcare organization (non-home occupation) that is licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency, a public park with playground equipment, or a religious institution that is defined as tax exempt by the city assessor.

Such distance between the school, childcare center, public park, or religious institution and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, or religious institution, or from the playground equipment in a public park, and from the primary point of ingress to the contemplated location.

PHYSICAL IMPROVEMENTS

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_

Applicant Name Caesars Garden

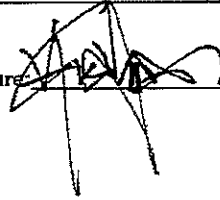
Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature



Title: Vern Gustafsson

11-16-20 / 11-17-21 / 11-21-21

EXHIBIT B



OFFICE OF THE CITY CLERK  
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone: (248) 758-3200  
Fax: (248) 758-3160

July 6, 2021

Sean P. Gallagher  
c/o Caesars Garden  
910 Cesar Chavez  
Pontiac, MI 48340

Dear Mr. Gallagher:

Re: Clerk's Decision on Caesars Garden (Pure Life Solutions II LLC) [REDACTED] Hearing Officer Appeal

On March 2, 2021, Caesars Garden was informed that their application for a Cesar Chavez Overlay District Provisioning Center Permit received a score of 111 and was ranked 4 of 17 total applications.

After the Hearing Officer Appeals Round 1, your ranking was changed to 5 of 17. As a result of receiving an adverse decision from the Clerk, you were given fourteen (14) days to appeal.

On June 29, 2021, Grewal Law PLLC, the Medical Marihuana Hearing Officer for the City of Pontiac Office of the City Clerk conducted a hearing. John W. Fraser, Esq., Grewal Law PLLC served as the hearing officer for your appeal.

I have reviewed the hearing officer recommendation. The hearing officer recommendation was emailed to [sean@legalspg.com](mailto:sean@legalspg.com). Based on the hearing officer recommendation, I am denying your application. Although your score did not change, your ranking did change. Your application is now ranked 6 out of 17 total applications.

The following are the categories that the score was appealed.

Category	Applicant Score	Maximum Points	Hearing Officer Recommendation	Clerk's Final Decision
Facility Planning	1	8	1	1
Facility Sanitation	0	2	0	0
Land Use – Neighborhood	1	10	1	1



City of Pontiac  
Office of the City Clerk  
**Medical Marihuana Provisioning Center Scoring Form**

Application Category	Applicant Points	Maximum Points
Content and Sufficiency of Information		50
Background Information		5
Marihuana Regulations	0.5	(1.5)
Business Entity	2	(2)
Security	1.5	(1.5)
Financial Background	10	10
Economic Benefits	10	10
Community Development	10	10
Facility (Planning and Sanitation)		10
Planning	1	(8)
Sanitation	0	(2)
Patient Education		5
Staff Training and Education	2.5	(2.5)
Patient and Community Programs	2.5	(2.5)
Land Use		20
Resident Safety	10	10
Neighborhood Land Use	1	10
Community Impact	10	10
Managerial Resources	10	10
Financial Resources	10	10
Job Creation	10	10
Philanthropic and Community Improvement	10	10
Physical Improvements	10	10
<b>Applicant Total Score</b>	<b>111</b>	<b>130</b>

Applicant Ranking: 6 of 17 Total Applicants

According to Ordinance 2357(B) Section 16 you may further appeal to the for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marihuana commission shall only overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Therefore, your appeal to the Medical Marihuana Commission can only focus on the categories listed above and you cannot submit any additional information in your appeal to the Medical Marihuana Commission as noted in Ordinance 2357(B) Section 16.

If you choose to appeal to the Medical Marihuana Commission, you must submit your appeal on the attached form to the Office of the City Clerk no later than 4:30p.m. on August 6, 2021. Please note the Medical Marihuana Commission is a public body any documents that you submit as a part of your appeal to Medical Marihuana Commission are public and subject to disclosure in accordance with the Freedom of Information Act (FOIA). The hearing officer recommendation and the Clerk's decision on your appeal will be submitted to the Medical Marihuana Commission and therefore will subject to public disclosure.

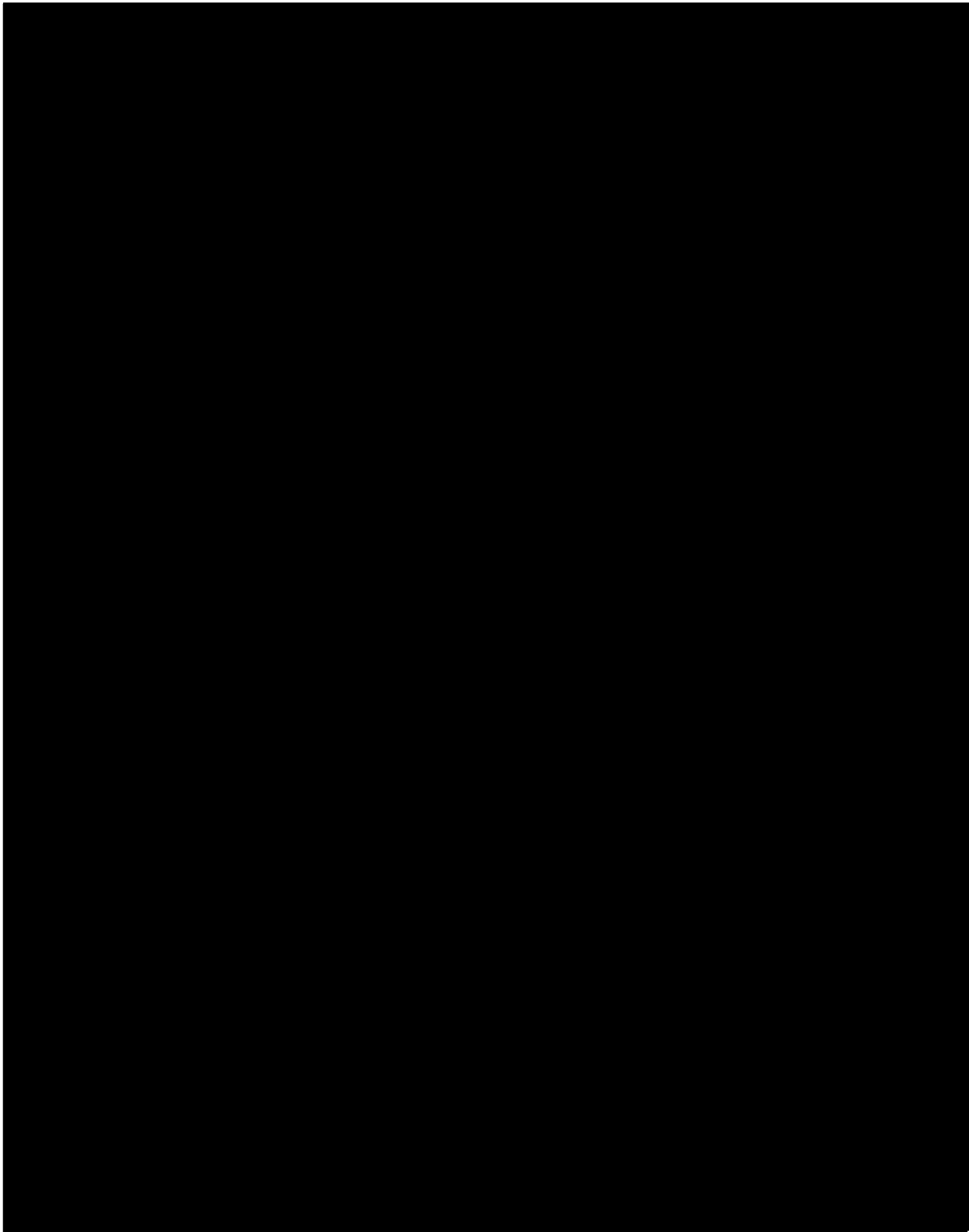
If you have any questions, please contact Jonathan Starks, Regulatory Analyst at (248) 758-3005.

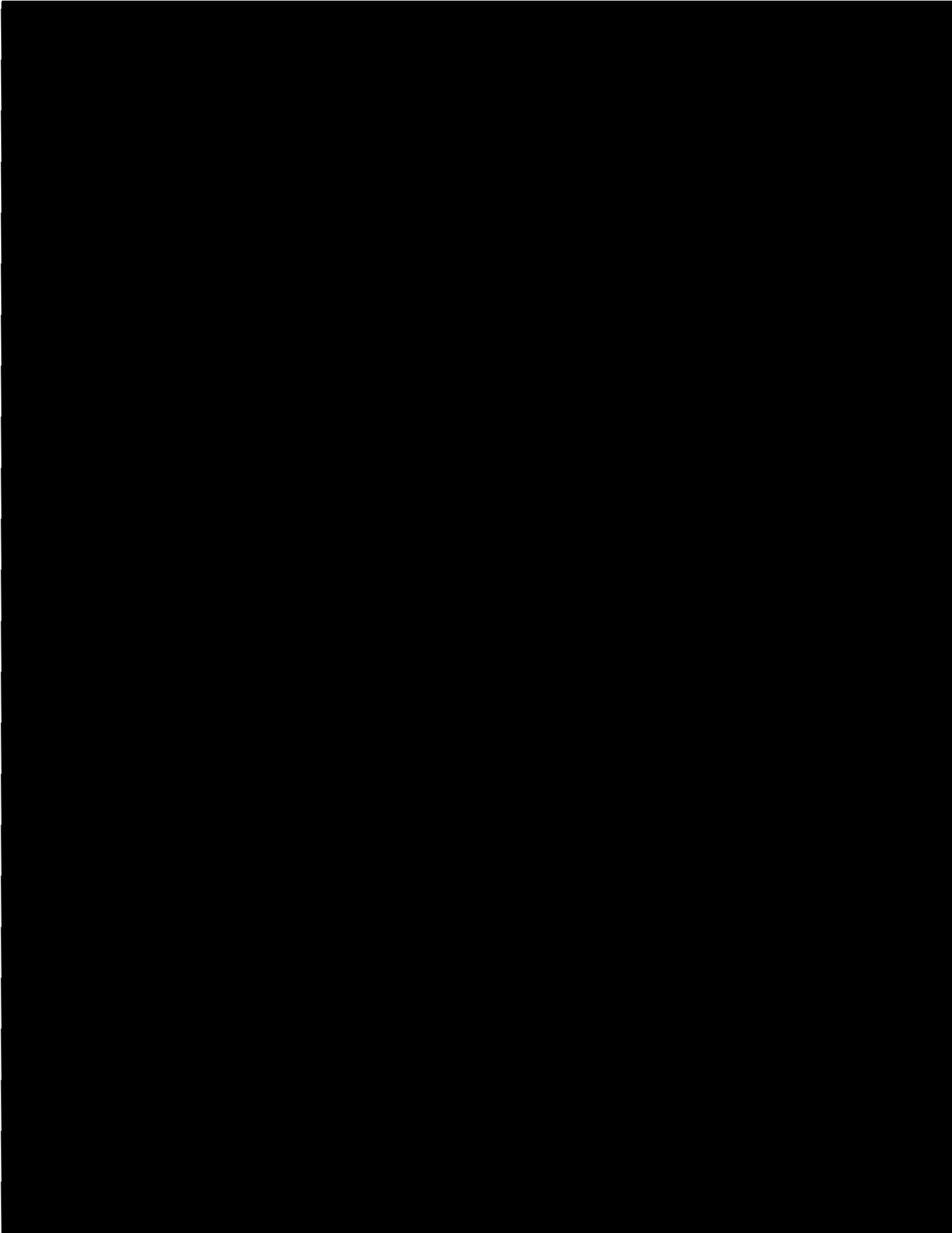
Sincerely,

  
Garland S. Doyle, M.P.A., CNP  
Interim City Clerk

Cc: Steven Ori

EXHIBIT C





**SHARE THIS**

<https://www.iii.org/article/commercial-general-liability-insurance>

- Libel

liability insurance. Talk with your insurance professional, risk manager







EXHIBIT D

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

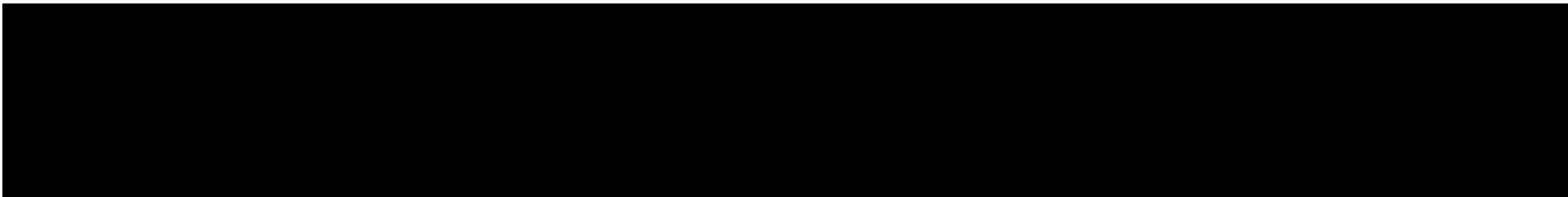
Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>Facility (Planning and Sanitation)</b>							
<b>Planning Section:</b>							
			1	8			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Four (4) points if their submission is **Somewhat Deficient**, or (c) Eight (8) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

PLANNING SECTION

Satisfactory  Somewhat Deficient  Very Deficient



✓ 11-16-20 / Rev 1-19-21 / Rev 1-31-21  
All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature: [Handwritten Signature]

Title: Planning Manager

Reviewer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Planning (Facility)**

**Floor Plan** (Sec. 8(c)(18))

The applicant must submit a floor plan of the proposed medical marijuana facility consistent with the requirements of the City of Pontiac Zoning Ordinance, Section 6.208.

**Scale Diagram** (Sec. 8(c)(19))

The applicant must submit a scale diagram illustrating the property upon which the proposed medical marijuana facility is to be operated, including all available parking spaces and specifying which parking spaces are handicapped-accessible.

Such scale diagram must be in the form of a property survey prepared by a licensed professional surveyor.

**Signage** (Sec. 8(c)(20))

The applicant must submit a depiction of any proposed text or graphic materials that will be shown on the exterior of the proposed medical marijuana facility.

**Location Map** (Sec. 8(c)(27))

The applicant must submit a location map that identifies the relative locations of, and distances from, the nearest school, childcare center, public park containing playground equipment, or religious institution. Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac’s Medical Marijuana Zoning Ordinance #2363, the measurement must be taken along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center or religious institution, or, for a public park, from the playground equipment nearest the contemplated location, and from the primary point of ingress to the contemplated location.

Such location map must be in the form of a survey map prepared by a licensed professional surveyor.

EXHIBIT E

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>Facility (Planning and Sanitation)</b>							
<b>Sanitation Section</b>							
			0	2			

- In this sub-category, applicants will receive: (a) zero (0) no point if there submission is **Very Deficient**, (b) One (1) point if their submission is **Somewhat Deficient**, or (c) Two (2) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

SANITATION SECTION

Satisfactory

Deficient

Very Deficient

All Documents Returned to Office of City Clerk

Reviewer Name: Dan Ringo

Signature: [Signature]

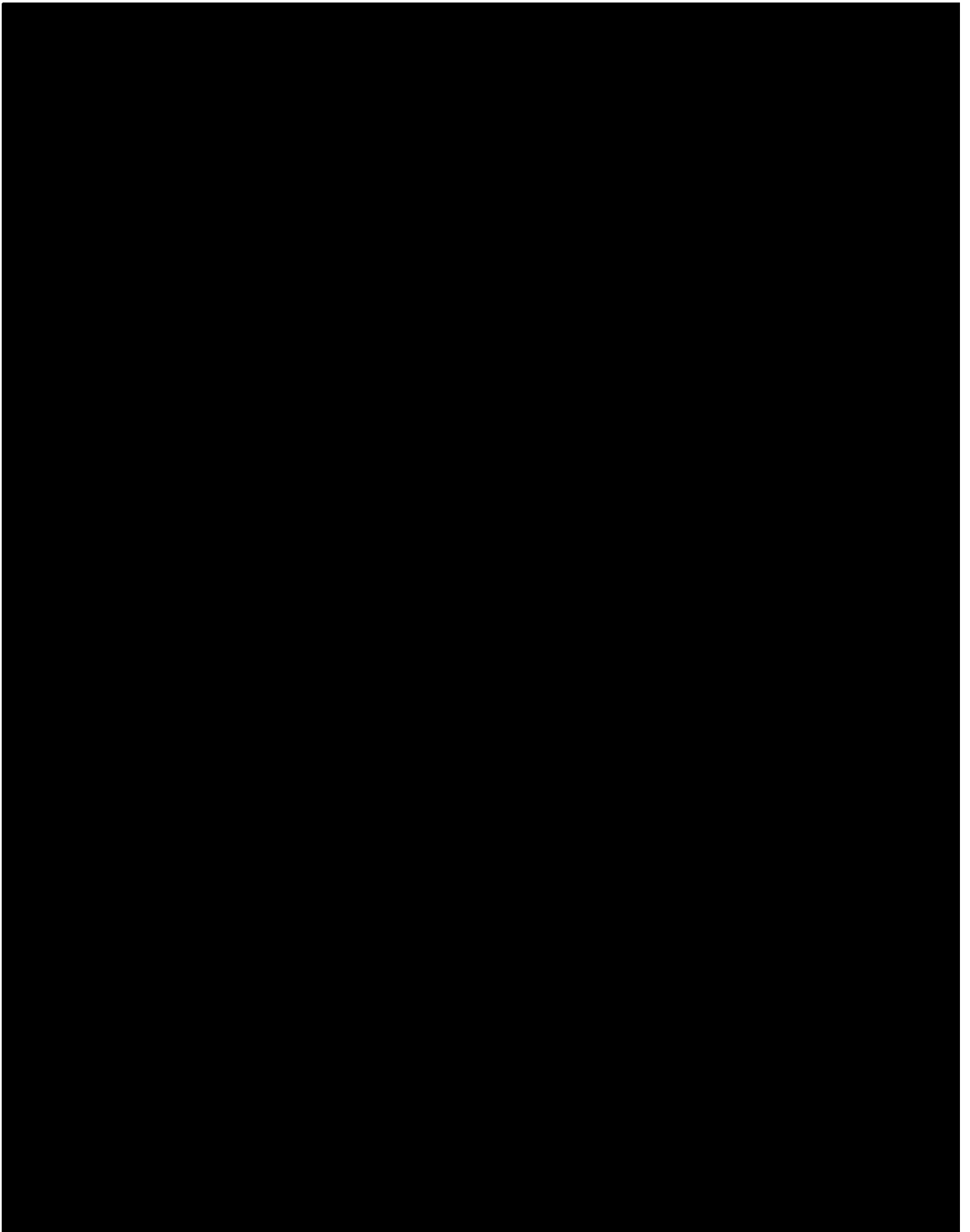
Title: Director

**CONTENT AND SUFFICIENCY OF INFORMATION – Facility (Planning and Public Works)**

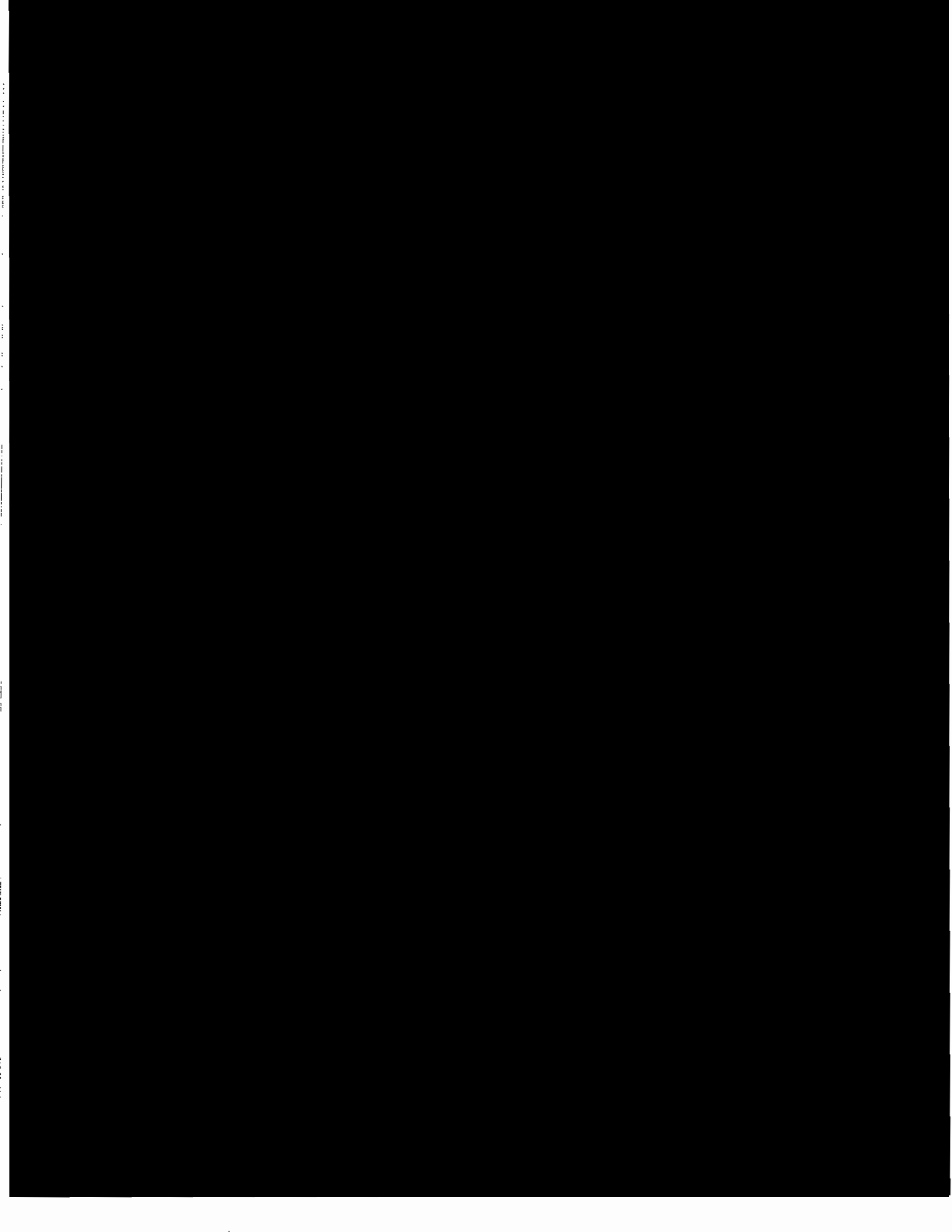
**Facility Sanitation Plan (Sec. 8(c)(21))**

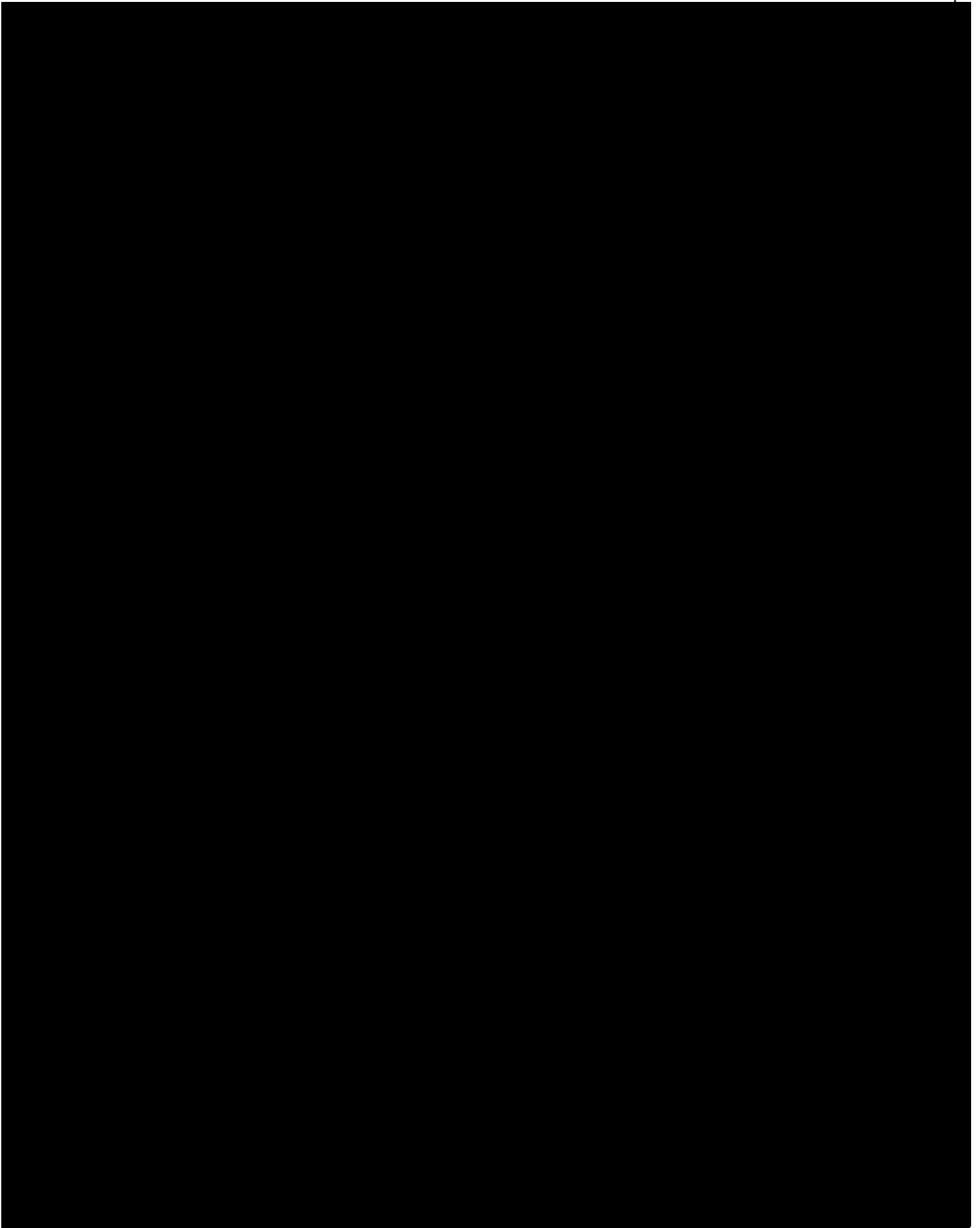
The applicant must submit a facility sanitation plan that describes how waste will be stored and disposed and how marijuana will be rendered unusable upon disposal at the proposed medical marijuana facility. Such facility sanitation plan must comply with all laws, including any guidelines published by LARA.

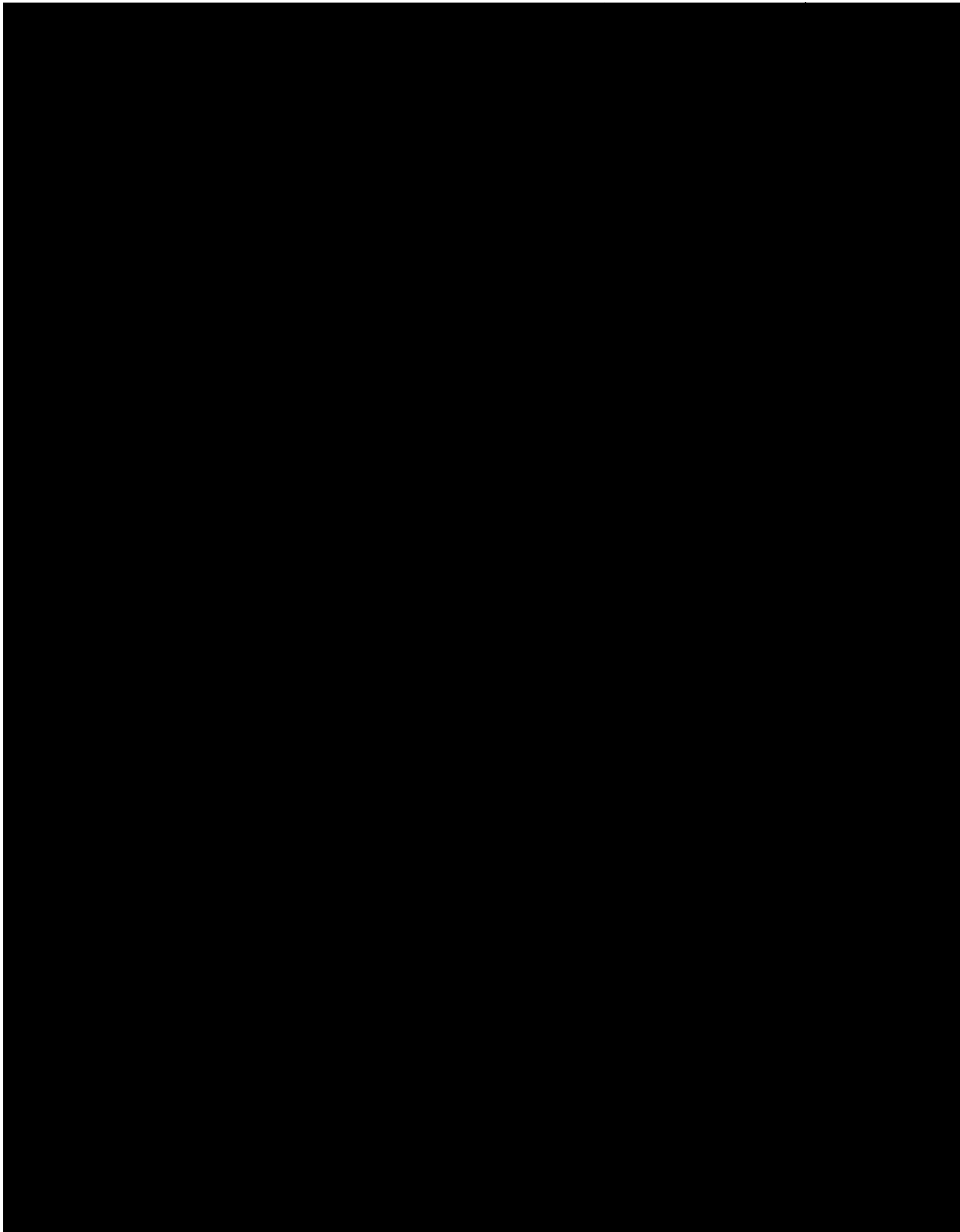
EXHIBIT F

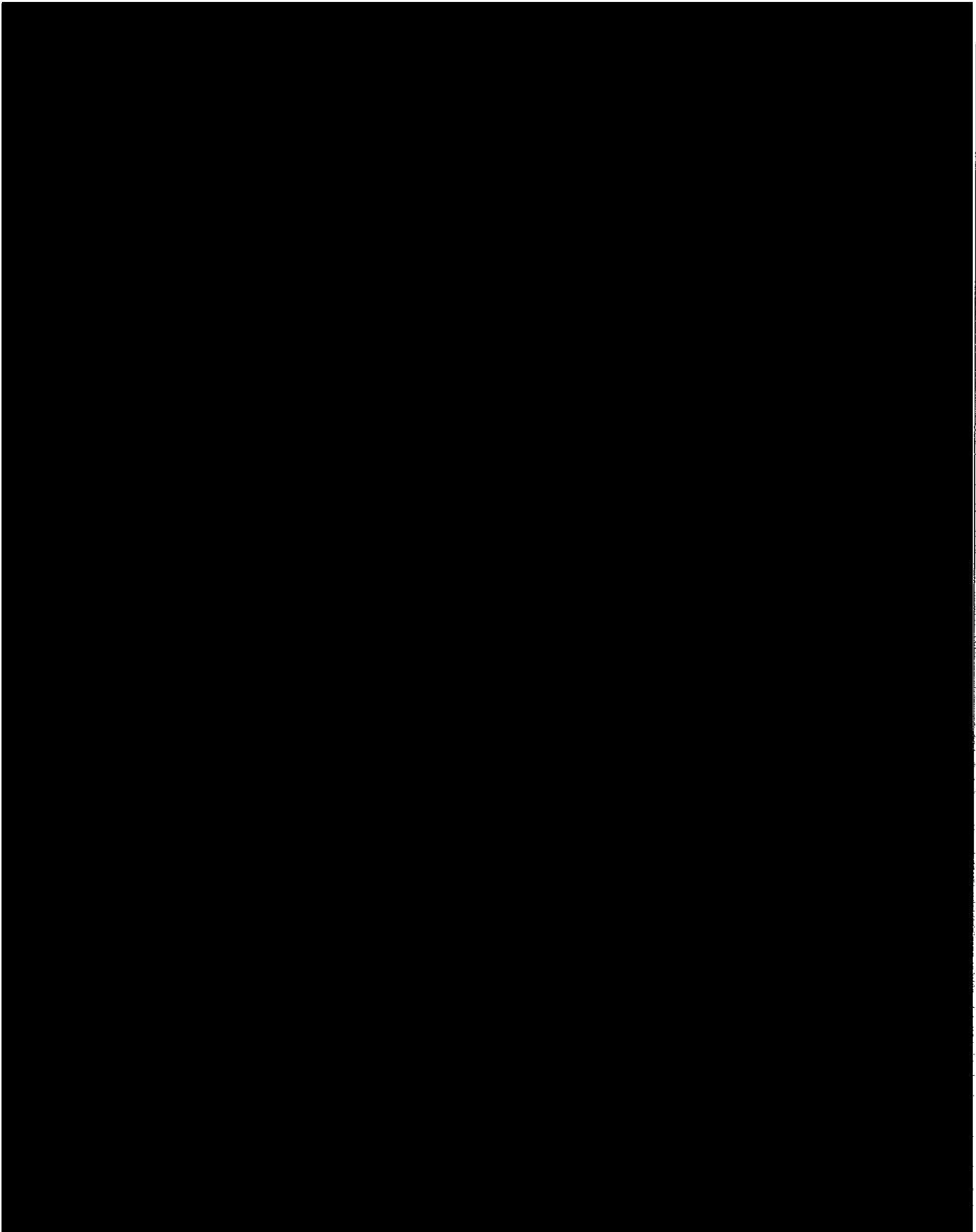




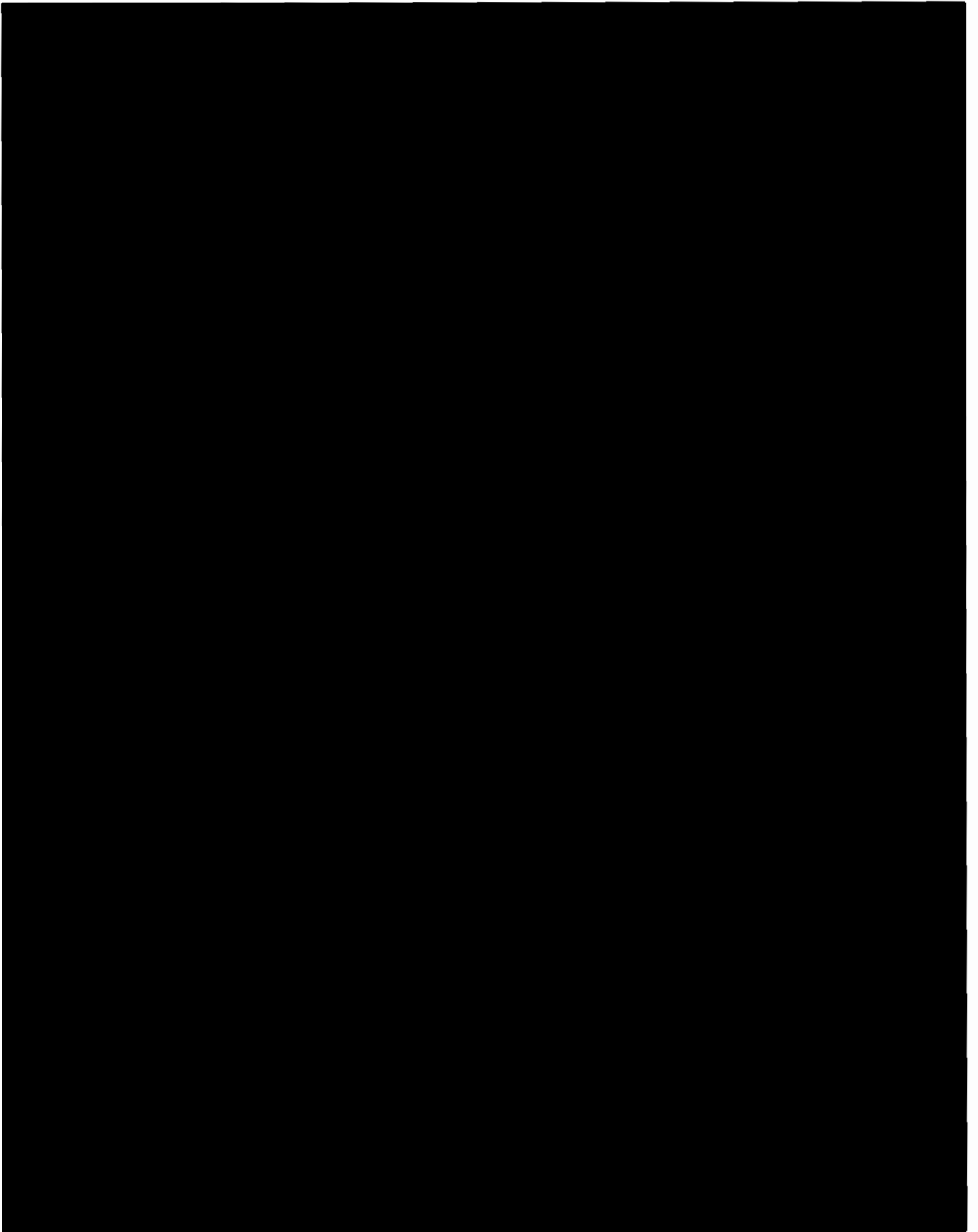


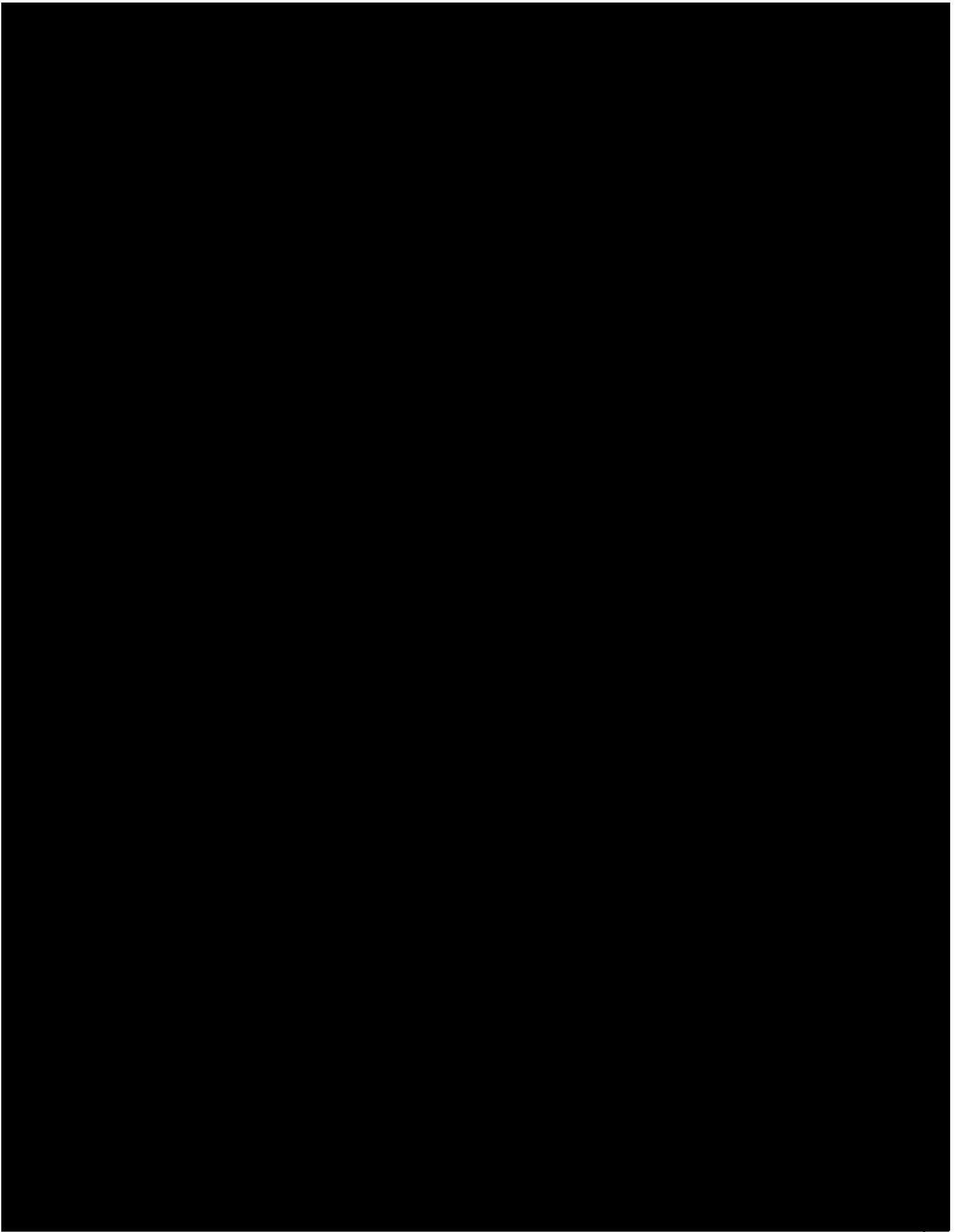


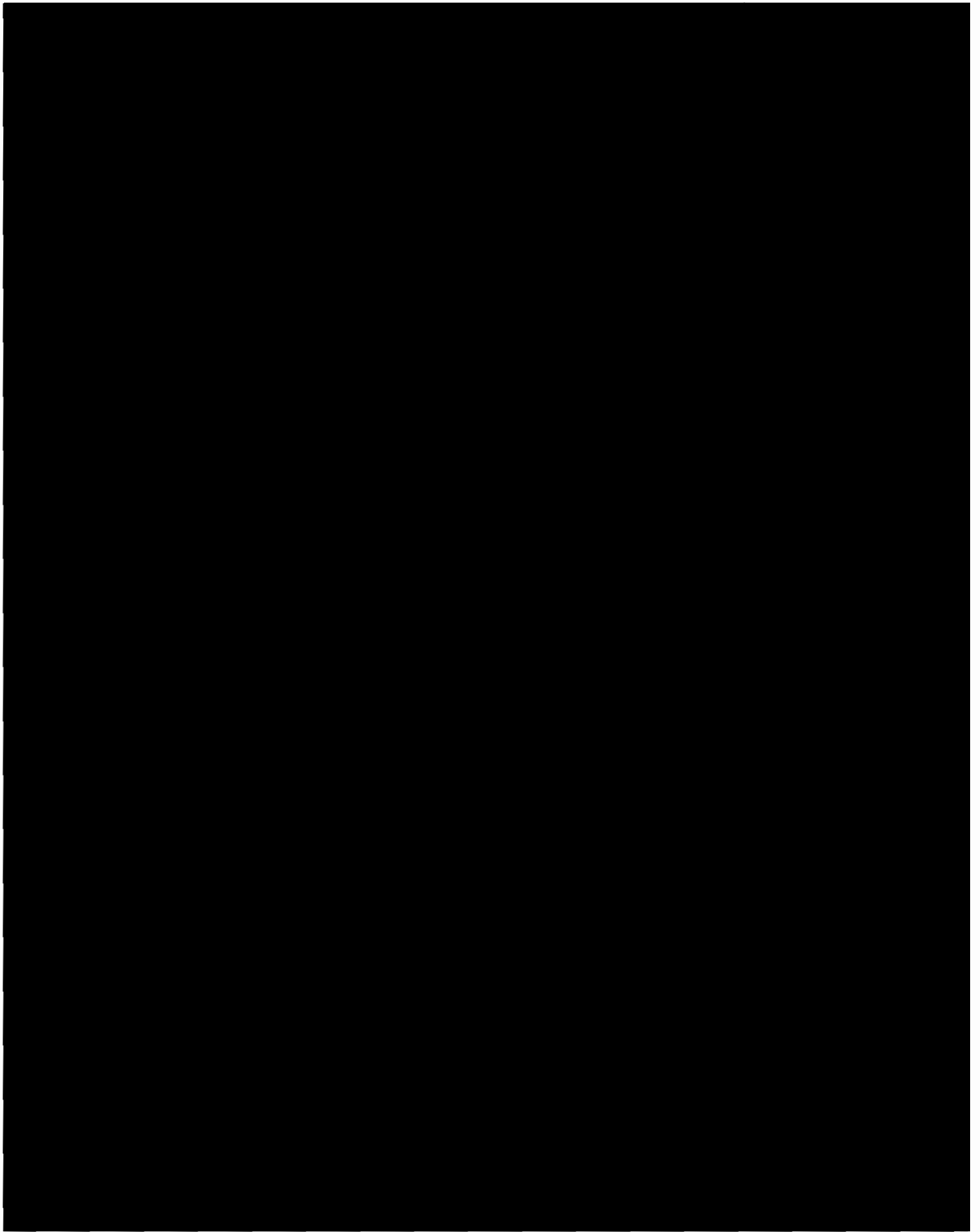


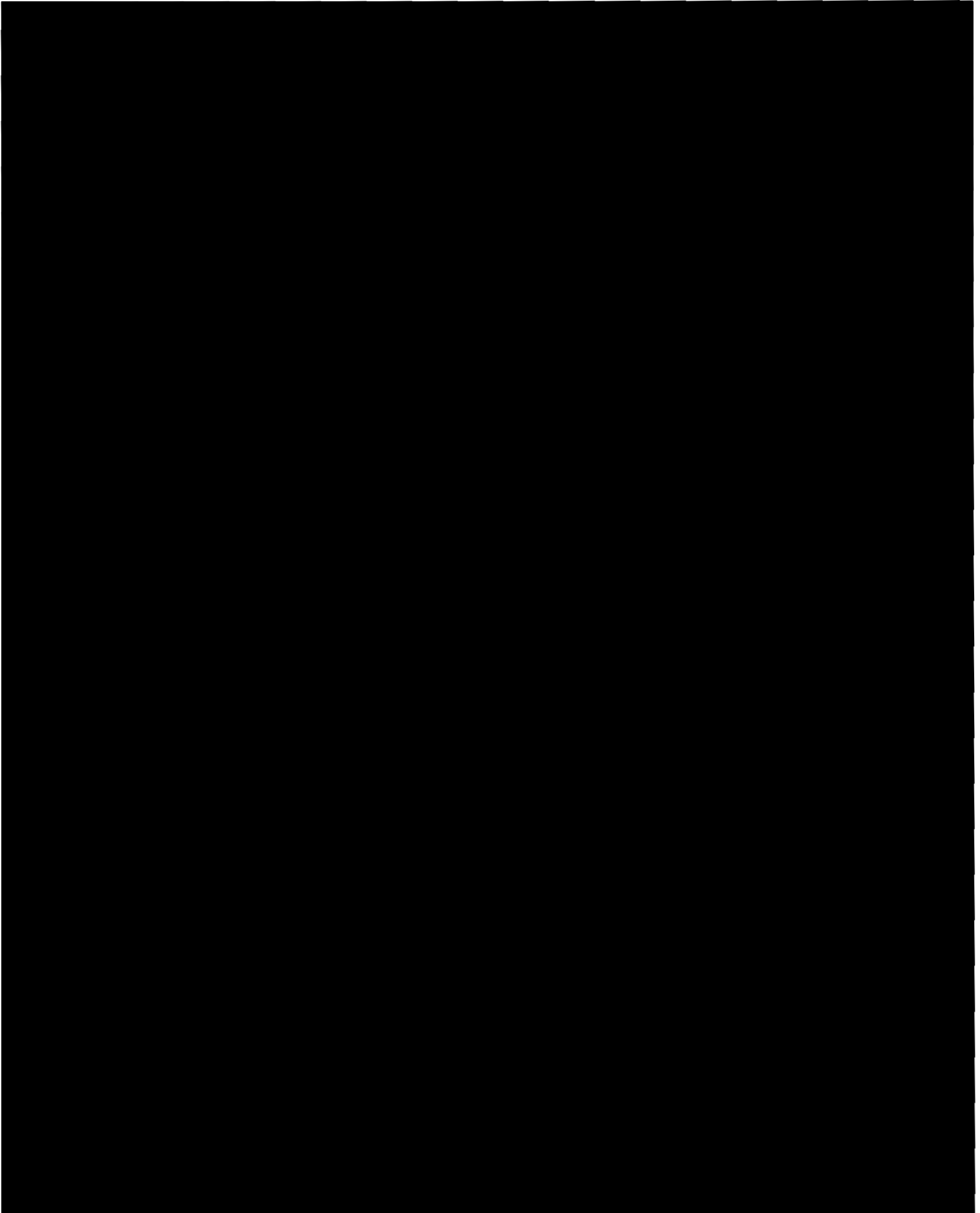


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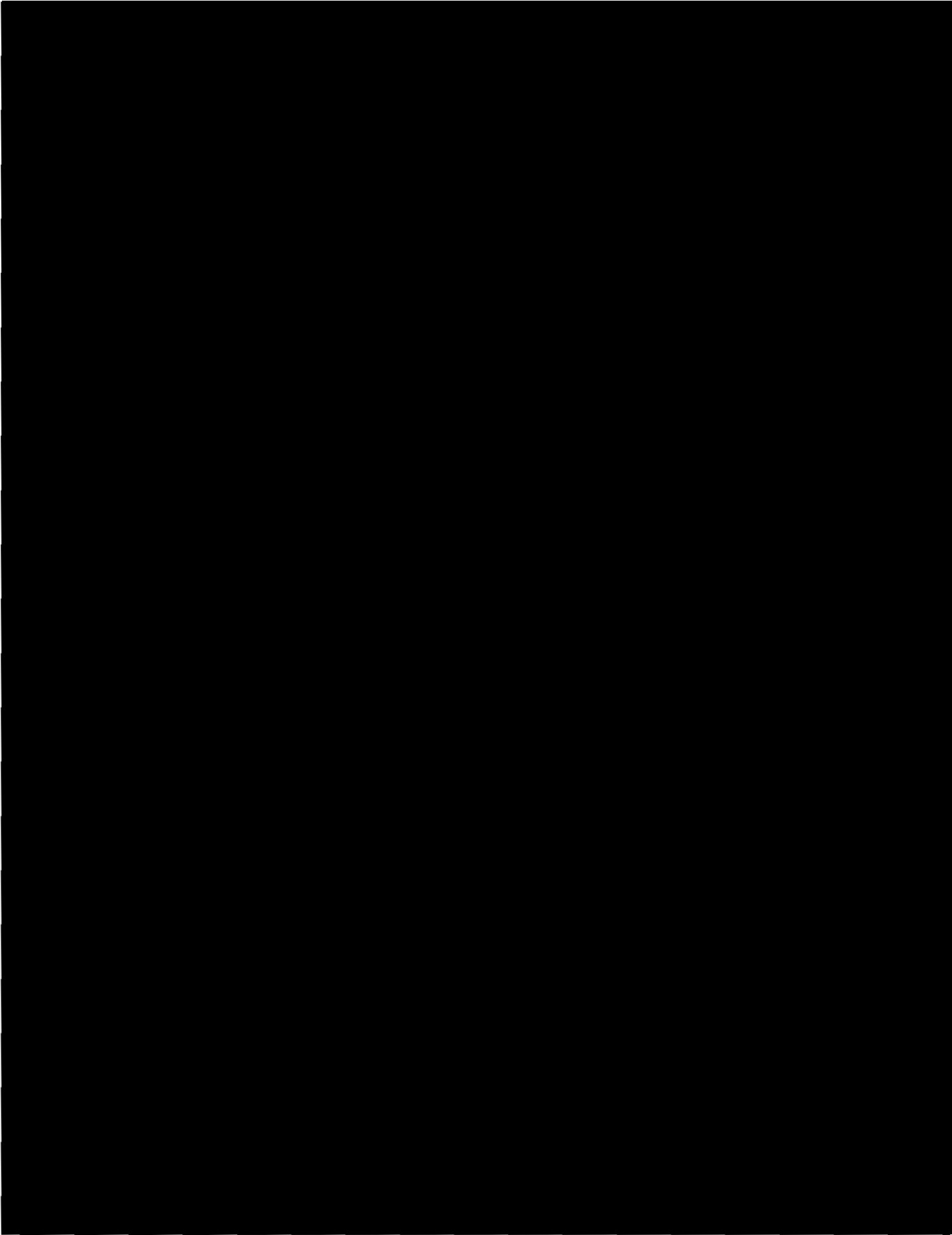












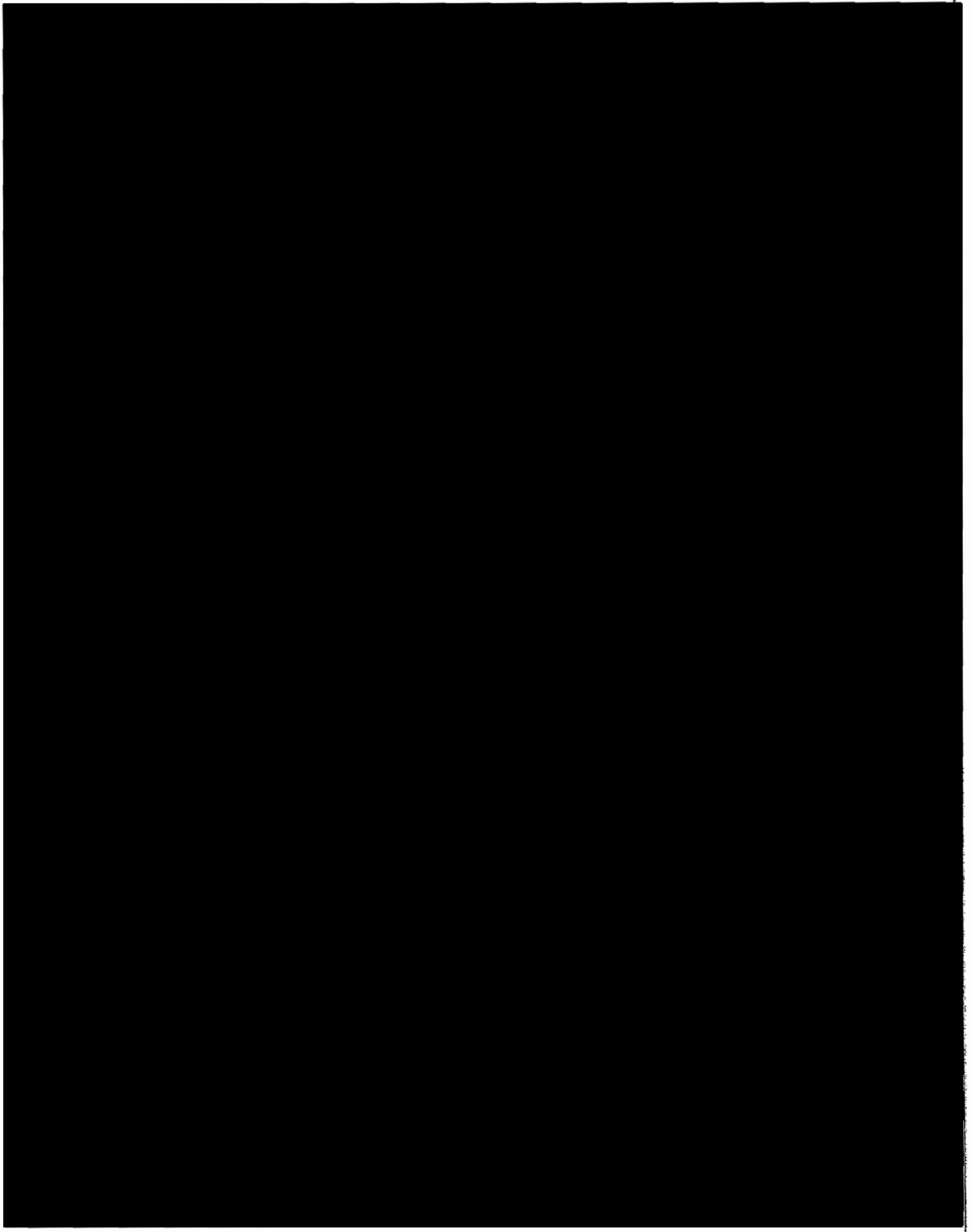


EXHIBIT G

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

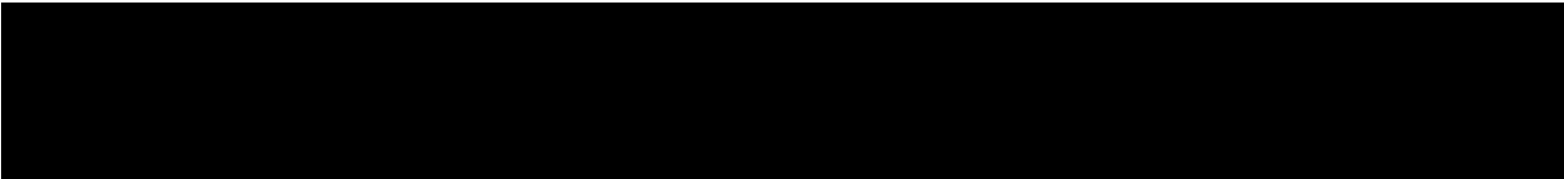
	Yes	No	Deficient (If deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>LAND USE</b>							20	
<b>B: Neighborhood Land Use</b>								
Consistency with neighborhood land use								
Efforts to ensure character of neighborhood maintained								
Plan to ensure product and materials are kept away from minors				1	10			
Partnerships with community organizations to mitigate negative effects								
Partnerships with area businesses to mitigate issues								
Effect on traffic patterns								

- In these sub-categories, applicants can receive: (a) One (1) point if their submission is *Very Deficient*, (b) Five (5) points if their submission is *Somewhat Deficient*, or (c) Ten (10) points if their submission is *Satisfactory*.
- A submission will be deemed *Very Deficient* in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed *Somewhat Deficient* in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed *Satisfactory* in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

LAND USE

Satisfactory     Somewhat Deficient     Very Deficient



All Documents Returned to Office of City Clerk

Reviewer Name: Vem Gustafsson

Signature: [Handwritten Signature]

Title: Planning Manager

11.16.20 / 1.19.21 / 12.11.21

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

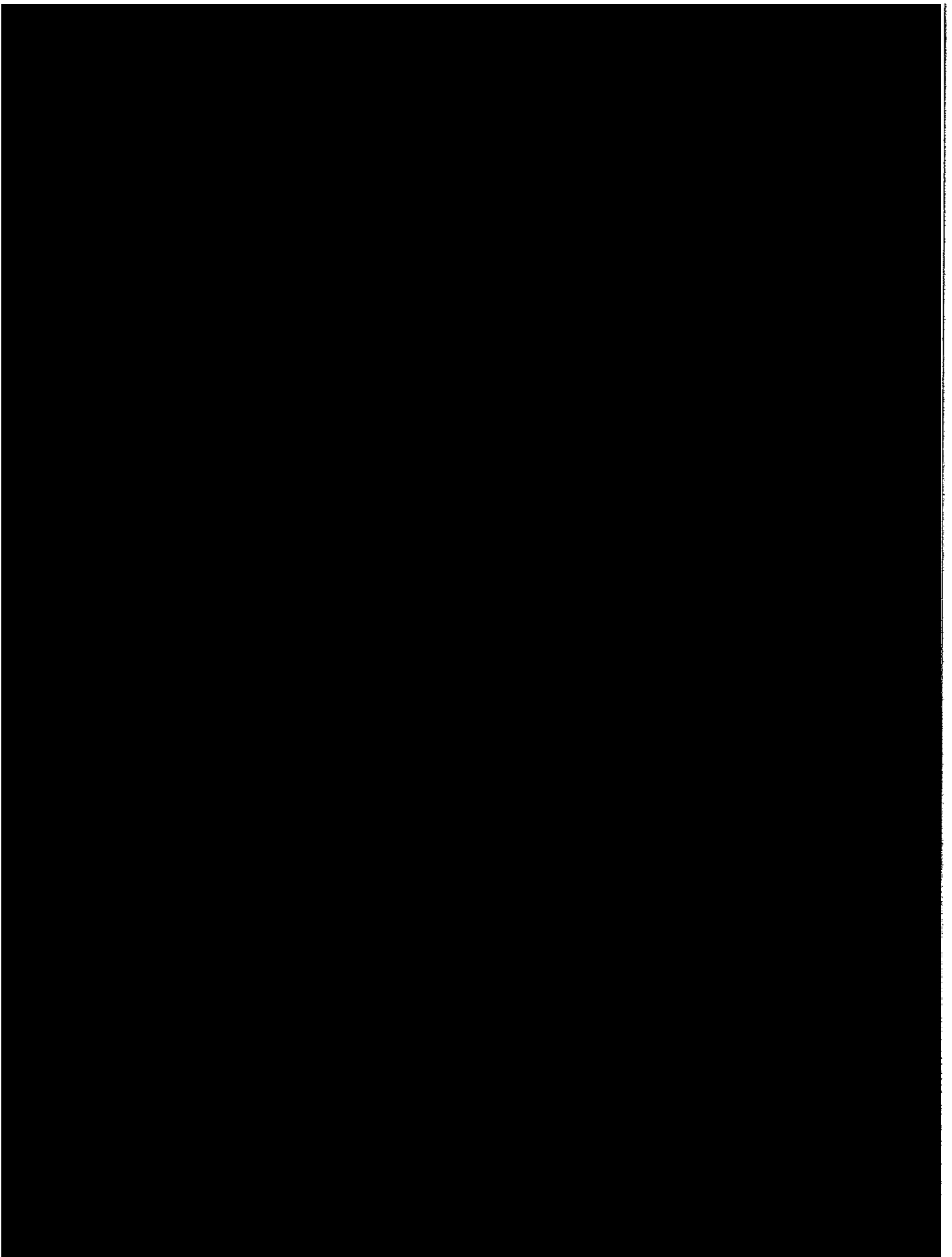
### LAND USE

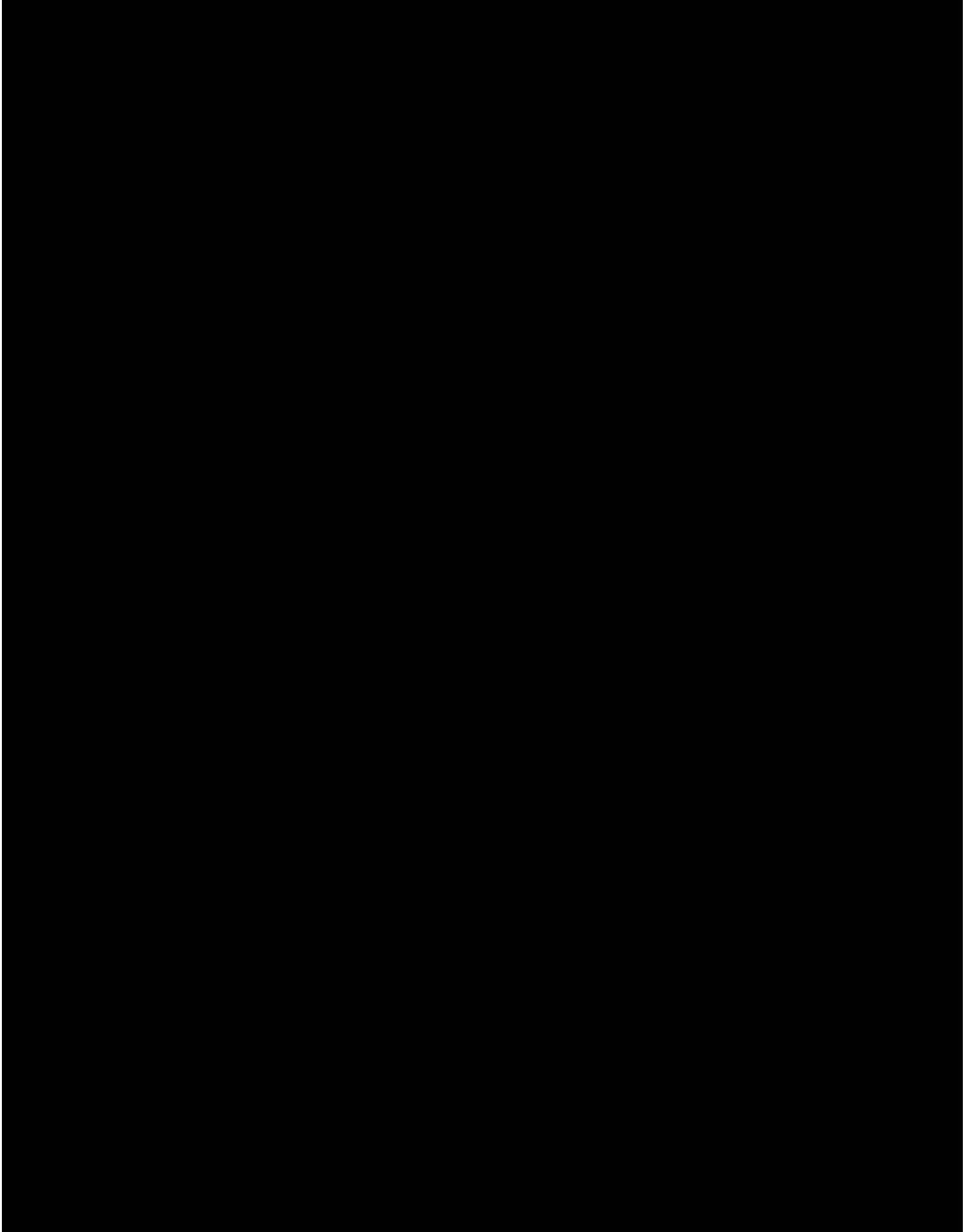
#### Consistency with Land Use and Effect on Traffic Patterns (Sec. 9(f)(2))

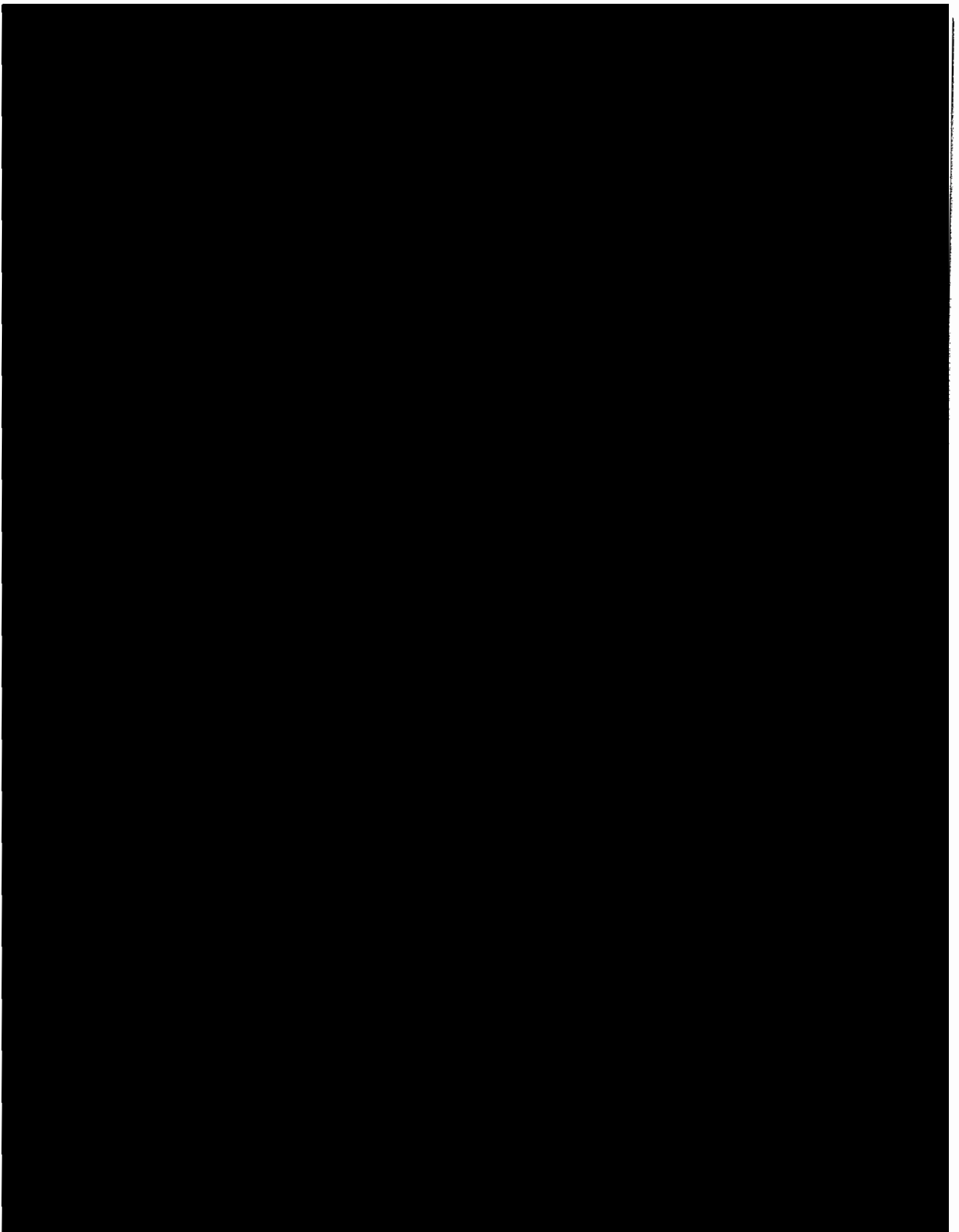
The applicant must explain whether the proposed facility is consistent with the character and existing land use in the surrounding neighborhood, including any anticipated impact on neighborhood traffic flow and the applicant's plan to minimize disruptions to neighborhood residents' quality of life and to ensure that residents have continued ease of access to the area. The applicant should specifically describe the availability of parking near the facility and any partnerships with community organizations and/or law enforcement to minimize congestion and potential traffic and neighborhood hazards.

Below are the applicable standards that should be used to evaluate the facility plan and land use submissions:

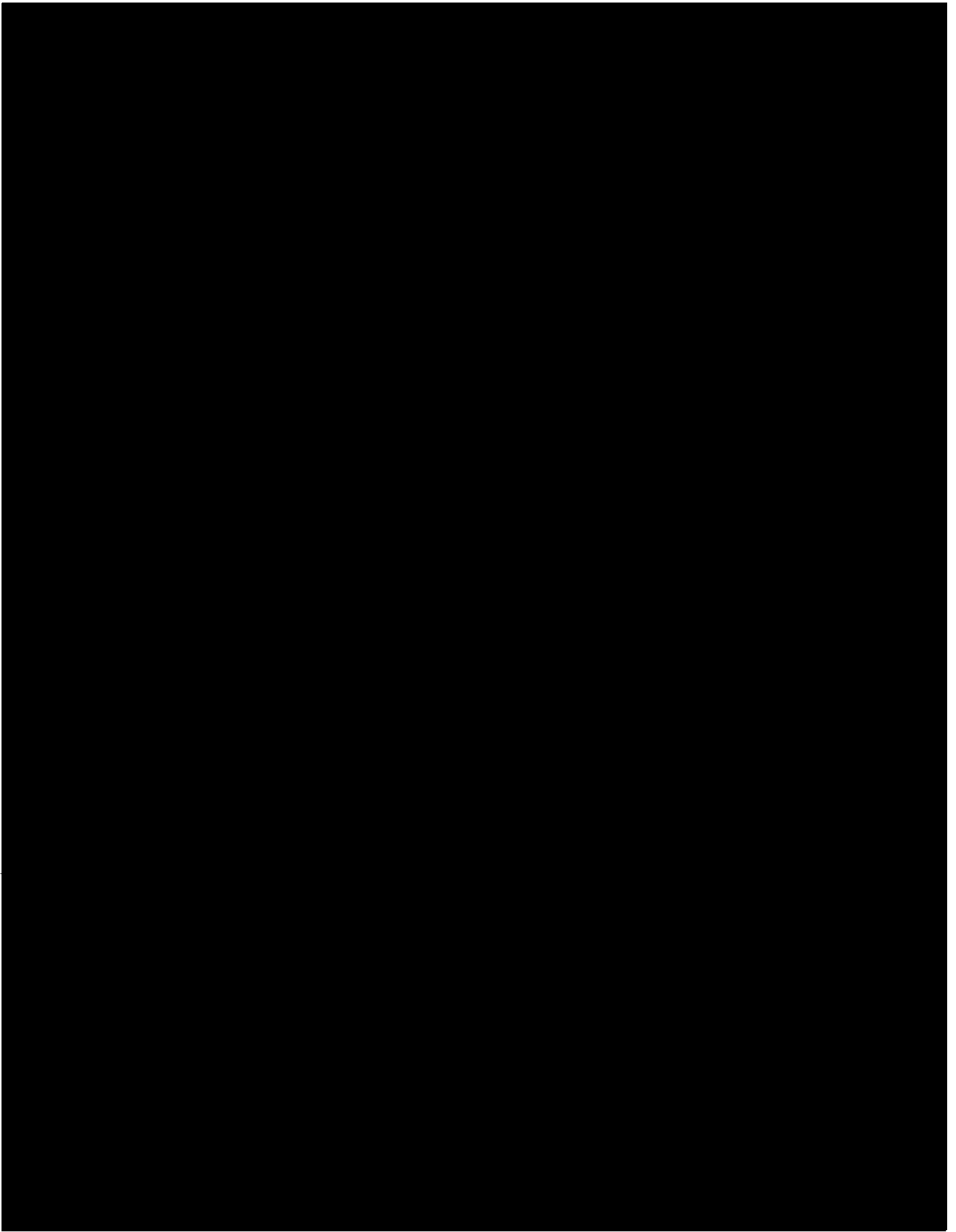
- All Medical Marijuana Facilities must meet the following applicable Building Codes: (i) Michigan Building Code 2015; (ii) Michigan Mechanical 2015; (iii) Michigan Plumbing Code 2015; and (iv) National Electrical Code 2017
- Applicants shall be required to obtain permits for build out of medical marijuana facilities – such permits may include: (i) Building; (ii) Electrical; (iii) Mechanical; (iv) Plumbing; (v) Fire Alarm (Security System); and (vi) Fire Suppression
- Applicable Medical Marijuana Facilities must meet applicable requirements of the International Fire Code 2015 edition and National Fire Protection Association (NFPA) standards (including NFPA 1 2018)
- Applicants are subject to Property Maintenance Code 2015, Section 107.5
- Review of Medical Marijuana Applications by the City of Pontiac Planning Division; without limitation, review of permits is subject to the following provisions of the Pontiac Zoning Ordinance:
  - Uses Permitted by District: Article 2, Chapter 2
  - Dimensional and Development Standards for Zoning District: Article 2, Chapter 3
  - Frontage Design Standards: Article 2, Chapter 4
  - Dimension & Development Standards for Specific Uses: Article 2, Chapter 5
  - Special Purpose Zoning Districts: Article 3, Chapter 11
  - General Provision: Article 4
    - Accessory Structures and Fences: Chapter 1
    - General Standards: Chapter 2
    - Parking: Chapter 3
    - Landscaping & Buffering: Chapter 4
    - Exterior Lighting: Chapter 5
    - Performance Standards: Chapter 7
  - Signs: Article 5
  - Site Plan Review: Article 6, Chapter 3
  - Special Exception Permit Review: Article 6, Chapter 3
  - Variances & Appeals: Article 6, Chapter 4
  - Permits, Fees, Violations and Penalties: Article 6, Chapter 7
  - Zoning Text & Map Amendments: Article 6, Chapter 8
  - Public Hearing Procedures: Article 6, Chapter 9
  - Definitions: Article 7, Chapter 1, 2 & 3

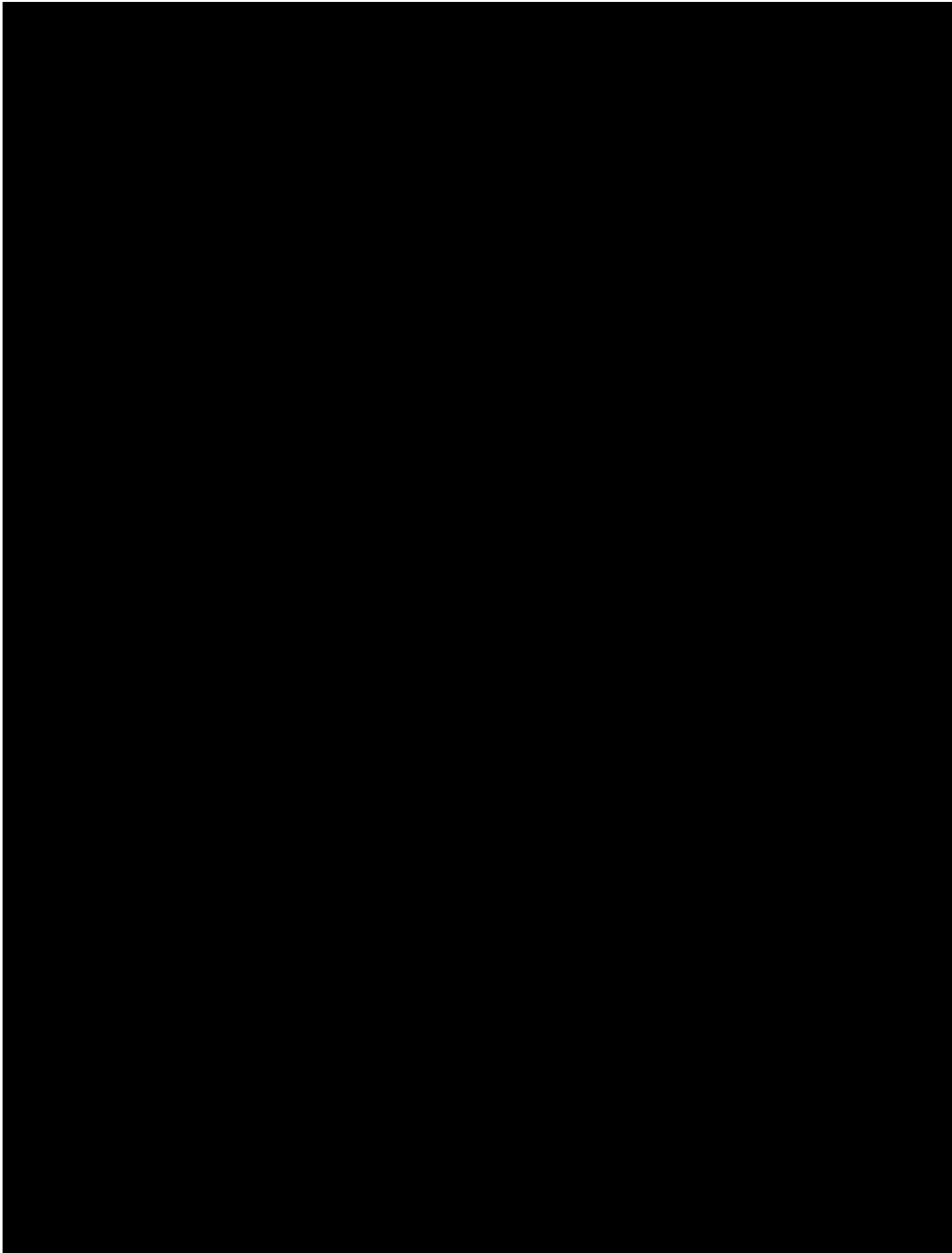


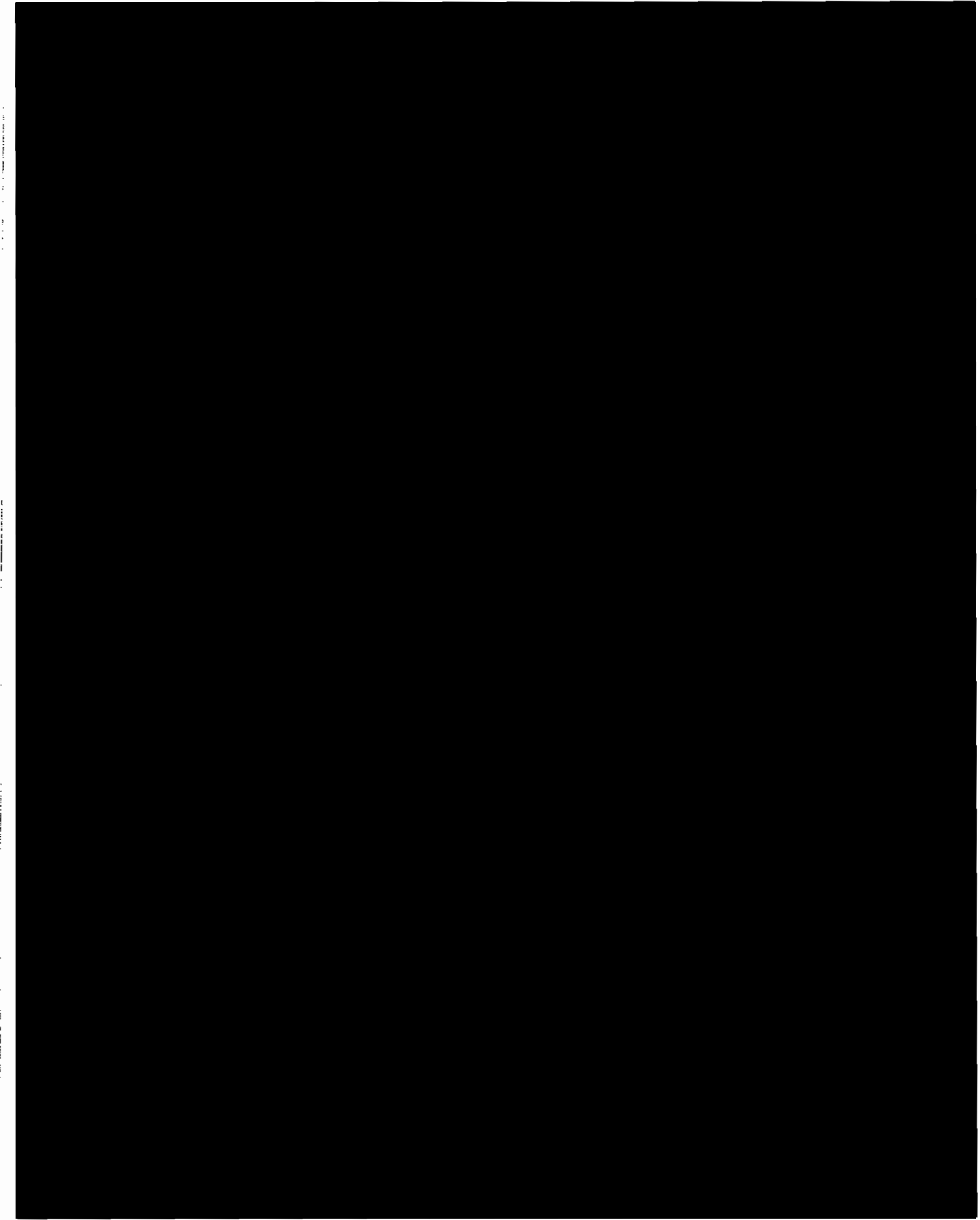


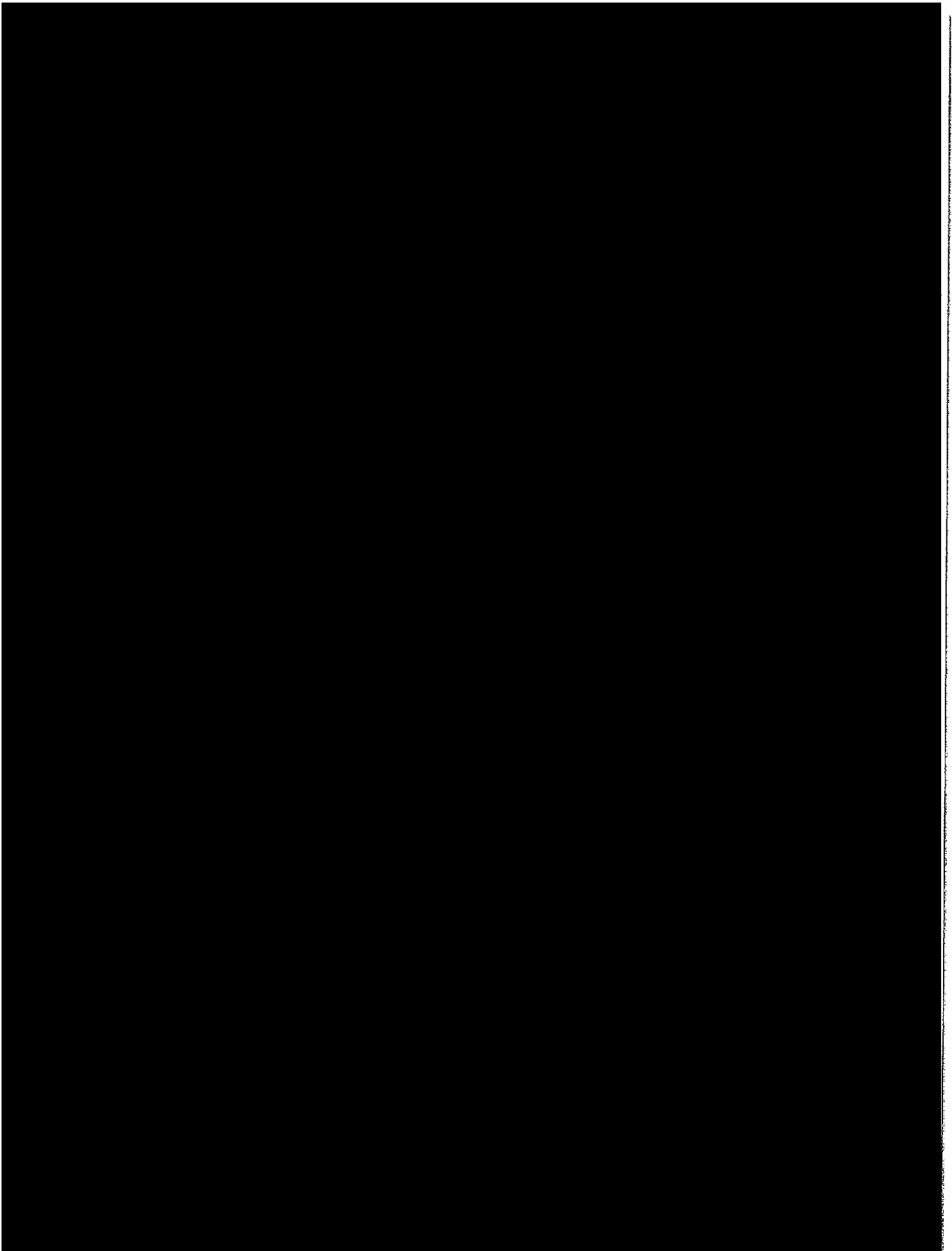


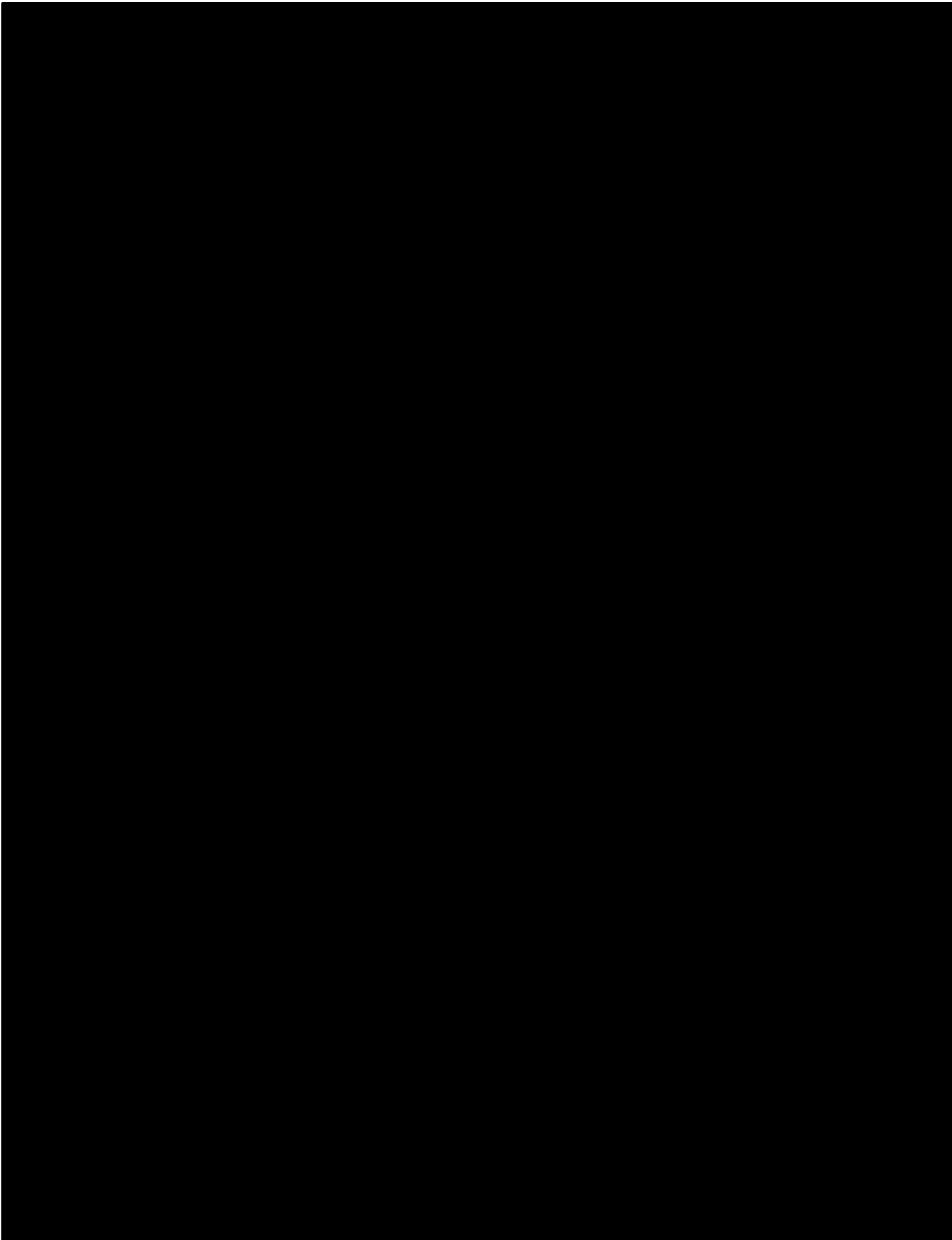


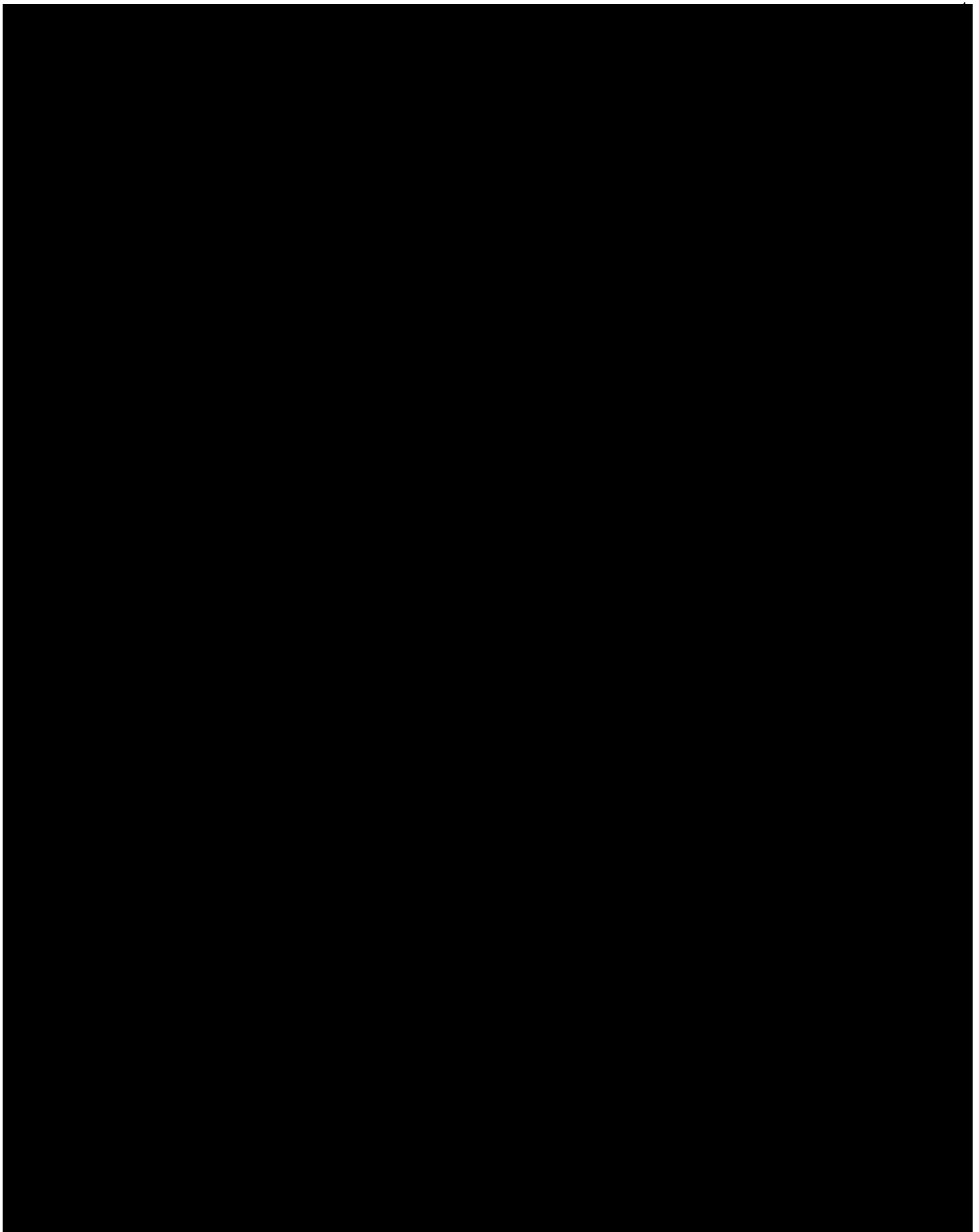


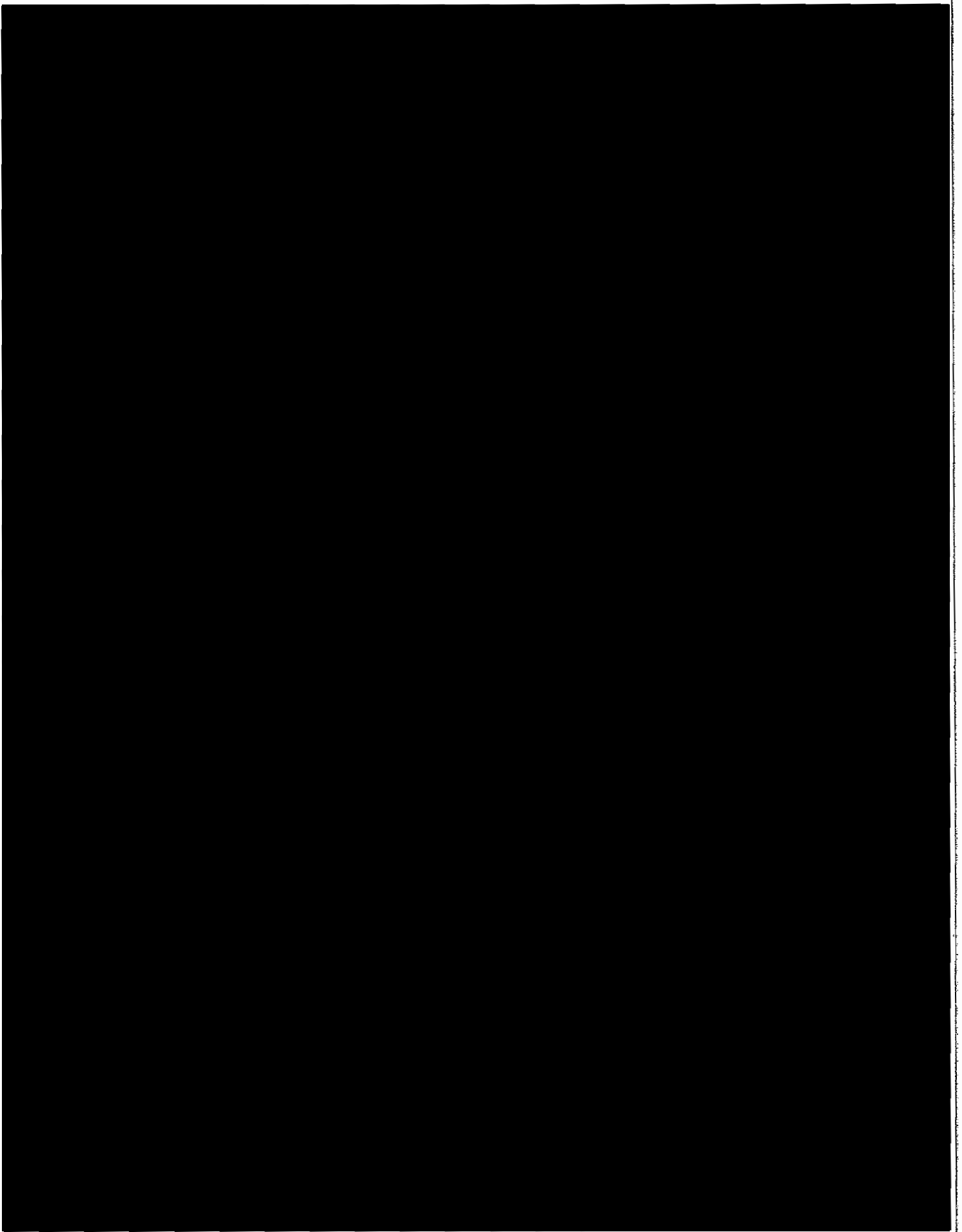


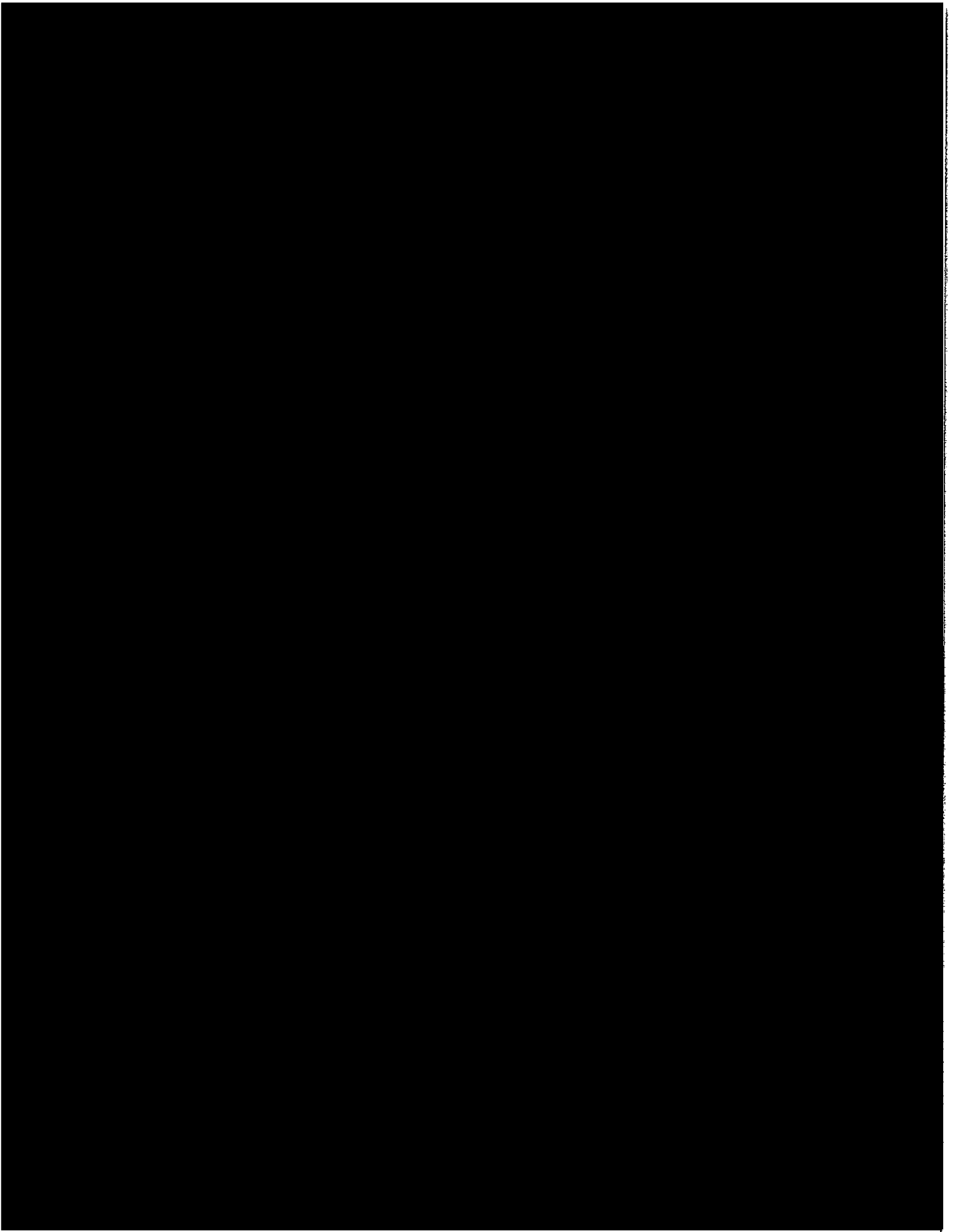




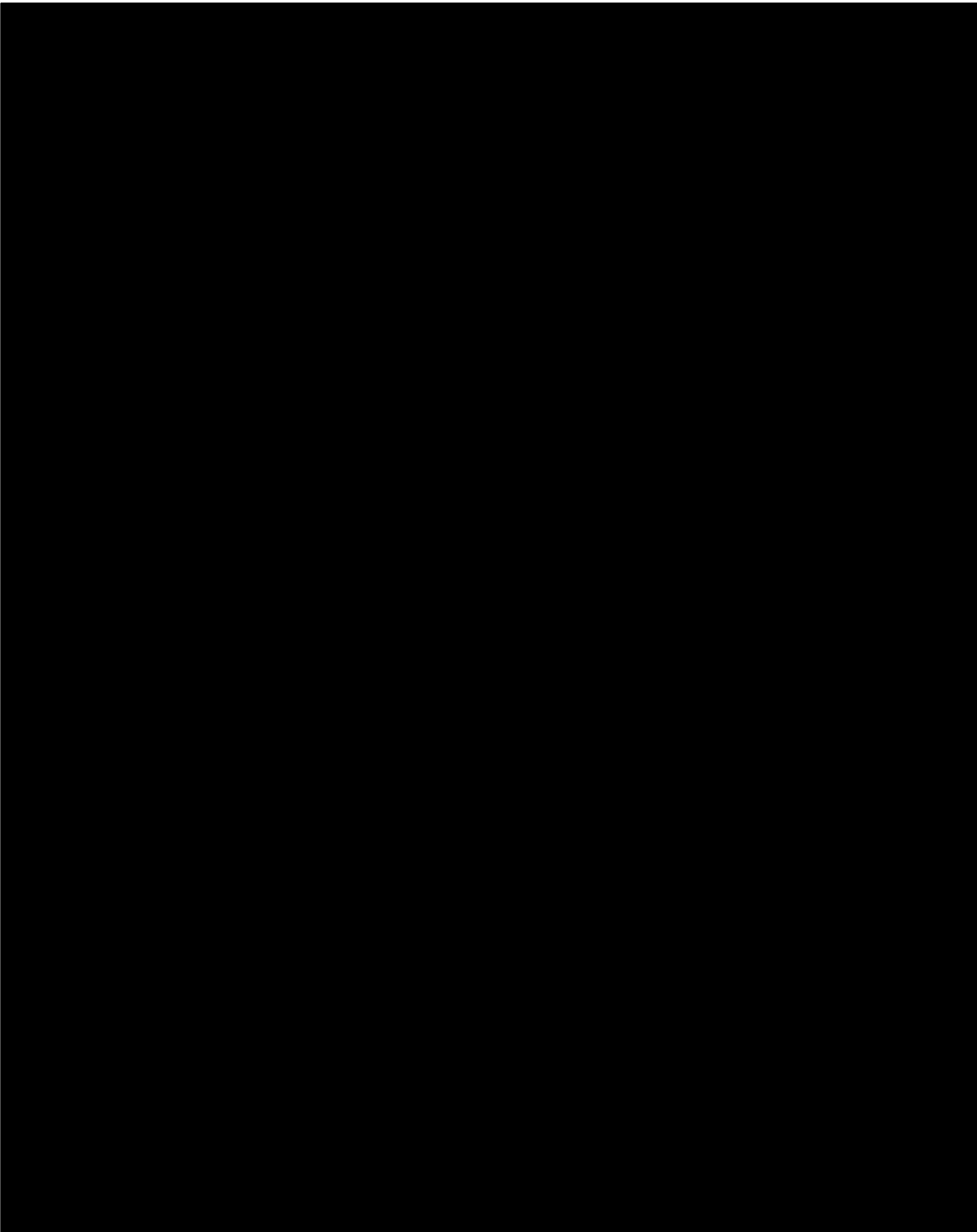




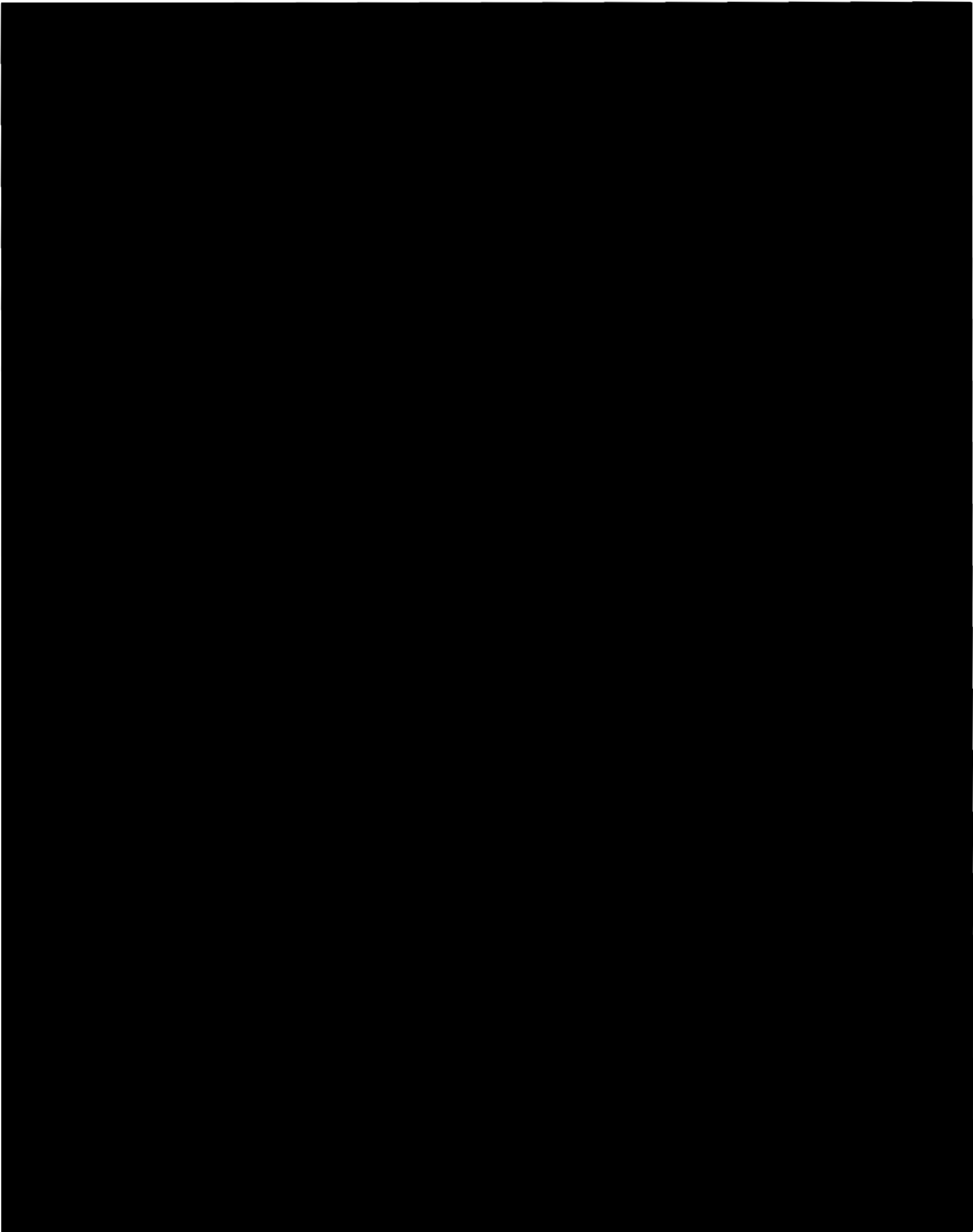


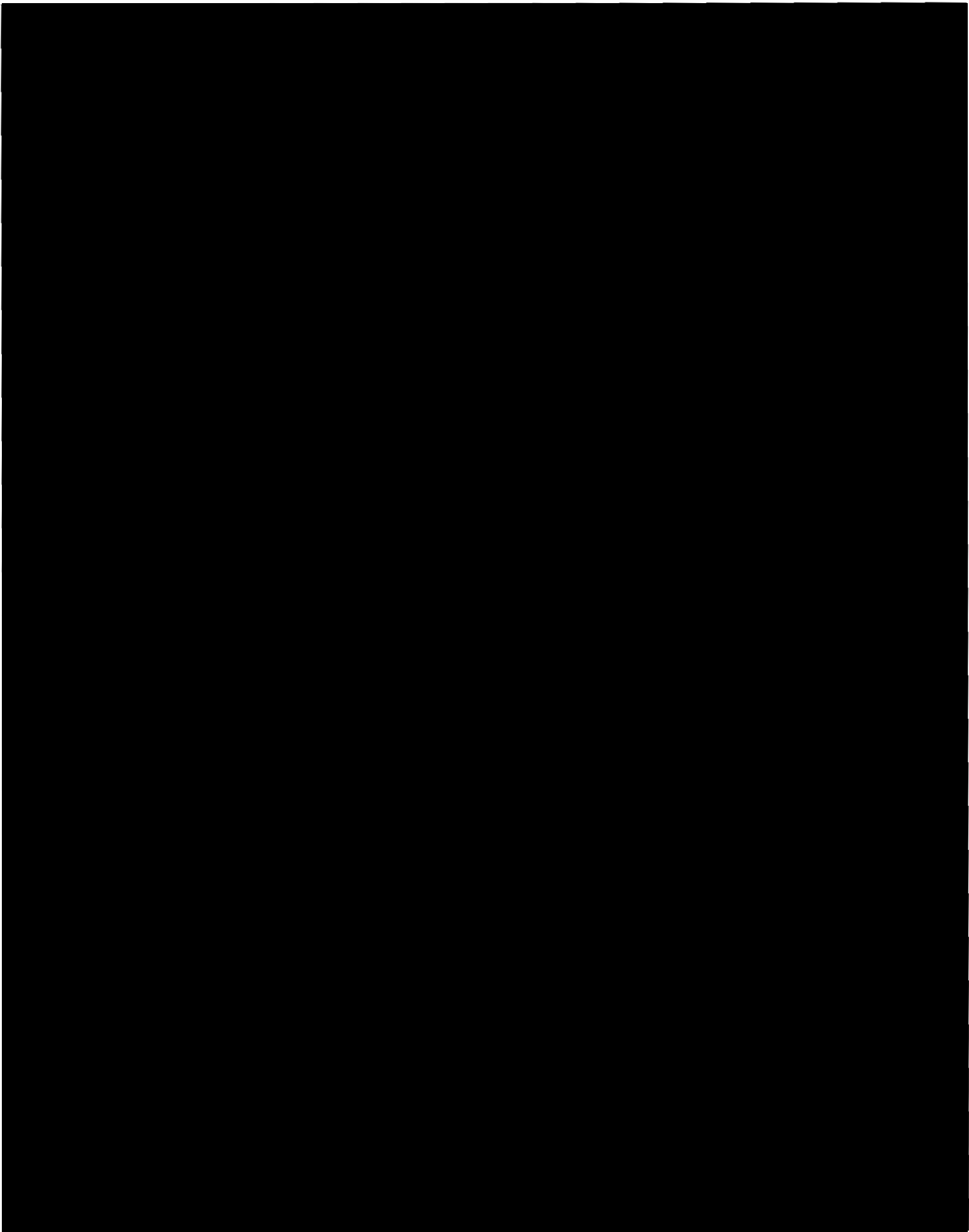


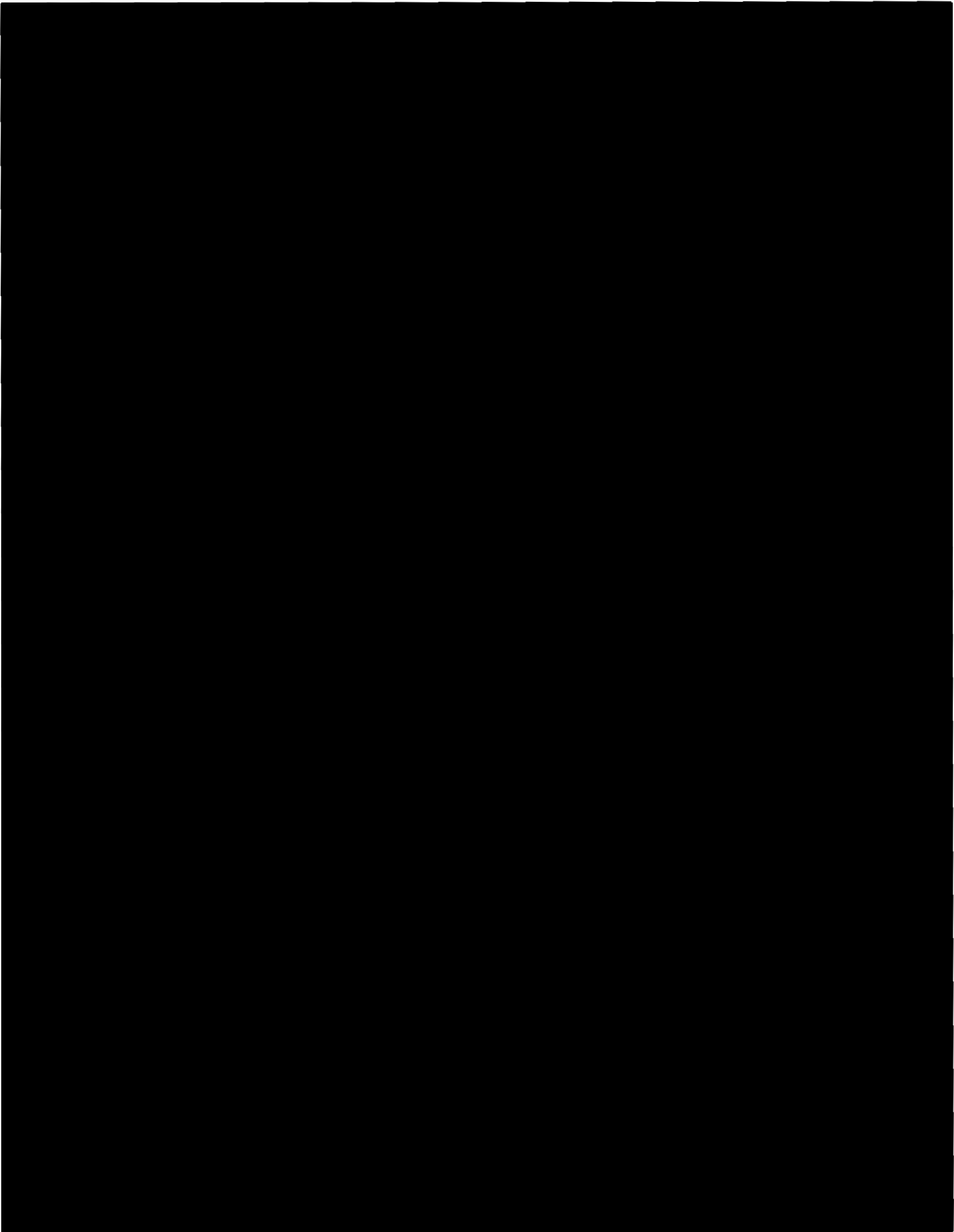


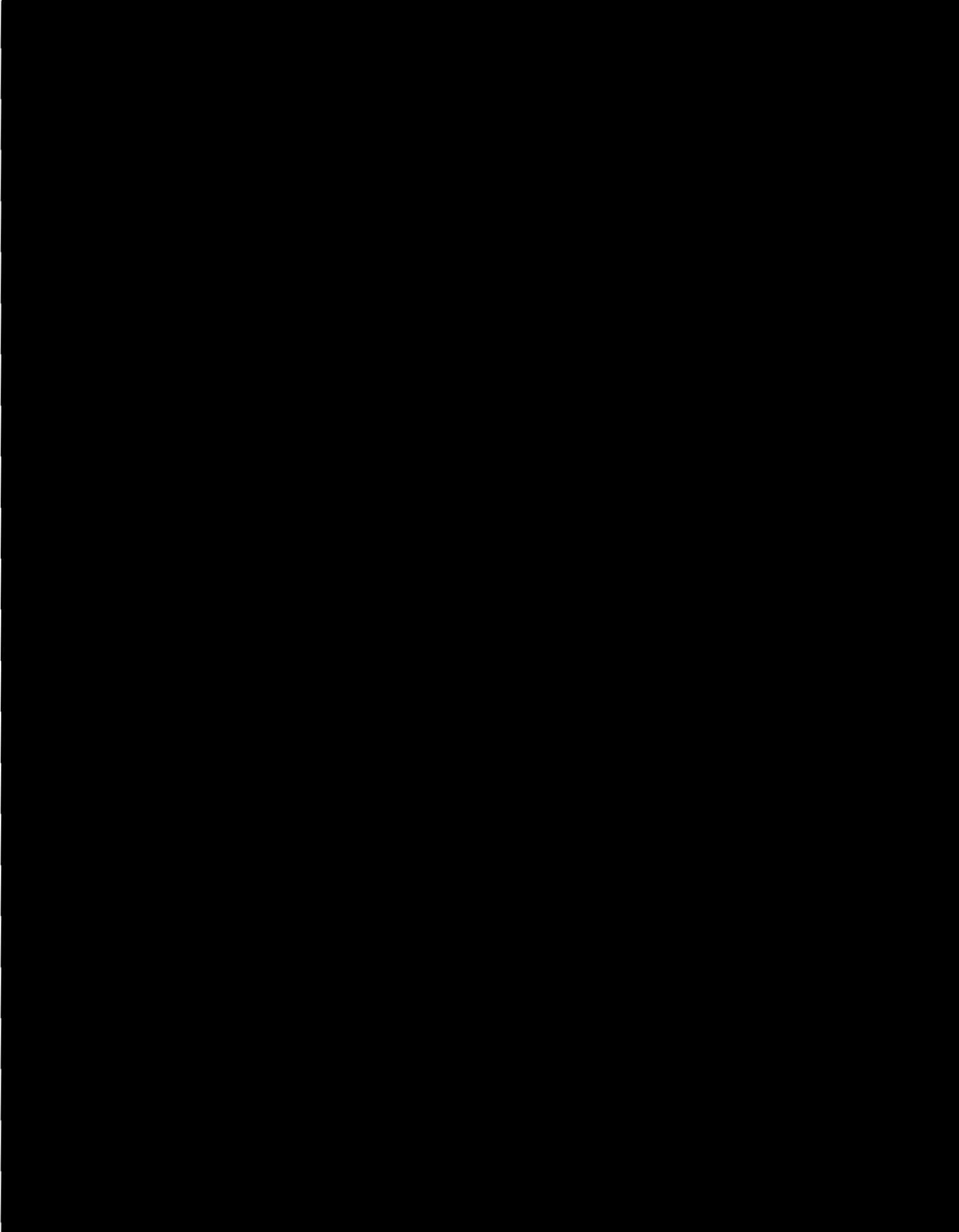


## EXHIBIT H

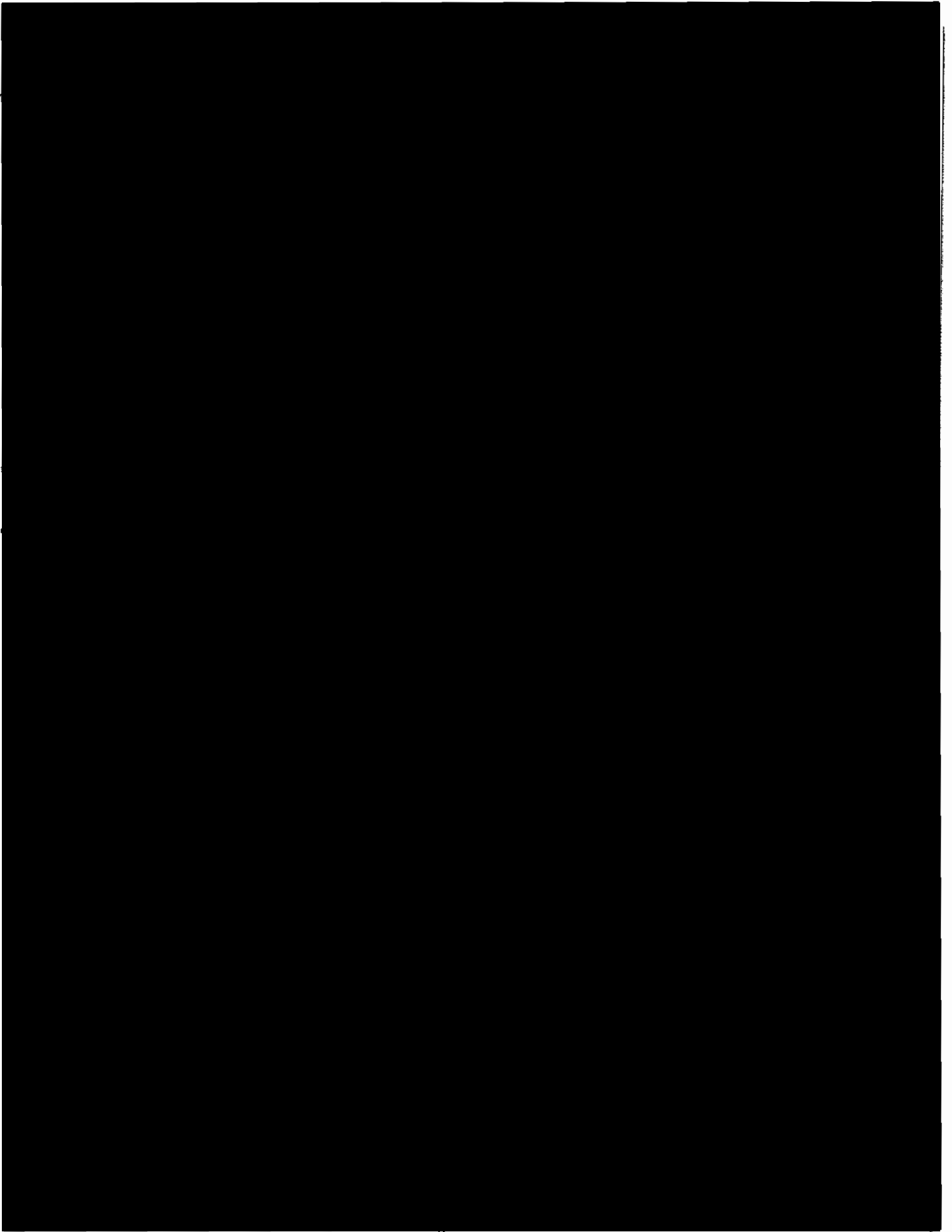








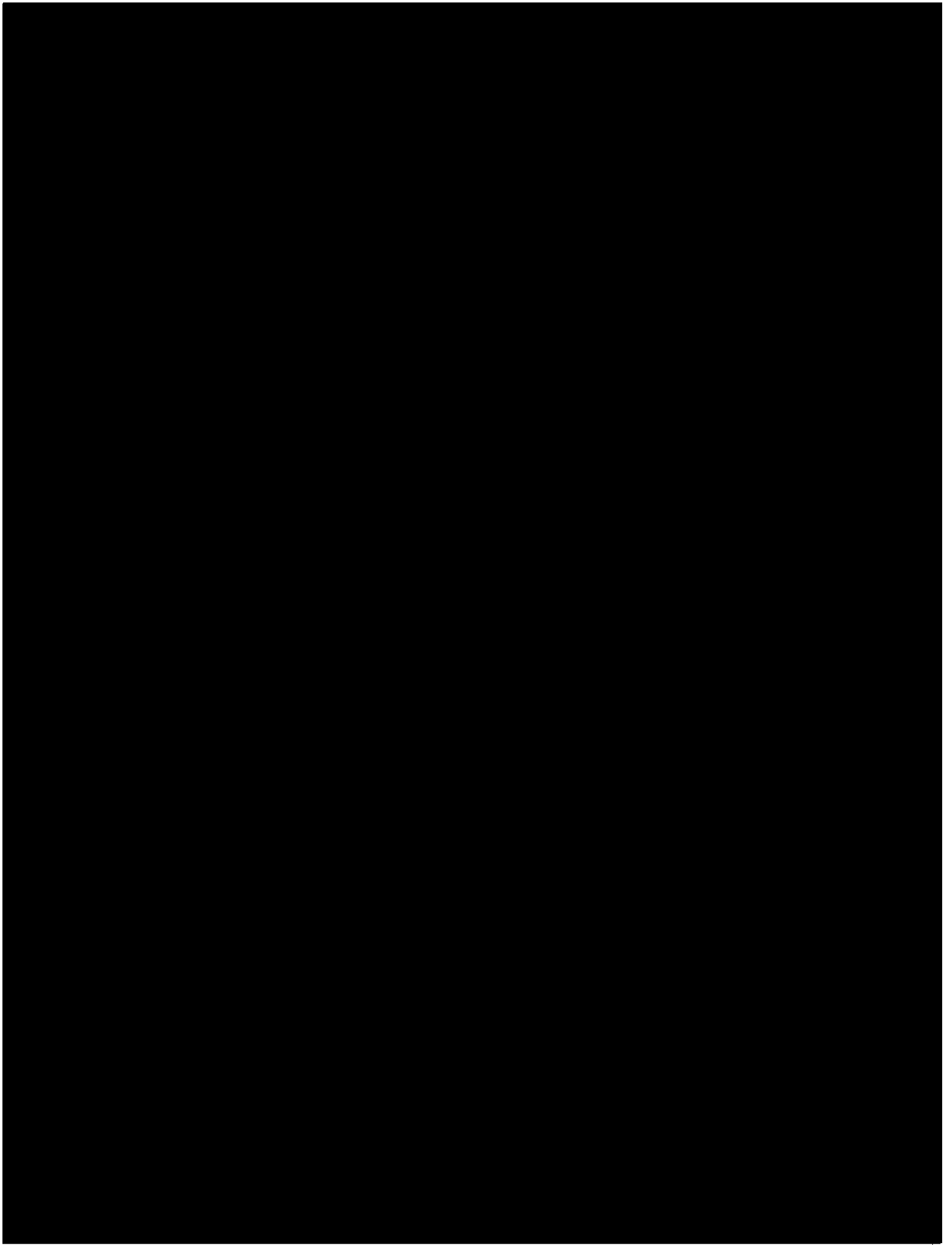


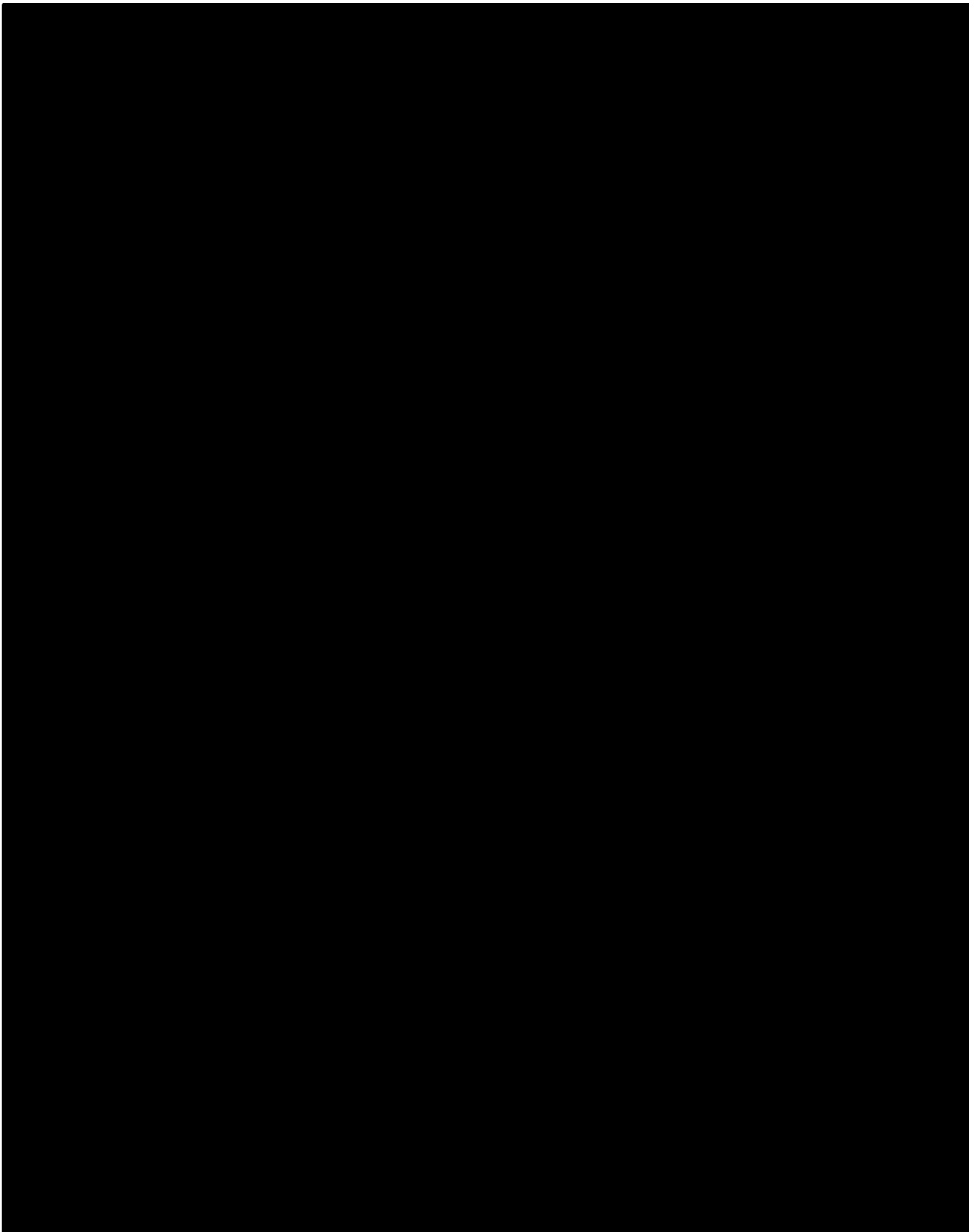


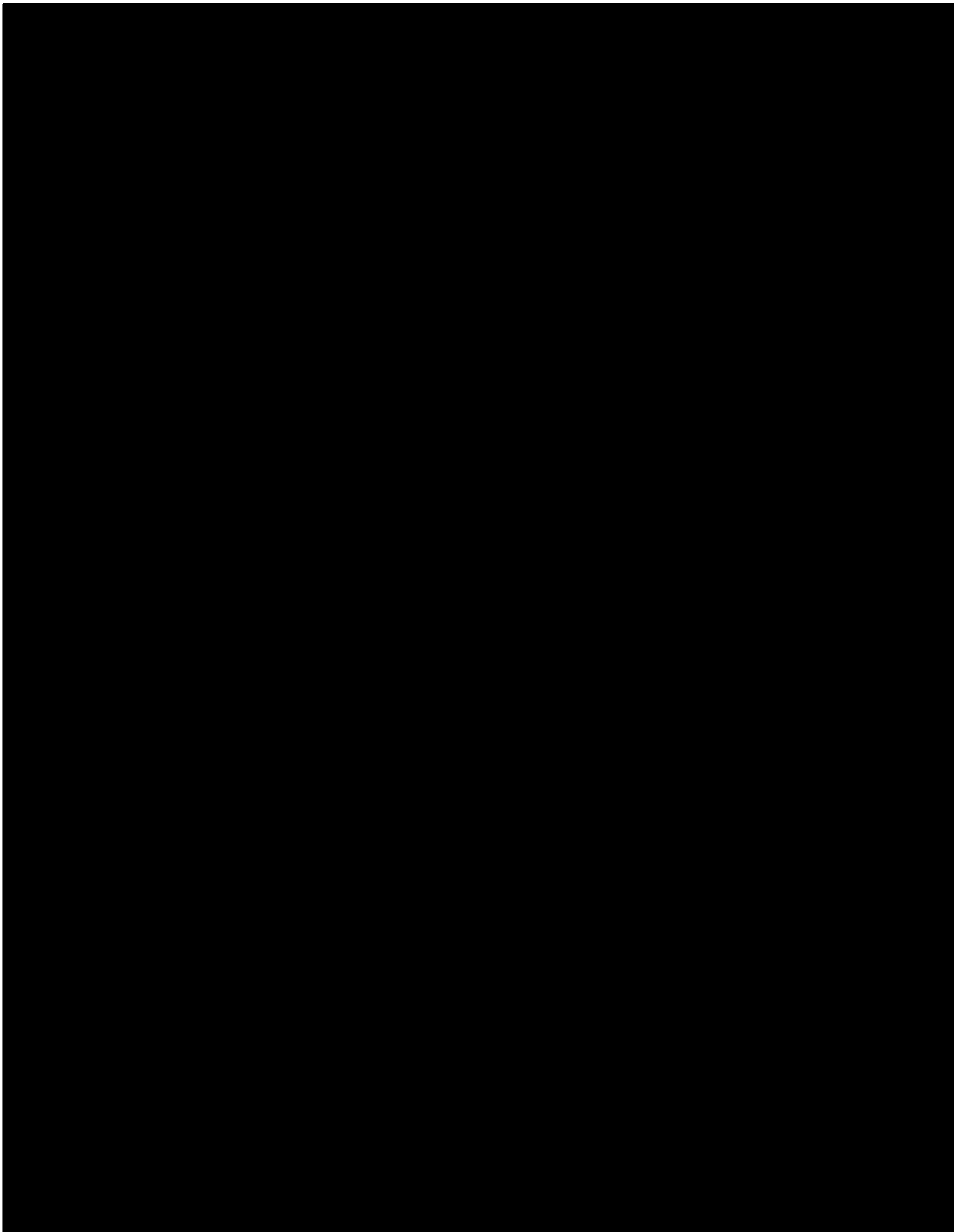


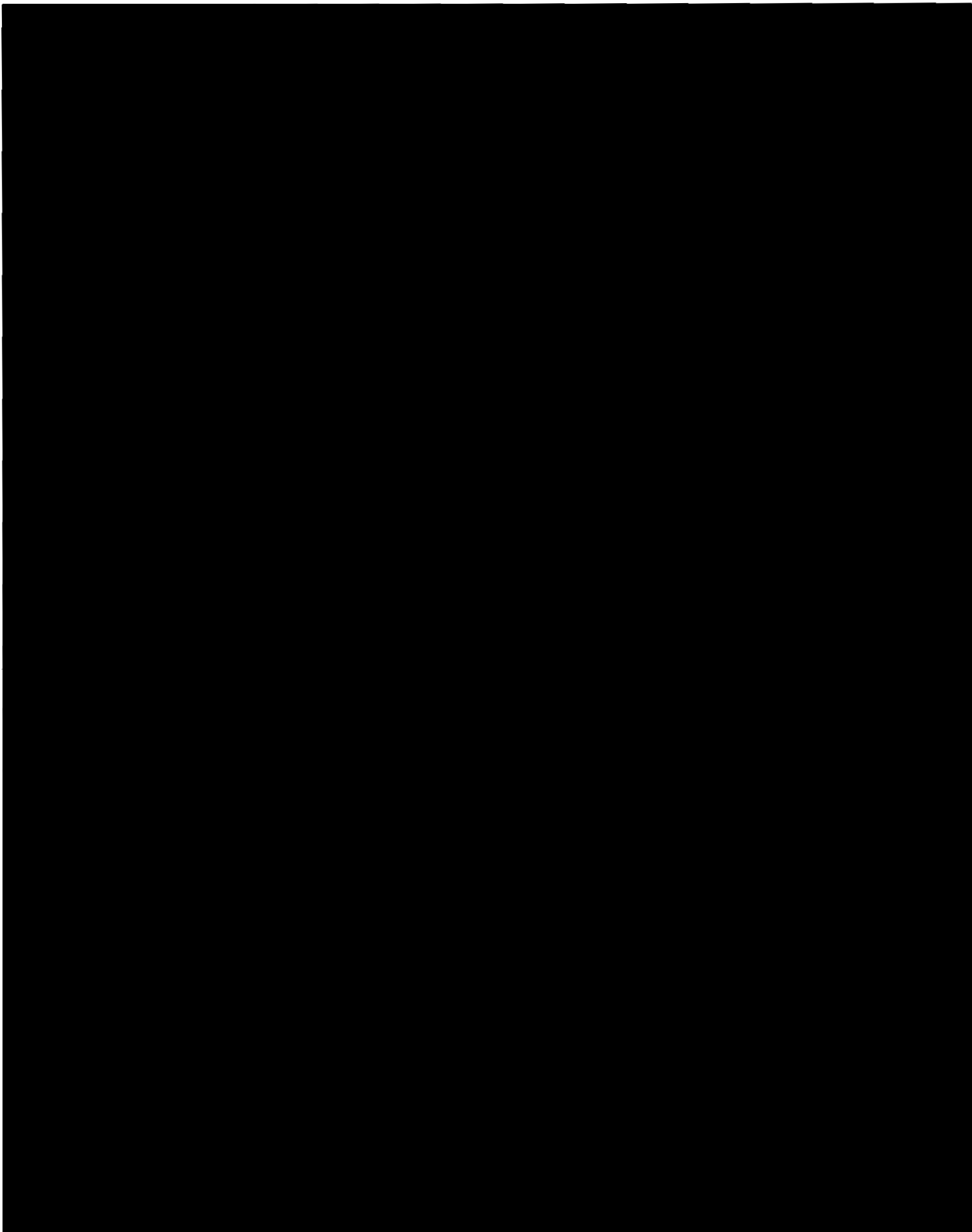


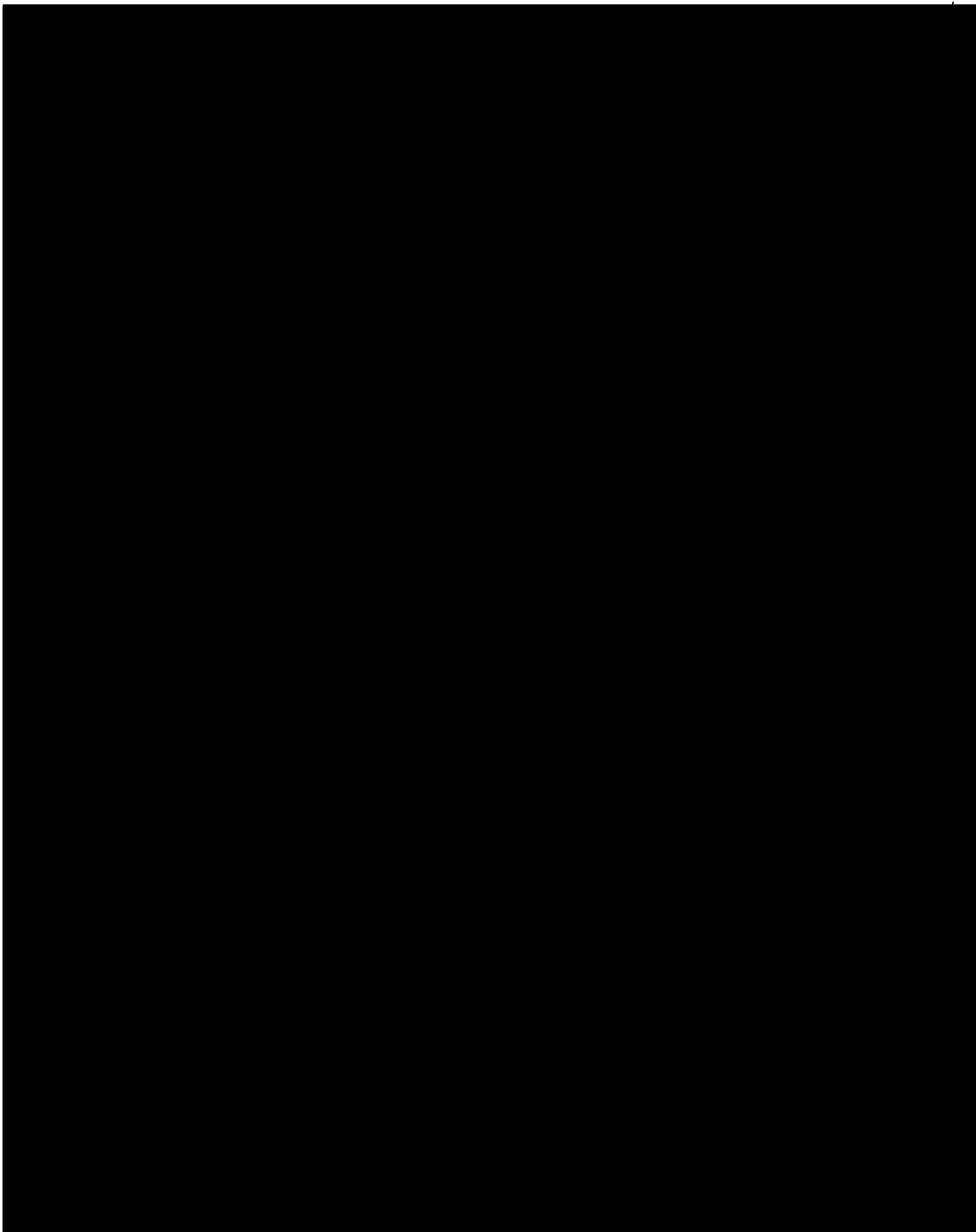


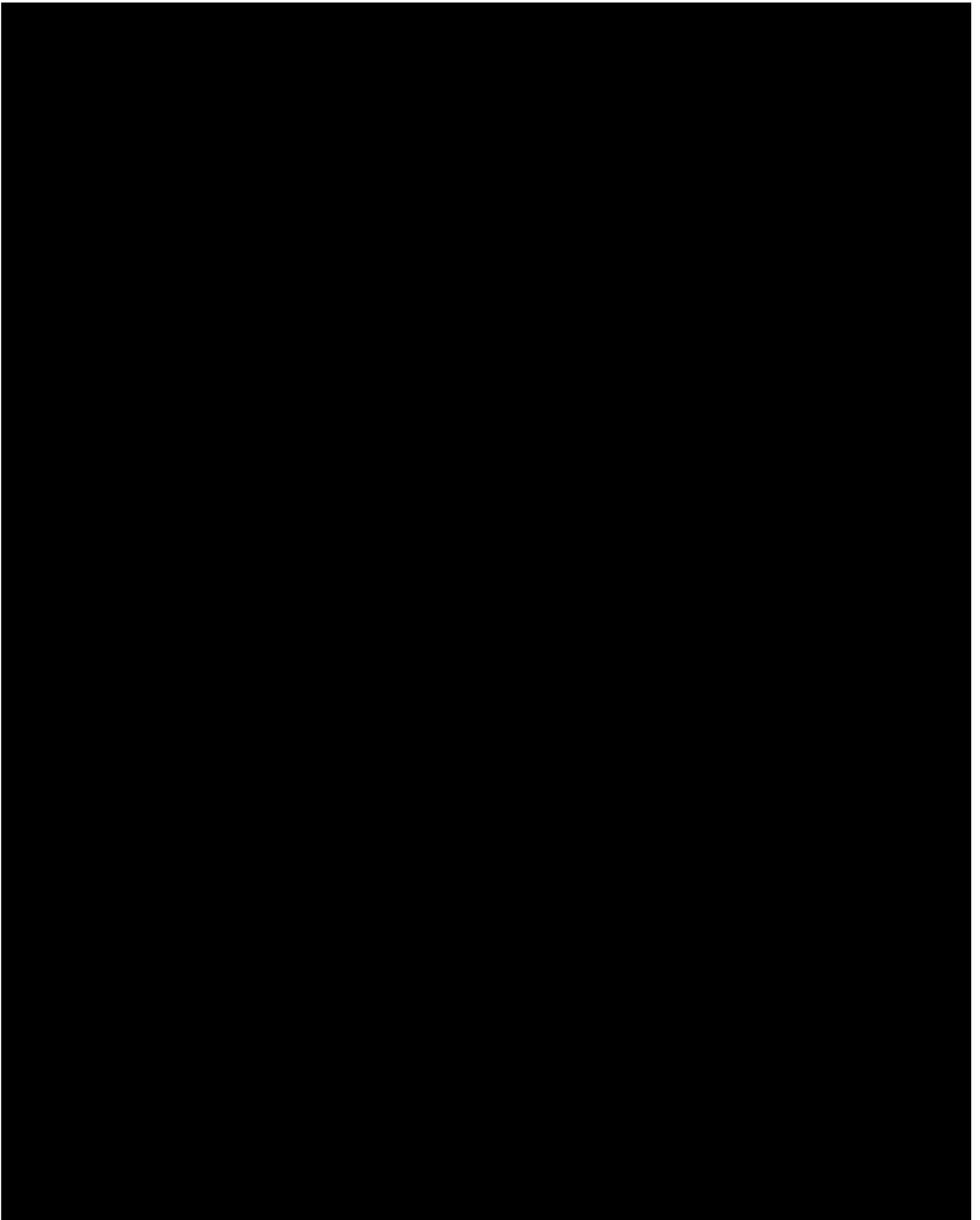




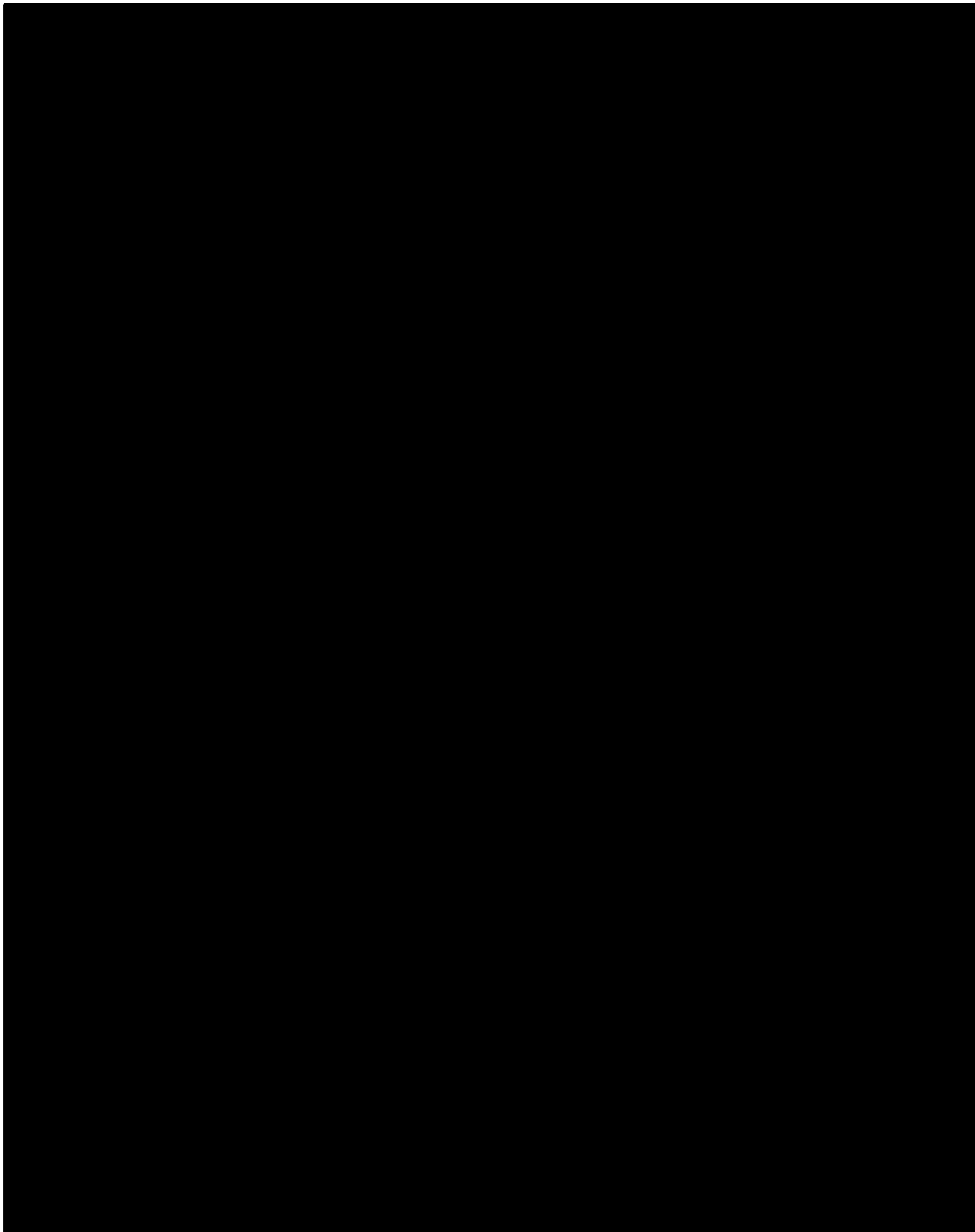


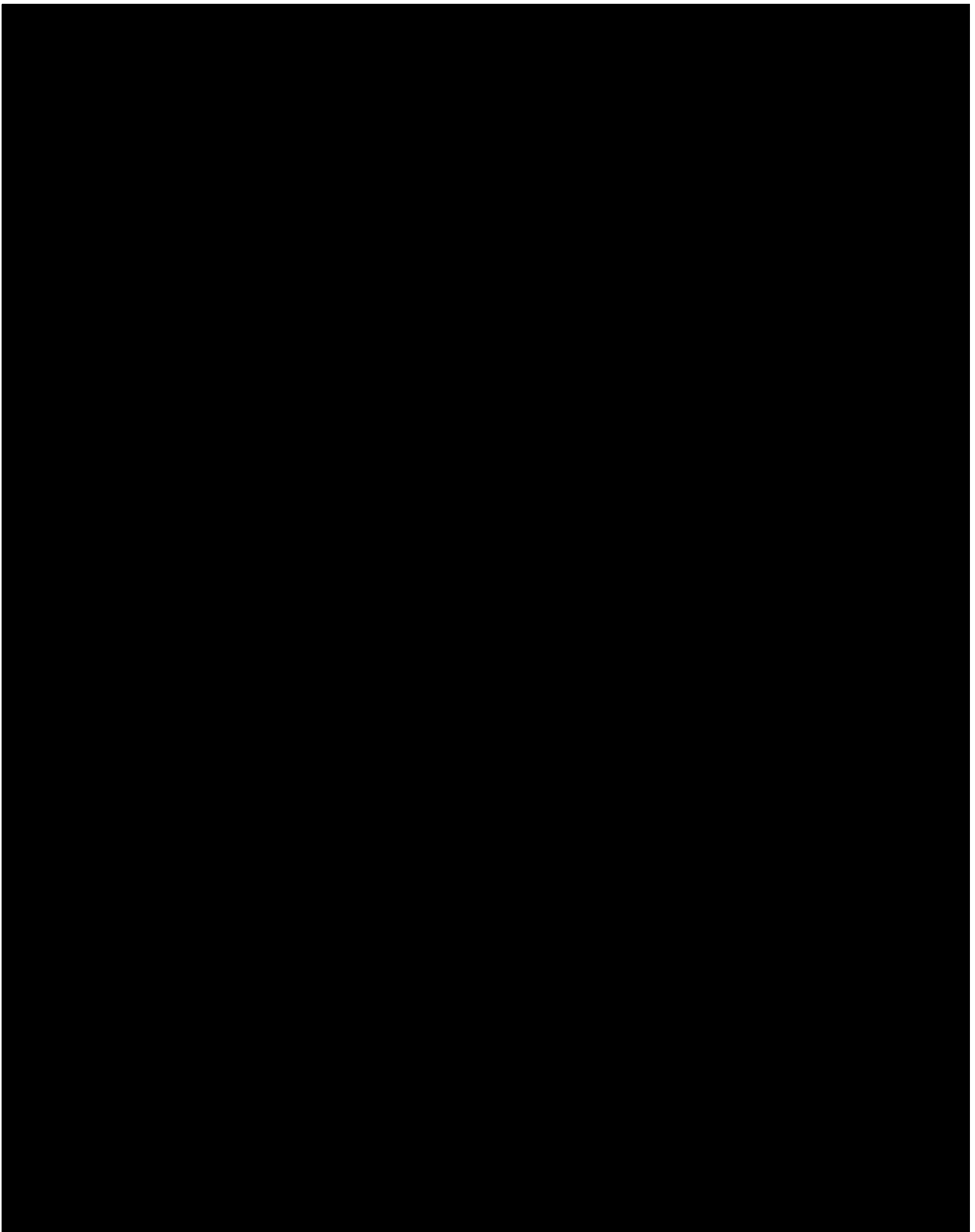


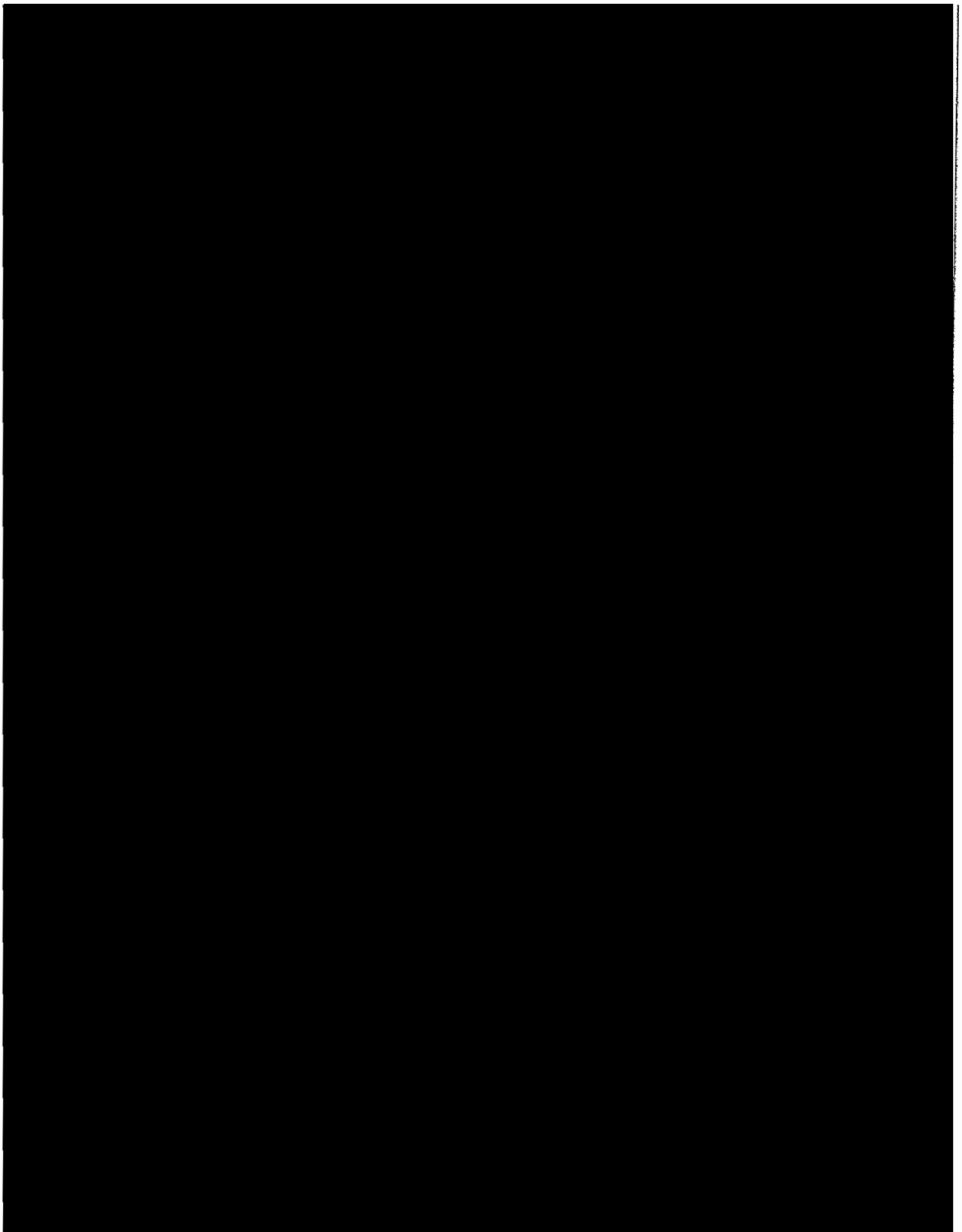


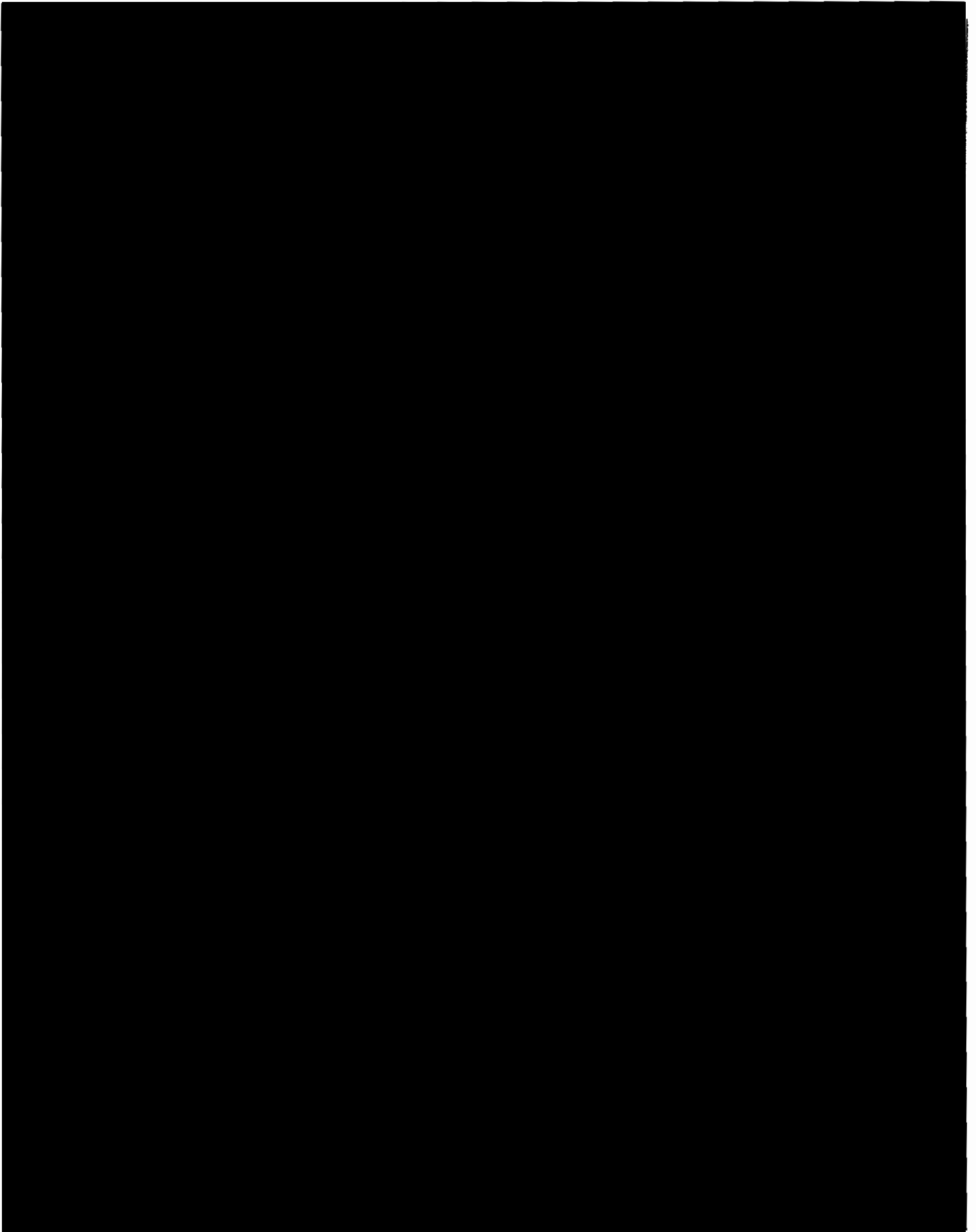


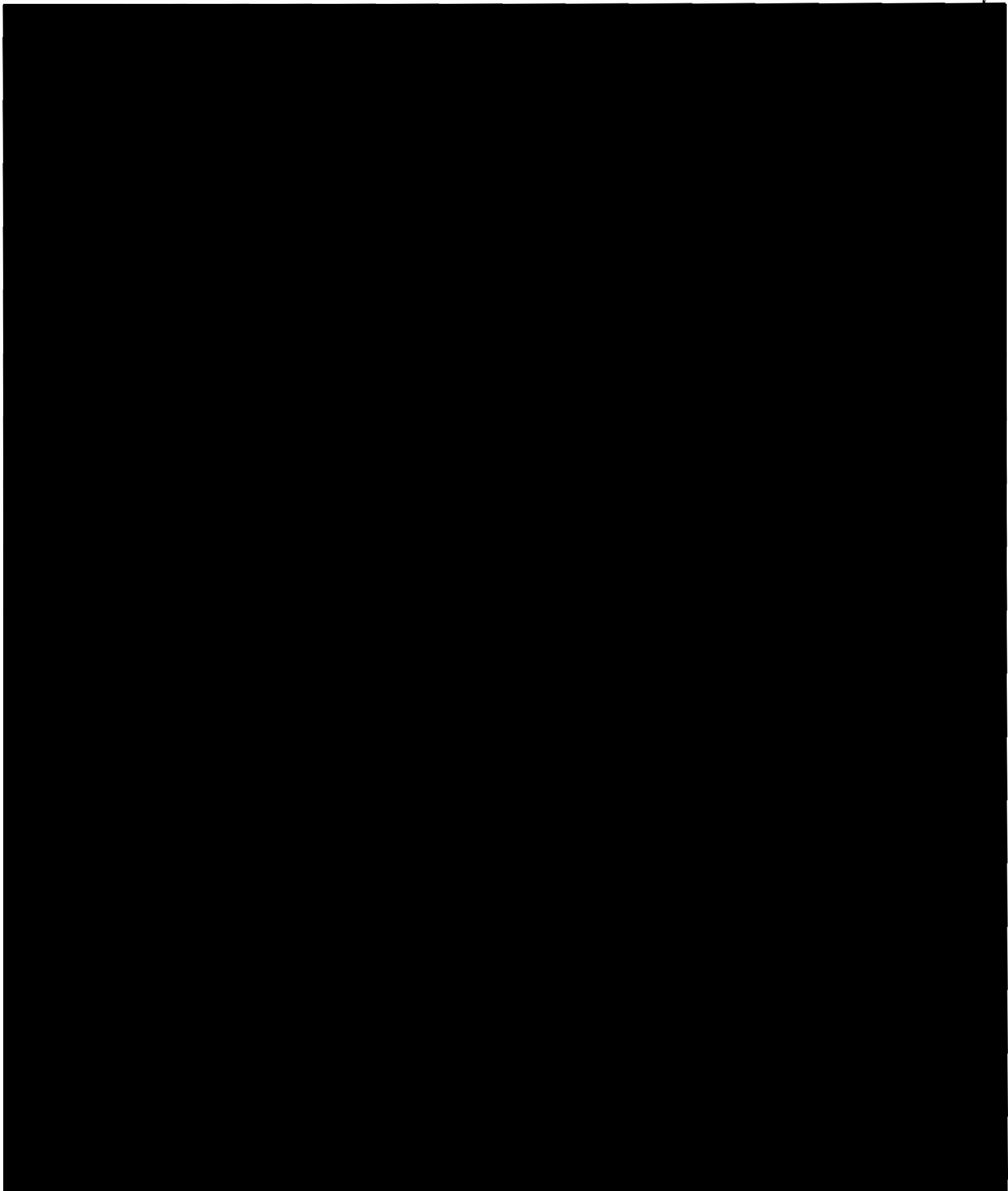




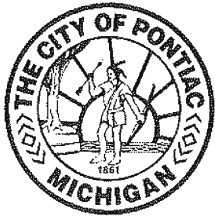








**Clerk's  
Decision  
Letter**



OFFICE OF THE CITY CLERK  
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone: (248) 758-3200  
Fax: (248) 758-3160

July 6, 2021

Sean P. Gallagher  
c/o Caesars Garden  
910 Cesar Chavez  
Pontiac, MI 48340

Dear Mr. Gallagher:

Re: Clerk's Decision on Caesars Garden (Pure Life Solutions II LLC) [REDACTED] Hearing Officer Appeal

On March 2, 2021, Caesars Garden was informed that their application for a Cesar Chavez Overlay District Provisioning Center Permit received a score of 111 and was ranked 4 of 17 total applications.

After the Hearing Officer Appeals Round 1, your ranking was changed to 5 of 17. As a result of receiving an adverse decision from the Clerk, you were given fourteen (14) days to appeal.

On June 29, 2021, Grewal Law PLLC, the Medical Marihuana Hearing Officer for the City of Pontiac Office of the City Clerk conducted a hearing. John W. Fraser, Esq., Grewal Law PLLC served as the hearing officer for your appeal.

I have reviewed the hearing officer recommendation. The hearing officer recommendation was emailed to [sean@legalspg.com](mailto:sean@legalspg.com). Based on the hearing officer recommendation, I am denying your application. Although your score did not change, your ranking did change. Your application is now ranked 6 out of 17 total applications.

The following are the categories that the score was appealed.

Category	Applicant Score	Maximum Points	Hearing Officer Recommendation	Clerk's Final Decision
Facility Planning	1	8	1	1
Facility Sanitation	0	2	0	0
Land Use – Neighborhood	1	10	1	1

**City of Pontiac  
Office of the City Clerk  
Medical Marihuana Provisioning Center Scoring Form**

Application Category	Applicant Points	Maximum Points
Content and Sufficiency of Information		50
Background Information		5
Marihuana Regulations	0.5	(1.5)
Business Entity	2	(2)
Security	1.5	(1.5)
Financial Background	10	10
Economic Benefits	10	10
Community Development	10	10
Facility (Planning and Sanitation)		10
Planning	1	(8)
Sanitation	0	(2)
Patient Education		5
Staff Training and Education	2.5	(2.5)
Patient and Community Programs	2.5	(2.5)
Land Use		20
Resident Safety	10	10
Neighborhood Land Use	1	10
Community Impact	10	10
Managerial Resources	10	10
Financial Resources	10	10
Job Creation	10	10
Philanthropic and Community Improvement	10	10
Physical Improvements	10	10
<b>Applicant Total Score</b>	<b>111</b>	<b>130</b>

Applicant Ranking: **6** of **17** Total Applicants

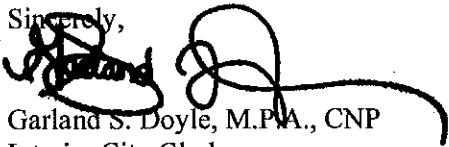
According to Ordinance 2357(B) Section 16 you may further appeal to the for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marihuana commission shall only overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Therefore, your appeal to the Medical Marihuana Commission can only focus on the categories listed above and you cannot submit any additional information in your appeal to the Medical Marihuana Commission as noted in Ordinance 2357(B) Section 16.

If you choose to appeal to the Medical Marihuana Commission, you must submit your appeal on the attached form to the Office of the City Clerk no later than 4:30p.m. on August 6, 2021. Please note the Medical Marihuana Commission is a public body any documents that you submit as a part of your appeal to Medical Marihuana Commission are public and subject to disclosure in accordance with the Freedom of Information Act (FOIA). The hearing officer recommendation and the Clerk's decision on your appeal will be submitted to the Medical Marihuana Commission and therefore will subject to public disclosure.

If you have any questions, please contact Jonathan Starks, Regulatory Analyst at (248) 758-3005.

Sincerely,



Garland S. Doyle, M.P.A., CNP  
Interim City Clerk

Cc: Steven Ori



Application Name \_\_\_\_\_

Application Number \_\_\_\_\_



**CITY OF PONTIAC MEDICAL MARIHUANA COMMISSION**

Following a denial of an application by the City Clerk after review by the Hearing Officer, an appellant who wishes to appeal the denial of its application may further appeal to the medical marihuana commission by filing a written statement fully setting forth the grounds for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marihuana commission shall only overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Please note the Medical Marihuana Commission is a public body. Any documents that you submit as a part of your appeal to Medical Marihuana Commission are public and subject to disclosure in accordance with the Freedom of Information Act (FOIA). The hearing officer recommendation and the Clerk's decision on your appeal will be submitted to the Medical Marihuana Commission and therefore will subject to public disclosure.

Please use the appeal form below if you are submitting an appeal to the Medical Marihuana Commission. You can only appeal to the Medical Marihuana Commission after you have received a decision letter from the City Clerk about your hearing officer appeal.

**Medical Marihuana Facility Permit Application  
Medical Marihuana Commission Appeal Form**

<b>Appellant Name (Applicant)</b>		<b>Address</b>	
<b>City</b>	<b>State</b>	<b>Zip Code</b>	
<b>Appellant's Representative or Contact Person for Purposes of Appeal</b>			
<b>Phone Number</b>		<b>Email Address</b>	

Appellant Representative or Contact Person

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Application Name \_\_\_\_\_

Application Number \_\_\_\_\_

**Written Statement of Appeal**

**\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number**

For Office of the City Clerk Use Only

Hearing Officer Appeal Hearing Date \_\_\_\_\_

Clerk Decision Letter Date \_\_\_\_\_

**Hearing  
Officer  
Recommendation**

**CITY OF PONTIAC  
OFFICE OF THE CITY CLERK  
MEDICAL MARIHUANA FACILITY PERMIT APPLICATION APPEAL**

---

**Pure Life Solutions II LLC  
Appellant**

**Proposed Location:  
910 E. Cesar Chavez Ave.  
Pontiac, MI 48340**

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**HEARING OFFICER RECOMMENDATION**

This recommendation is remitted to the Clerk of the City of Pontiac by Hearing Officer John W. Fraser, who, having reviewed the application and the applicant's written statement of appeal, having heard oral argument on the appeal and being otherwise informed on the matter recommends that the City Clerk affirm its initial scoring of Pure Life Solutions II LLC's application for a Medical Marihuana Facility for the reasons stated herein.

**STATEMENT OF THE MATTER**

Pure Life Solutions II LLC ("Appellant") applied to the City of Pontiac for a license to operate a medical marihuana facility under City of Pontiac Ordinance No. 2357(B). Appellant received a score of 111 out of a total possible score of 130 on its application. Appellant had point deficiencies in several categories. Appellant subsequently filed this timely appeal.

**Appellant's Position**

Appellant seeks appellate review pursuant to City of Pontiac Ordinance No. 2357(B) (hereinafter "the Ordinance"). It argues that the original examiner did not score correctly or overlooked presented materials with respect to the following categories: (1) Facility Planning, (2) Facility Sanitation, and (3) Neighborhood Land Use.

## STANDARD OF REVIEW

The City of Pontiac's decision on an application is reviewed under the arbitrary and capricious standard. "A ruling is arbitrary and capricious when it lacks an adequate determining principle, when it reflects an absence of consideration or adjustment with reference to principles, circumstances, or significance, or when it is freakish or whimsical."<sup>1</sup> As the Michigan Court of Appeals has made clear:

The generally accepted meaning of "arbitrary" is "determined by whim or caprice," or "arrived at through an exercise of will or caprice, without consideration or adjustment with reference to principles, circumstances, or significance, ... decisive but unreasoned." The generally accepted meaning of "capricious" is "apt to change suddenly; freakish; whimsical; humorsome."<sup>2</sup>

## APPLICABLE LAW & REASONING

Appellant claims the City of Pontiac erroneously scored its application for a Medical Marijuana Facility.

The City of Pontiac enacted its Medical Marijuana Facilities Ordinance to provide for standards and procedures to permit, regulate, and impose conditions upon medical marijuana facilities.<sup>3</sup> The Ordinance states that no more than twenty (20) licenses may be issued for provisioning centers, and these 20 licenses are to be divided with not more than 5 licenses to be issued in each of the 4 applicable zoning overlay districts.<sup>4</sup> As such, each respective application has to be evaluated, scored, and ranked according to the criteria set forth in the Ordinance. The Ordinance, application, application instructions, and scoring criteria guide specifically state what needs to be included in each application and how each application will be scored. Only the top 5

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<sup>1</sup> *Wescott v. Civ Serv Comm'n*, 298 Mich App 158, 162, 825 NW2d 674, 677 (2012).

<sup>2</sup> *In re Keast*, 278 Mich App 415, 424–25, 750 NW2d 643, 648 (2008).

<sup>3</sup> City of Pontiac Ordinance No. #2357(B), available at: <http://www.pontiac.mi.us/Ordinance%202357B%20Medical%20Marihuana%20Facilities%20Ord.pdf>.

<sup>4</sup> *Id.*; Sections 3.1108 and 3.1109 of Ordinance #2363.

scoring applications in each of the applicable zoning overlay districts shall be awarded licenses.

The City of Pontiac provided detailed instructions on its website<sup>5</sup> and a scoring criteria guide for scoring each applicant was made available on the City Clerk's website.<sup>6</sup> The instructions state that:

If an attachment to the application is required, clearly identify the ordinance section applicable to such attachment at the top of the attachment. For example, in the financial background section, the applicant must submit verification that it has a minimum capitalization consistent with the requirements of LARA Rule 12. This requirement is met by submitting CPA attested financial statements. On the top of the CPA attested financial statements, the applicant shall type "Sec. 8(c)(24)", because such CPA attested financial statements are applicable to Section 8(c)(24) of the Ordinance.

Each applicant is given the right to appeal the denial of its application. The application instructions provide that:

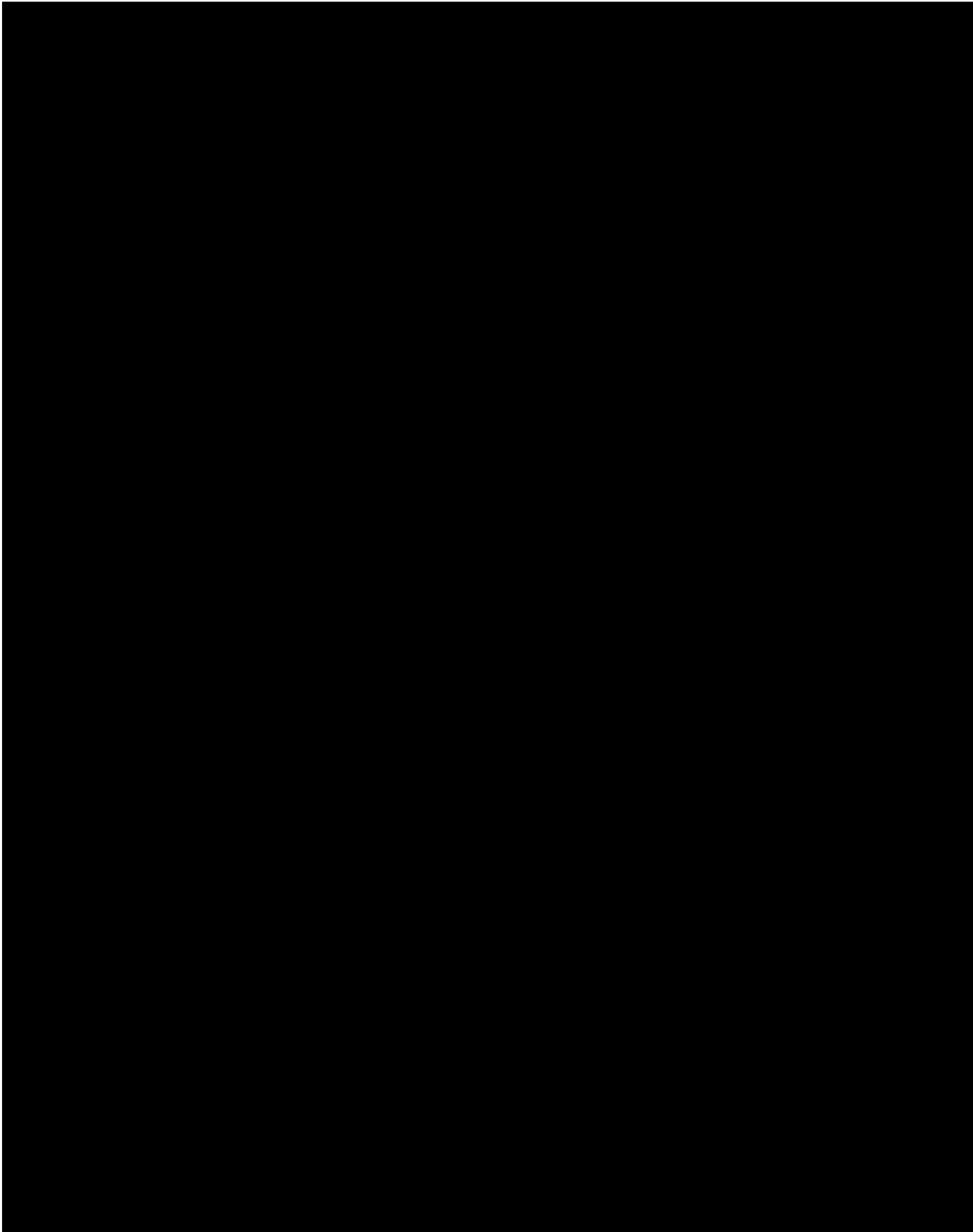
Any applicant aggrieved by the denial of a permit may appeal to the Pontiac City Clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Pontiac City Clerk. Such appeal shall be taken by filing with the Pontiac City Clerk, within fourteen (14) days after notice of the action complained of has been mailed to the applicant's last known address on the records of the Pontiac City Clerk, a written statement setting forth fully the grounds for the appeal. The Pontiac City Clerk shall review the report and recommendation of the hearing officer and make a decision on the matter. The Pontiac City Clerk's decision may be further appealed to the medical marihuana commission if applied for in writing to the medical marihuana commission no later than thirty (30) days after the Pontiac City Clerk's decision.

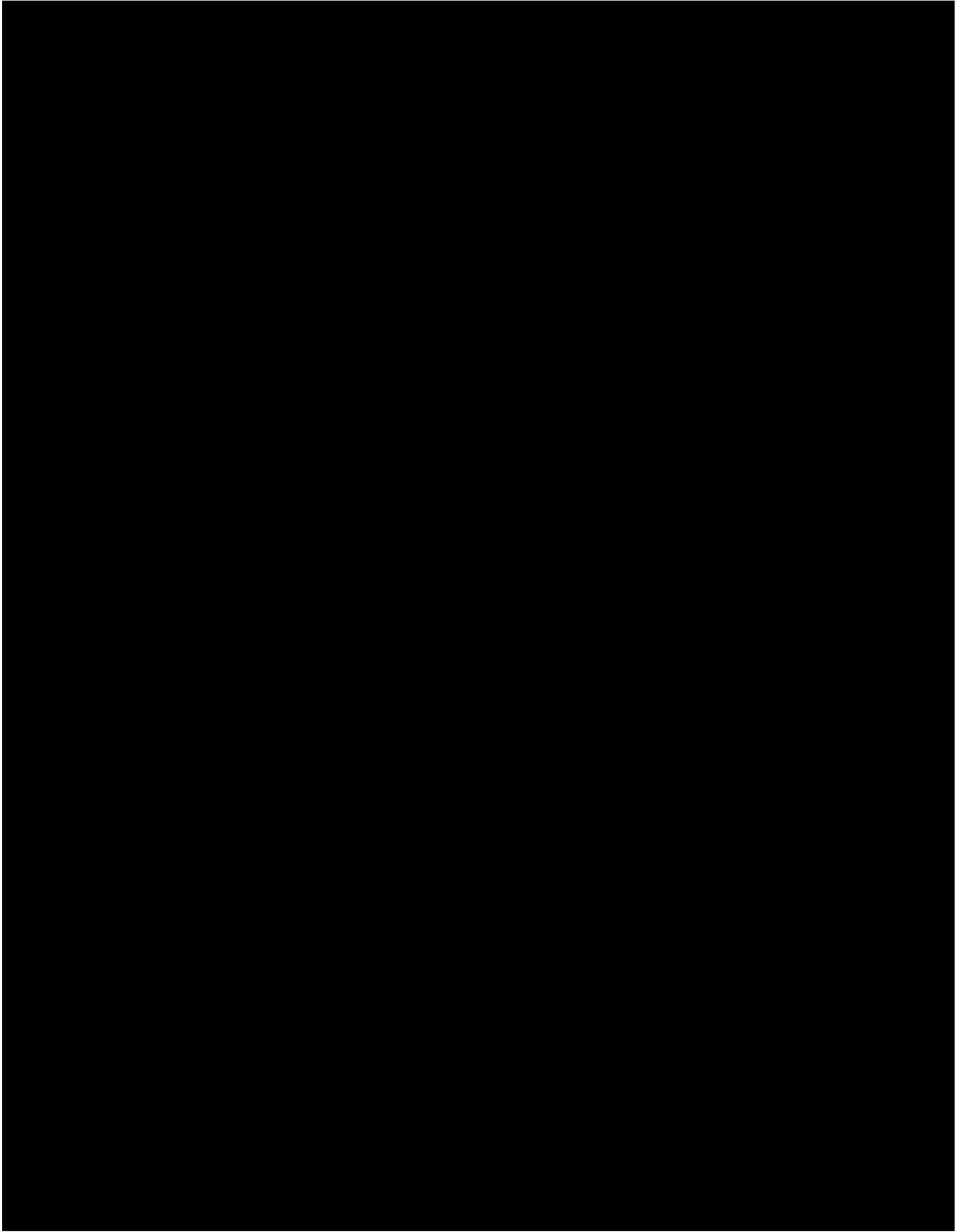
Appellant has challenged the Clerk's scoring for the following categories: (1) Facility Planning, (2) Facility Sanitation, and (3) Neighborhood Land Use. Each of these arguments is addressed in turn.

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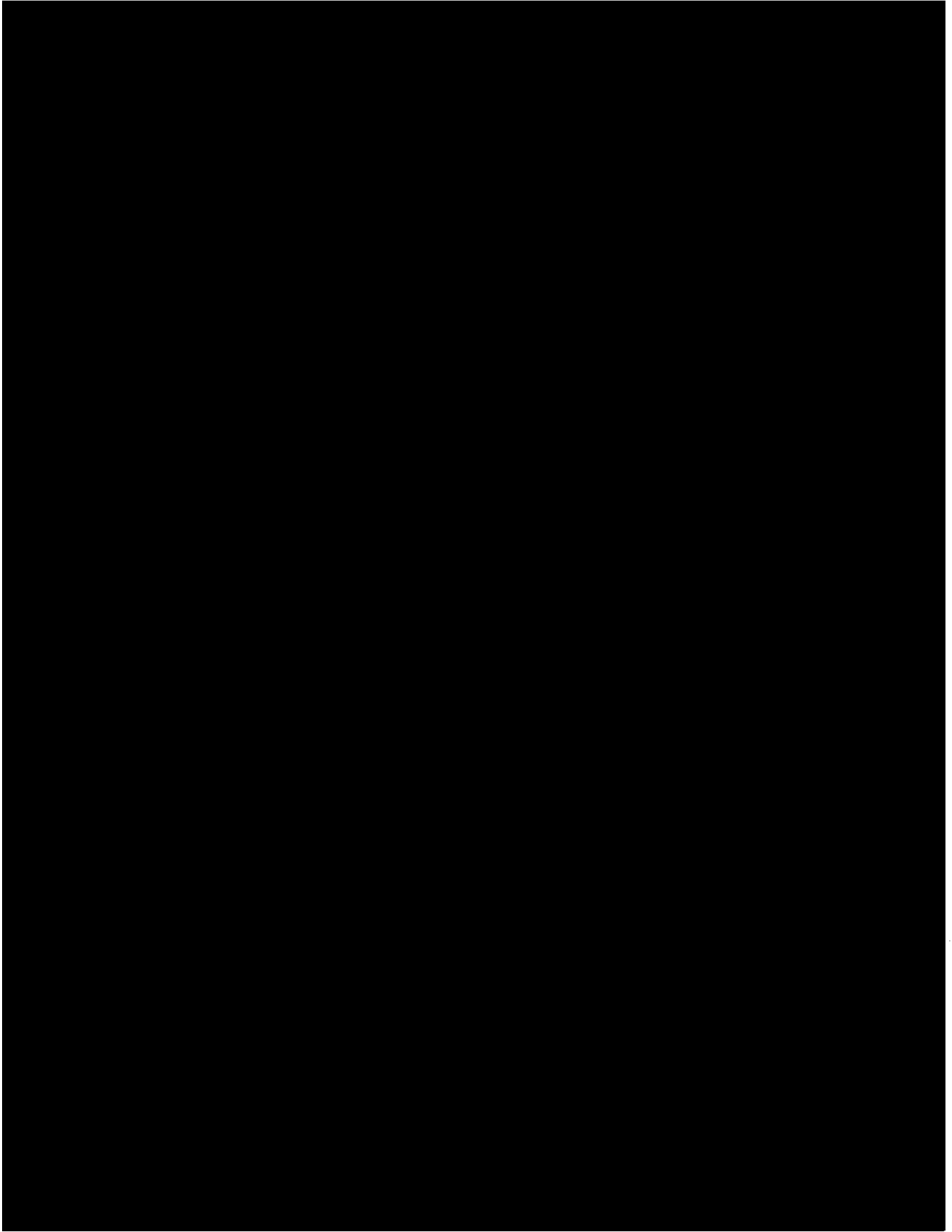
<sup>5</sup> [http://www.pontiac.mi.us/departments/clerk/medical\\_marihuana.php](http://www.pontiac.mi.us/departments/clerk/medical_marihuana.php).

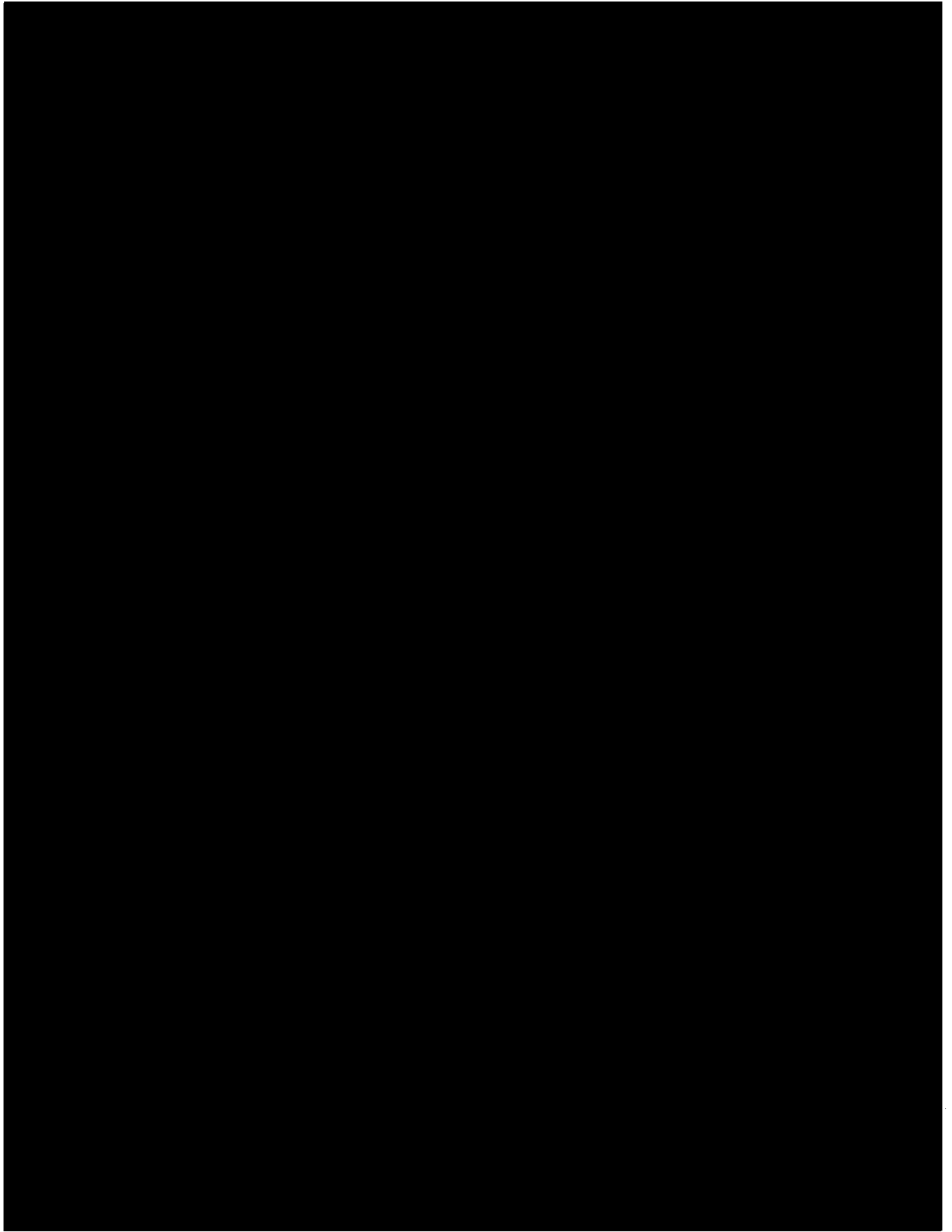
<sup>6</sup> <https://pontiaccityclerk.com/medical-marihuana>.

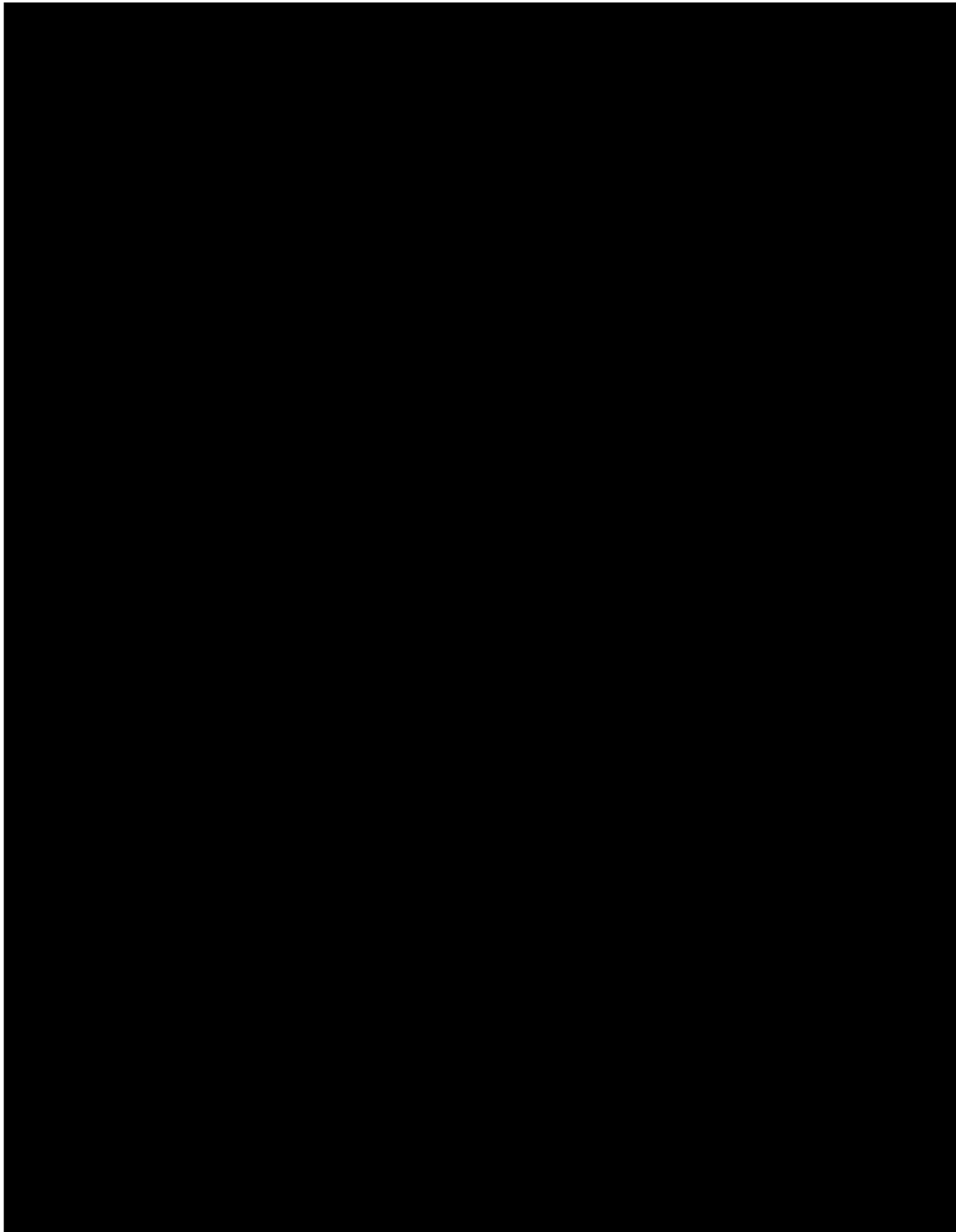


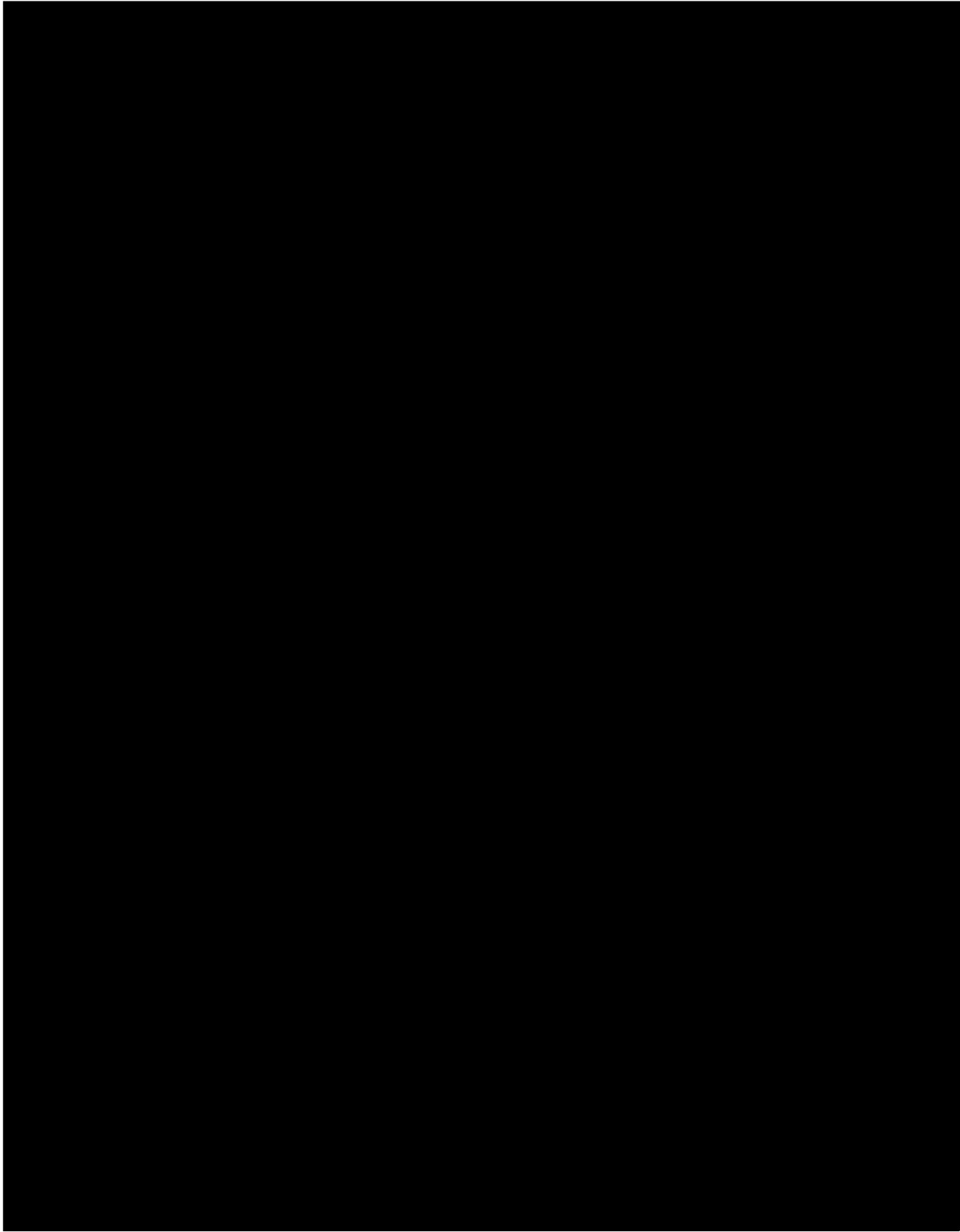


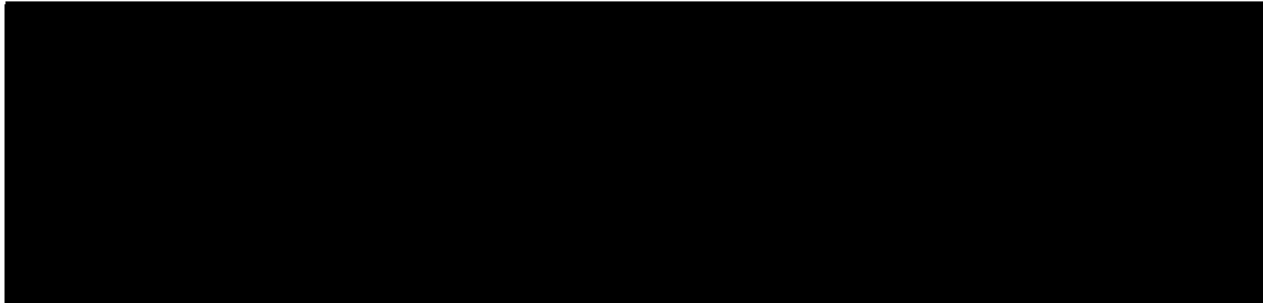












**CONCLUSION**

For the reasons stated herein, the Hearing Officer recommends that the City Clerk affirm its initial scoring of Pure Life Solutions II LLC's application.

Respectfully Submitted,


**GREWAL LAW PLLC**

Dated: July 2, 2021

/s/ John W. Fraser  
**John W. Fraser, Hearing Officer**

# Hearing Officer Appeal

Application Name Cesars Garden

Application Number 

**City of Pontiac  
Medical Marihuana Facility Permit Application  
Hearing Officer Appeal Form**

Appellant Name (Applicant)		Address	
PureLife Solutions, LLC		910 Cesar E. Chavez	
City	State	Zip Code	
Pontiac	Michigan	48340	
Appellant's Representative or Contact Person for Purposes of Appeal			
SEAN P. GALLAGHER			
Phone Number		Email Address	
517.230.3630		SEAN@LEGALSPG.COM	

**Written Statement of Appeal**

**\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number; Failure To Properly Label Attachments May Result In Your Appeal Being Delayed.**

Please see attached.

RECEIVED  
JUN 04 2021  
BY: JS

Appellant Representative or Contact Person

Print Name SEAN P. GALLAGHER Signature 

Date 6/4/2021

CITY OF PONTIAC

BEFORE THE OFFICE OF THE CITY CLERK

\* \* \*

In the matter of the application of ) Hon. Grewal Law PLC  
 PURE LIFE SOLUTIONS II, LLC for approval of ) Hearing Officer  
 a medical marihuana facility provisioning center )  
 permit in the Cesar Chavez Overlay District. ) Application No [REDACTED]  
 )

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**JUNE 4, 2021 STATEMENT OF APPEAL OF  
PURE LIFE SOLUTIONS II, LLC**

PURE LIFE SOLUTIONS II, LLC ("Cesars Garden" or the "Applicant-Appellant"), through its legal counsel, SEAN P. GALLAGHER PLC ("Gallagher Law"), pursuant to Pontiac Code, §2357(B), as an applicant denied a permit and/or receiving an adverse decision and for its appeal to the Office of the City Clerk (the "City Clerk"), states as follows for its grounds for appeal of the May 21, 2021 Notice of Application Ranking Change [REDACTED] (the "Notice of Denial"):

Required information for appeal:

- (a) Name of Applicant-Appellant: Pure Life Solutions, LLC
- (b) Proposed Provisioning Center at: 910 Cesar Chavez Ave., Pontiac, MI 48340
- (c) Representative Contact for Appeal: Sean P. Gallagher  
517.230.3630  
Sean@legalspg.com
- (d) Appeal Submission Date: June 4, 2021
- (e) Notice of Denial attached as **Exhibit A**.

**I. BACKGROUND AND FACTS**

1. On September 12, 2018, following a recount of the ballots cast at the August 7, 2018 election, the City of Pontiac electors adopted Ordinance No. 2357(B), to provide standard and procedures to permit and regulate medical marihuana facilities, provide for imposition of



permit application fees, and to impose conditions limiting the operation of medical marihuana facilities (the “Facilities Ordinance”).

2. On April 9, 2019, at its regular meeting, the Pontiac City Council passed on second reading Ordinance 2363, the Medical Marihuana Zoning ordinance, allowing no more than 5 provisioning center permits to be awarded in the Cesar Chavez Overlay District to the top five applicants.

3. On January 27, 2020, Applicant-Appellant timely submitted forms prescribed by the City Clerk with supporting documentation for a permit for proposed medical marihuana provisioning center to be located at 910 Cesar Chavez, Pontiac, Michigan, referred to as “Cesars Garden,” assigned Application Number CC-113 (the “Application”).

4. The Application contained 270 pages and a significant amount of information and documentation intended to meet the published requirements of the Facilities Ordinance and the City Clerk to score the maximum number of points.

5. The Application included the form prescribed by the City Clerk for submission of the facility plan, including floor plan, a facility site plan prepared by a licensed architect showing all available parking spaces, and sanitation plan entitled Sanitation and Waste Disposal Plan (the “Sanitation Plan”). **See Exhibit B, Application excerpts at pages 151-171.**<sup>1</sup>

6. The Sanitation Plan provides that “[t]he Facilities Manager will manage the company’s waste management program and will ensure compliance with [state and federal laws and]...[a]ll other applicable regulations.” Ex. B at 169.

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<sup>1</sup> The Application as submitted was not paginated. We have Bates stamped our copy and here attached excerpts including those reference numbers in the lower-right corner of each page for ease of reference by the Hearing Officer and the City Clerk.

7. The Sanitation Plan provides that the employee training component will include “[h]ealth, safety, and sanitation standards as required by LARA” and “[s]ecurity procedures.” Ex. B at 170.

8. The Application included a Community Benefits Proposal which referenced and incorporated by reference two (2) business and community benefit agreements: (a) a “Cooperation Agreement” with City of Pontiac District 3 and (b) a “Community Benefits Cooperation Agreement” with Helping Oakland’s People Every Day / HOPE Hospitality and Warming Center (“HOPE”). Ex. B at 244-252, 256-266.

9. These two agreements were separated from the Community Benefits Proposal by three pages related to physical improvements and financial background but were nonetheless included with the initial submission.

10. In a letter dated March 2, 2021, the City Clerk provided notice to Cesars Garden that the City Clerk and members of its review team had reviewed, scored, and ranked the Application No. 4 out of 17 applications submitted and awarded a total score of 111 points out of 130 available points (the “Scoring Notice”).

11. The Scoring Notice stated that the Cesars Garden application ranking was subject to appeal of other applicants not ranked in the top five before issuance of conditional approval.

12. Accompanying the Scoring Notice was a Medical Marihuana Provisioning Center Scoring Form and detailed scoring report with each scorer’s individual review (the “Scoring Report”). The Scoring Report is attached as **Exhibit C**.

13. The Facility / Planning category scoring detail form page of the Scoring Report states:

- In this sub-category, applicants can receive: (a) One (1) point if their submission is *Very Deficient* (b) Four (4) points if their submission is *Somewhat Deficient*, or (c) Eight (8) points if their submission is *Satisfactory*.
- A submission will be deemed *Very Deficient* if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed *Somewhat Deficient* in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

Ex. C at [012].<sup>2</sup>

14. The City Planning Manager scored the Application’s Facility / Planning category.

Ex. C at [012].

15. The City Planning Manager scored the Application’s Facility / Planning category as “Very Deficient,” checked “Yes” and give credit to Applicant in four (4) of the seven (7) boxes, crediting Applicant for submission of its floor plan, graphic materials to be posted on the exterior of the building, size and nature of graphics, and number of external graphics or signs, and awarded Appellant one (1) point out of a possible eight (8) points. Ex. C at [012].

16. The Facilities Ordinance at §8(c)(21), referenced in the Facility / Sanitation category scoring detail page of the Scoring Report, states:

The applicant must submit a facility sanitation plan that describes how waste will be stored and disposed and how marihuana will be rendered unusable upon disposal at the proposed medical marihuana facility. Such facility sanitation plan must comply with all laws, including any guidelines published by LARA.

Ex. C at [012].

17. The Facility / Sanitation category scoring detail page of the Scoring Report concerns § 8(c)(21) of the Facilities ordinance and states:

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<sup>2</sup> For ease of reference, we have Bates stamped the Scoring Report with bracketed numbers in the lower-right corner.

- In this sub-category, applicants can receive: (a) One (1) point if their submission is *Very Deficient* (b) Four (4) points if their submission is *Somewhat Deficient*, or (c) Eight (8) points if their submission is *Satisfactory*.
- A submission will be deemed *Very Deficient* if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed *Somewhat Deficient* in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

Ex. C at [014].

18. The City Director of Public Works scored the Application’s Facility / Sanitation category. Ex. C at [014].

19. The City Director of Public Works scored the Application’s Facility / Sanitation category “Very Deficient” after checking “Yes” and giving credit to Applicant for two (2) out of three (3) criteria with the comment, “No Contract.” Ex. C at [014].

20. The Land Use / Neighborhood Land Use category scoring detail form page of the Scoring Report states:

- In this sub-category, applicants can receive: (a) One (1) point if their submission is *Very Deficient* (b) Four (4) points if their submission is *Somewhat Deficient*, or (c) Eight (8) points if their submission is *Satisfactory*.
- A submission will be deemed *Very Deficient* if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed *Somewhat Deficient* in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

Ex. C at [020].

21. The City Planning Manager scored the Application’s Land Use / Neighborhood Land Use category. Ex. C at [020].

22. The City Planning Manager scored the Application’s Land Use / Neighborhood

Land Use category at “Very Deficient” after checking “Yes” and giving credit to Applicant for three (3) out of the six (6) available criteria and awarded one (1) out of ten (10) possible points. Ex. C at [020].

23. Two (2) of the check marks for this category which were marked “No” were “[p]artnerships with community organizations to mitigate negative effects” and “[p]artnerships with Area businesses to mitigate issues.” Ex. C at [020].

24. The City Planning Manager provided the following comment for scoring of this category: “Several partnerships and minor safety measures were not provided.” Ex. C at [020].

25. Of the 18 scoring sheets in the Scoring Report concerning the Application, it appears that 12 were scored either by consultants hired by the City Clerk pursuant to the Facilities Ordinance § 9(j) or personally by the Interim City Clerk. See Ex. C at [001] (Scoring Form cover sheet).

26. Of the four categories where the Application had points deducted or not awarded, the vast majority of points (18) in three of the categories were scored by non-consultant, non-City Clerk scorers who were the City Planning Manager and Public Works Director. See Ex. C (Facility / Planning, Facility / Sanitation, Land Use / Neighborhood Land Use).

27. Applicant filed this timely appeal June 4, 2021, within fourteen days after the Notice of Denial was issued on May 21, 2021.

## **II. LEGAL STANDARD**

Pontiac Code, Ordinance 2357(b) § 16 provides, in pertinent part:

Any applicant aggrieved by the denial or revocation by the denial or revocation of a permit or adverse decision under this ordinance may appeal to the clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the clerk. Such appeal shall be taken by filing with

the clerk, within fourteen days after notice of the action complained of has been mailed to the applicant or permittee's last known address on the records of the clerk, a written statement setting forth fully the grounds for the appeal.

The City Clerk is prohibited from reaching medical marihuana application decisions which are arbitrary and capricious or not supported by material, substantial, and competent facts based on the whole record. Facilities Ordinance § 5.

The rules of statutory interpretation apply to interpretation of municipal ordinances. *Piasecki v City of Hamtramck*, 249 Mich App 37, 40; 640 NW2d 885 (2001). "The primary goal of statutory interpretation is to give effect to the intent of the Legislature." *Briggs Tax Serv, LLC v Detroit Pub Sch*, 485 Mich 69, 76; 780 NW2d 753 (2010). In general, "a reviewing court is to give deference to a municipality's interpretation of its own ordinance." *Macenas v Village of Michiana*, 433 Mich 380, 398; 446 NW2d 102 (1989). However, the best indicator of the Legislature's intent is the statute's language, which, if clear and unambiguous, we must apply as written. *Ford Motor Co v City of Woodhaven*, 475 Mich 425, 438-439; 716 NW2d 247 (2006). "When a statute specifically defines a given term, that definition alone controls." *Haynes v Neshewat*, 477 Mich 29, 35; 729 NW2d 488 (2007). Moreover, "[t]he Legislature is presumed to intend the meaning the statute expresses." *Bronson Methodist Hosp v Allstate Ins Co*, 286 Mich App 219, 228; 779 NW2d 304 (2009).

### III. ARGUMENT

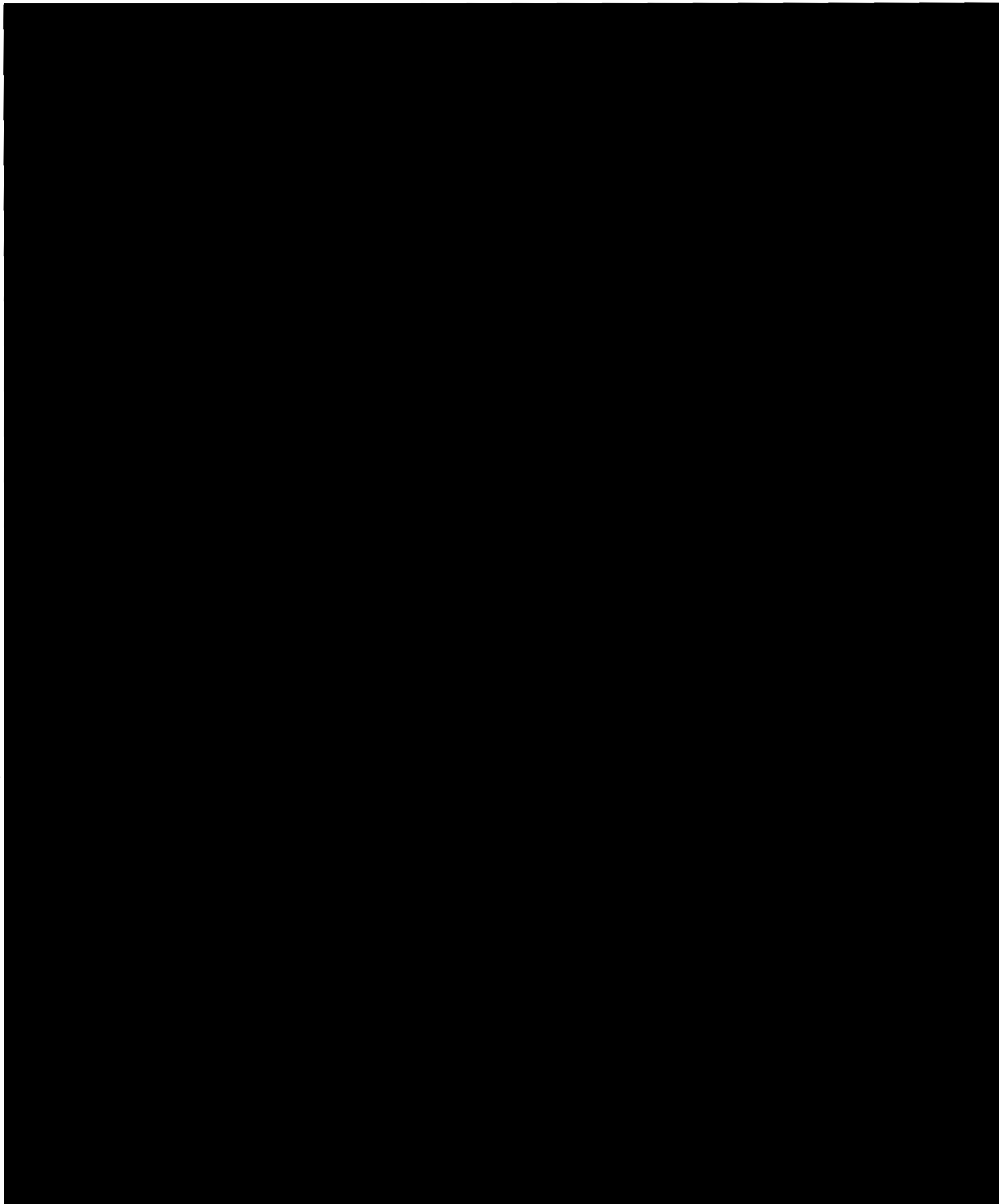


The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial data. This includes not only sales and purchases but also expenses, income, and transfers between accounts.

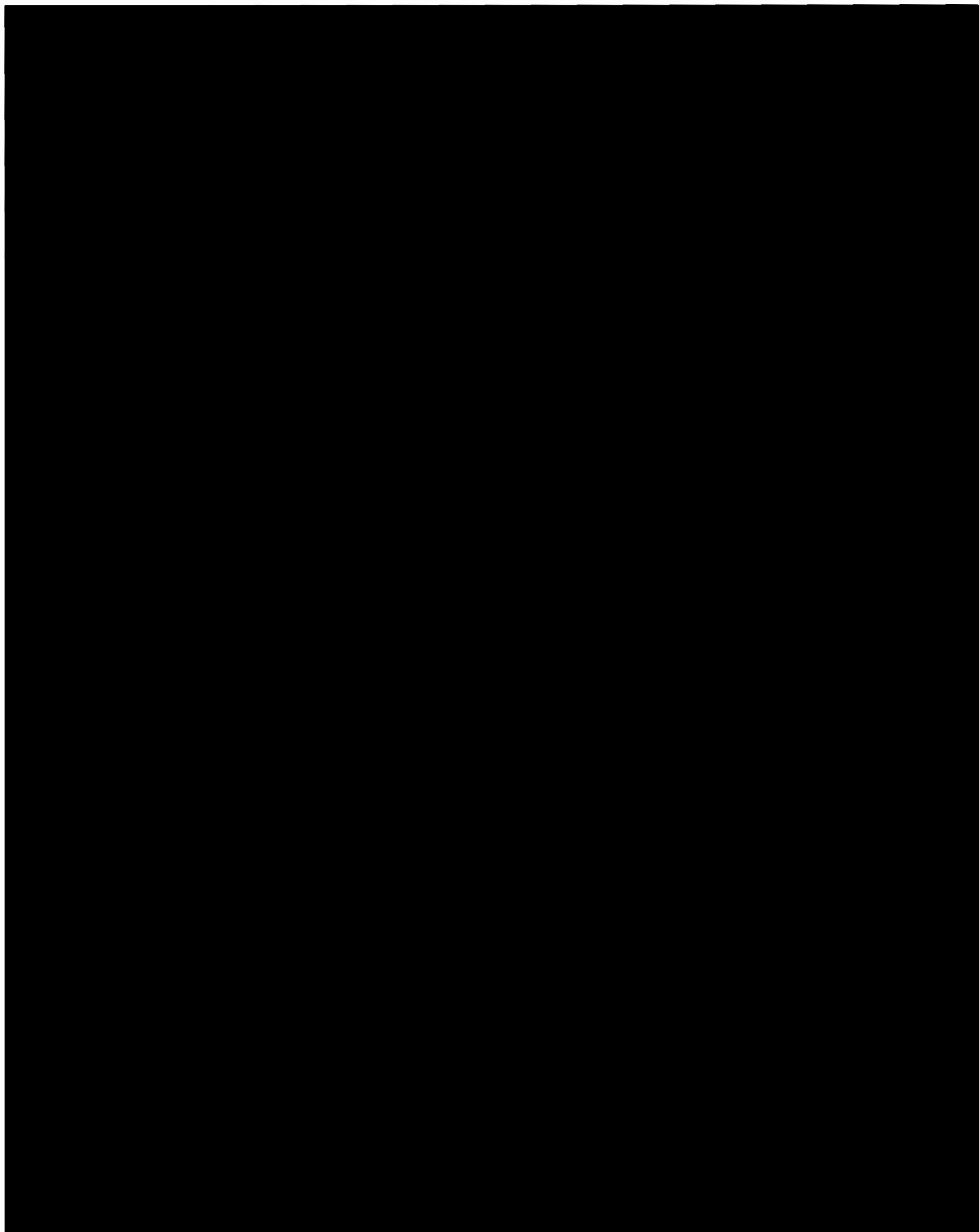
Next, the document outlines the various methods used to collect and analyze financial data. It mentions the use of spreadsheets, accounting software, and manual ledgers. Each method has its own set of advantages and disadvantages, and the choice of method depends on the size and complexity of the business.

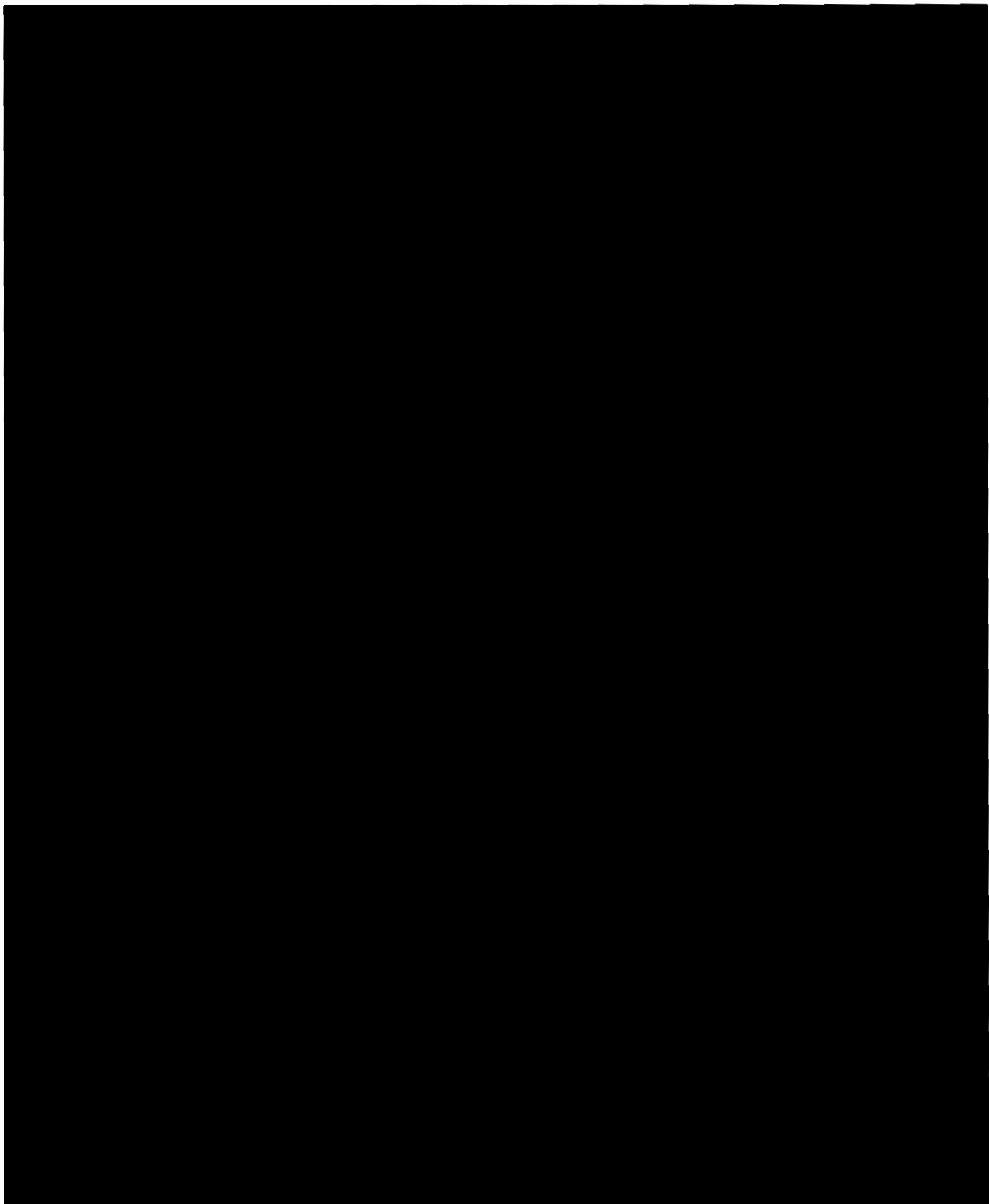
The document then delves into the process of reconciling accounts. This involves comparing the company's records with the bank statements to identify any discrepancies. It provides a step-by-step guide on how to perform a reconciliation, including how to identify errors and correct them.

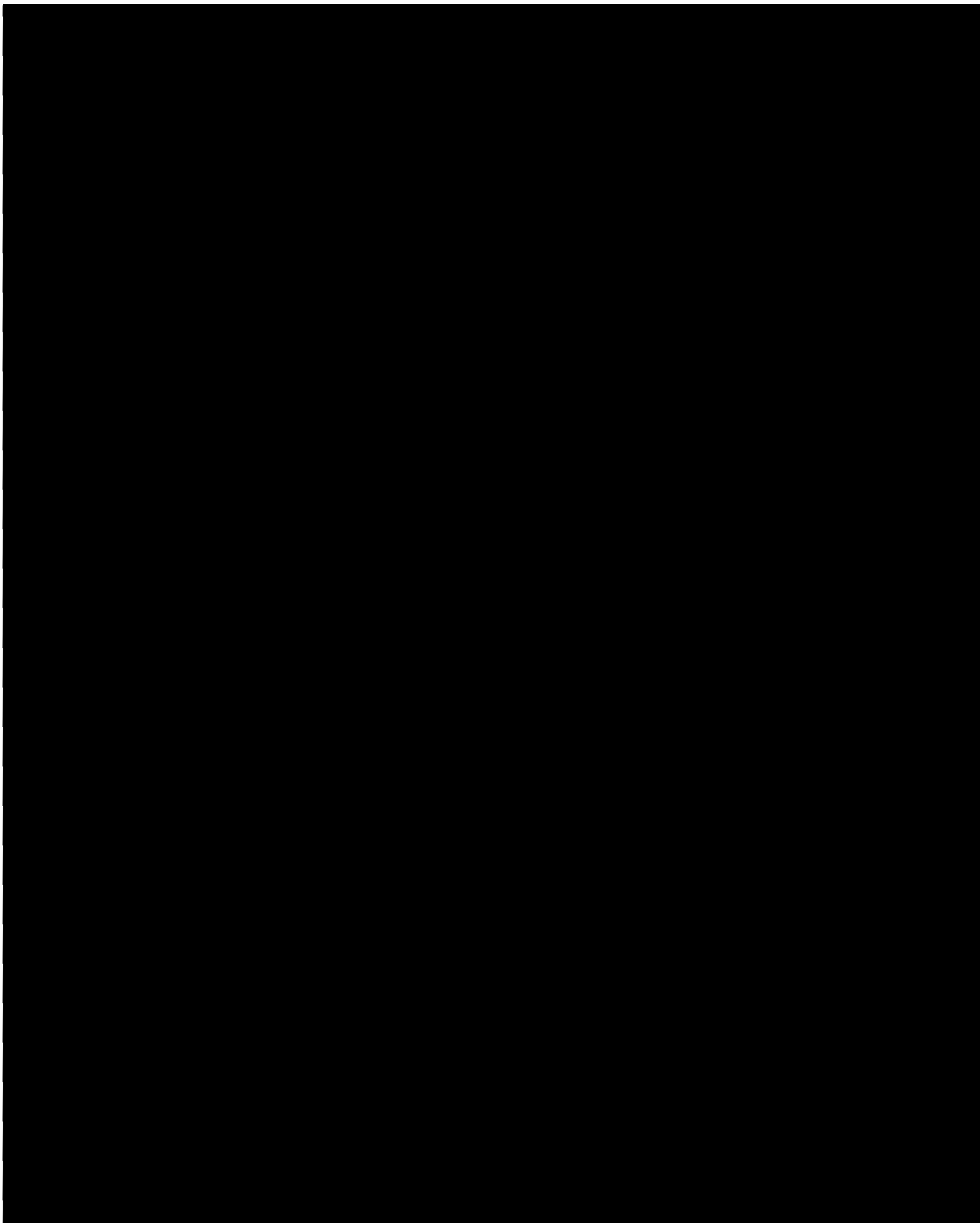
Finally, the document discusses the importance of regular audits. It explains that audits help to detect fraud, errors, and inefficiencies in the financial system. It also provides information on how to prepare for an audit and what to expect from the auditors.











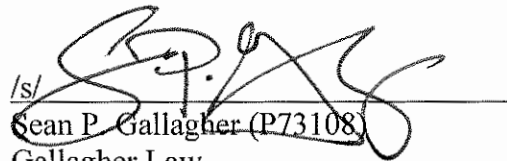
**IV. REQUEST FOR RELIEF**

Based on the foregoing, Applicant Pure Life Solutions II, LLC respectfully requests City Clerk and Hearing Officer reverse the adverse decision on scoring of the Application and award nine (9.0) additional points for a total of at least 120 point on its Medical Marihuana Provisioning Center Scoring Form and ranking the Applicant-Appellant between nos. 1 and 5 following the exhaustion of all appeals.

Respectfully submitted,

**SEAN P. GALLAGHER PLC**

By:

  
/s/ Sean P. Gallagher (P73108)

Gallagher Law  
Attorney for  
Pure Life Solutions II, LLC  
440 Burroughs Street, Suite 193  
Detroit, Michigan 48202  
313.969.0475

321 West Lake Lansing Road  
East Lansing, Michigan 48823  
517.230.3630  
Sean@legalspg.com

Dated: June 4, 2021

**EXHIBITS INDEX**

<b>Exhibit</b>	<b>Title</b>	<b>Pagination</b>
A	May 21, 2021 Notice of Denial	N/A
B	Excerpts from January 27, 2020 Cesars Garden Medical Marihuana Provisioning Center Application	001-004 151-171 244-266
C	Cesars Garden Application Scoring Form and Review Detail Scoring Report – Medical Marihuana Provisioning Center	[001]-[032]

**CERTIFICATE OF SERVICE**

The undersigned certifies that on June 4, 2021, the foregoing document and following attached exhibits were both mailed and filed personally with the City of Pontiac by hand delivery to the Pontiac City Clerk's Office at 47450 Woodward Ave., Pontiac, Michigan 48342.

/s/ 

Exhibit A



OFFICE OF THE CITY CLERK  
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone: (248) 758-3200  
Fax: (248) 758-3160

May 21, 2021

Steven Ori  
Caesars Garden  
4905 Seasons Ct.  
Troy, MI 48098

Re: **Important Notice Application Ranking Change** [REDACTED]

As a result of the Clerk's decision based on the Cesar Chavez Overlay District Provisioning Center Hearing Officer Appeals, your application is no longer ranked 4. Caesars Garden application is now ranked 5.

Since your application has received an adverse decision from the Clerk, with your ranking being lowered, you now have the right to appeal.

According to Ordinance 2357(B) section 16 any applicant denied a permit or adverse decision under this ordinance may appeal to the clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the clerk. The clerk has appointed Grewal Law PLLC to serve as the Hearing Officer:

1. An appellant who wishes to appeal the denial of its application shall file a written statement fully setting forth the grounds for appeal within 14 days after notice of the denial has been mailed to the applicant's last known address. Written statements of appeal must be filed by mail or in person with the City Clerk's office.
2. Written statements of appeal shall be typed, in the English language, on 8½ by 11 inch paper, in 12 point font size, and double spaced preferably completed on the attached Hearing Officer Appeal Form. While the Hearing Officer is not imposing a page limit on the written statements of appeal, applicants are strongly encouraged to present their arguments as concisely as possible with reference to the specific applicable sections of the Ordinance (2357B).
3. Written statements of appeal shall include the following information: (a) the name of the appellant; (b) the appellant's proposed address; (c) the name, telephone number, and e-mail address of the appellant's representative or contact person for purposes of the appeal; (d) the date that the written statement of appeal was submitted to the City Clerk's office; and (e) a copy of the notice of denial.
4. Written statements of appeal shall be limited exclusively to the information submitted with the application; an appellant may not supplement their application with their written


statement of appeal. The Hearing Officer shall not consider any information submitted in an appellant's written statement of appeal that was not part of the appellant's application prior to the denial.

5. The appellant's entire application submission is part of the record on appeal. As a result, appellants are discouraged from attaching their entire application as an exhibit to their written statement of appeal. Appellants would be well served to attach as an exhibit to their written statement of appeal only the excerpt or excerpts of their application that are germane to the issue or issues raised in their written statement of appeal.
6. Within 14 days of receipt of an appellant's written statement of appeal, the Clerk's Office will notify the appellant's representative or contact person of the scheduled hearing on the appeal. Hearings shall be conducted by way of videoconference technology. Instructions for joining the hearing shall be transmitted to the appellant's representative or contact person in advance of the hearing. The City Clerk's office shall maintain a copy of the instructions for joining the videoconference hearings so that the hearings shall be available for public viewing.
7. Hearings shall be limited to 15 minutes, unless the Hearing Officer determines that good cause exists to extend the amount of time for the hearing. Appellants who anticipate needing more than 15 minutes for their hearing are encouraged to indicate the facts and circumstances that justify good cause for an extended hearing in their written statement of appeal. Appellants are discouraged from reading from their written statement of appeal at the hearing and should be prepared to answer questions from the Hearing Officer about the specific issues raised in their written statement of appeal. The hearing shall be limited exclusively to the issues raised in the appellant's written statement of appeal; no new issues on appeal may be raised at the hearing.
8. If an appellant wishes to waive its opportunity to participate in a live hearing with the Hearing Officer and rest their appeal solely on their written statement of appeal, the applicant should clearly indicate on the first page of their written statement of appeal "NO ORAL ARGUMENT."
9. Following the conclusion of the hearing, the Hearing Officer shall prepare a written report and recommendation for the City Clerk to make a decision on the matter. The City Clerk shall mail a copy of his decision on the matter to the appellant's last known address.
10. Following a denial of an application by the City Clerk after review by the Hearing Officer, an appellant who wishes to appeal the denial of its application may further appeal to the medical marijuana commission by filing a written statement fully setting forth the grounds for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marijuana commission shall only overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.



If you have any questions, please contact Jonathan Starks, Special Assistant to the Clerk at (248) 758-3005.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland S. Doyle". The signature is stylized and includes a long horizontal flourish extending to the right.

Garland S. Doyle, M.P.A., CNP  
Interim City Clerk

Application Name \_\_\_\_\_

Application Number \_\_\_\_\_

**City of Pontiac  
Medical Marihuana Facility Permit Application  
Hearing Officer Appeal Form**

<b>Appellant Name (Applicant)</b>		<b>Address</b>	
<b>City</b>	<b>State</b>	<b>Zip Code</b>	
<b>Appellant's Representative or Contact Person for Purposes of Appeal</b>			
<b>Phone Number</b>		<b>Email Address</b>	

**Written Statement of Appeal**

**\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number; Failure To Properly Label Attachments May Result In Your Appeal Being Delayed.**

Appellant Representative or Contact Person  
Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Exhibit B

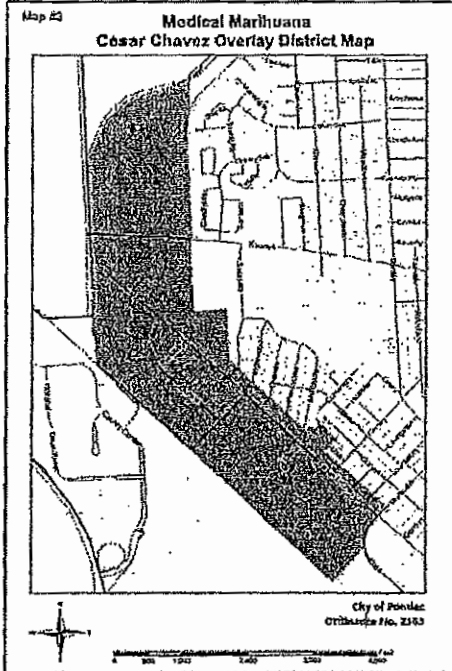
All questions on this form must be answered completely and truthfully. Any incomplete information may result in an application being denied.

PLEASE TYPE ONLY.

Applicant Name Caesars Garden



**CITY OF PONTIAC  
MEDICAL MARIHUANA FACILITY  
CESAR CHAVEZ OVERLAY DISTRICT  
PROVISIONING CENTER PERMIT APPLICATION**



**One Year Permit Term**

Applications must be submitted to the  
Office of the City Clerk  
47450 Woodward Avenue, Pontiac, MI 48342  
Monday-Friday 9:00 a.m.-4:00 p.m.

**DURING THE 21-DAY APPLICATION PERIOD,  
JANUARY 6, 2020 THROUGH  
JANUARY 27, 2020 ONLY**

No Applications Will Be Accepted After  
January 27, 2020.

**The City Will Award No More Than Five (5)  
Permits to Operate Provisioning Centers  
in C-3, M-1, and M-2 zoned properties in the  
Cesar Chavez Overlay District**

**(PONTIAC ORDINANCE #2357B "CITY OF PONTIAC MEDICAL MARIHUANA FACILITIES ORDINANCE")**

**\*REVIEW AND FOLLOW THE "MEDICAL MARIHUANA FACILITY PERMIT APPLICATION INSTRUCTIONS FOR PROVISIONING CENTER APPLICATIONS" WHEN COMPLETING THIS APPLICATION\***

If an Applicant does not meet the required zoning for the overlay district, the application will not be scored and ranked. Each applicant will be scored in each of the following eight categories:

Category	Max. Points	Ordinance Section
1 Content and Sufficiency <ul style="list-style-type: none"> <li>• Background Information (up to 5 points)</li> <li>• Financial Background (up to 10 points)</li> <li>• Economic Benefits (up to 10 points)</li> <li>• Community Development (up to 10 points)</li> <li>• Planning (Facility) (up to 10 points)</li> <li>• Patient Education (up to 5 points)</li> </ul>	50	§9(f)(1)
2 Land Use	20	§9(f)(2)
3 Community Impact	10	§9(f)(3)
4 Managerial Resources	10	§9(f)(4)
5 Financial Resources	10	§9(f)(5)
6 Job Creation	10	§9(f)(6)
7 Philanthropic and Community Improvement	10	§9(f)(7)
8 Physical Improvements	10	§9(f)(8)
<b>TOTAL POSSIBLE SCORE</b>	<b>130</b>	

In order to receive the maximum amount of points for pre-qualification with the State of Michigan in the categories of Managerial Resources and Financial Resources, the applicant must have received its pre-qualification prior to submitting its application to the City of Pontiac.

**FOR A DETAILED EXPLANATION OF THE SCORING CRITERIA, PLEASE SEE THE CITY OF PONTIAC MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA GUIDE.**

All questions on this form must be answered completely and truthfully.  
 Any incomplete information may result in an application being delayed or denied.

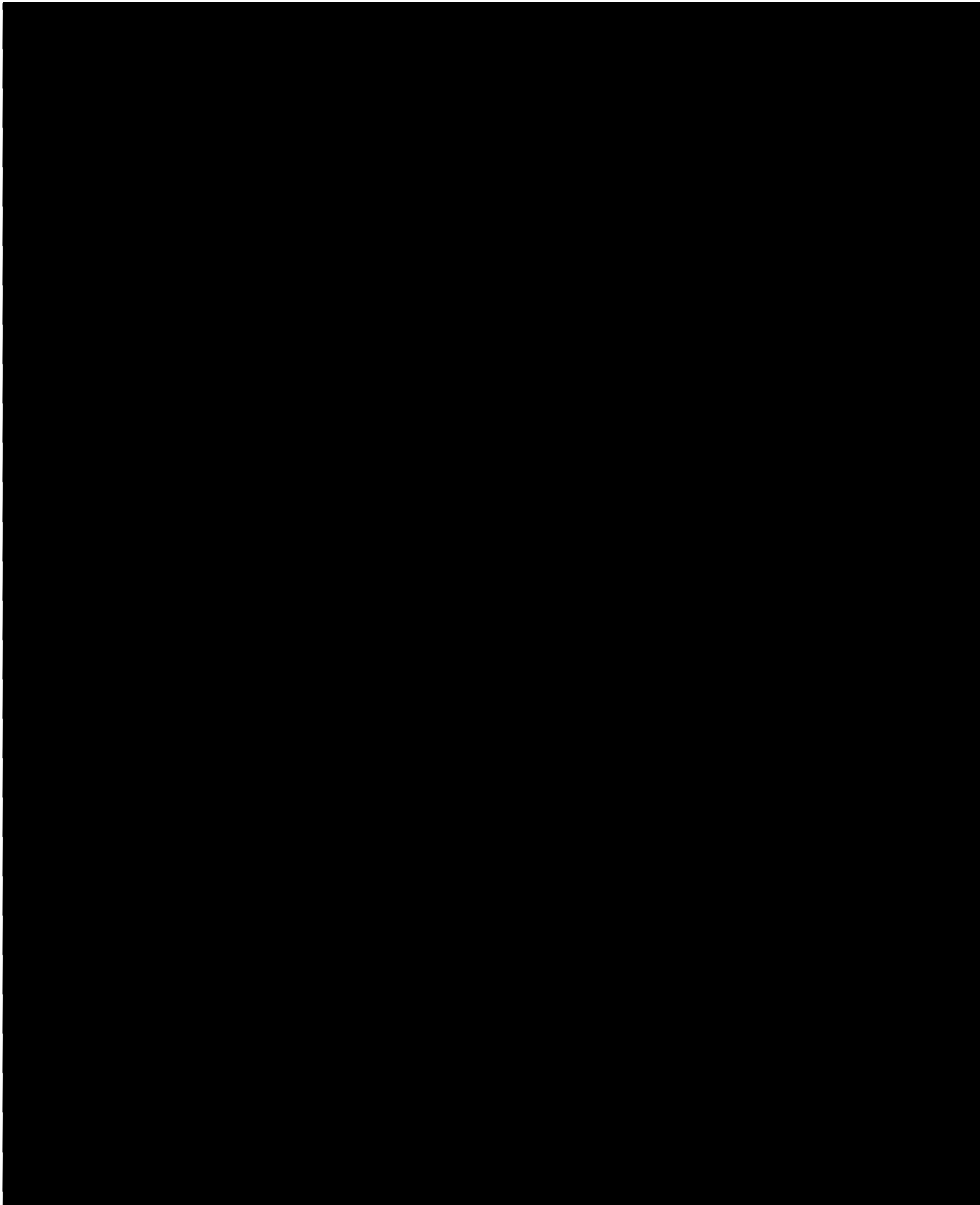
Pure Life Solutions II, LLC  
 910 Cesar E. Chavez

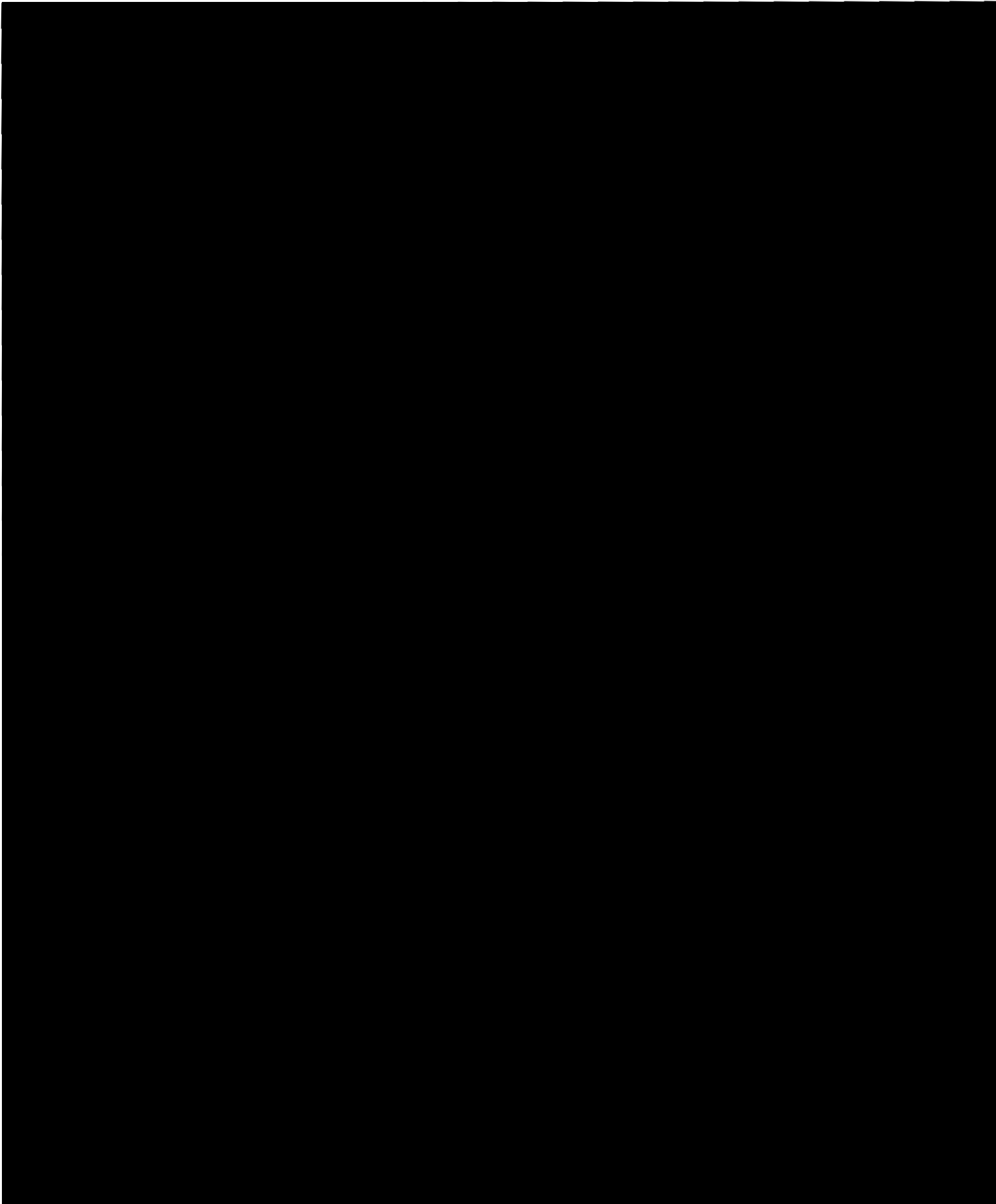
PLEASE TYPE ONLY.

Applicant Name \_\_\_\_\_

**APPLICATION CHECKLIST**

<input type="checkbox"/>	\$5,000 Application Fee (NON-REFUNDABLE) (Certified Check payable to the City of Pontiac)
<input type="checkbox"/>	One (1) Original and Four (4) Copies of Completed Typed Application
<input type="checkbox"/>	All Attachments Properly Labeled with Ordinance Section Reference
<input type="checkbox"/>	If applicable, State of Michigan pre-qualification letter enclosed
<b>Content and Sufficiency of Information</b>	
<i>Background Information</i>	
<input type="checkbox"/>	Complete Applicant Information with Each Item Clearly Identified (Sec. 8(c)(1), (3))
<input type="checkbox"/>	If Applicant is a Corporation, LLC, LLP, or Other Entity - Organizational Documentation (Sec. 8(c)(2), (4))
<input type="checkbox"/>	Proposed Ownership Structure of the Entity that Identifies the Ownership Percentage Held by Each Stakeholder (Sec. 8(c)(7))
<input type="checkbox"/>	Current Organization Chart that Includes Position Descriptions and the Names of Each Person Holding such Position (Sec. 8(c)(8))
<input type="checkbox"/>	Criminal Background Reports of the Applicant and the Applicant's Stakeholders Dated within 30 Days of the Date of the Application (Sec. 8(c)(14))
<input type="checkbox"/>	Security Plan Consistent with the Requirements of LARA Rule 35 (Sec. 8(c)(17))
<input type="checkbox"/>	Proof of Premises Liability and Casualty Insurance Consistent with the Requirements of LARA Rule 11 (Sec. 8(c)(25))
<i>Financial Background</i>	
<input type="checkbox"/>	Proposed Business Plan (Sec. 8(c)(6))
<input type="checkbox"/>	Proposed Marketing, Advertising and Business Promotion Plan for the Proposed Medical Marijuana Facility (Sec. 8(c)(9))
<input type="checkbox"/>	Description of Planned Tangible Capital Investment in the City of Pontiac (Sec. 8(c)(10))
<input type="checkbox"/>	Description of the Financial Structure and Financing of the Proposed Medical Marijuana Facility (Sec. 8(c)(12))
<input type="checkbox"/>	Short-Term and Long-Term Business Goals and Objectives for the Proposed Medical Marijuana Facility (Sec. 8(c)(13))
<input type="checkbox"/>	Inventory and Recordkeeping Plan Consistent with the Requirements of LARA (Sec. 8(c)(22))
<input type="checkbox"/>	Verification that the Applicant has a Minimum Capitalization Consistent with the Requirements of LARA Rule 12 (Sec. 8(c)(24))
<i>Economic Benefits</i>	
<input type="checkbox"/>	Explanation of the Economic Benefits to the City of Pontiac and Job Creation to be Achieved (Sec. 8(c)(11))
<i>Community Development</i>	
<input type="checkbox"/>	Description of Proposed Community Outreach and Education Strategies (Sec. 8(c)(15))
<i>Planning (Facility)</i>	
<input type="checkbox"/>	Floor Plan of the Proposed Medical Marijuana Facility Consistent with Requirements of Section 6.208 of the City of Pontiac Zoning Ordinance (Sec. 8(c)(18))
<input type="checkbox"/>	Scale Diagram Illustrating the Property Upon Which the Proposed Medical Marijuana Facility is to be Operated, Including all Available Parking Spaces and Specifying Which Parking Spaces are Handicapped Accessible (Sec. 8(c)(19))
<input type="checkbox"/>	Depiction of any Proposed Text or Graphic Materials to be Shown on Exterior of Proposed Medical Marijuana Facility (Sec. 8(c)(20))
<input type="checkbox"/>	Facility Sanitation Plan (Sec. 8(c)(21))
<input type="checkbox"/>	Location Map that Identifies the Relative Locations of, and Distances from, the Nearest School, Childcare Center, Public Park containing Playground Equipment, or Religious Institution (Sec. 8(c)(27))
<i>Patient Education</i>	
<input type="checkbox"/>	Description of Employee Training and Education (Sec. 8(c)(5))
<input type="checkbox"/>	Plan for Patient Education Program Consistent with the Requirements of LARA (Sec. 8(c)(28))
<input type="checkbox"/>	Description of Drug and Alcohol Awareness Programs (Sec. 8(c)(29))
<b>Land Use</b>	
<input type="checkbox"/>	Description of Impact on Resident Safety (Sec. 9(f)(2))
<input type="checkbox"/>	Description of Impact on Traffic Patterns and Consistency with Neighborhood Land Use (Sec. 9(f)(2))
<input type="checkbox"/>	Compliance with All State and Local Building, Electrical, Fire, Mechanical and Plumbing Requirements (Sec. 9(b)(1))
<input type="checkbox"/>	Compliance with the Zoning Ordinance (Sec. 9(b)(2))
<input type="checkbox"/>	Facility has been issued a Certificate of Occupancy and, if Necessary, a Building Permit (Sec. 9(b)(3))
<b>Community Impact</b>	
<input type="checkbox"/>	Description of Planned Outreach on Behalf of Facility Including Plans to Eliminate Traffic, Noise, and Odor Effects (Sec. 9(f)(3))
<b>Managerial Resources</b>	
<input type="checkbox"/>	Record of Acts Detrimental to the Public Health, Security, Safety, Morals, Good Order, or General Welfare (Sec. 9(f)(4))
<b>Financial Resources</b>	
<input type="checkbox"/>	Reasonable and Tangible Demonstration of Sufficient Financial Resources and Business Experience to Execute Business Plans (Sec. 9(f)(5))
<b>Job Creation</b>	
<input type="checkbox"/>	Number of Full-Time and Part-Time Positions to Be Created, Hourly Wages and Salaries, Plans to Attract Employees from City of Pontiac, and Health and Welfare Benefits (Sec. 9(f)(6))
<b>Philanthropic and Community Improvement</b>	
<input type="checkbox"/>	Description of the Proposed Charitable Plans (Sec. 8(c)(16), (9)(7))
<b>Community Benefits</b>	
<input type="checkbox"/>	If an Applicant Intends to Pledge Community Benefits, Please Describe the Benefits in Detail
<b>Physical Improvements</b>	
<input type="checkbox"/>	Proximity to Other Structures, Including 1,000 Feet from School and 500 Feet from Daycare, Public Park, or Religious Institution (Sec. 9(f)(8))
<b>Affidavit and Signature</b>	
<input type="checkbox"/>	Affidavit that Neither the Applicant nor any Stakeholder is in Default to the City of Pontiac (Sec. 8(c)(23))
<input type="checkbox"/>	Signed Acknowledgement that Marijuana Use, Cultivation, Possession, Dispensing, Testing, Transporting and Distribution Are Subject to Federal Law, and Indemnification of the City of Pontiac (Sec. 8(c)(26))





All questions on this form must be answered completely and truthfully.  
Any incomplete information may result in an application being delayed or denied.

Pure Life Solutions II, LLC  
910 Cesar E. Chavez

PLEASE TYPE ONLY.

Applicant Name

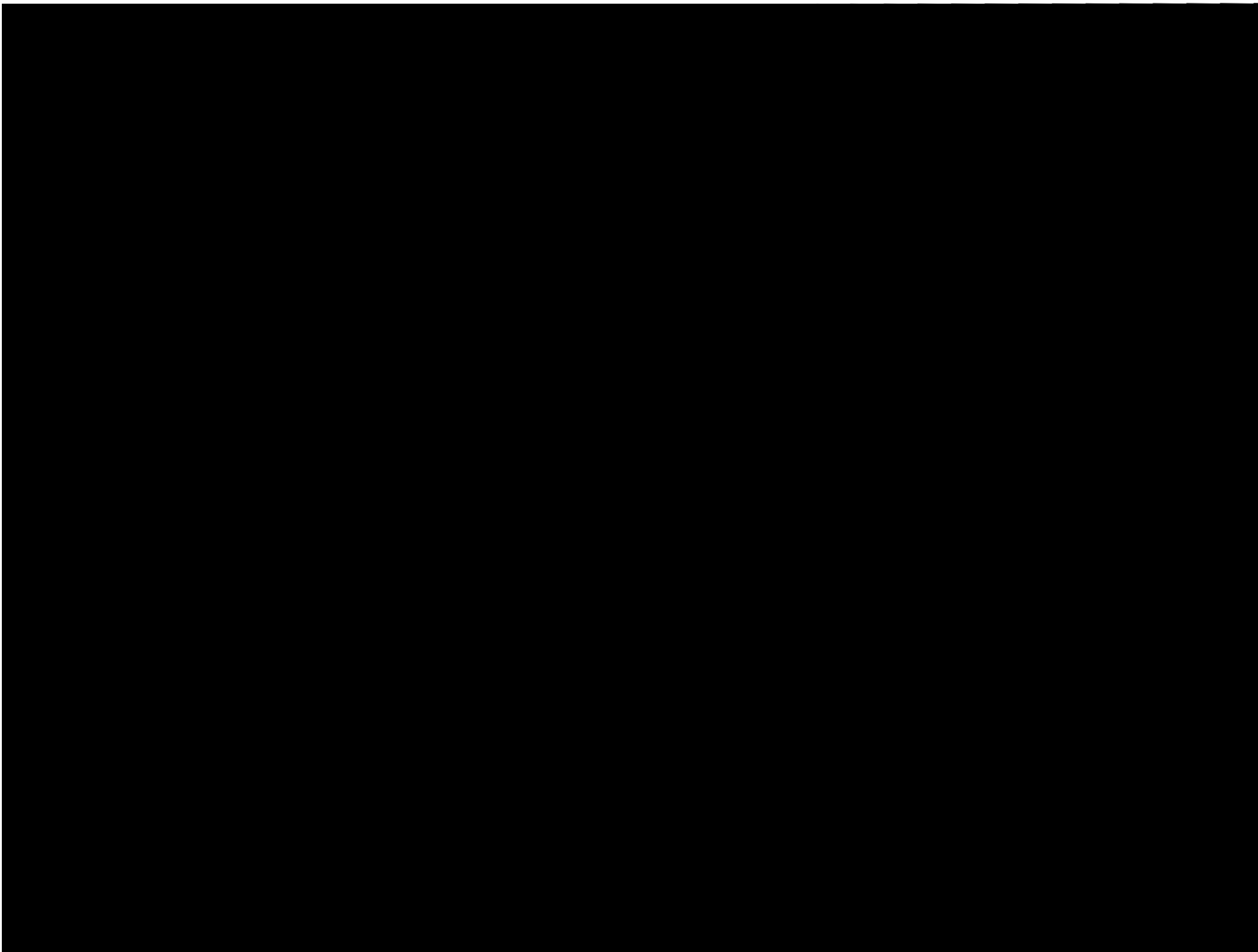
**PLANNING (FACILITY)**

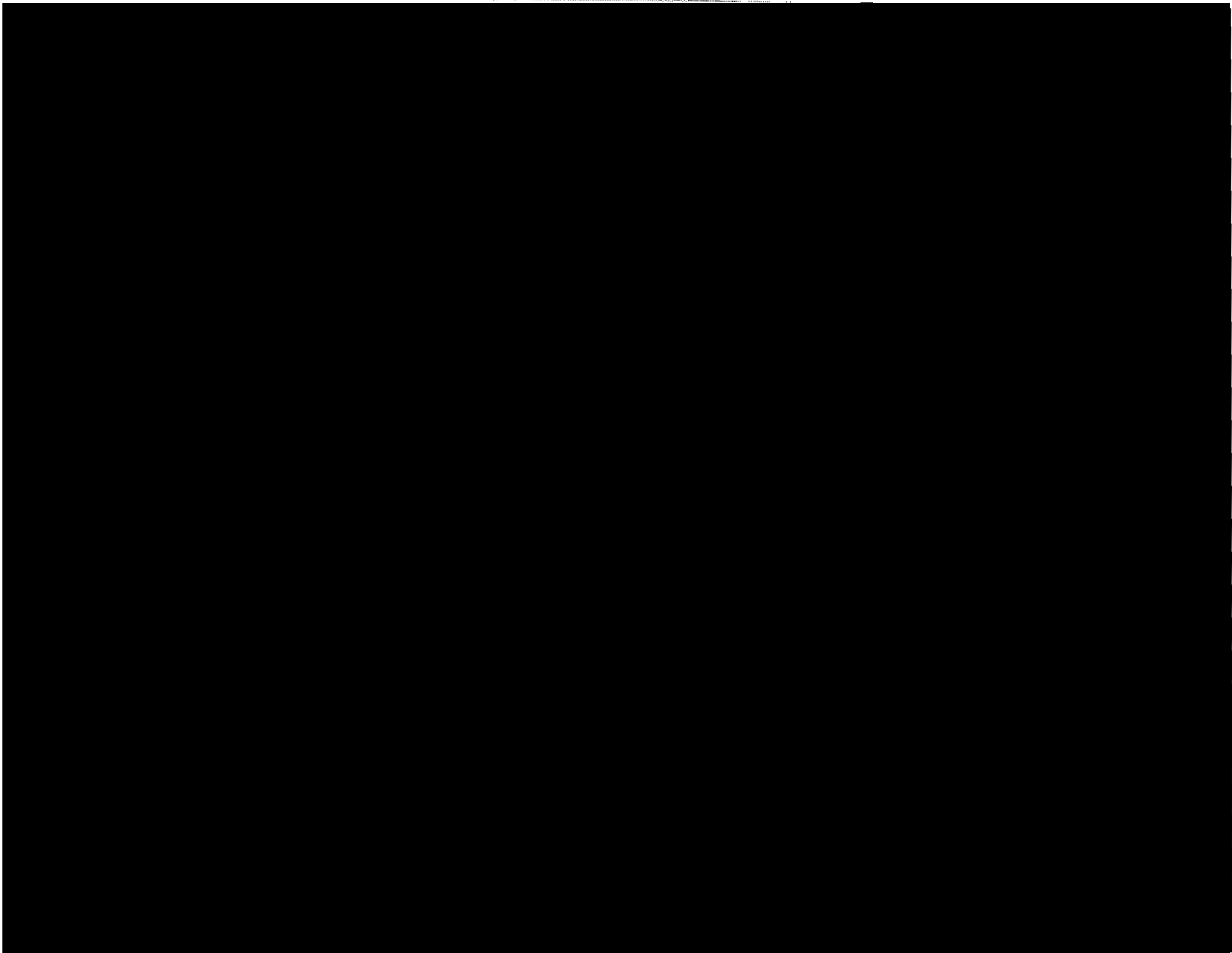
**\*ALL ATTACHMENTS TO THIS APPLICATION SHOULD BE CLEARLY LABELED WITH AN ORDINANCE REFERENCE FOR THE APPLICABLE REQUIREMENT (FOR EXAMPLE, SEC. 8(C)(18)); FAILURE TO PROPERLY LABEL ATTACHMENTS MAY RESULT IN YOUR APPLICATION BEING DELAYED OR DENIED\***

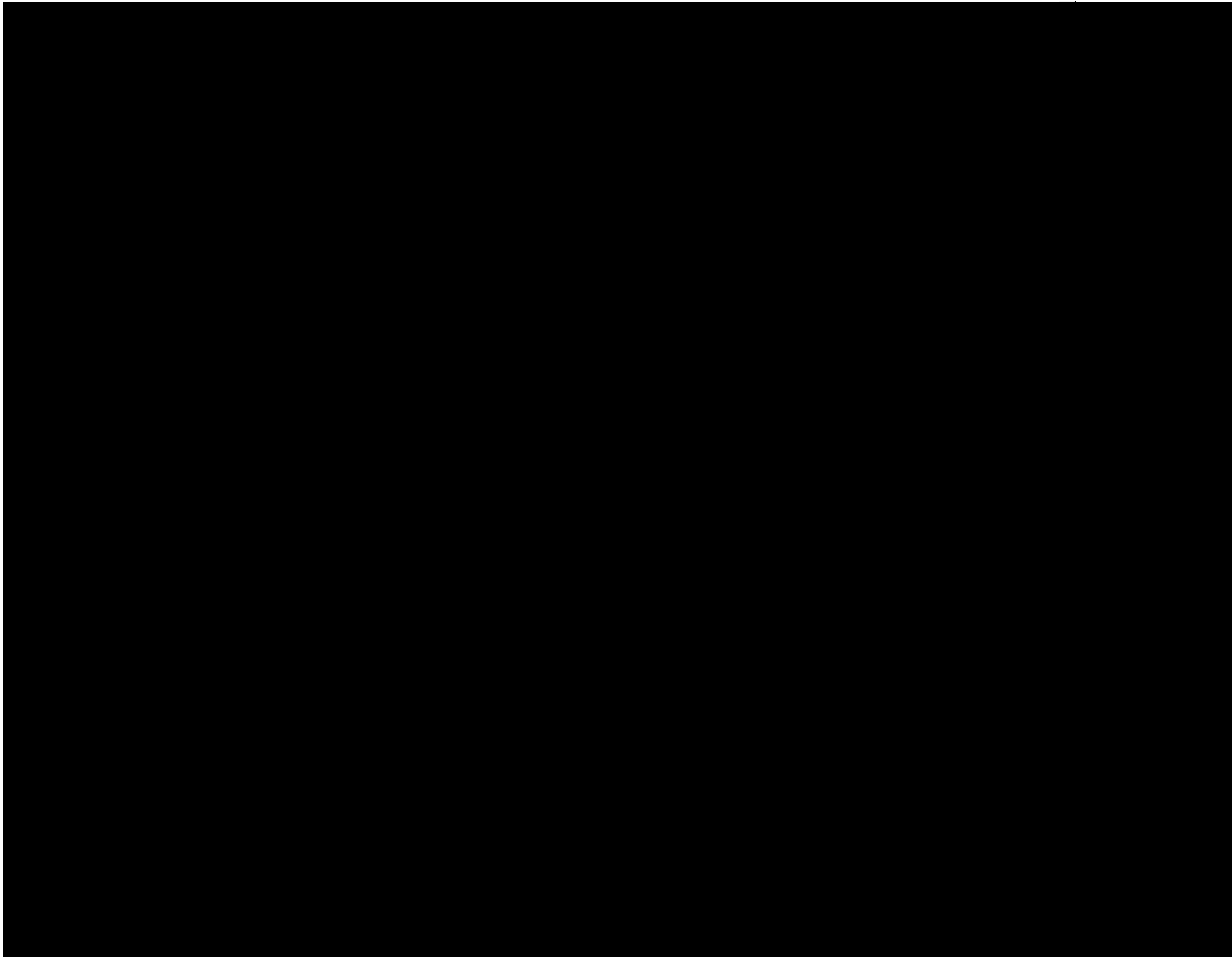
Applicant must make the following submissions for its proposed location:

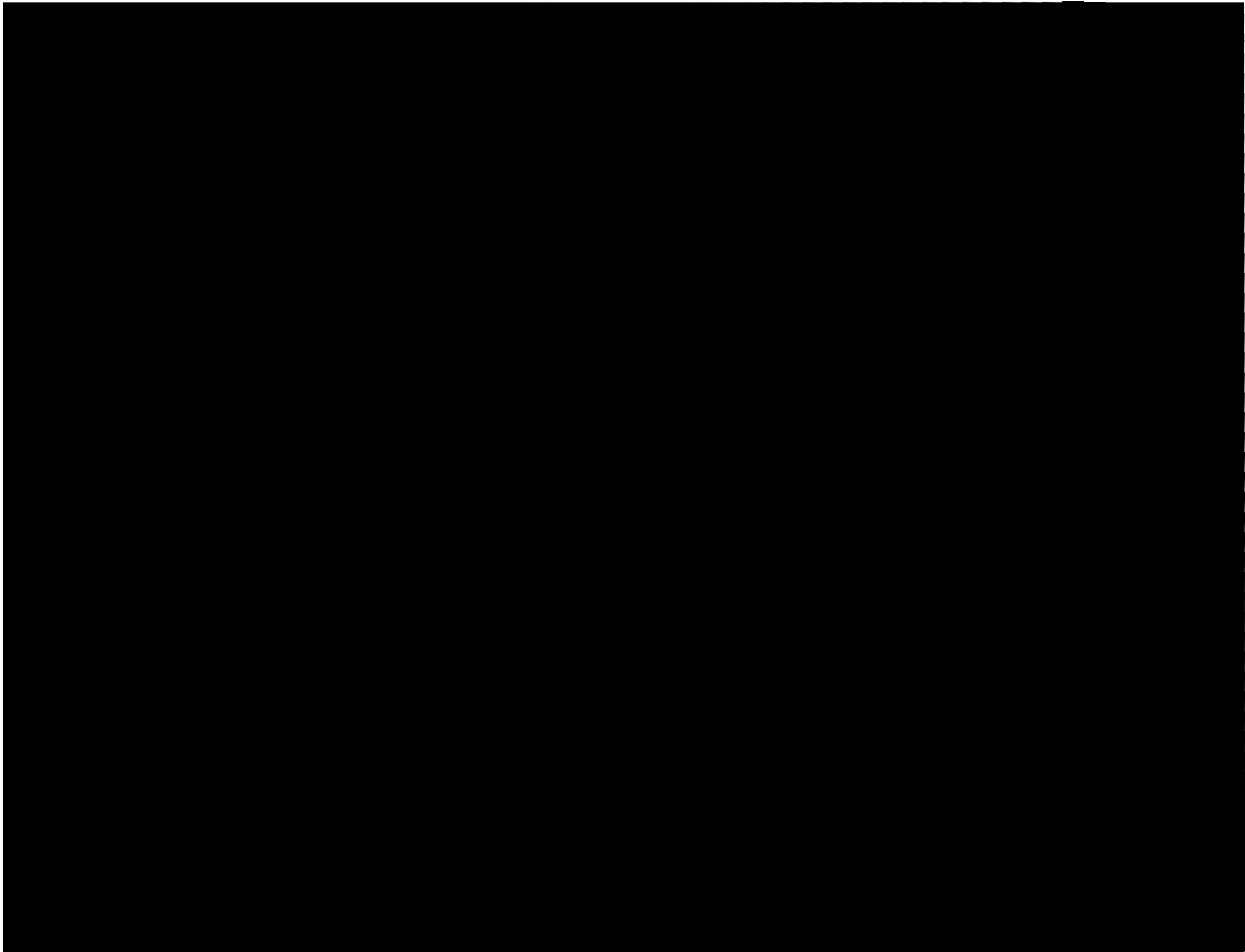
- Floor plan of the proposed medical marihuana facility consistent with requirements of Section 6.208 of the City of Pontiac zoning ordinance (**Attachment Label: Sec. 8(c)(18)**)
- Scale diagram (in the form of a property survey prepared by a licensed professional surveyor) illustrating the property upon which the proposed medical marihuana facility is to be operated, including all available parking spaces and specifying which parking spaces are handicapped accessible (**Attachment Label: Sec. 8(c)(19)**)
- Depiction of any proposed text or graphic materials to be shown on the exterior of the proposed medical marihuana facility (**Attachment Label: Sec. 8(c)(20)**)
- Facility sanitation plan (**Attachment Label: Sec. 8(c)(21)**)
  - This plan must describe how waste will be stored and disposed and how marihuana will be rendered unusable upon disposal at the proposed medical marihuana facility.
- Location map (in the form of a survey map prepared by a licensed professional surveyor) that identifies the relative locations of, and distances from, the nearest school, childcare center, public park containing playground equipment, or religious institution (**Attachment Label: Sec. 8(c)(27)**)
  - Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac's Medical Marihuana Zoning Ordinance #2363, the measurement must be taken along the centerline of the street or street of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center or religious institution, or, for a public park, from the playground equipment nearest the contemplated location, and from the primary point of ingress to the contemplated location.

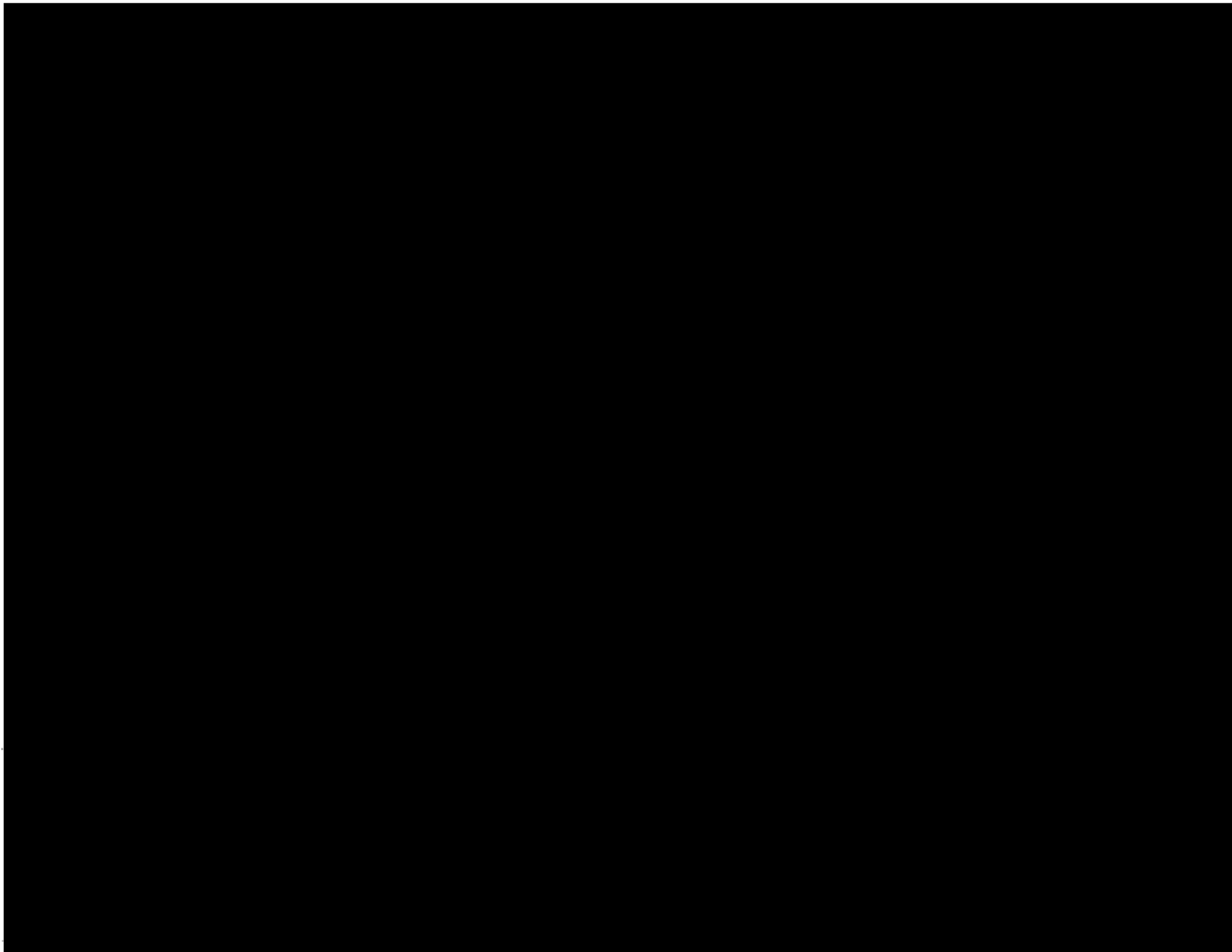




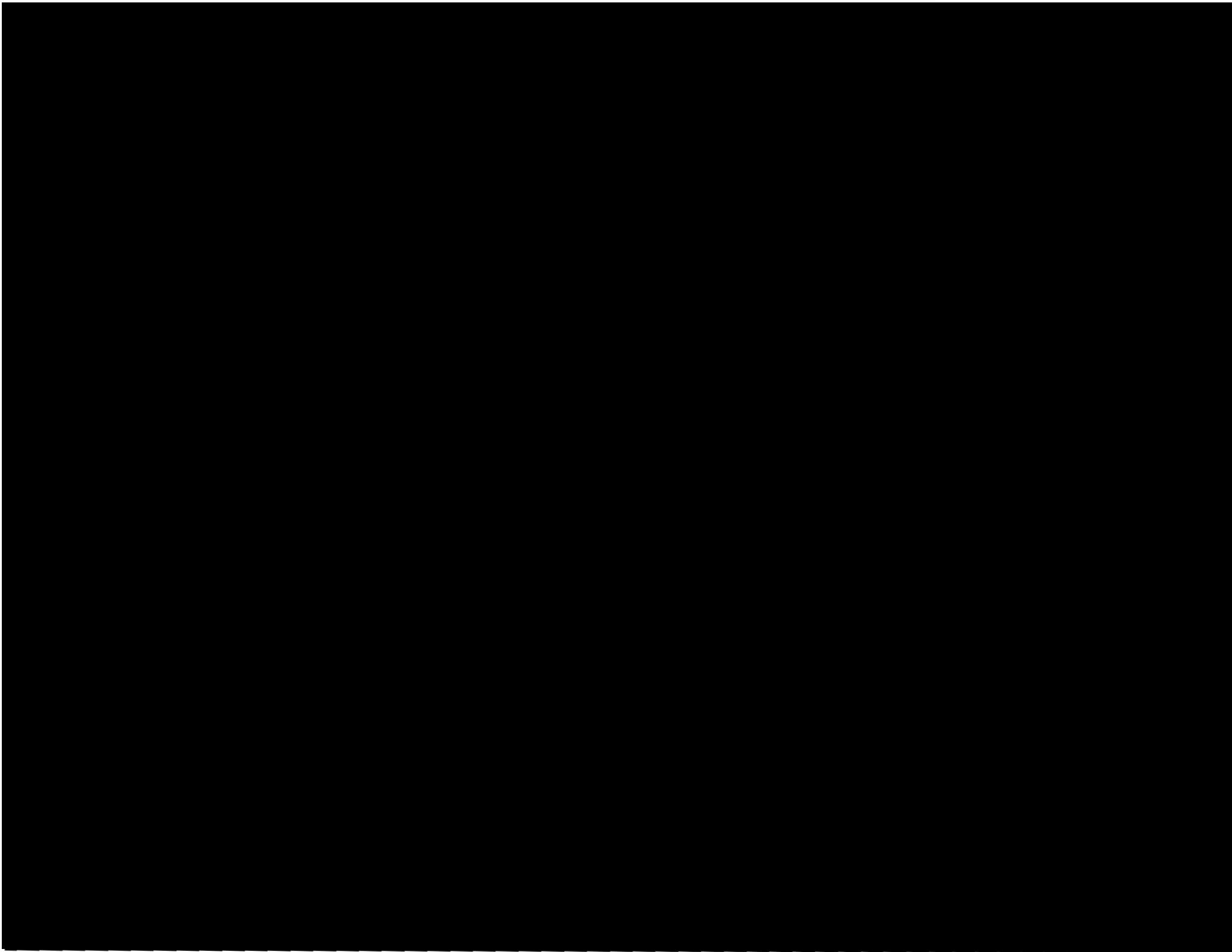


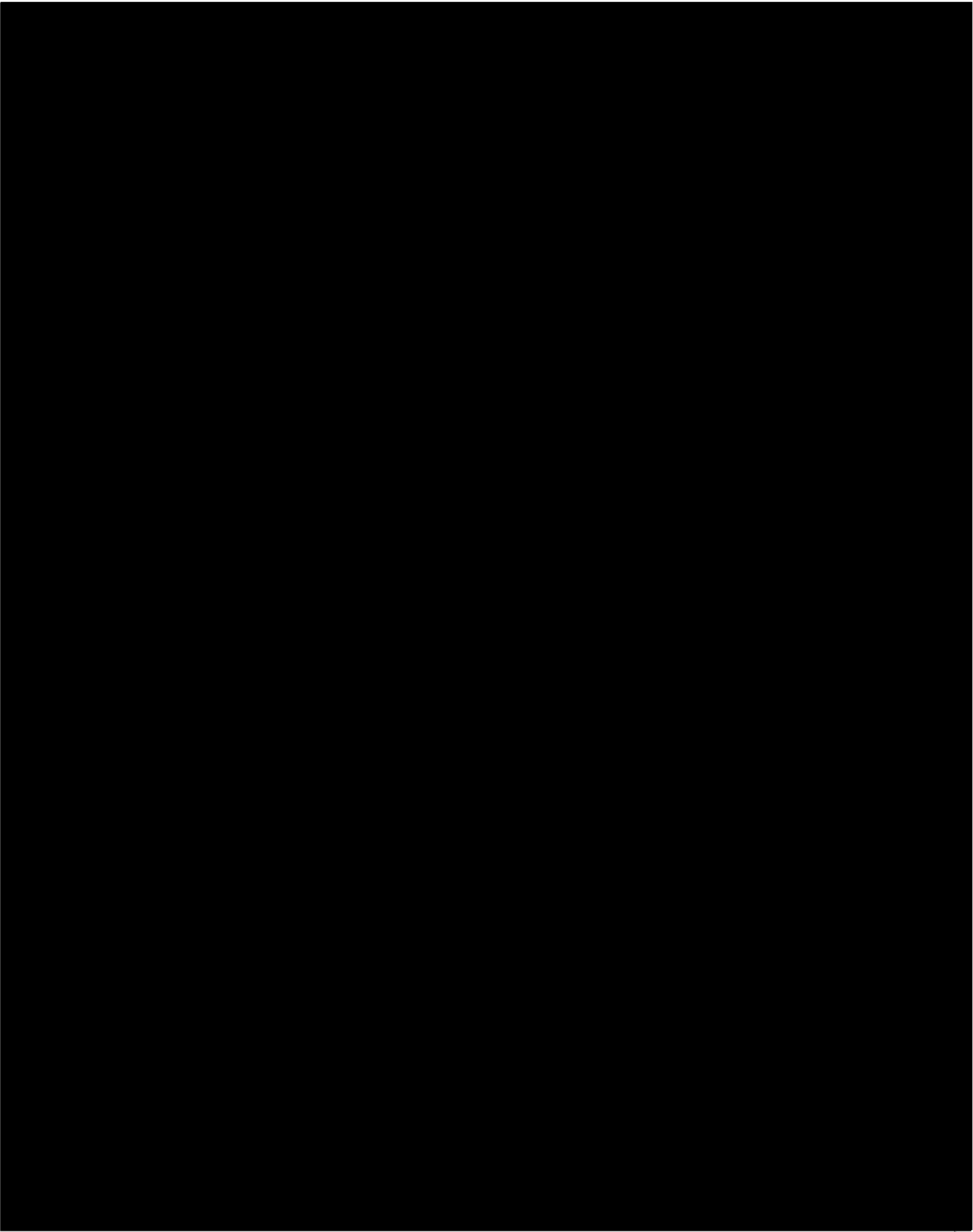




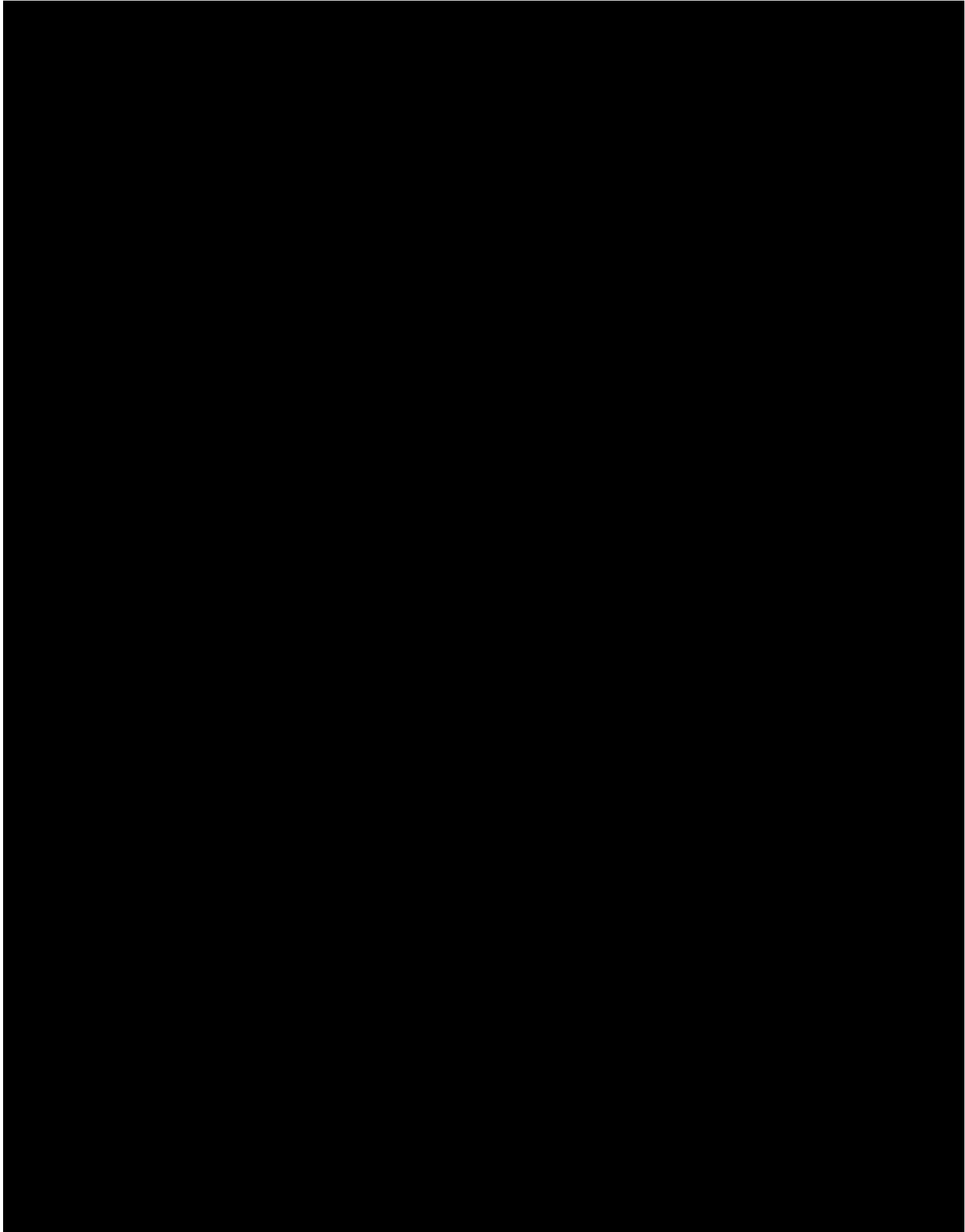


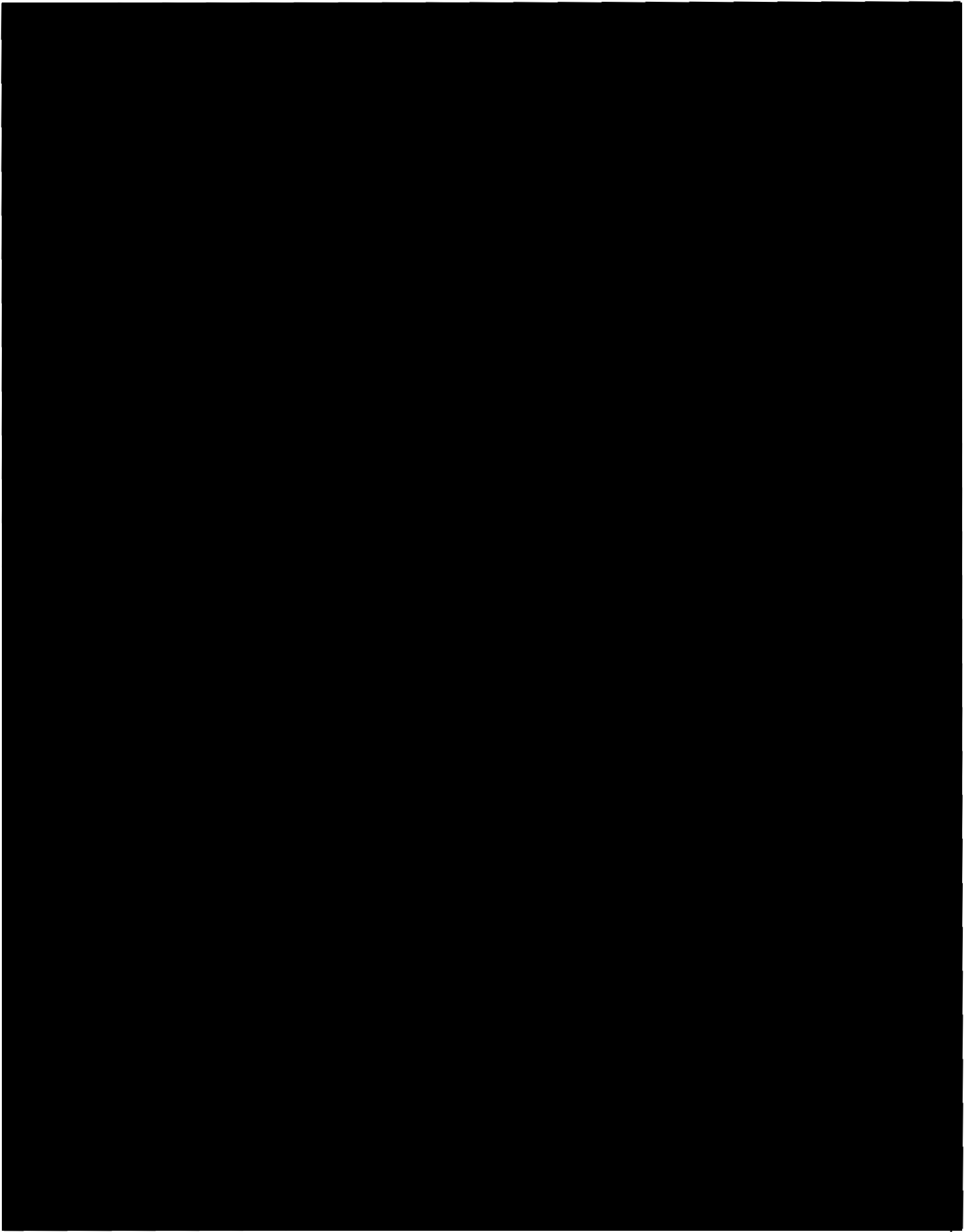


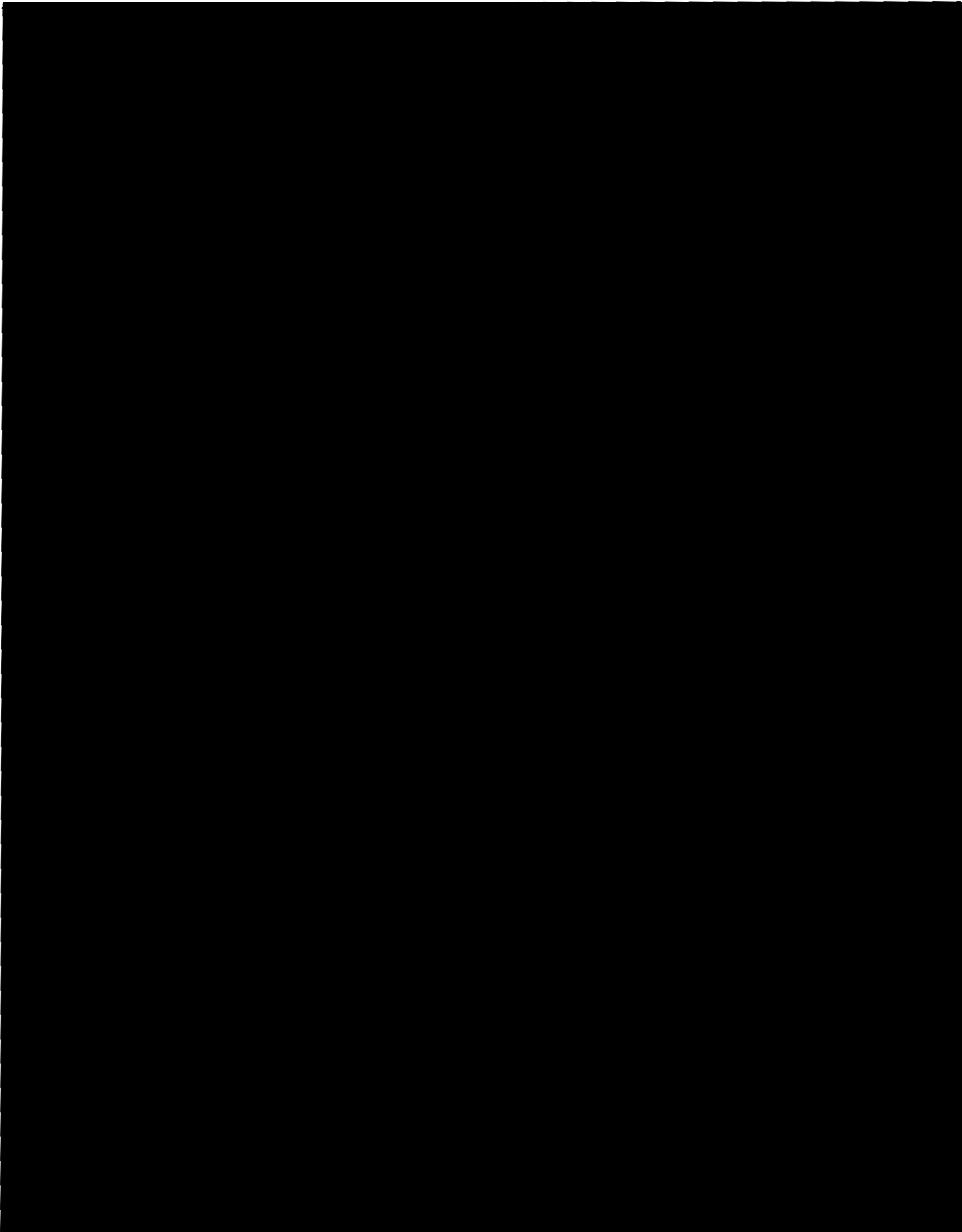


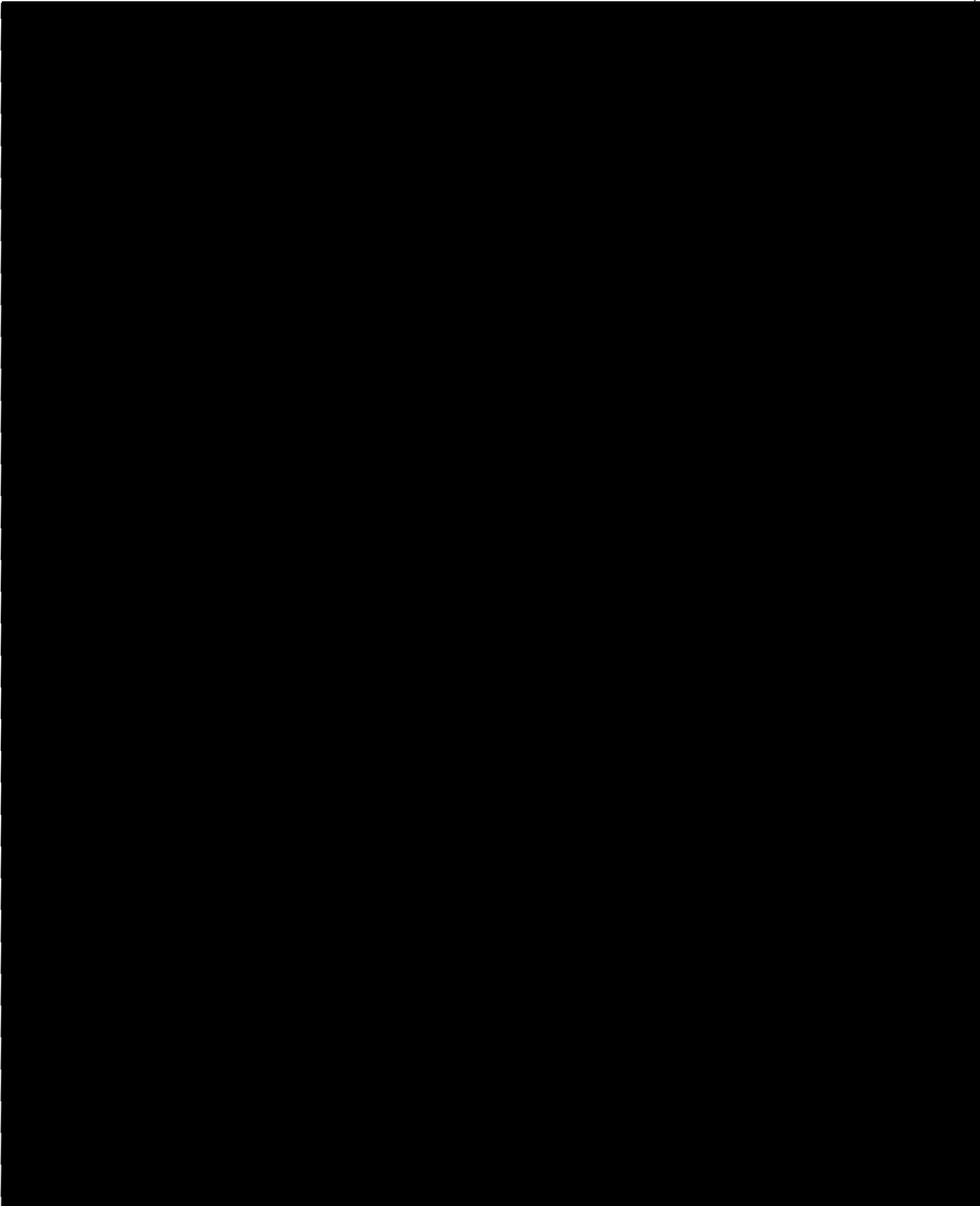


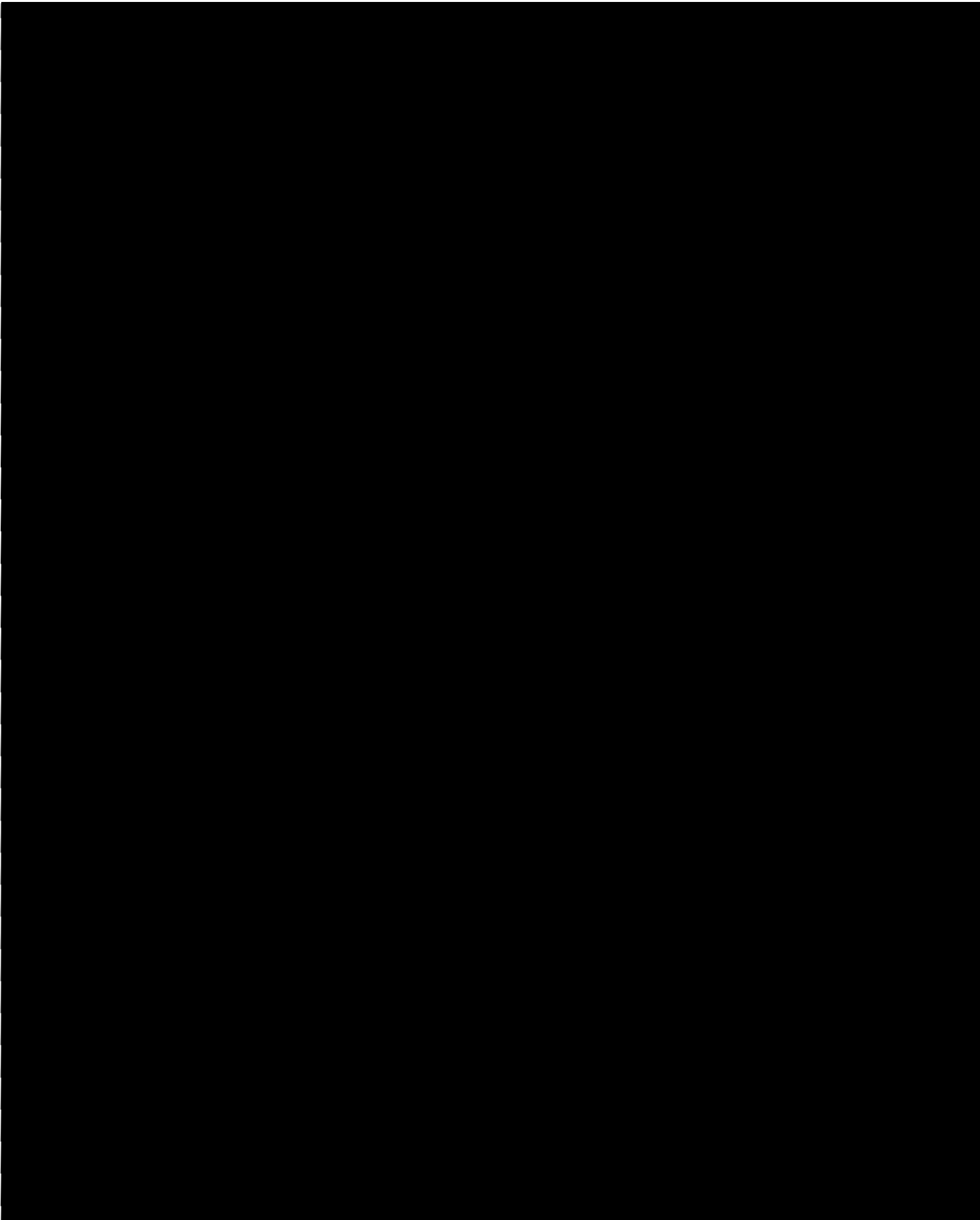


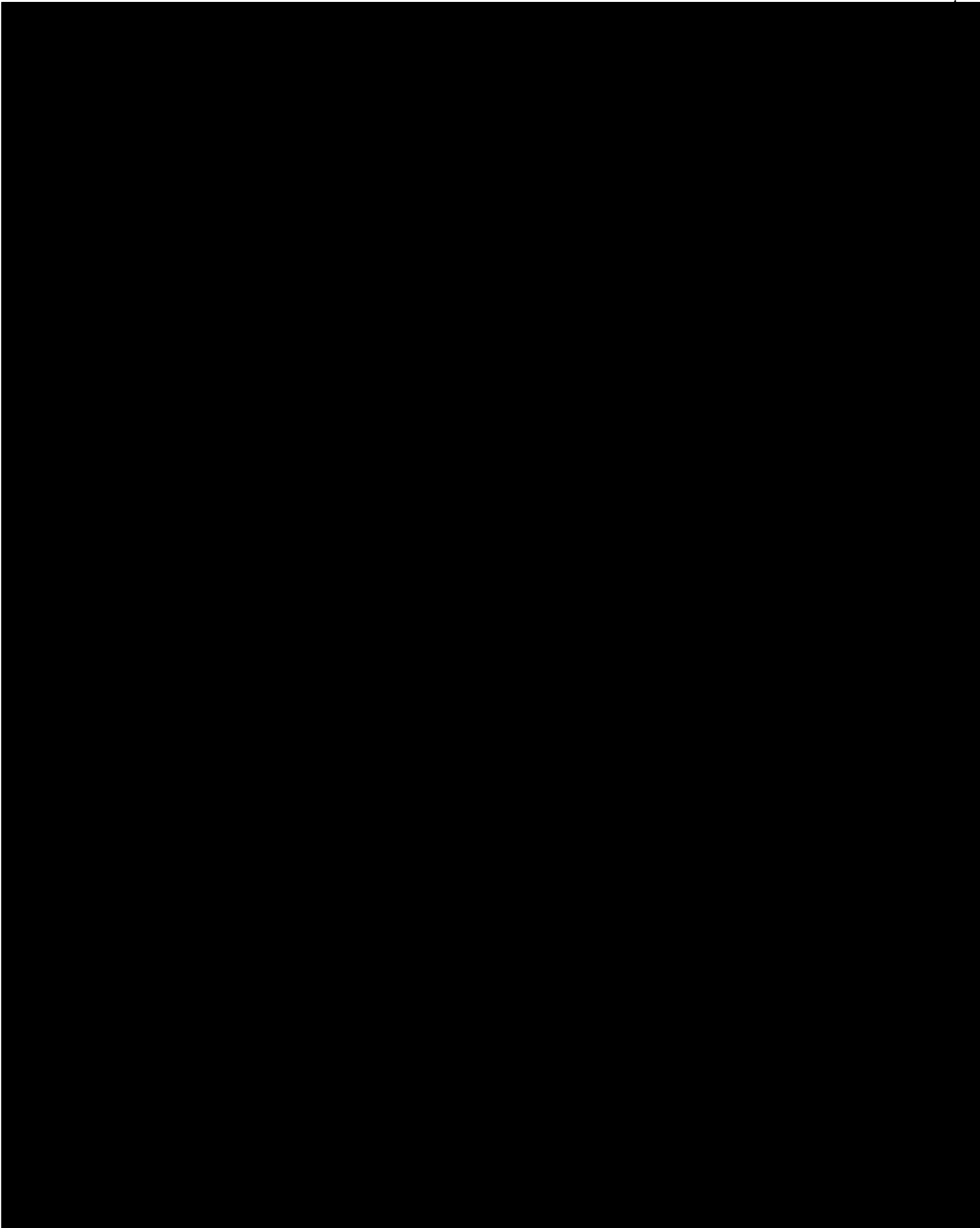


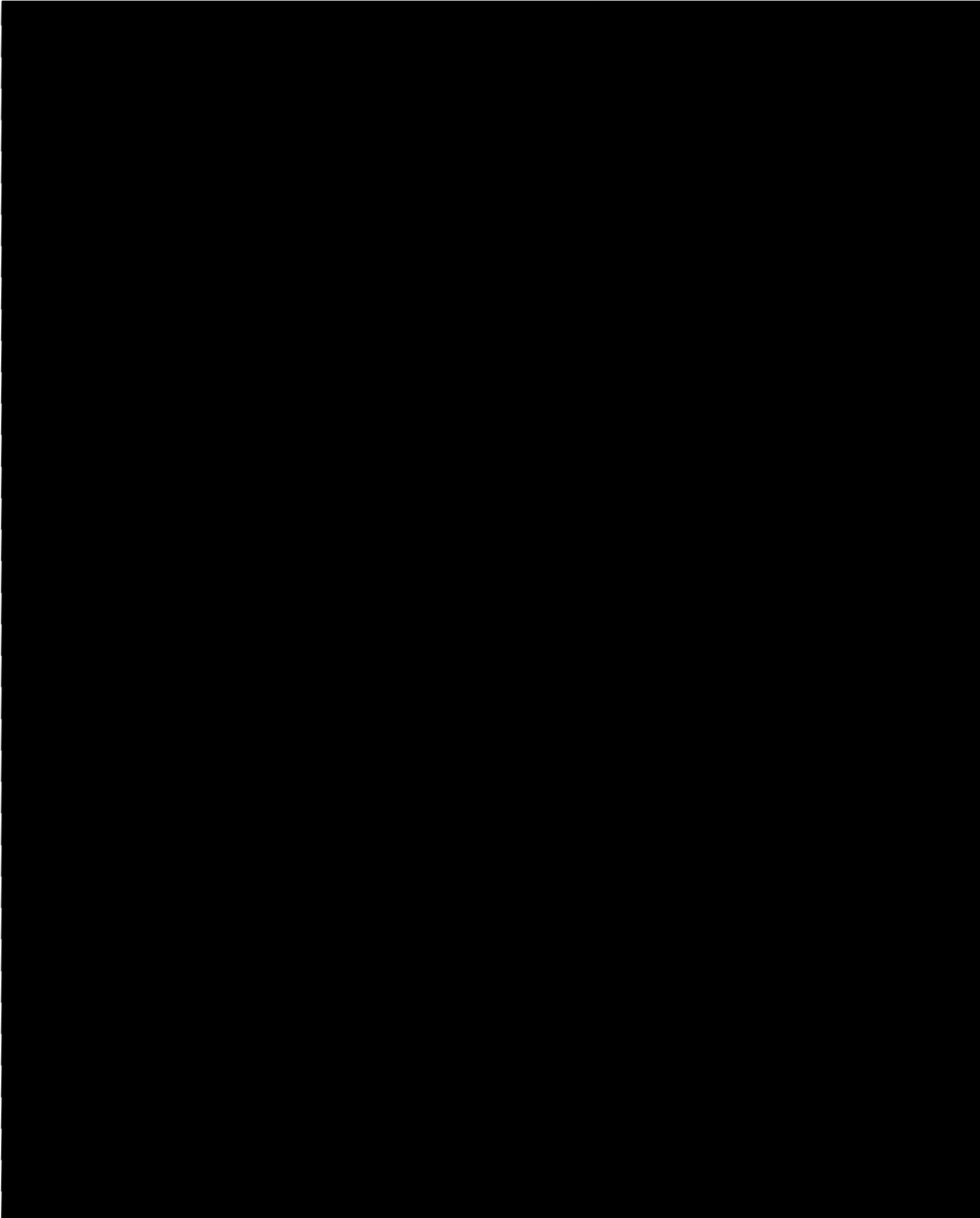


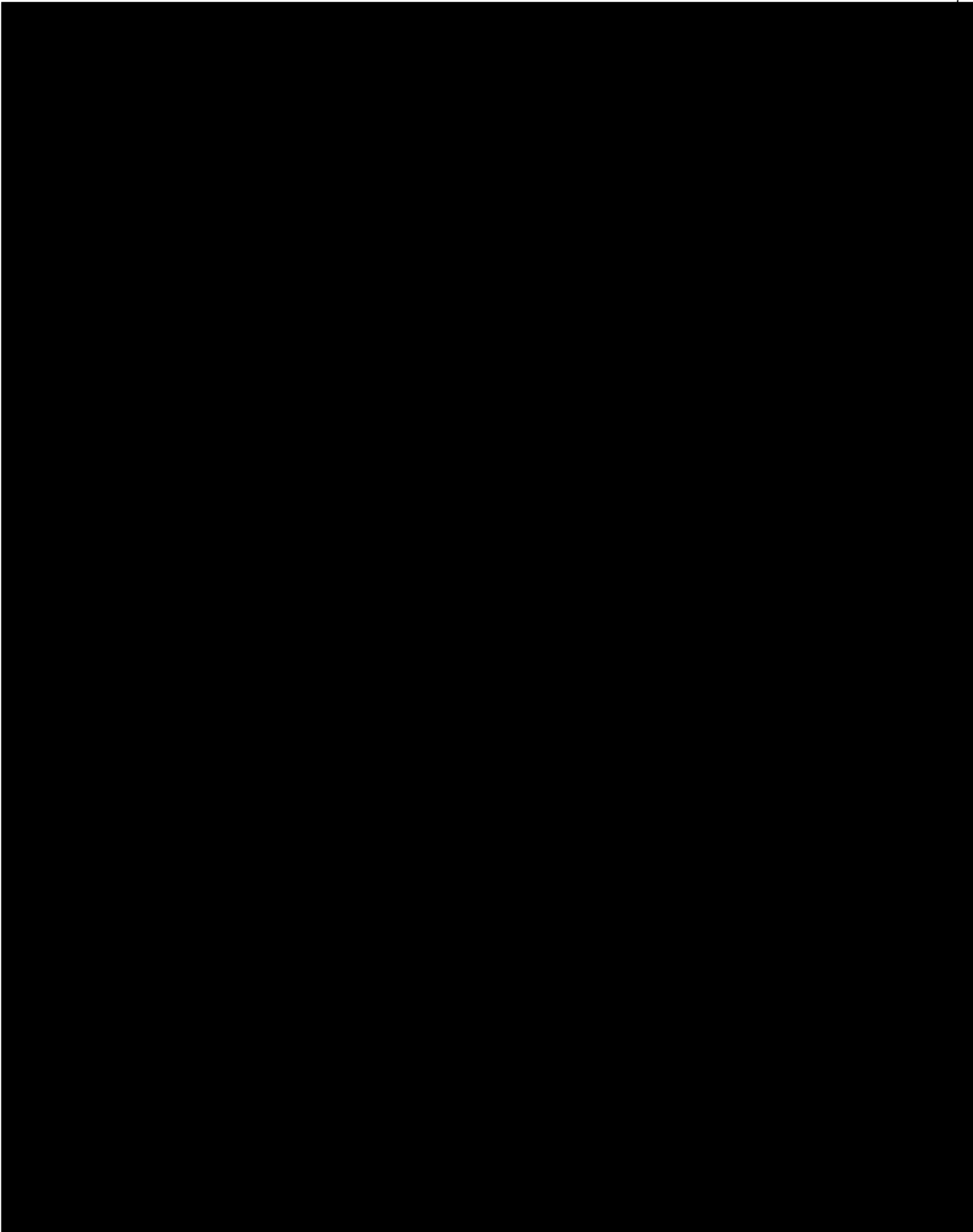




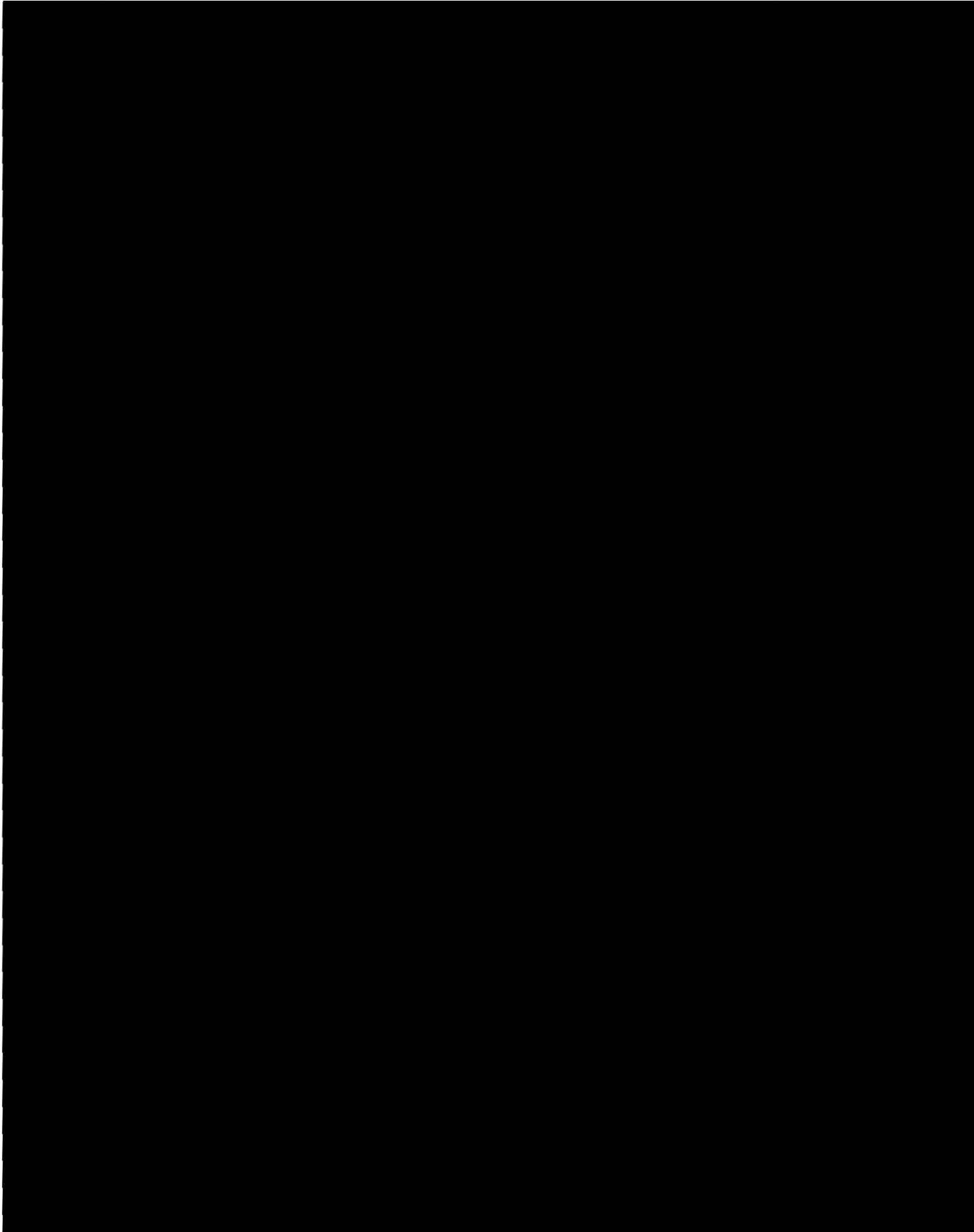


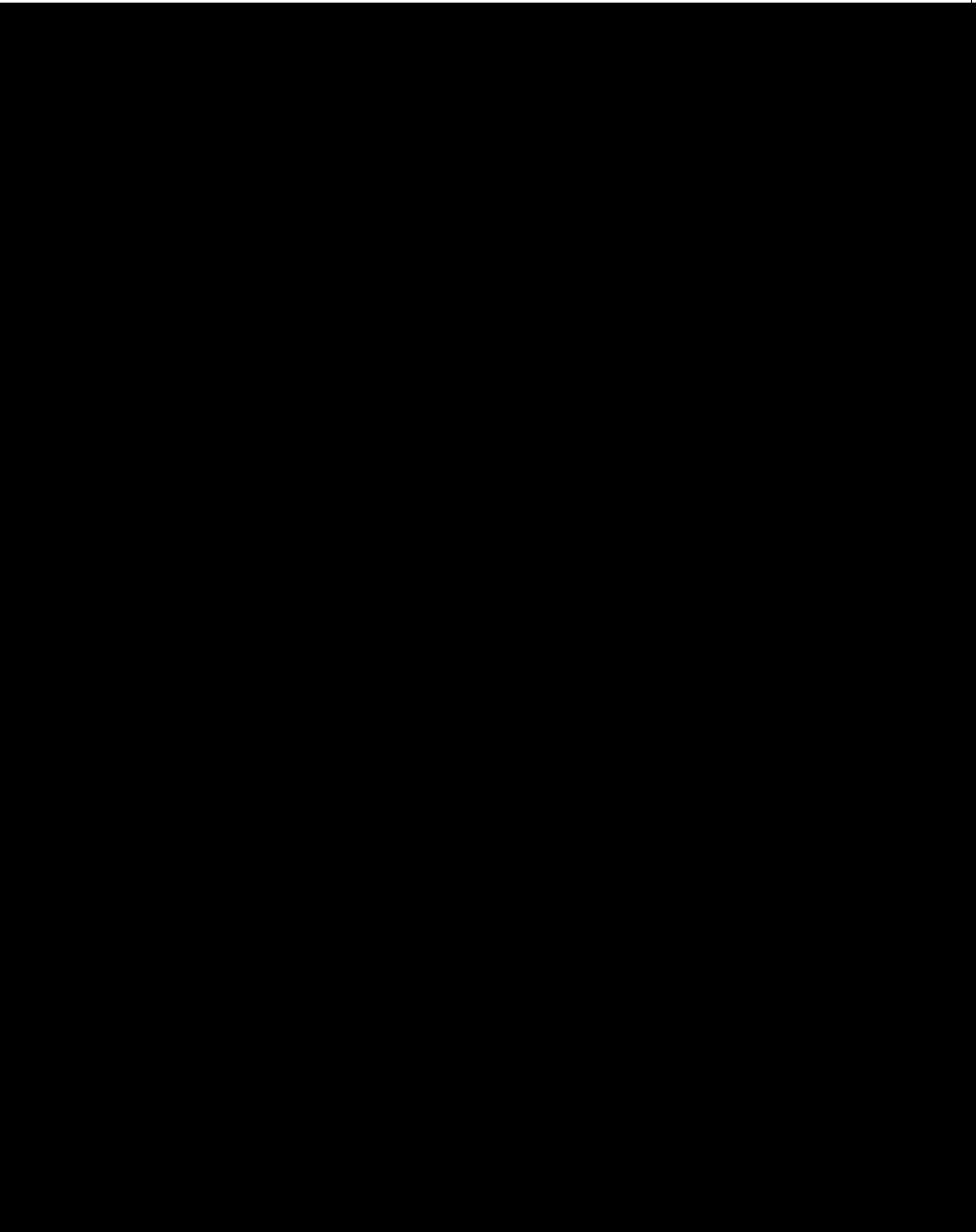


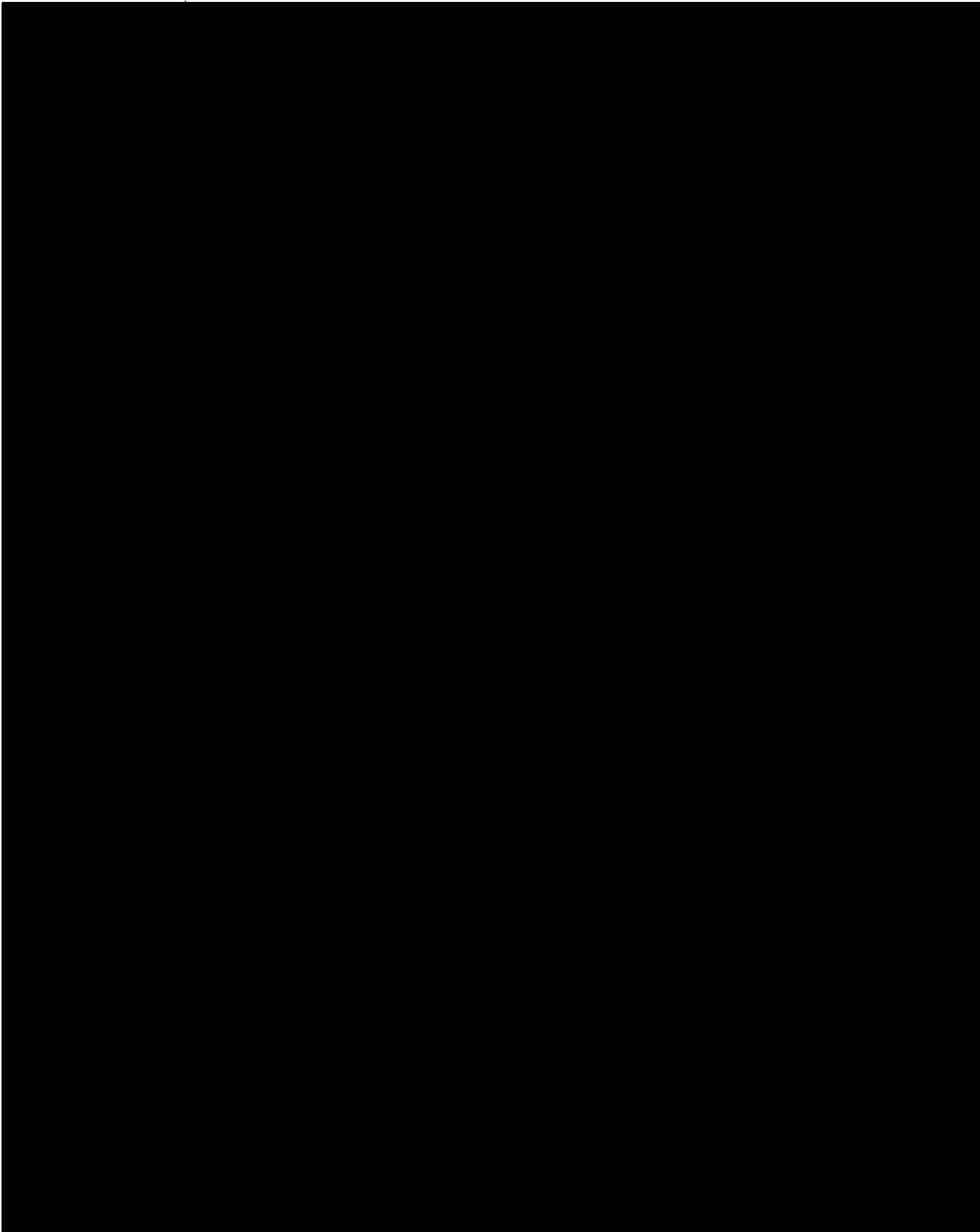


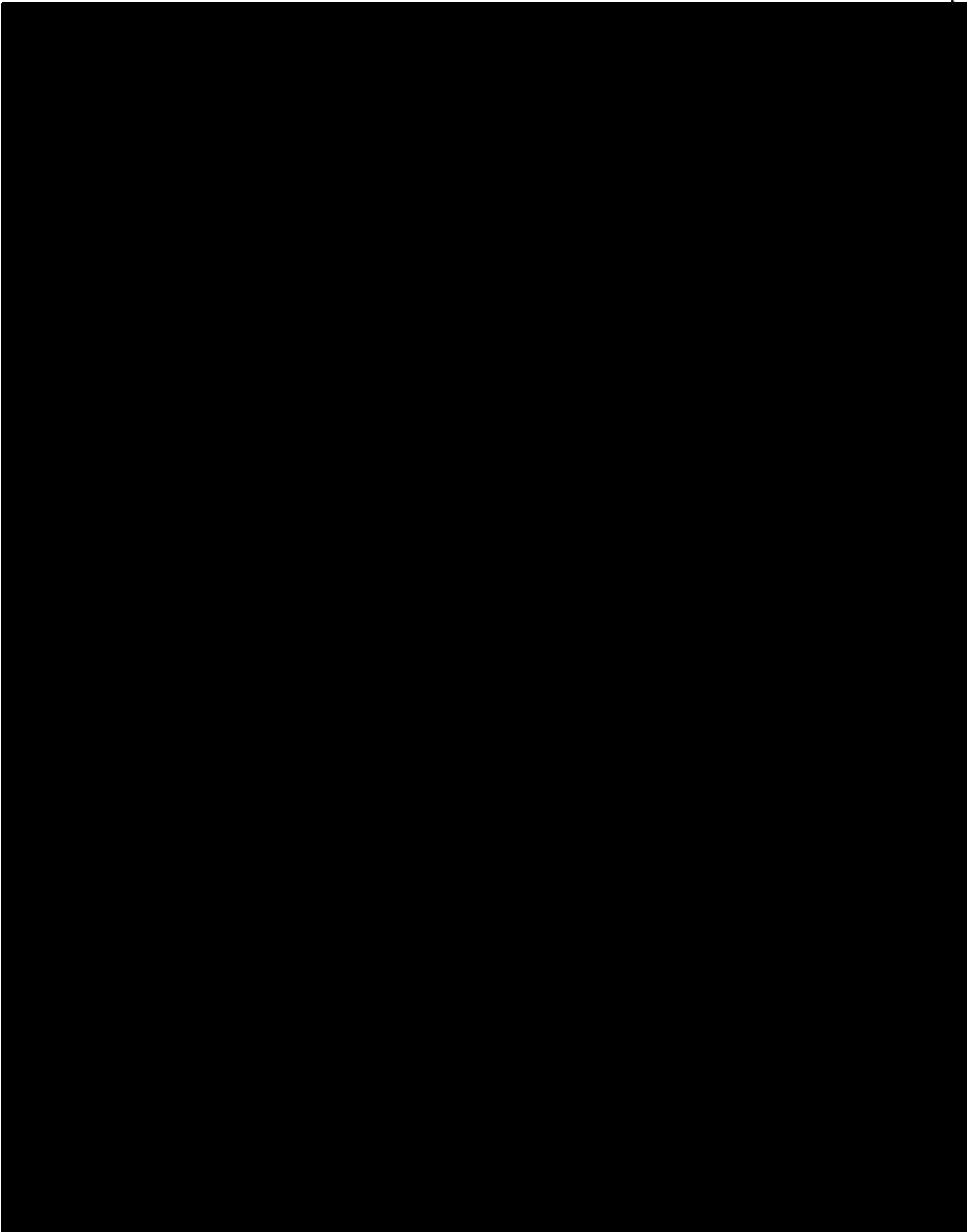












All questions on this form must be answered completely and truthfully.

Any incomplete information may result in an application being delayed or denied.

Pure Life Solutions II, LLC

910 Cesar E. Chavez

PLEASE TYPE ONLY.

Applicant Name

**COMMUNITY BENEFITS**

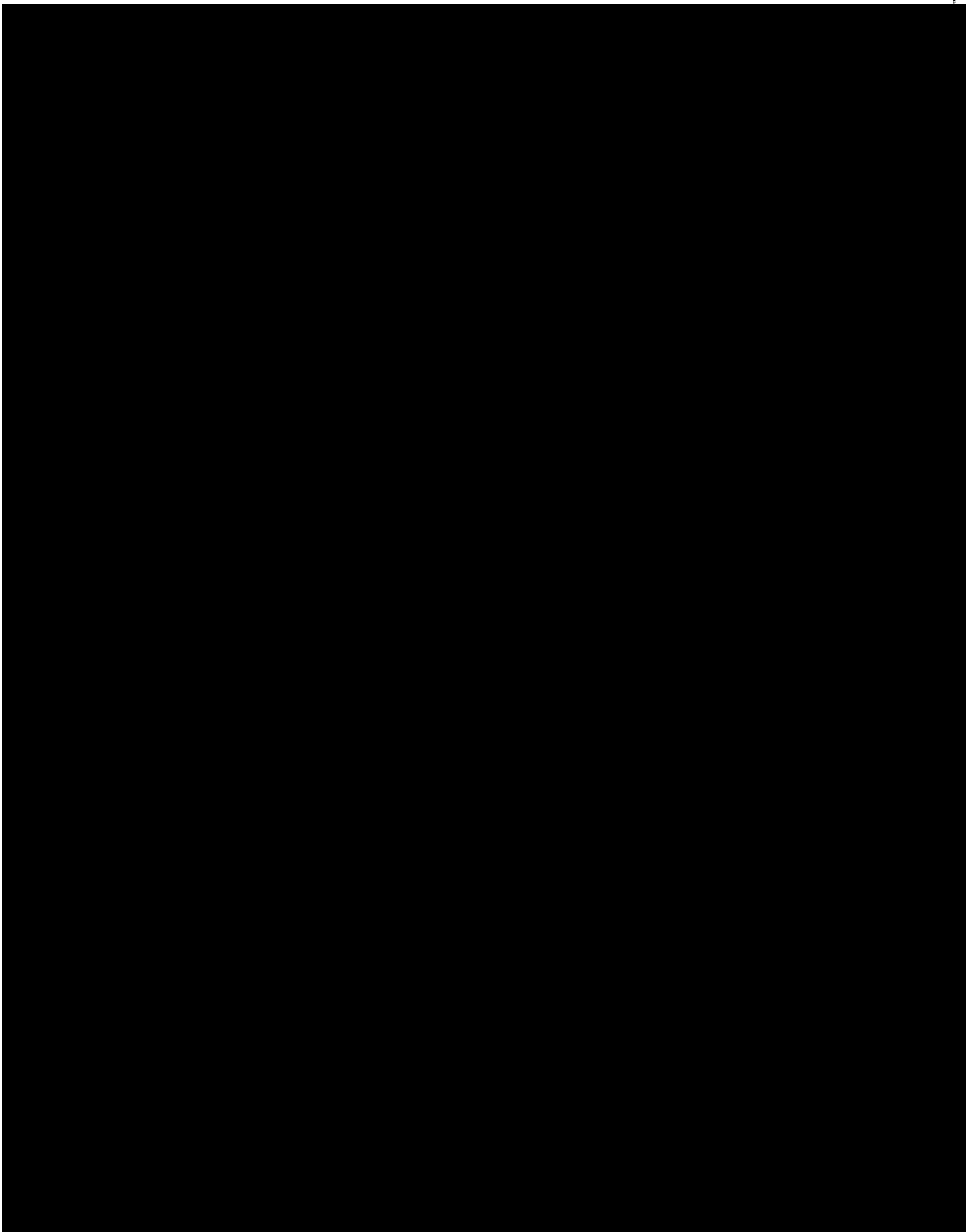
**\*IF YOU REQUIRE ADDITIONAL SPACE, YOU MAY ATTACH AN ADDENDUM. ALL ATTACHMENTS TO THIS APPLICATION SHOULD BE CLEARLY LABELED WITH AN ORDINANCE REFERENCE FOR THE APPLICABLE REQUIREMENT (COMMUNITY BENEFITS); FAILURE TO PROPERLY LABEL ATTACHMENTS MAY RESULT IN YOUR APPLICATION BEING DELAYED OR DENIED\***

**(Attachment Label: Community Benefits)**

In evaluating and scoring applications, the City Clerk will consider those community benefits pledged in the City of Pontiac as part of the provisioning center application and award points based on the commitment, quality, duration, community support, and amount pledged of such pledged benefits.

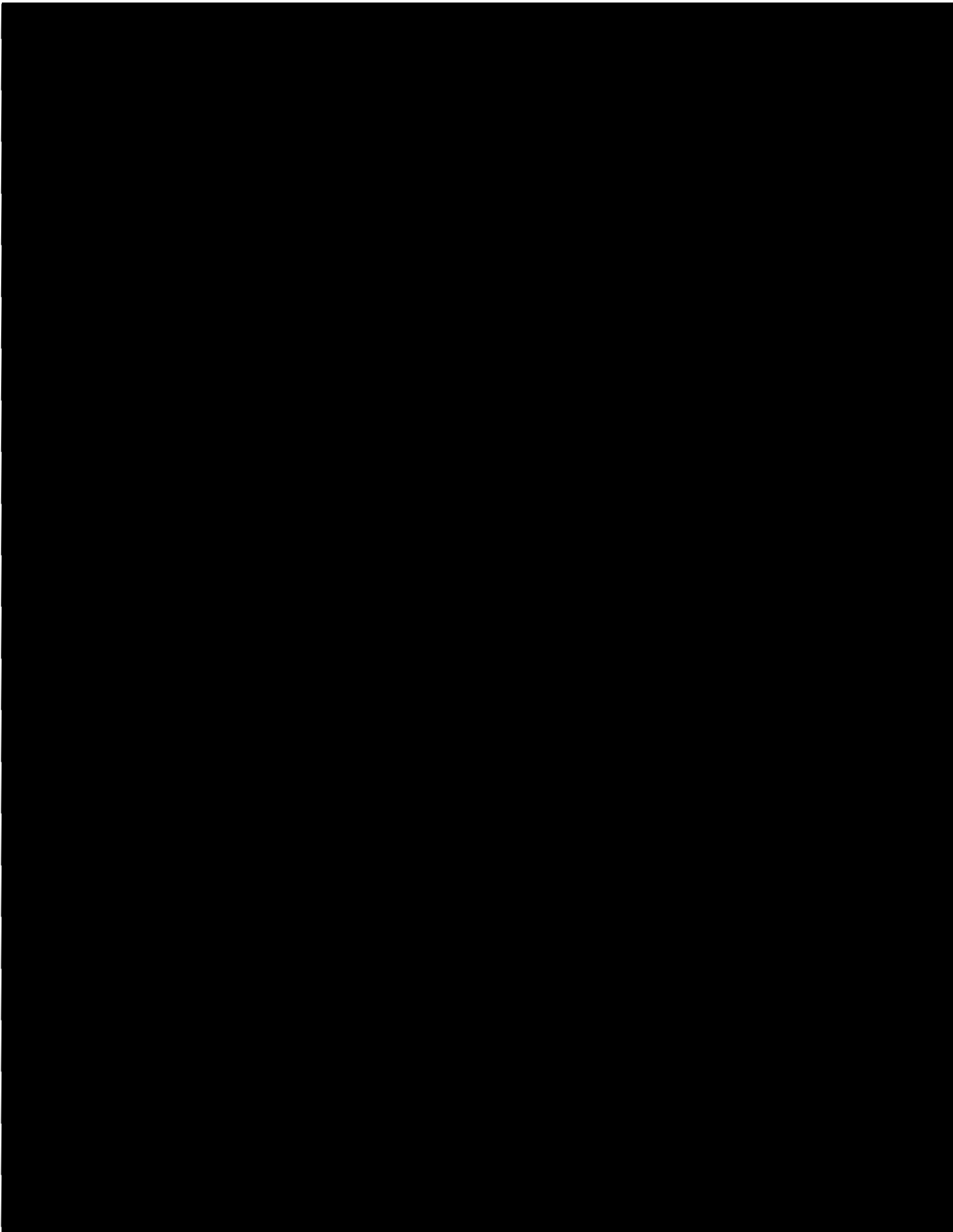
If an applicant does not pledge community benefits, that applicant will receive a score of zero (0) in the following categories/subcategories of this Application's scoring: (i) Content and Sufficiency of the Information, Part D (Community Development Subcategory) (10 possible points); and (ii) Philanthropic and Community Improvement (10 possible points).

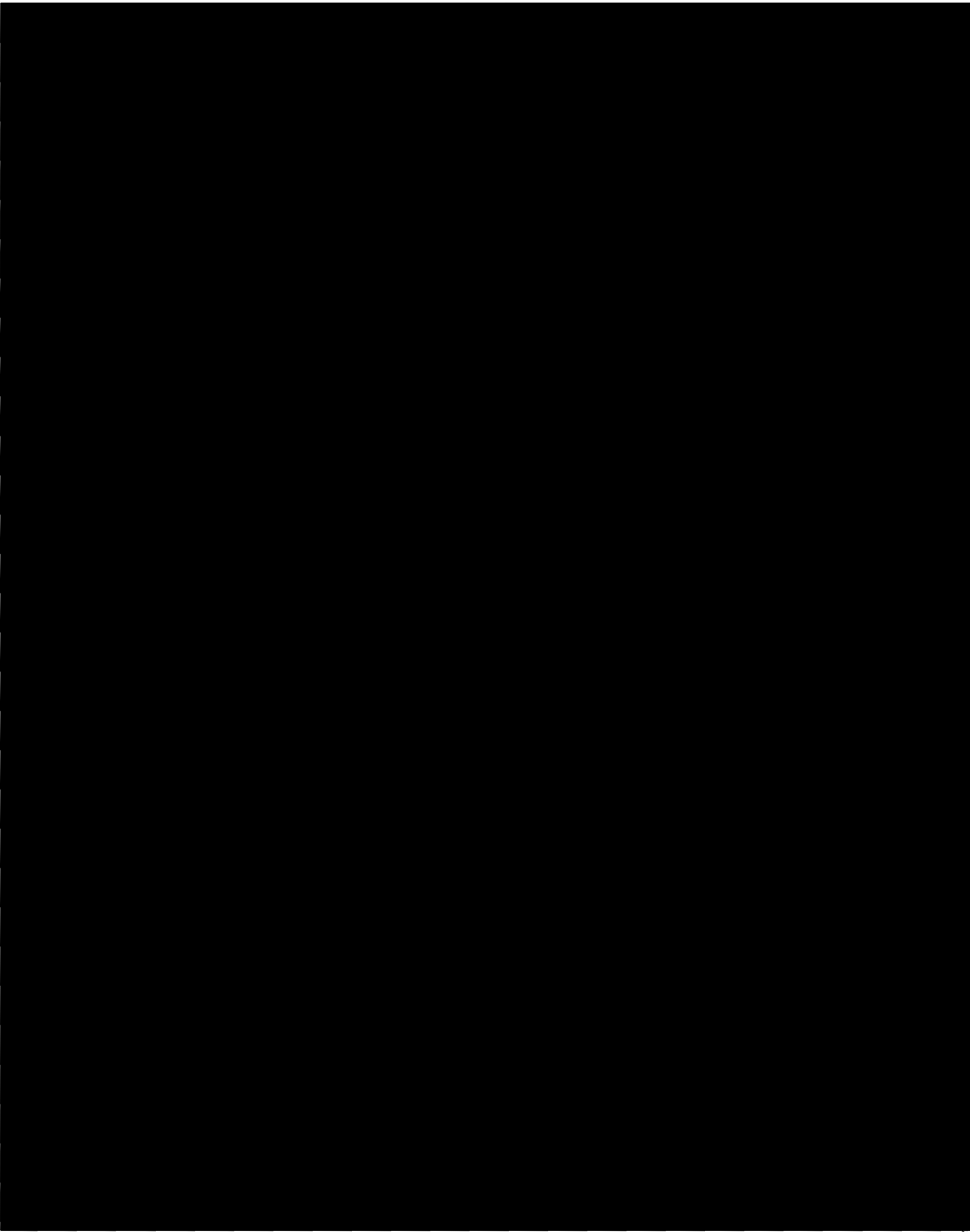


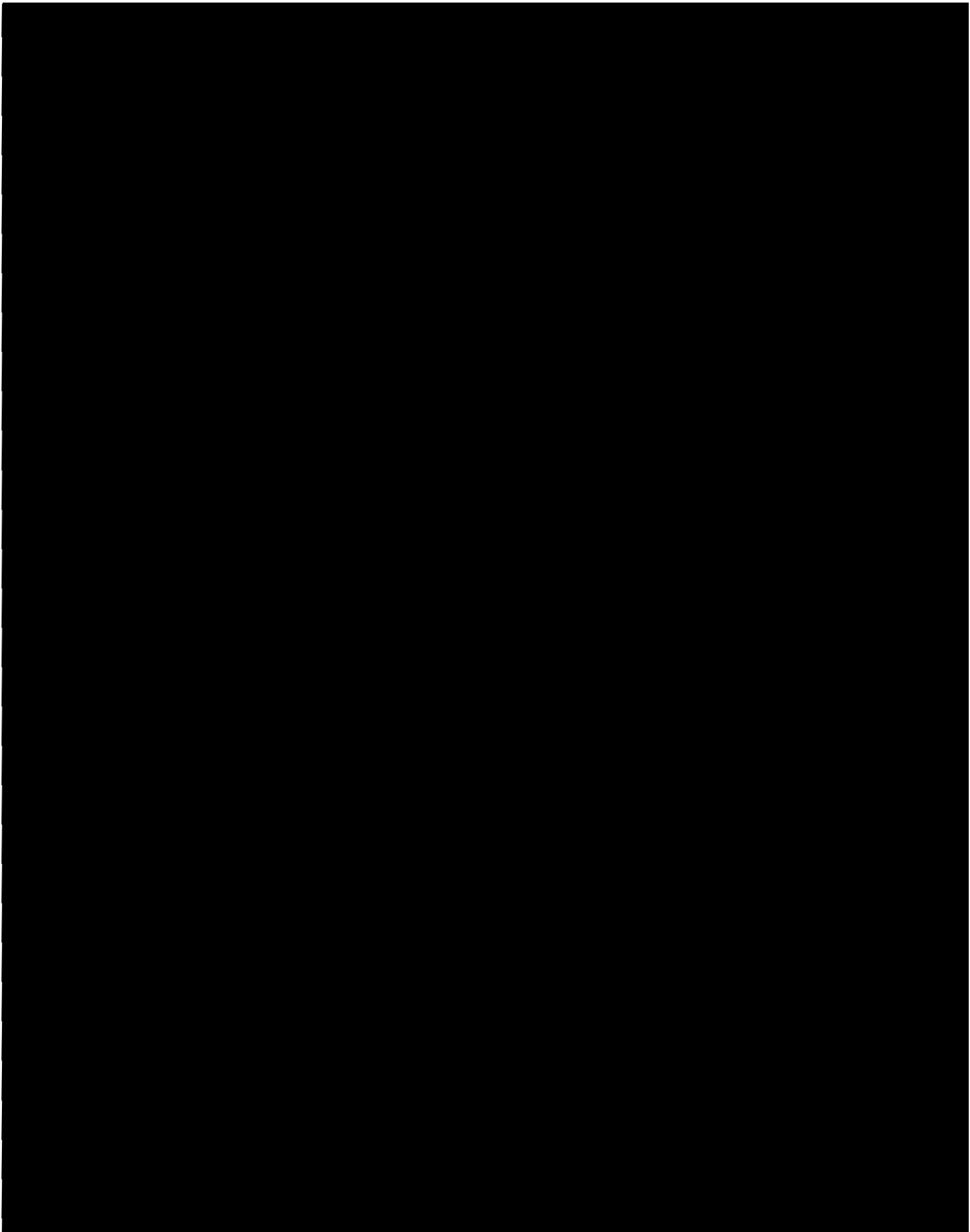


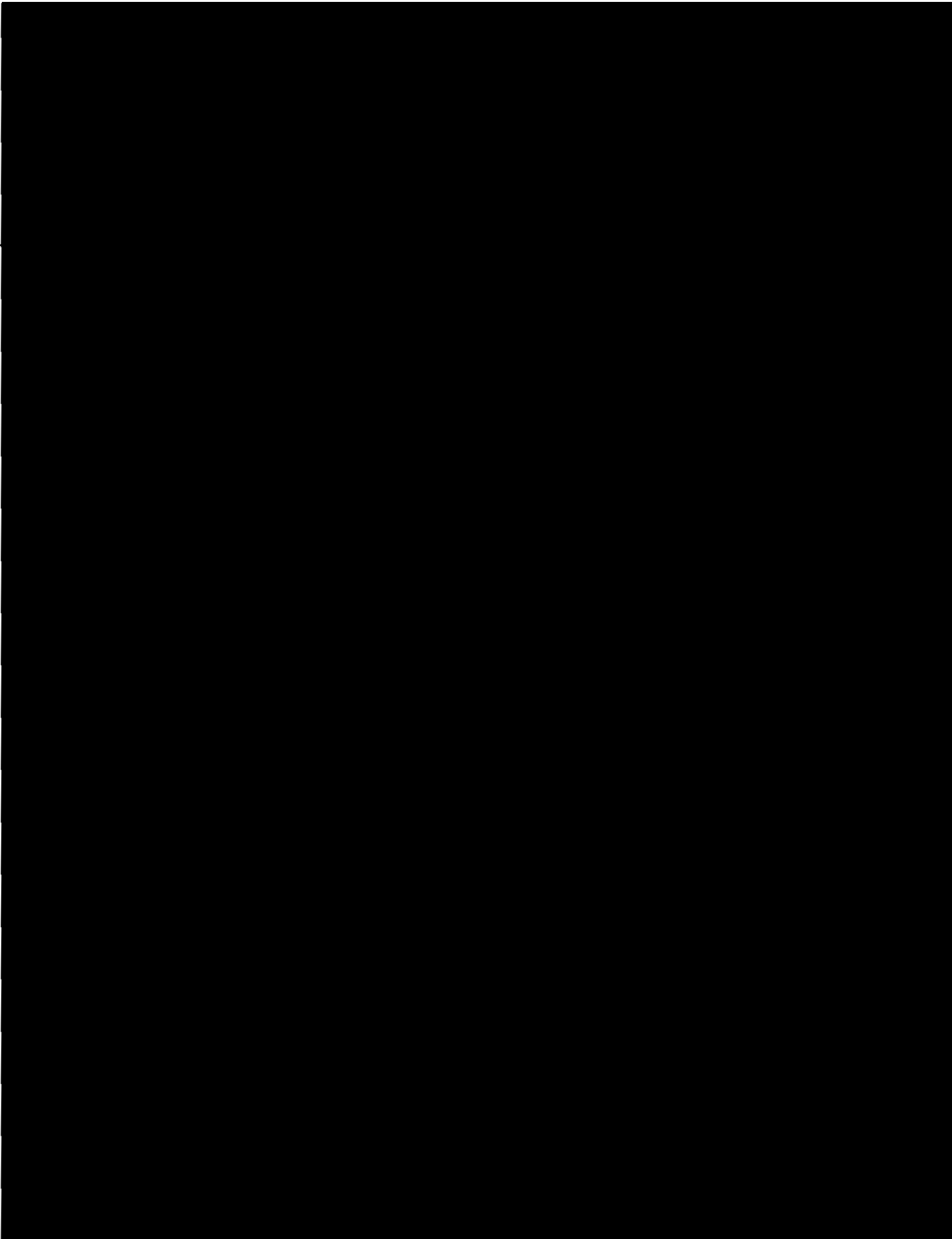


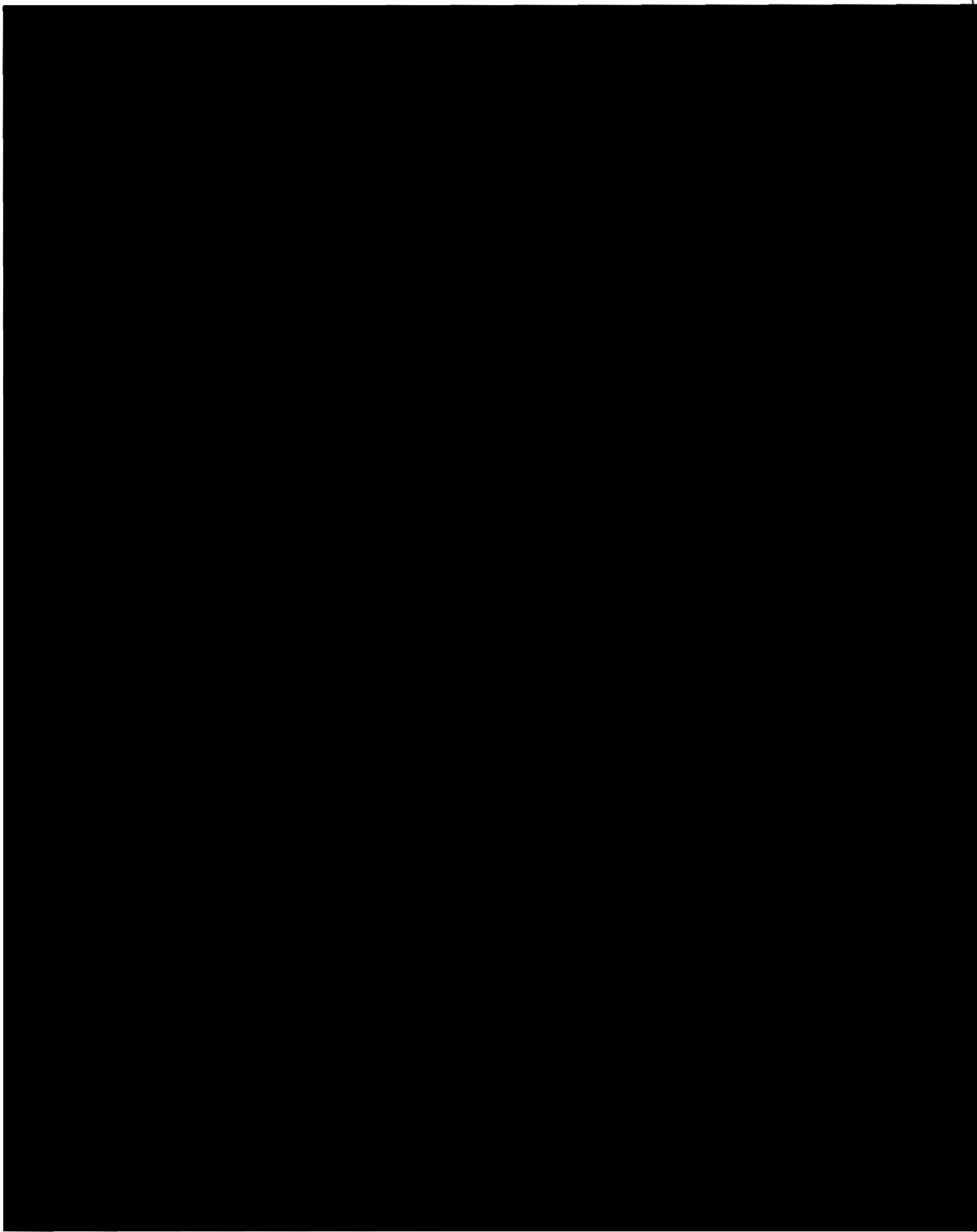












All questions on this form must be answered completely and truthfully.

Any incomplete information may result in an application being delayed or denied.

Pure Life Solutions II, LLC

910 Cesar E. Chavez

PLEASE TYPE ONLY.

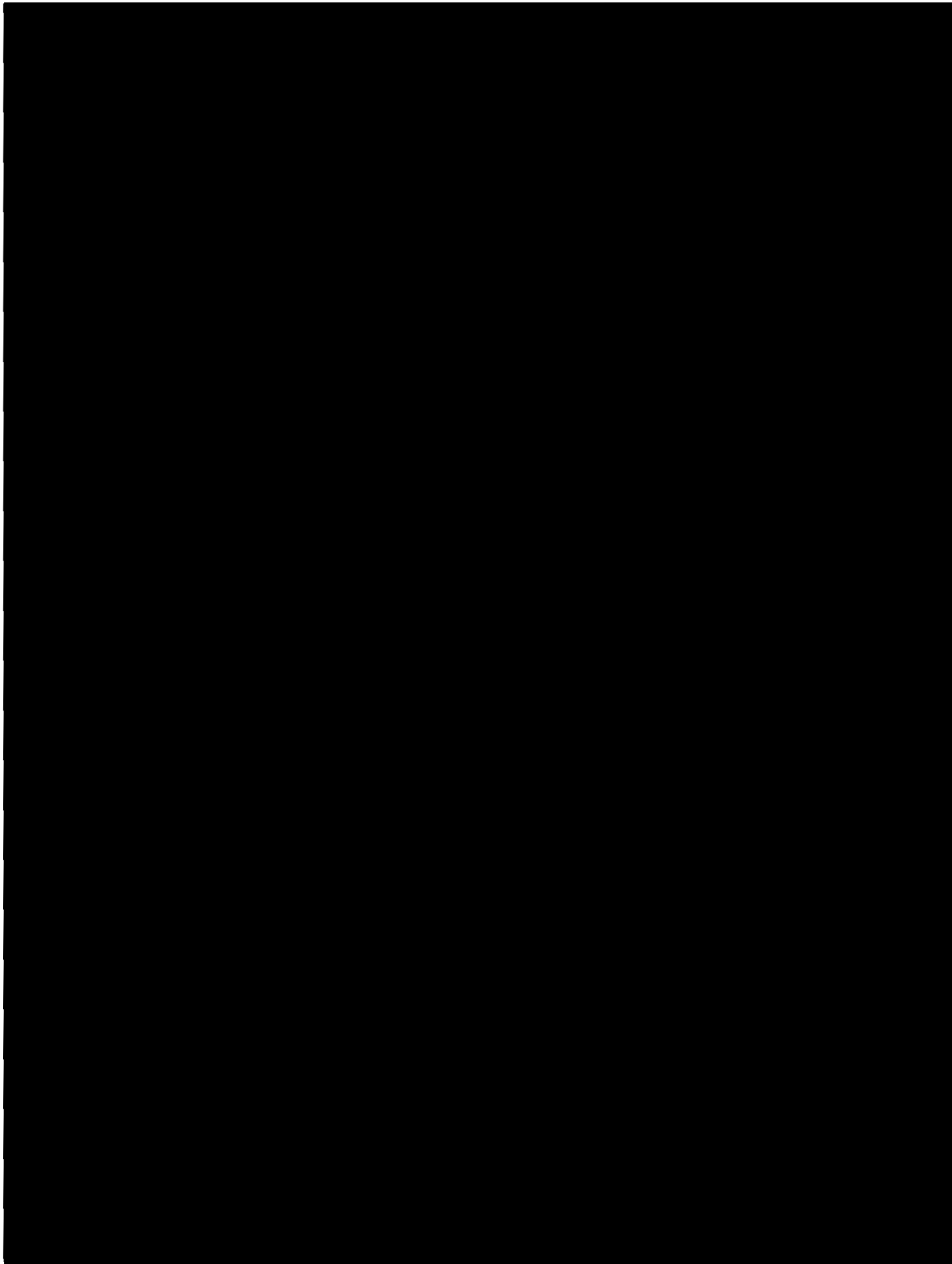
Applicant Name

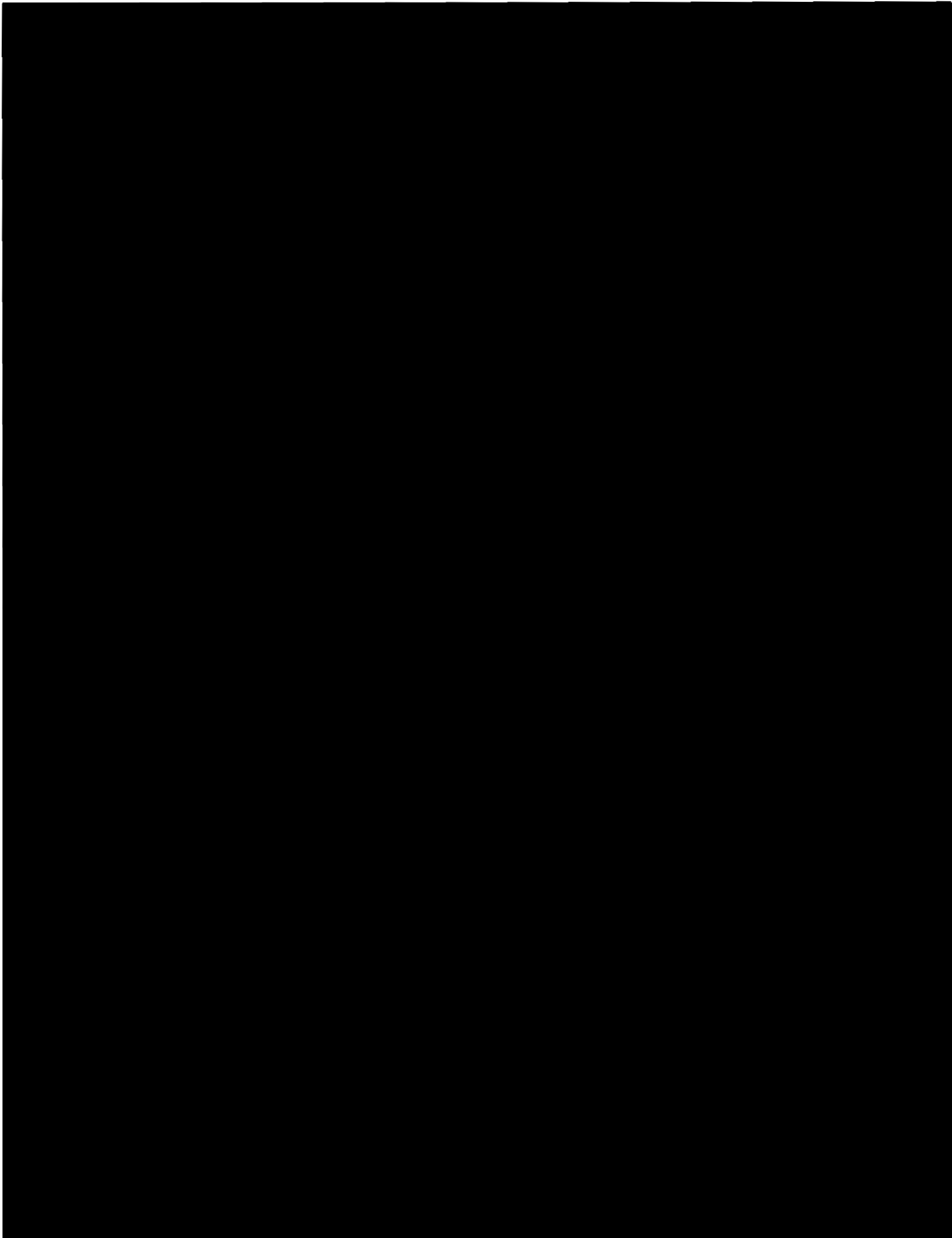
**PHYSICAL IMPROVEMENTS**

**\*ALL ATTACHMENTS TO THIS APPLICATION SHOULD BE CLEARLY LABELED WITH AN ORDINANCE REFERENCE FOR THE APPLICABLE REQUIREMENT (FOR EXAMPLE, SEC. 9(F)(8)); FAILURE TO PROPERLY LABEL ATTACHMENTS MAY RESULT IN YOUR APPLICATION BEING DELAYED OR DENIED\***

Applicant must submit documentation of the following:

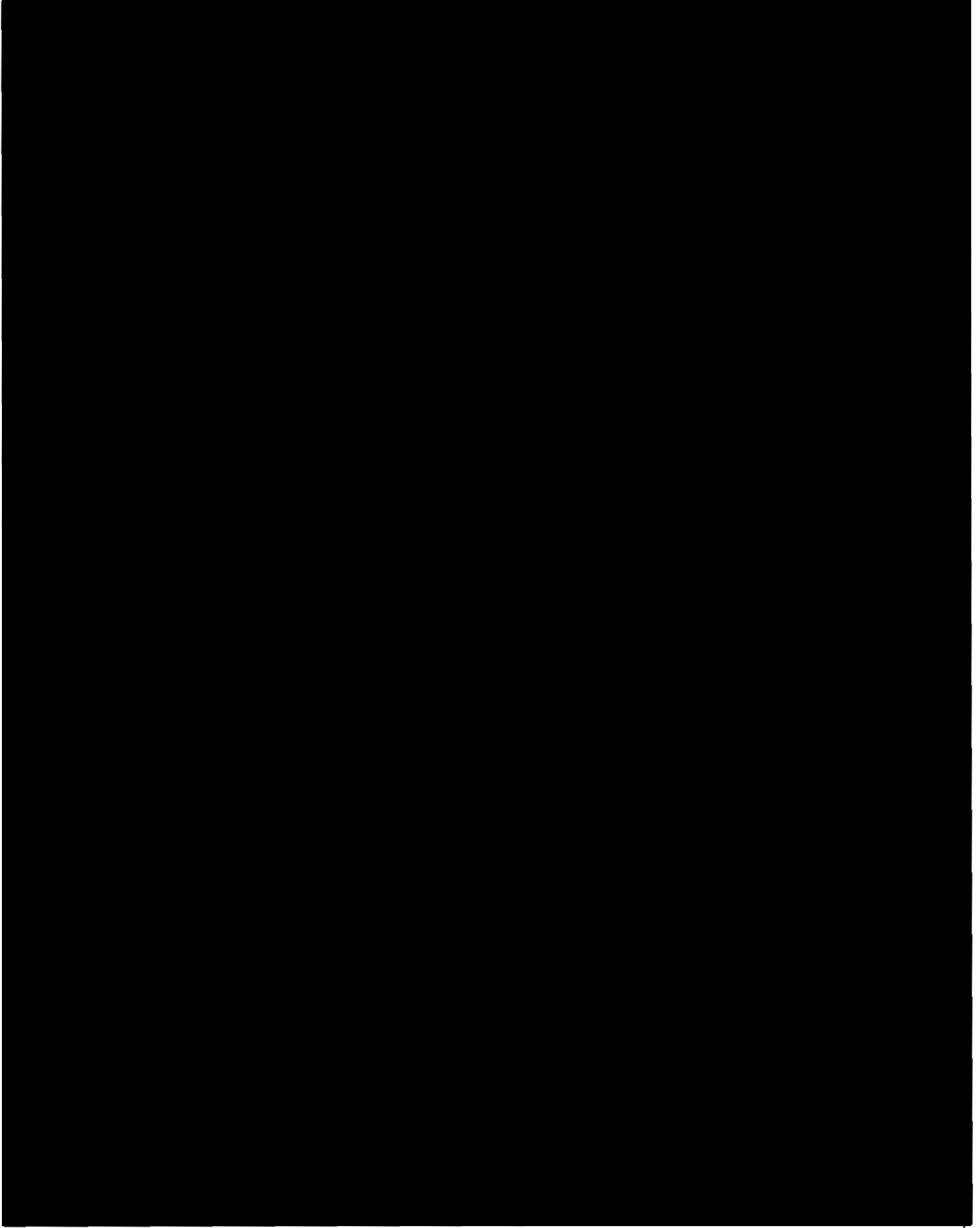
- Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac's Medical Marihuana Zoning Ordinance #2363, proximity of the proposed medical marihuana facility to other structures, including
  - Whether the proposed medical marihuana facility is more than 1,000 feet from an operational public or private school, and
  - More than 500 feet from an operational commercial childcare organization (non-home occupation) that is licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency, a public park with playground equipment, or a religious institution that is defined as tax exempt by the city assessor.
    - Such distance between the school, childcare center, public park, or religious institution and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, or religious institution, or from the playground equipment in a public park, and from the primary point of ingress to the contemplated location (**Attachment Label: Sec. 9(f)(8)**)



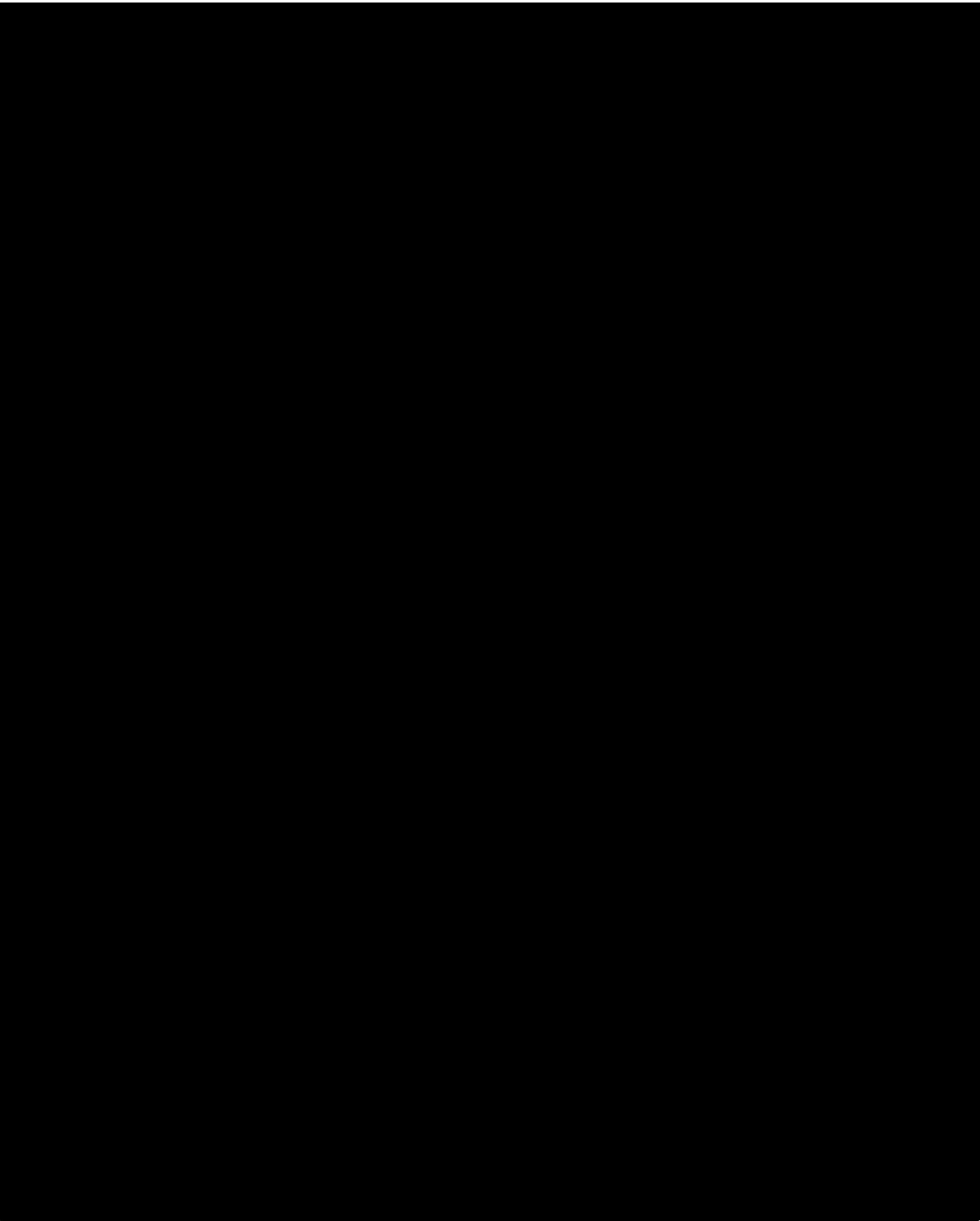






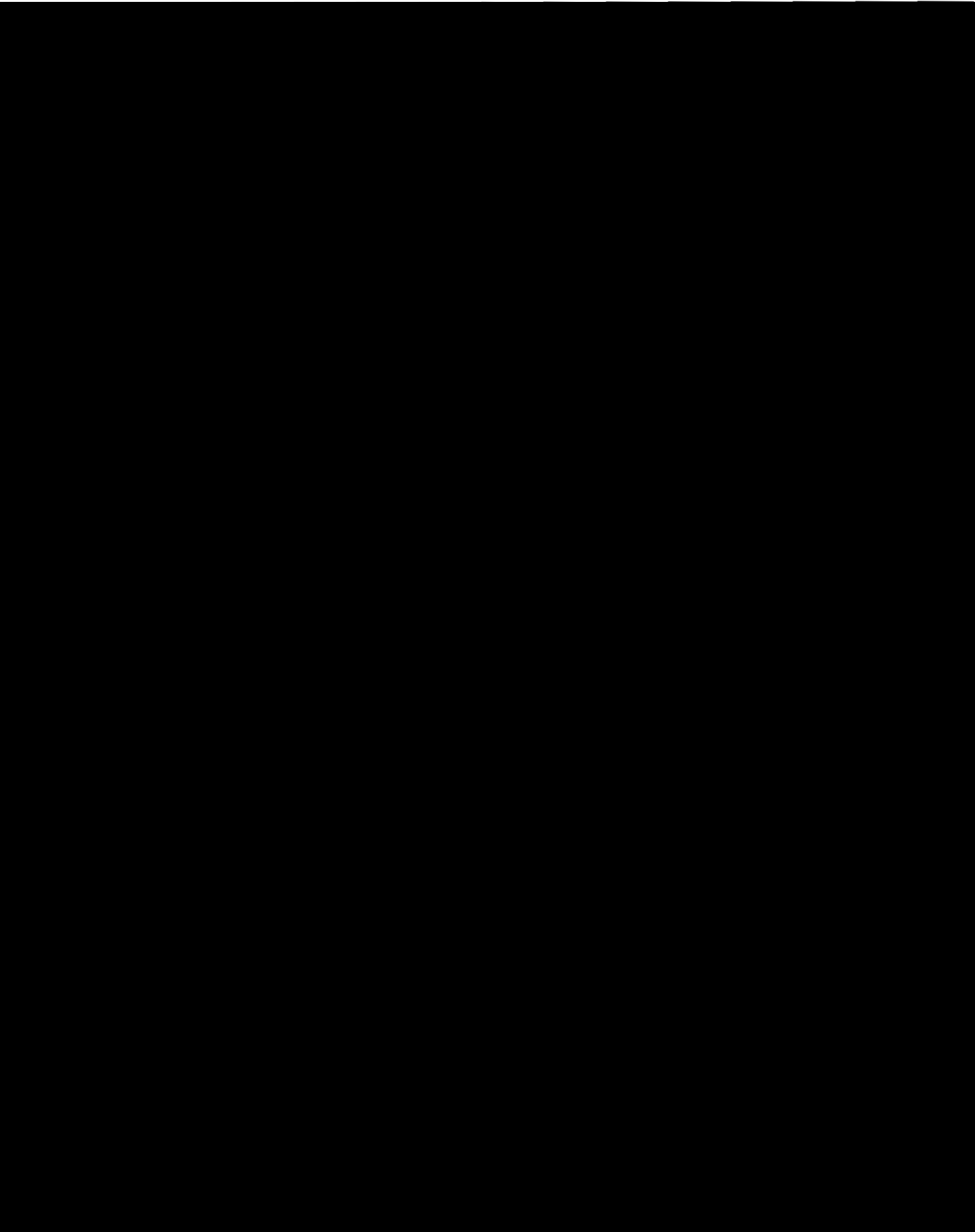






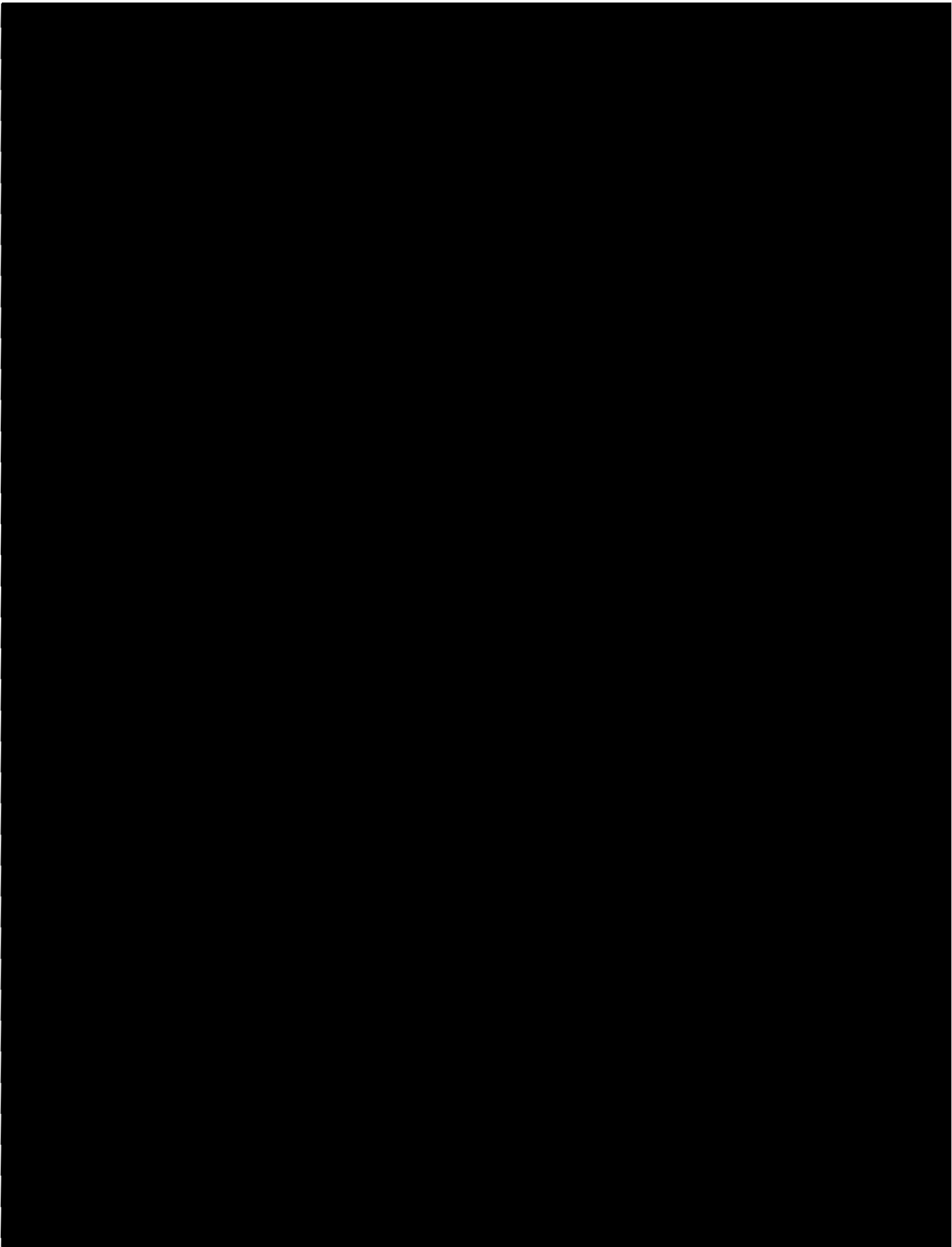


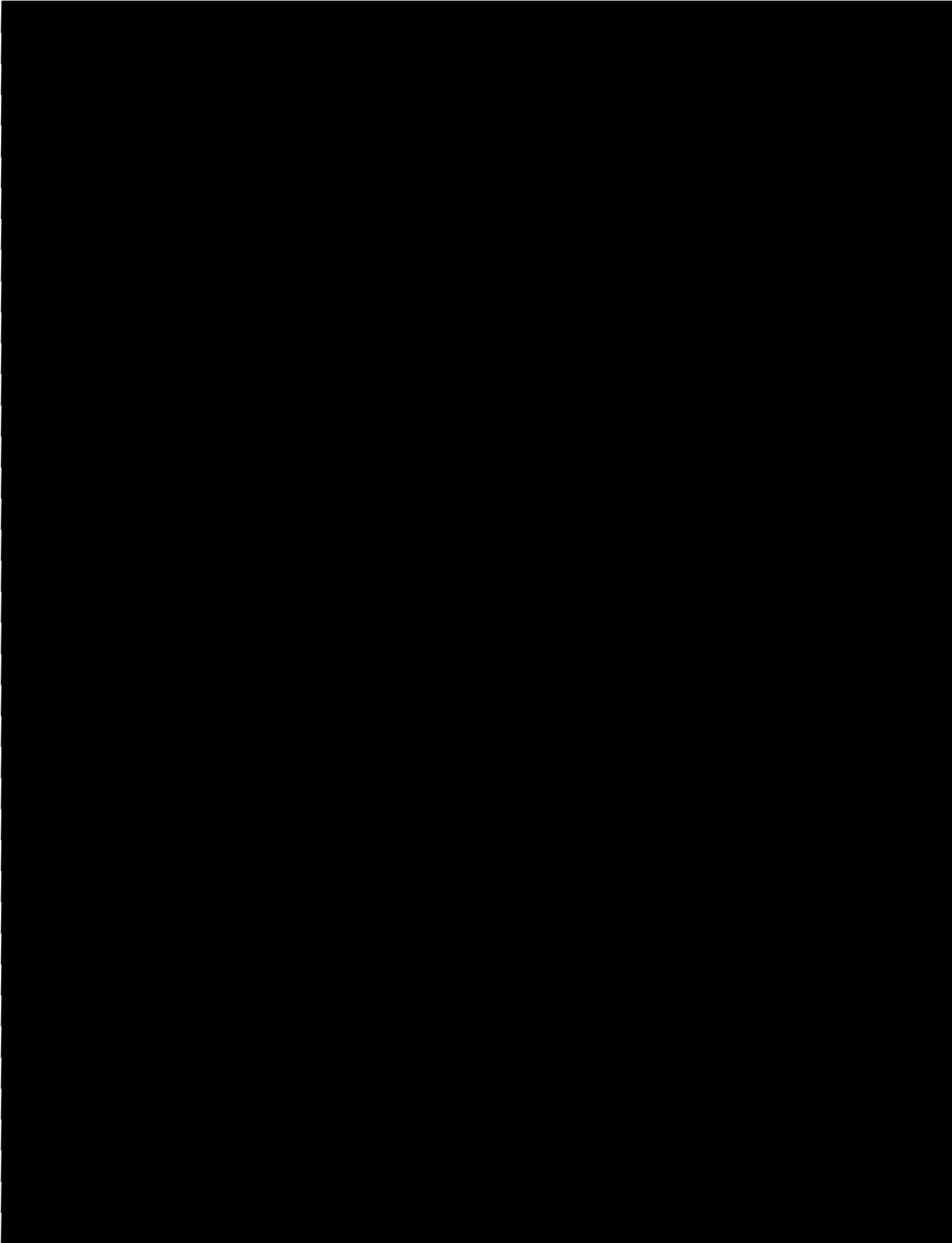












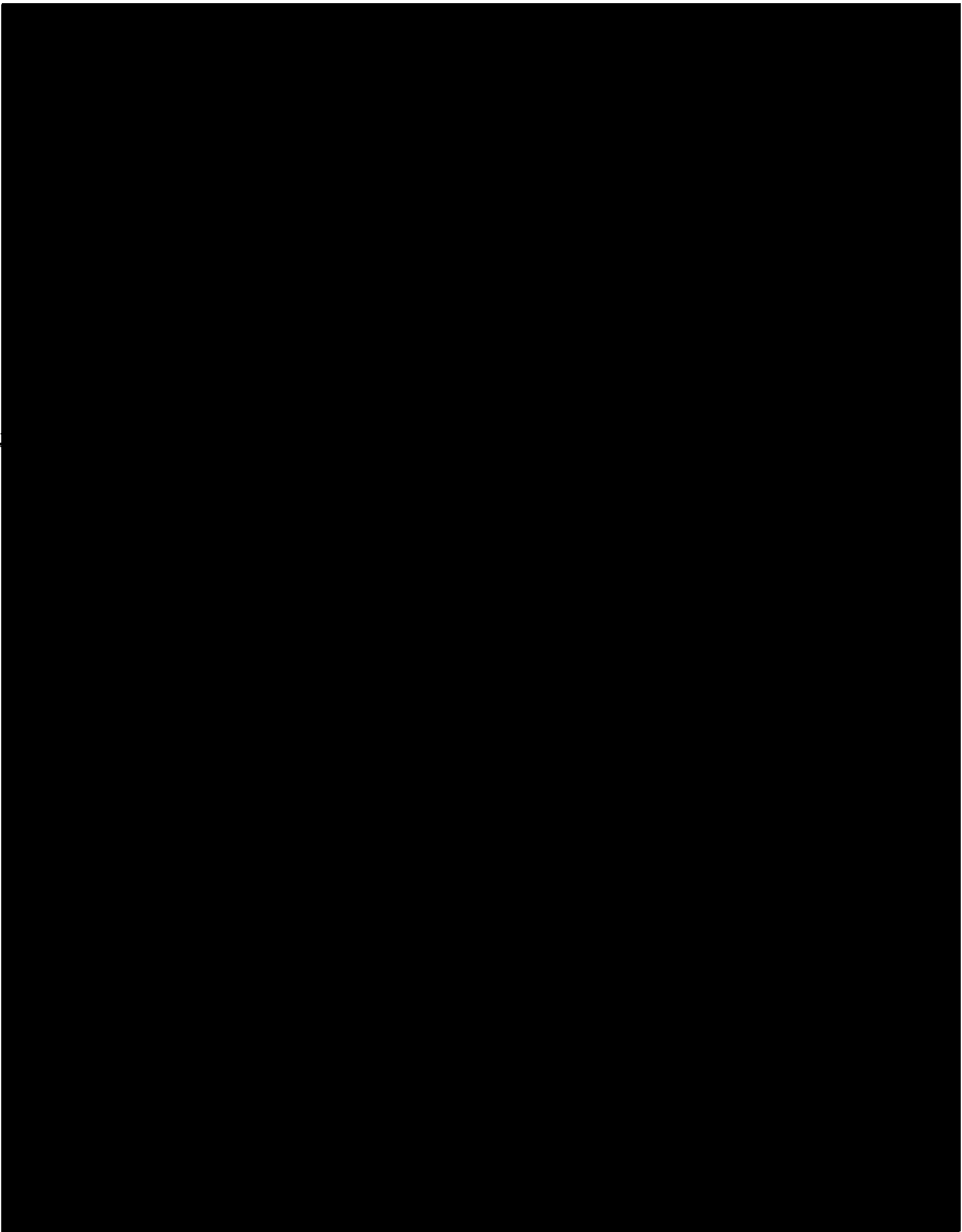


Exhibit C

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez



**City of Pontiac  
Office of the City Clerk  
Medical Marihuana Provisioning Center Scoring Form**

Application Category	Applicant Points	Maximum Points
Content and Sufficiency of Information		<b>50</b>
Background Information		<b>5</b>
Marihuana Regulations	0.5	(1.5)
Business Entity	2	(2)
Security	1.5	(1.5)
Financial Background	10	10
Economic Benefits	10	10
Community Development	10	10
Facility (Planning and Sanitation)		<b>10</b>
Planning	1	(8)
Sanitation	0	(2)
Patient Education		<b>5</b>
Staff Training and Education	2.5	(2.5)
Patient and Community Programs	2.5	(2.5)
Land Use		<b>20</b>
Resident Safety	10	10
Neighborhood Land Use	1	10
Community Impact	10	<b>10</b>
Managerial Resources	10	<b>10</b>
Financial Resources	10	<b>10</b>
Job Creation	10	<b>10</b>
Philanthropic and Community Improvement	10	<b>10</b>
Physical Improvements	10	<b>10</b>
<b>Applicant Total Score</b>	<b>111</b>	<b>130</b>

Applicant Ranking: 4 of 17 Total Applicants

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

Criteria								
Yes	No	Deficient (if no deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name	
<b>CONTENT AND SUFFICIENCY OF INFORMATION</b>						50		
<b>Background Information - Marijuana Regulations</b>								
			0.5	1.5				

In this sub-category, applicants can receive up to 1.5 points.

**Applicant Information** (Sec. 8(c)(1) and (3))

- **Name**
  - If the applicant is an individual, provide the full name as it appears on a state issued driver's license or passport.
  - If the applicant is an entity, provide the entity name as it appears on official government documents (e.g., Articles of Incorporation, Articles of Organization, Certificate of Formation, etc.).
- **Date of Birth** (if individual) (month/day/year) (e.g., 06/20/1990) / **Employer Identification Number** (if entity)
- **Phone Number:** Provide a phone number for the applicant.
- **Address:** Provide a mailing address for the applicant.
- **Email address:** Provide an active email address that is regularly checked by the applicant.

**Insurance** (Sec. 8(c)(25))

The applicant must provide proof of premises liability and casualty insurance consistent with the requirements of LARA.

LARA Rule 11 sets forth the following minimum limits of insurance:

- bodily injury (casualty insurance) – not less than \$100,000.00; and
- commercial general liability covering premises liability – not less than \$100,000.00.

**BACKGROUND INFORMATION**



All Documents Returned to Office of City Clerk

Reviewer Name: Jonathan Starks

Signature:  Title: Special Assistant

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

		Criteria						
Yes	No	Deficient (if no deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name	
<b>CONTENT AND SUFFICIENCY OF INFORMATION</b>								
<i>Background Information - Business Entity</i>								
		Articles of incorporation, operating agreement, and bylaws (0.5pt)						
		Entity's employee identification number (0.5pt)	2	2.0				
		Proposed ownership structure (0.5pt)						
		Current organization chart (0.5pt)						

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

BACKGROUND INFORMATION

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Applicant Name Ceasars Garden

Application Number



District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Background Information**

**Organization Documentation**

- *Official Business Formation Document* (Sec. 8(c)(2)). The applicant must provide a copy of its formation document filed with the applicable jurisdiction (e.g., Michigan or another state). For a Michigan limited liability company this would be the applicant's Articles of Organization, and for a Michigan corporation this would be the applicant's Articles of Incorporation.
- *Copy of Governing Documents* (Sec. 8(c)(4)). The applicant must provide a copy of its current governing documents. For a Michigan limited liability company this would typically be an Operating Agreement and for a Michigan corporation this would typically be Bylaws.

**Ownership Structure** (Sec. 8(c)(7))

The applicant must submit evidence of the proposed ownership structure of the applicant, including ownership percentages held by each stakeholder. Such attachment must include all direct and indirect owners of the applicant. Graphical images with an entity chart are acceptable.

**Organization Chart** (Sec. 8(c)(8))

The applicant must submit a current organization chart that includes position descriptions and the names of each person holding such position. Graphical images with an organization chart are acceptable.



Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if no deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>Background Information - Security</b>							
			1.0	1.0			
			0.5	0.5			

In this sub-category, applicants can receive up to 1.5 points

**BACKGROUND INFORMATION**

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Brian R. Stair

Signature: [Signature]

Title: Security Consultant

**CONTENT AND SUFFICIENCY OF INFORMATION – Background Information**


**Criminal Background (Sec. 8(c)(14))**

The applicant must submit a criminal background report of the applicant's criminal history. Such reports shall be obtained by the applicant through the internet Criminal History Access Tool (ICHAT) for applicants residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants who reside in other states or have resided in other states within 5 years prior to the date of application. The applicant is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application.

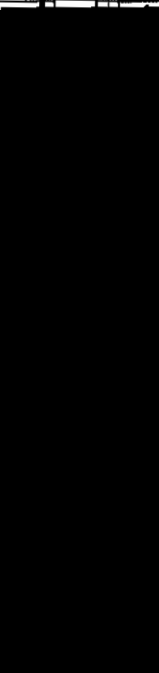
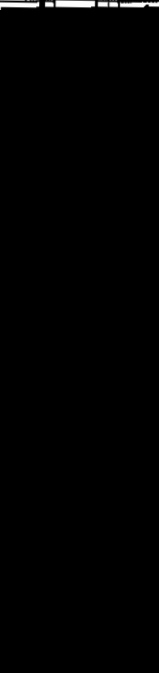
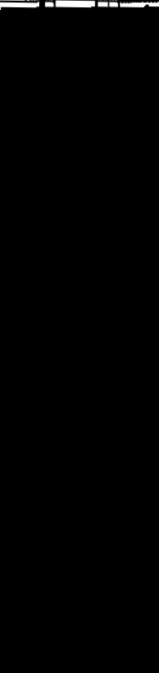
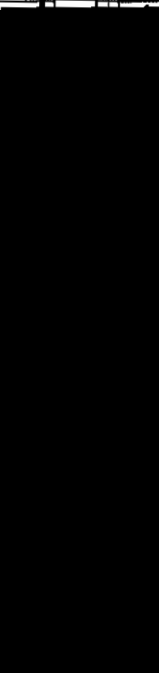
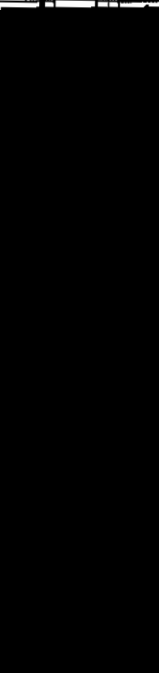
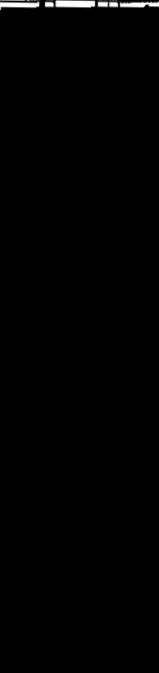
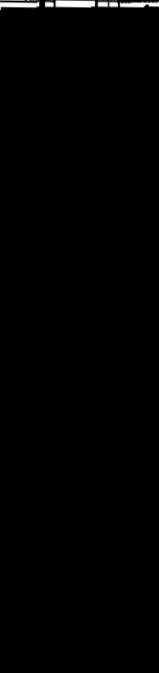
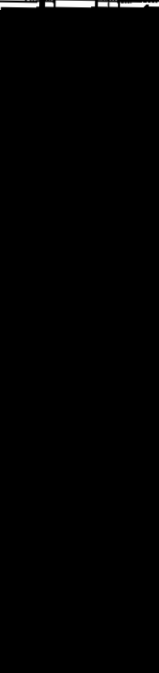
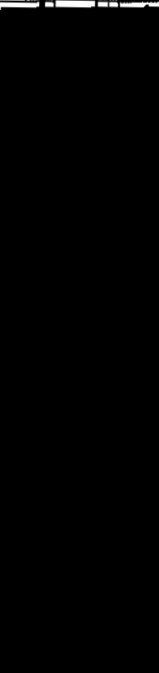
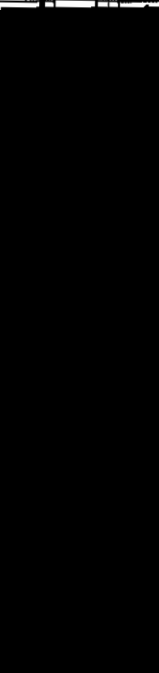
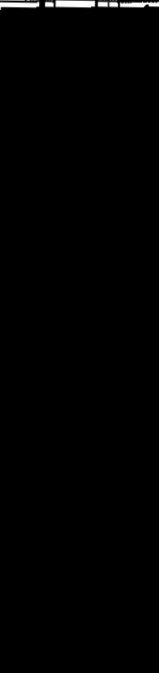
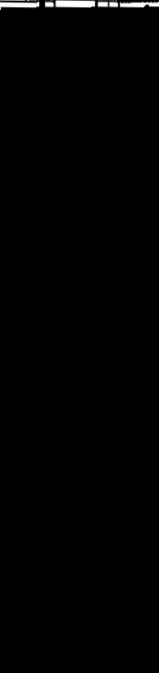
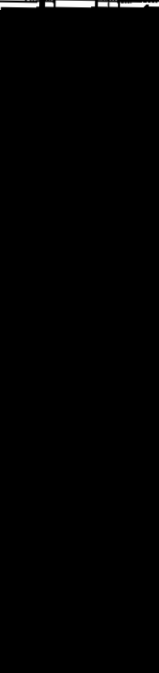
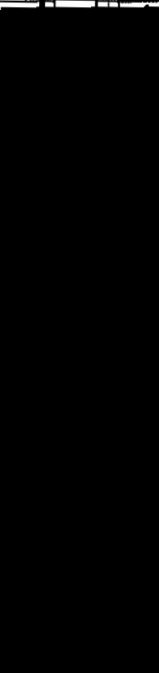
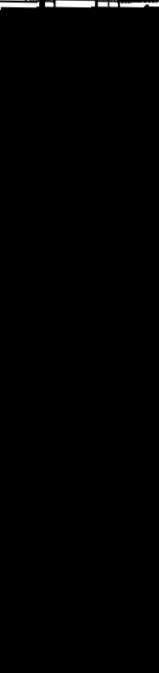
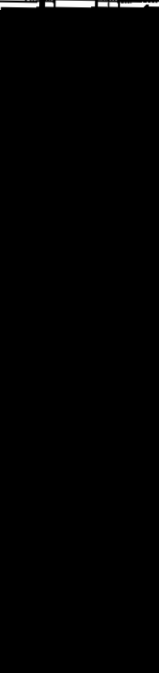
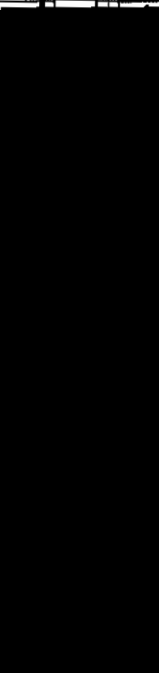
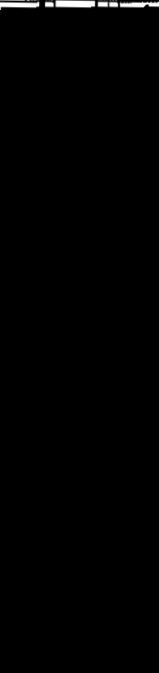
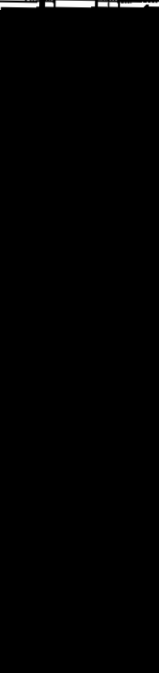
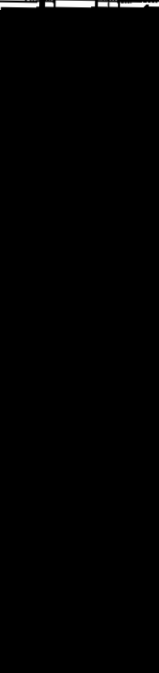
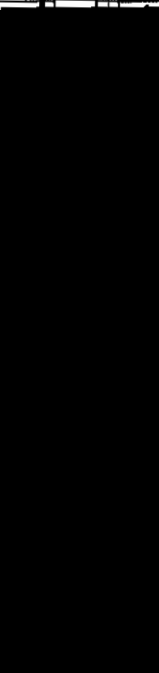
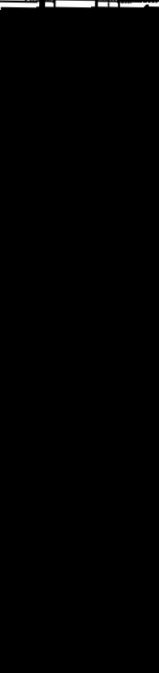
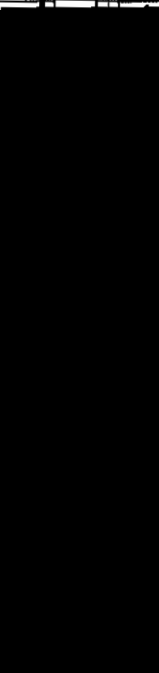
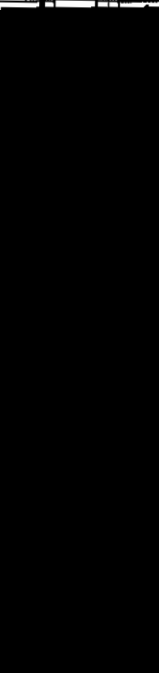
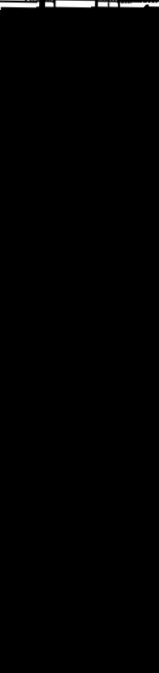
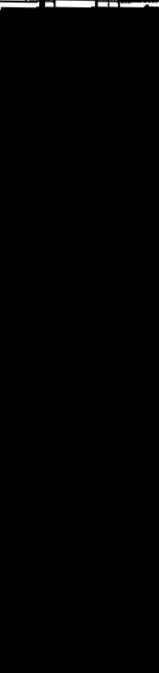
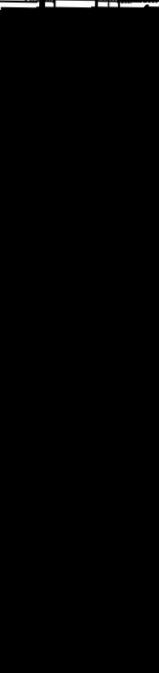
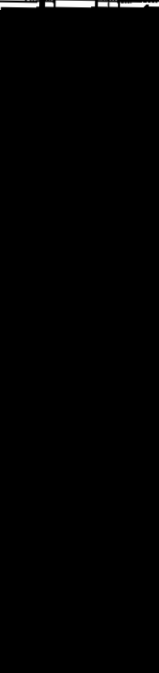
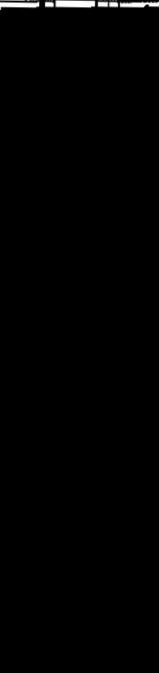
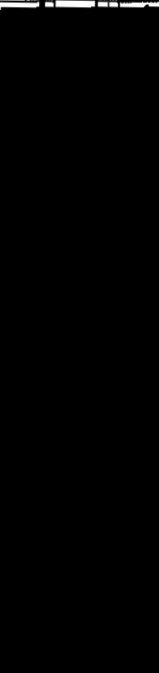
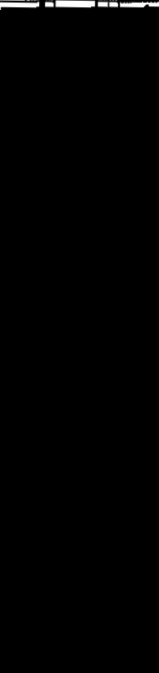
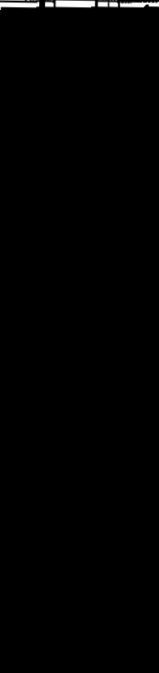
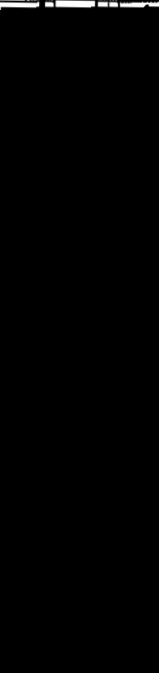
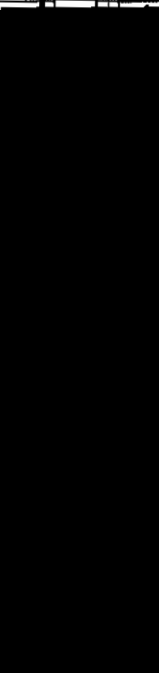
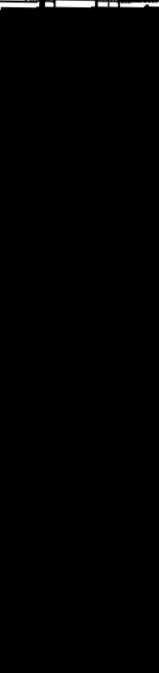
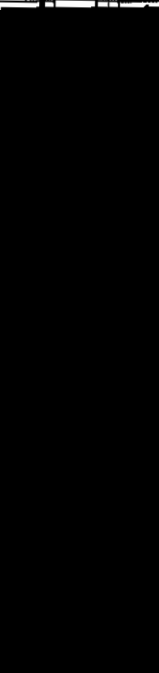
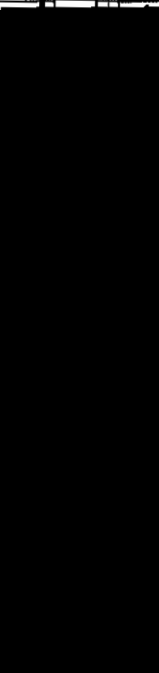
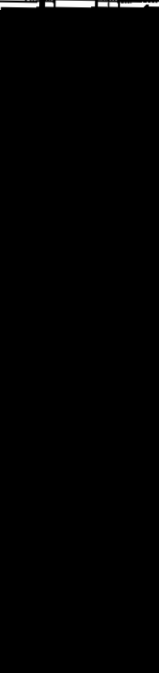
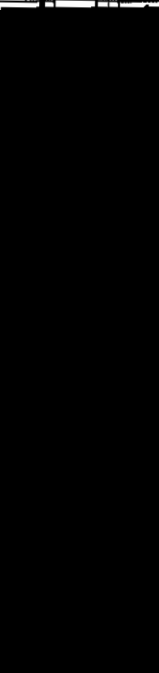
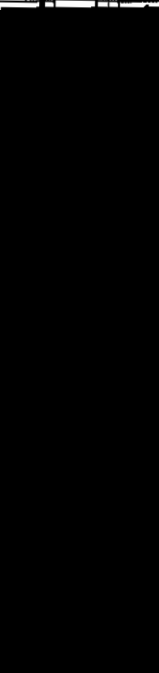
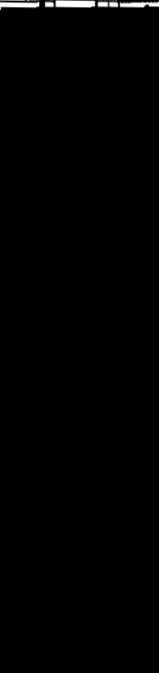
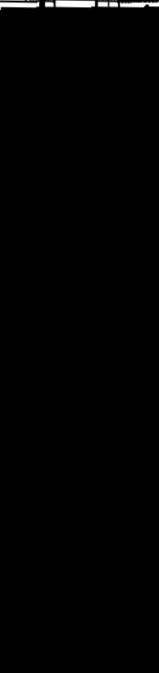
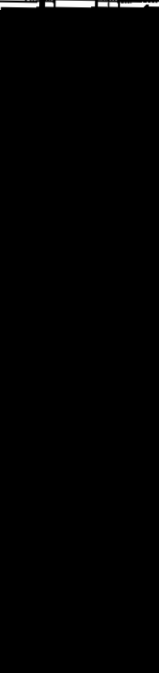
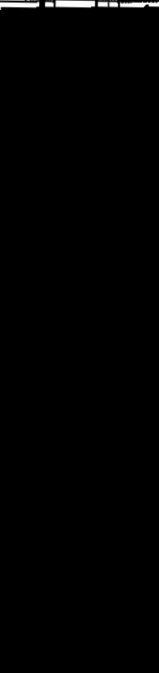
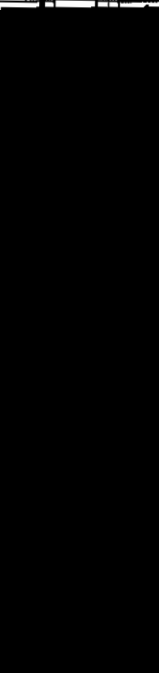
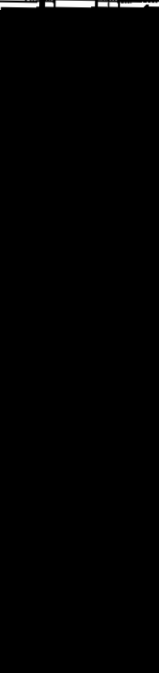
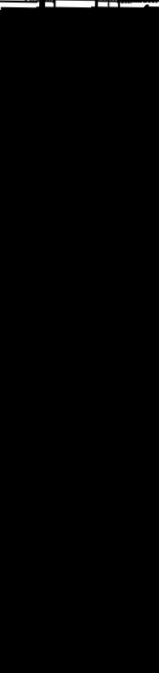
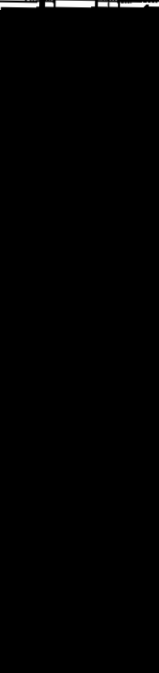
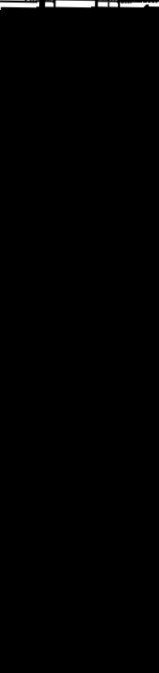
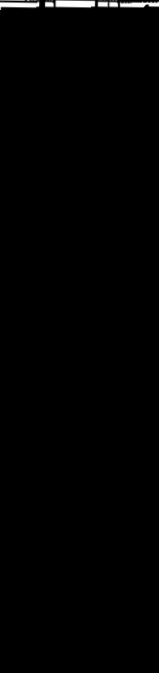
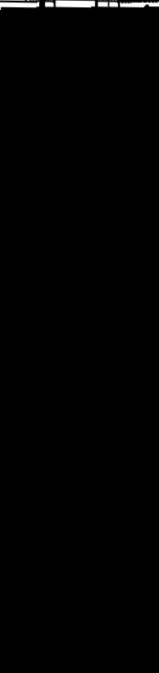
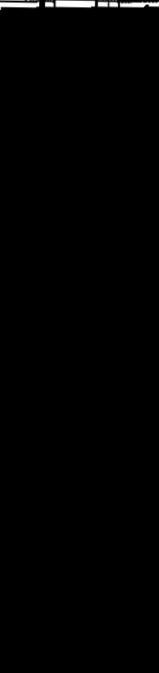
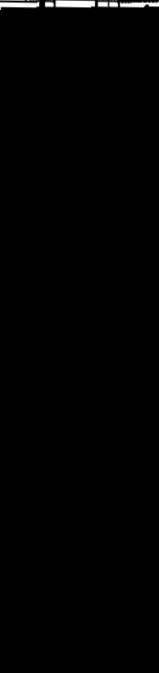
**Security Plan (Sec. 8(c)(17))**

The applicant must submit a security plan for the proposed medical marijuana facility that is consistent with the requirements of LARA Rule 35. LARA Rule 35 has 13 subparts, which imposes twelve requirements on the part of the applicant. The applicant must be able to attest that it has requisite systems in place and that it will be able to follow the procedures put in place by LARA.

Applicant Name Ceasars Garden

Application Number 

District Cesar Chavez

		Criteria						Reviewer Name
Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score		
<b>Financial Background</b>								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								
								

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) points if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.


PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

FINANCIAL BACKGROUND

Satisfactory  Somewhat Deficient  Very Deficient



Applicant Name Ceasars Garden

Application Number 

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Financial Reviewer  
Title: \_\_\_\_\_

**CONTENT AND SUFFICIENCY OF INFORMATION – Financial Background**

The second section of the application applies to the applicant's business and financial information.

**Proposed Business Plan** (Sec. 8(c)(6))

The applicant must submit a proposed business plan. A complete business plan should include a description of the following for the applicant:

- Business and Objectives;
- Location, Facilities and Equipment;
- Market and Competitive Analysis;
- Management and Organization;
- Products and Services;
- Marketing Plan and Sales Strategy;
- Funding; and
- Financial Projections.

The applicant may include cross references to other sections of the application to reference the applicant's (a) short and long term business objectives; (b) the proposed marketing, advertising and business promotion plan for the facility; (c) planned capital investment in the City of Pontiac; (d) expected job creation; (e) community education plans; and (f) charitable plans and strategies. These items may be considered as part of the applicant's business plan.

**Capital Investment** (Sec. 8(c)(10))

The applicant must describe the planned tangible capital investment in the City of Pontiac, including (i) detail related to the number and nature of proposed medical marijuana facilities (including if the applicant is applying for a stacked license or if the applicant plans to apply for future licenses) and (ii) whether the locations of such facilities will be owned or leased. In describing the planned capital investment in the City, the applicant should also describe its investment in the location (e.g., purchase price of the location or monthly/annual rent and proposed investment in improvements at the location).

**Financial Structure and Financing** (Sec. 8(c)(12))

The applicant must describe the financial structure and the financing of the proposed medical marijuana facility. Graphical images are acceptable, so long as the entities or individuals referenced on the graph have been identified in the application.

The financial structure should include the structure of the applicant's sources of financing, including owners' equity, short and long-term debt and liabilities, and accounts payable. The financial structure should show the applicant's debt-equity ratio and all debt or equity investors in the proposed medical marijuana facility. Failure to include a detailed explanation of how and by whom the facility will be financed may result in the application being delayed or rejected.

**Business Goals** (Sec. 8(c)(13))

The applicant must describe its short-term and long-term business goals and objectives for the proposed medical marijuana facility.

The applicant's business goals and objectives should be specific and measurable. Goals are statements of the applicant's desired achievements, while objectives are specific steps or actions the applicant can/will take to reach a particular goal. The applicant's goals and objectives should be separately identified, and the goals should support the applicant's proposed business plan. Goals can be in areas such as sales, profitability, product range, community outreach, efficiency and customer service/approval, with a range of objectives to meet such goals.

[continued on next page]

Applicant Name Ceasars Garden

Application Number 

District Cesar Chavez

**Marketing Plan** (Sec. 8(c)(9))

The applicant must submit a proposed marketing, advertising, and business promotion plan for the proposed medical marihuana facility. The proposed plan should describe all the means and methods of promoting the proposed medical marihuana facility, including which marketing strategies the applicant will implement, such as:

- e-mail marketing;
- attending industry related events and conferences;
- become a member of business and industry associations (local, state and/or national);
- online advertising;
- direct communication with other licensed medical marihuana facilities;
- development of a website or social media accounts; and
- sponsorship or establishment of community programs.

The plan should acknowledge that all advertising, marketing, signs and materials will comply with state laws and any Pontiac City ordinances.

**Inventory and Recordkeeping Plan** (Sec. 8(c)(22))

The applicant must submit a proposed inventory and recordkeeping plan consistent with the requirements of LARA. The plan should identify the following:

- How the applicant will keep records;
- What specific information will be reported on the METRIC system (e.g., the applicant should report lot and batch information throughout the entire chain of custody);
- How the applicant will identify inventory discrepancies;
- How the applicant will tag, batch, label and log information into the METRIC system; and
- How marihuana will be stored at the facility.

**Minimum Capitalization Requirement** (Sec. 8(c)(24))

The applicant must verify that it has met the minimum capitalization consistent with the requirements of LARA Rule 12. To satisfy this requirement, the applicant must submit Certified Public Accountant (CPA) attested financial statements consistent with the requirements of LARA Rule 12 validating the capitalization amounts and sources.

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>Economic Benefits</b>							
			10	10			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) points if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Economic Benefits (Sec. 8(c)(11))**

The applicant must provide an explanation of the economic benefits to the City of Pontiac and the job creation to be achieved by the proposed medical marihuana facility, including: (i) the number and types of jobs the medical marihuana facility is expected to create; (ii) the amount and type of compensation expected to be paid for such jobs; and (iii) the projected annual budget and revenue of the medical marihuana facility.

**ECONOMIC BENEFITS**


Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor    Signature: Sherman J. Taylor    Title: Financial Reviewer

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

			Criteria				Reviewer Name
	Yes	No	Satisfactory (S) or Very Deficient (VD) (if deficient explain in comments)	Points	Max. Possible Points	Total Score	
<b>Community Development</b>							
Commitment to providing community benefits and quality of pledged community benefits				4	4	10	10
<ul style="list-style-type: none"> <li>A description of the proposed community outreach and education strategies.</li> </ul>							
Duration of pledged community benefits			3	3			
<ul style="list-style-type: none"> <li>A description of the amount of time or financial commitment to each program.</li> <li>A description of the length (days, weeks, months) of each commitment and cumulative duration.</li> </ul>							
Community support for pledged community benefits			3	3			
<ul style="list-style-type: none"> <li>Community outreach meetings that occur at a variety of places (community centers, churches, etc.).</li> <li>A description of the planned frequency of community outreach meetings.</li> <li>A description of the applicant's plans for responding to community concerns.</li> <li>A description of the applicant's efforts to connect with community leaders.</li> <li>A description of the involvement of key stakeholders in community development programs.</li> </ul>							

- In the sub-category with a maximum of four (4) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Four (4) points if their submission is **Satisfactory**.
- In each sub-category with a maximum of three (3) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Three (3) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular sub-category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular sub-category if it satisfies the criteria set out for that category, as applicable.

**PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.**

**COMMUNITY DEVELOPMENT**

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez



All Documents Returned to Office of City Clerk

Reviewer Name: Garland Doyle

Signature: 

Title: Interim City Clerk

**CONTENT AND SUFFICIENCY OF INFORMATION – Community Development**

**Community Outreach and Education** (Sec. 8(c)(15))


The applicant must describe its proposed community outreach and education strategies. This should include specific steps that the applicant intends to take with regard to community outreach and education.

Community outreach and education initiatives can include, but are not limited to, the following:

- reaching out to local homeowner associations, neighborhood associations, community groups, businesses and/or property owners within a reasonable proximity of the proposed facility to request a meeting with representatives and provide information about the facility; applicants who contact homeowner's associations, neighborhood associations, community groups, businesses and/or property owners should include the name of the association/business/owner and contact person if meetings have been scheduled;
- description of the applicant's plan for responding to community concerns; and
- partnering with neighborhood associations and/or community groups or sponsoring events for neighborhood associations and/or community groups (if this is part of your efforts, please describe in detail which organizations you intend to partner with or have committed partnerships or sponsorships and how that will further your community outreach).

***If an applicant does not pledge community benefits, the applicant will receive a zero (0) score for this section.***

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>Facility (Planning and Sanitation)</b>							
<b>Planning Section</b>							
			1	8			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Four (4) points if their submission is **Somewhat Deficient**, or (c) Eight (8) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

PLANNING SECTION

Satisfactory  Somewhat Deficient  Very Deficient




11-16-20 / REV 1-19-21 / REV 1-31-21  
 All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson Signature:  Title: Planning Manager

Reviewer Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_



Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Planning (Facility)**

**Floor Plan (Sec. 8(c)(18))**

The applicant must submit a floor plan of the proposed medical marijuana facility consistent with the requirements of the City of Pontiac Zoning Ordinance, Section 6.208.

**Scale Diagram (Sec. 8(c)(19))**

The applicant must submit a scale diagram illustrating the property upon which the proposed medical marijuana facility is to be operated, including all available parking spaces and specifying which parking spaces are handicapped-accessible.

Such scale diagram must be in the form of a property survey prepared by a licensed professional surveyor.

**Signage (Sec. 8(c)(20))**

The applicant must submit a depiction of any proposed text or graphic materials that will be shown on the exterior of the proposed medical marijuana facility.

**Location Map (Sec. 8(c)(27))**

The applicant must submit a location map that identifies the relative locations of, and distances from, the nearest school, childcare center, public park containing playground equipment, or religious institution. Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac's Medical Marijuana Zoning Ordinance #2363, the measurement must be taken along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center or religious institution, or, for a public park, from the playground equipment nearest the contemplated location, and from the primary point of ingress to the contemplated location.

Such location map must be in the form of a survey map prepared by a licensed professional surveyor.

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

		Criteria							
		Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>Facility (Planning and Sanitation)</b>									
<b>Sanitation Section</b>									
	Facility sanitation plan				0	2			
	Plan for ensuring proper treatment and security of waste								
	Contracts with service providers for waste disposal and treatment								

- In this sub-category, applicants will receive: (a) zero (0) no point if their submission is **Very Deficient**, (b) One (1) point if their submission is **Somewhat Deficient**, or (c) Two (2) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

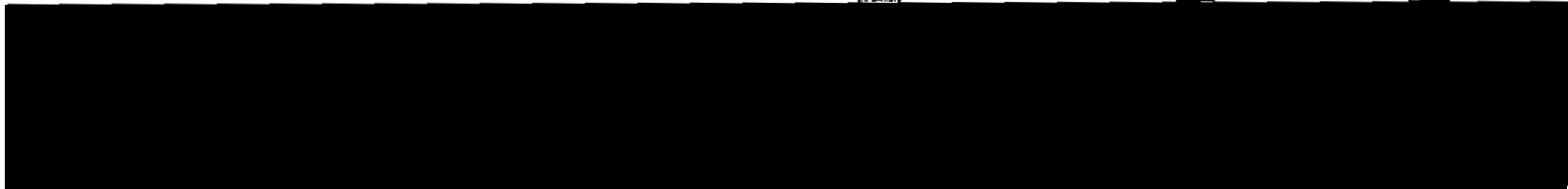
PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

SANITATION SECTION

Satisfactory

Deficient

Very Deficient



All Documents Returned to Office of City Clerk

Reviewer Name: Dan Ringo

Signature: 

Title: Director

**CONTENT AND SUFFICIENCY OF INFORMATION – Facility (Planning and Public Works)**

**Facility Sanitation Plan (Sec. 8(c)(21))**

The applicant must submit a facility sanitation plan that describes how waste will be stored and disposed and how marijuana will be rendered unusable upon disposal at the proposed medical marijuana facility. Such facility sanitation plan must comply with all laws, including any guidelines published by LARA.

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
				5			
			2.5	2.5			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Five (5) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

**PATIENT EDUCATION**

Satisfactory  Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor Signature: Sherman J. Taylor Title: Financial Reviewer

**CONTENT AND SUFFICIENCY OF INFORMATION – Patient Education**

**Staff Training and Education** (Sec. 8(c)(5))

The applicant must describe the training and education that the applicant will provide to all of its employees.

Training and education should include courses about the regulations of marijuana and employee manuals and other materials that include, but are not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marijuana product information, dosage and daily limits. Employee training and education is not and should not be limited to marijuana related matters. Applicants are encouraged to describe other training and educational opportunities they may offer their employees.

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
				5			
			2.5	2.5			

- In this sub-category, applicants can receive: (a) Half (0.5) point if their submission is **Very Deficient**, or (b) Two and a half (2.5) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

PATIENT EDUCATION

Satisfactory  Very Deficient




All Documents Returned to Office of City Clerk

Reviewer Name: Garland Doyle

Signature: [Handwritten Signature]

Title: Interim City Clerk

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Patient Education**

**Patient Education Plan** (Sec. 8(c)(28))

The applicant must describe the educational materials and information that will be provided to or available to patients at the facility.

Information should be provided verbally and in writing and include information regarding the risks and benefits of medical marijuana usage, scientific publications or brochures from medical organizations regarding the health risks and recommended dosages, and materials regarding the risks of impairment and addiction.

**Drug and Alcohol Awareness Programs** (Sec. 8(c)(29))

The applicant must describe its plan for providing and/or making available to the public drug and alcohol awareness programs.

Applicant should describe the frequency with which it intends to host drug or alcohol awareness programs, including identification of the individuals who will provide information regarding potential risks and addictions, if it intends to host such programs on-site; identify the channels through which it intends to disseminate awareness information; or describe its plan for engaging in partnerships with community organizations to provide referrals to drug and alcohol awareness programs.

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

LAND USE	Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>A. Resident Safety</b>							20	
Detriment to resident safety				10	10			
System for communicating potential safety threats to neighborhood residents								
Plan for securing facility including surveillance								
Agreements with law enforcement or private security company to ensure area safety								

- In these sub-categories, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) points if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

LAND USE

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Brian R. Stair

Signature: [Signature]

Title: Security Consultant

Applicant Name Caesars Garden

Application Number




District Cesar Chavez

LAND USE

Detriment to Resident Safety (Sec. 9(f)(2))

The applicant must explain whether the proposed facility is anticipated to have any detrimental effects on resident safety and, if so, the applicant's plan for mitigating those safety risks, including any systems for communicating threats to neighborhood residents and plans for securing the facility area, such as surveillance cameras, private security contracts, or agreements with local law enforcement for additional security patrols.

Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

	Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>LAND USE</b>							20	
<del>B: Neighborhood Land Use</del>								
Consistency with neighborhood land use								
Efforts to ensure character of neighborhood maintained								
Plan to ensure product and materials are kept away from minors				1	10			
Partnerships with community organizations to mitigate negative effects								
Partnerships with area businesses to mitigate issues								
Effect on traffic patterns								

- In these sub-categories, applicants can receive: (a) One (1) point if their submission is *Very Deficient*, (b) Five (5) points if their submission is *Somewhat Deficient*, or (c) Ten (10) points if their submission is *Satisfactory*.
- A submission will be deemed *Very Deficient* in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed *Somewhat Deficient* in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed *Satisfactory* in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

LAND USE

Satisfactory     Somewhat Deficient     Very Deficient



All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature: 

Title: Planning Manager

11-16-10 / 1-19-11 / 1-21-11



Applicant Name Caesars Garden

Application Number



District Cesar Chavez

LAND USE

Consistency with Land Use and Effect on Traffic Patterns (Sec. 9(f)(2))

The applicant must explain whether the proposed facility is consistent with the character and existing land use in the surrounding neighborhood, including any anticipated impact on neighborhood traffic flow and the applicant's plan to minimize disruptions to neighborhood residents' quality of life and to ensure that residents have continued ease of access to the area. The applicant should specifically describe the availability of parking near the facility and any partnerships with community organizations and/or law enforcement to minimize congestion and potential traffic and neighborhood hazards.

Below are the applicable standards that should be used to evaluate the facility plan and land use submissions:

- All Medical Marijuana Facilities must meet the following applicable Building Codes: (i) Michigan Building Code 2015; (ii) Michigan Mechanical 2015; (iii) Michigan Plumbing Code 2015; and (iv) National Electrical Code 2017
- Applicants shall be required to obtain permits for build out of medical marijuana facilities – such permits may include: (i) Building; (ii) Electrical; (iii) Mechanical; (iv) Plumbing; (v) Fire Alarm (Security System); and (vi) Fire Suppression
- Applicable Medical Marijuana Facilities must meet applicable requirements of the International Fire Code 2015 edition and National Fire Protection Association (NFPA) standards (including NFPA 1 2018)
- Applicants are subject to Property Maintenance Code 2015, Section 107.5
- Review of Medical Marijuana Applications by the City of Pontiac Planning Division; without limitation, review of permits is subject to the following provisions of the Pontiac Zoning Ordinance:
  - Uses Permitted by District: Article 2, Chapter 2
  - Dimensional and Development Standards for Zoning District: Article 2, Chapter 3
  - Frontage Design Standards: Article 2, Chapter 4
  - Dimension & Development Standards for Specific Uses: Article 2, Chapter 5
  - Special Purpose Zoning Districts: Article 3, Chapter 11
  - General Provision: Article 4
    - Accessory Structures and Fences: Chapter 1
    - General Standards: Chapter 2
    - Parking: Chapter 3
    - Landscaping & Buffering: Chapter 4
    - Exterior Lighting: Chapter 5
    - Performance Standards: Chapter 7
  - Signs: Article 5
  - Site Plan Review: Article 6, Chapter 3
  - Special Exception Permit Review: Article 6, Chapter 3
  - Variances & Appeals: Article 6, Chapter 4
  - Permits, Fees, Violations and Penalties: Article 6, Chapter 7
  - Zoning Text & Map Amendments: Article 6, Chapter 8
  - Public Hearing Procedures: Article 6, Chapter 9
  - Definitions: Article 7, Chapter 1, 2 & 3

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>COMMUNITY IMPACT</b>							
	Planned community outreach initiatives				10	10	
	Meetings with community leaders and stakeholders						
	Availability of facility managers to address community concerns						
	Promptness in responding to community concerns						
	Physical improvements to building						
	Capital investment in building and time for completion						
	Impact on traffic						
	Plan for ensuring uninterrupted street access						
	Effect on noise level						
	Efforts to control facility area and eliminate loitering						
	Mitigation of odor effects						
	Technology in place to mitigate odors						

In this category, applicants can receive:

- One (1) point if their submission is *Very Deficient*,
- Five (5) points if their submission is *Somewhat Deficient*, or
- Ten (10) points if their submission is *Satisfactory*.

A submission will be deemed *Very Deficient* in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed *Somewhat Deficient* in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed *Satisfactory* in a particular category if it satisfies the criteria set out for that category, as applicable.

**Community Outreach and Minimization of Traffic, Noise, and Odors (Sec. 9(f)(3))**


The applicant must describe its efforts to address anticipated community concerns regarding increased noise, odors, and traffic as a result of the facility, including specific strategies to make managers available to address concerns and any technologies that the applicant intends to utilize to mitigate noise and odors.

**COMMUNITY IMPACT**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

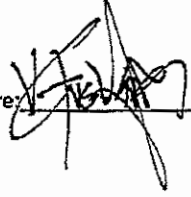
Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature: 

Title: Planning Manager

11-16-20 / Re 1-19-21 / Re 1-31-21

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Reviewer Name
<b>MANAGERIAL RESOURCES</b>						10	
	Description of each primary stakeholder's relevant business experience	[REDACTED]	[REDACTED]	[REDACTED]			
	History of operating similar medical marihuana facilities	[REDACTED]	[REDACTED]	[REDACTED]			
	Whether applicant currently operates other medical marihuana facilities	[REDACTED]	[REDACTED]	[REDACTED]			
	Whether facility managers are stakeholders of applicant	[REDACTED]	[REDACTED]	[REDACTED]	10	10	
	Whether facility manager has operated other medical marihuana facilities	[REDACTED]	[REDACTED]	[REDACTED]			
	Proof of regulatory compliance	[REDACTED]	[REDACTED]	[REDACTED]			
	Criminal background history by applicant and stakeholders	[REDACTED]	[REDACTED]	[REDACTED]			

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**If an applicant and all of its stakeholders have received prequalification approval from the department or board, the applicant shall receive the maximum number of scoring points under this category.**

**Record of Detrimental Acts** (Sec. 9(f)(4))

The applicant must disclose and describe whether it or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare. This should not be limited to criminal charges or convictions. For each such act, the applicant should disclose the date of the act, the factual background, the resolution of the incident, and any discipline imposed.

**MANAGERIAL RESOURCES**


Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Applicant Name Ceasars Garden

Application Number 

District Cesar Chavez

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Reviewer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Reviewer Name
<b>FINANCIAL RESOURCES</b>							
	Sufficient financial resources to fund business plan	[REDACTED]	[REDACTED]	[REDACTED]	10	10	
	Description of allocation of financial resources to each phase of business plan	[REDACTED]	[REDACTED]	[REDACTED]			
	Anticipated reinvestment of profits into business	[REDACTED]	[REDACTED]	[REDACTED]			
	Copies of financial statements and tax returns of applicant and primary stakeholders for last three years	[REDACTED]	[REDACTED]	[REDACTED]			
	Business experience to execute business plan	[REDACTED]	[REDACTED]	[REDACTED]			
	Managerial history of key stakeholders and managers including copies of resumes	[REDACTED]	[REDACTED]	[REDACTED]			
	CPA attestation of net worth or bank statements	[REDACTED]	[REDACTED]	[REDACTED]			
	Pre-qualification with State of Michigan (maximum points awarded)	[REDACTED]	[REDACTED]	[REDACTED]			

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

If an applicant and all of its stakeholders have received prequalification approval from the department or board, the applicant shall receive the maximum number of scoring points under this category.

**Financial Resources** (Sec. 9(f)(5))

The applicant must submit documentation sufficient to reasonably and tangibly demonstrate that it possesses sufficient financial resources to fund, and the requisite business experience to execute, the submitted business plan and other plans required by this application. Suggested documentation includes verified financial statements, bank statements, resumes or other employment records, and tax returns.

**FINANCIAL RESOURCES**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Applicant Name Ceasars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>JOB CREATION</b>							
	Anticipated job creation			[REDACTED]			
	Number of full-time and part-time positions expected to be created			[REDACTED]			
	Nature of each position			[REDACTED]			
	Hourly wages or salaries for each position			[REDACTED]			
	Qualifications required for each position (high school, college, certifications, etc.)			[REDACTED]	10	10	
	Healthcare and benefits to be provided			[REDACTED]			
	Plan and strategy to attract employees from City of Pontiac			[REDACTED]			
	Plans and initiatives for recruiting prospective employees			[REDACTED]			
	Marketing of jobs and recruiting efforts via a variety of media, including in-person meetings within community			[REDACTED]			

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Anticipated Job Creation** (Sec. 9(f)(6))

The applicant must identify the job creation to be achieved by the proposed medical marihuana facility, including: (i) the number of full-time and part-time positions the medical marihuana facility is expected to create; (ii) the hourly wages or salaries to be paid for such jobs; (iii) any plans and strategies to attract and hire employees from the City of Pontiac; and (iv) whether the applicant plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave.

JOB CREATION

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: Sherman J. Taylor

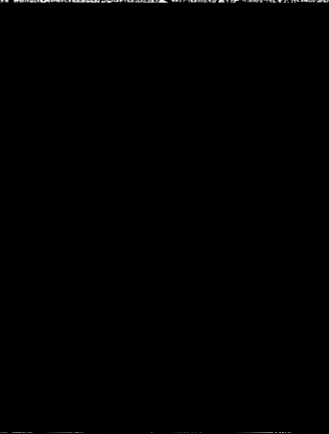
Title: Financial Reviewer



Applicant Name Caesars Garden

Application Number 

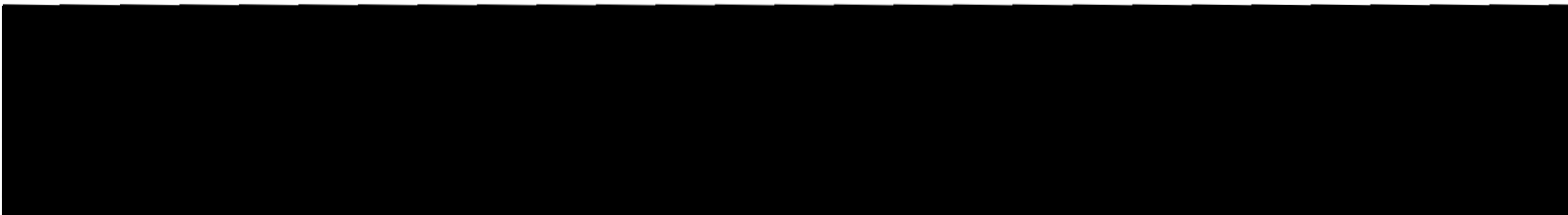
District Cesar Chavez

	Yes	No	Satisfactory (S) or Very Deficient (VD) (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Points	Reviewer Name
<b>PHILANTHROPIC AND COMMUNITY IMPROVEMENT</b>								
Commitment to providing community benefits and quality of pledged community benefits				4	4	10	10	
<ul style="list-style-type: none"> <li>A description of proposed charitable plans, whether through financial donations or volunteer work.</li> <li>A description of the community improvement programs aimed at the City of Pontiac.</li> </ul>								
Duration of pledged community benefits				3	3			
<ul style="list-style-type: none"> <li>A description of the amount of time or financial commitment to each program.</li> <li>A description of the length (days, weeks, months) of each commitment and cumulative duration.</li> </ul>								
Community support for pledged community benefits				3	3			
<ul style="list-style-type: none"> <li>A description of the applicant's plans for responding to community concerns.</li> <li>A description of the applicant's efforts to connect with community leaders.</li> <li>A description of the involvement of key stakeholders in community development programs.</li> </ul>								

- In the sub-category with a maximum of four (4) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Four (4) points if their submission is **Satisfactory**.
- In each sub-category with a maximum of three (3) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Three (3) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular sub-category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular sub-category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

PHILANTHROPIC AND COMMUNITY IMPROVEMENT



Applicant Name Caesars Garden

Application Number 

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Garland Doyle

Signature: 

Title: Interim City Clerk

**PHILANTHROPIC AND COMMUNITY IMPROVEMENT**

**Philanthropic & Community Improvement Programs (Sec. 9(f)(7))**

The applicant must describe its planned philanthropic or community improvement programs, including whether the applicant intends to contribute through financial donations or volunteer work; the time or financial commitment; the community organizations it plans to volunteer or work with and/or donate to; and the applicant's plan for communicating with the City of Pontiac to identify particular areas of need.

**Charitable Plans (Sec. 8(c)(16))**

The applicant must describe its proposed charitable plans, whether through financial donations or volunteer work. The applicant should list which charitable organizations it plans to volunteer or work with and/or donate to, and the details of such proposed relationship.

With regards to charitable plans, the City Clerk will consider those community benefits pledged to the City of Pontiac as part of the provisioning center application and award points based on the commitment, quality, duration, community support, and amount pledged of such pledged benefits.

*If an applicant does not pledge community benefits, the applicant will receive a zero (0) score for this section.*

Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Reviewer Name
<b>PHYSICAL IMPROVEMENTS</b>							
Proximity to other structures		[REDACTED]	[REDACTED]	[REDACTED]	10	10	
More than 1,000 feet from operational public or private school More than 500 feet from operational commercial childcare organization, public park with playground equipment, or religious institution							

In this category, applicants can receive:

- One (1) point if their submission is *Very Deficient*,
- Five (5) points if their submission is *Somewhat Deficient*, or
- Ten (10) points if their submission is *Satisfactory*.

A submission will be deemed *Very Deficient* in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed *Somewhat Deficient* in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed *Satisfactory* in a particular category if it satisfies the criteria set out for that category, as applicable.

**Proximity to Other Structures (Sec. 9(f)(8))**

Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac’s Medical Marijuana Zoning Ordinance #2363, the applicant must submit documentation showing the proximity of the proposed medical marijuana facility to other structures, including (a) whether the proposed medical marijuana facility is more than 1,000 feet from an operational public or private school, and (b) more than 500 feet from an operational commercial childcare organization (non-home occupation) that is licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency, a public park with playground equipment, or a religious institution that is defined as tax exempt by the city assessor.

Such distance between the school, childcare center, public park, or religious institution and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, or religious institution, or from the playground equipment in a public park, and from the primary point of ingress to the contemplated location.

**PHYSICAL IMPROVEMENTS**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_

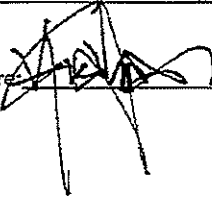
Applicant Name Caesars Garden

Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature: 

Title: Vern Gustafsson

11-16-20 / 11-19-21 / 11-21-21

# **City Attorney Recommendation**

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**ATTORNEY-CLIENT PRIVILEGED MEMORANDUM**

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**TO:** Pontiac Medical Marihuana Commissioners

**CC:** Garland Doyle, City Clerk

**FROM:** Anthony Chubb, Esq., City Attorney

**DATE:** April 4, 2022

**RE:** Medical Marihuana Commission Appeal – Pure Life Solutions II, LLC

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**PROCEDURAL POSTURE**

The Applicant in this matter submitted an appeal consistent with the timing and format requirements set forth in Pontiac City Ordinance 2357(B) (“Ordinance”).

**LEGAL STANDARD**

Pursuant to Ordinance Section 16, medical marihuana facility applicants that are aggrieved by the denial of a permit or adverse decision may appeal to a Hearing Officer appointed by the Clerk within 14 days of the decision from which they seek to appeal. Subsequently, the Hearing Officer will make a recommendation to the Clerk regarding the validity of the appeal that the Clerk may adopt or reject. Subsequent to that determination, if the applicant remains aggrieved, within 30 days they may appeal to the Medical Marihuana Commission (“Commission”). Pursuant to Ordinance Section 5, the Commission shall review appeals de novo, and “shall only overturn a decision or finding of the clerk if it finds such decision or finding to be arbitrary and capricious and not supported by material, substantial, and competent facts on the whole record considered by the Clerk in arriving at such decision or finding.”

De novo review means that the Commission is making its determination without being bound by the previous factual and legal determinations of the Hearing Officer. However, to the extent that the Clerk adopted the findings of the Hearing Officer, those findings then become part of the record

which the Clerk considered in arriving at his decision or finding, and should be considered as part of the factual analysis the Clerk used in making his determination.

Arbitrary and capricious is generally considered to be a willful and unreasonable action without consideration or in disregard of facts or law or without determining principle. *Black's Law, Sixth Edition*. The Michigan Court of Appeals has further held that “a ruling is arbitrary and capricious when it lacks an adequate determining principle, when it reflects an absence of consideration or adjustment with reference to principles, circumstances or significance, or when it is freakish or whimsical.” *Henderson v. Civil Service Commission*, 321 Mich.App. 25 (2017).

#### **FINDINGS AND RECOMMENDATION**

In this matter, the Applicant appeals the decisions and findings of the Clerk in the following categories:

1. Facility Planning
2. Facility Sanitation
3. Neighborhoods Land Use

I have reviewed the Clerk's decision letter, the Applicant's appeal to the commission, and the Hearing Officer Appeal packet including the Hearing Officer Recommendation as adopted by the Clerk.

For purposes of reviewing the Appeal against the arbitrary and capricious legal standard of review, I have utilized the factual determinations as set forth in the foregoing documents. It is important to understand that the Commission is not bound by those factual determinations and may independently adopt independent factual determinations based upon the record.

In this matter, all determinations made by the Clerk were reasonable and rationally related to the information provided in the application and the scoring as set forth within the Ordinance. For those reasons, I believe the Commission should deny this Appeal.

**#4**

# **RESOLUTION**



Resolution on Pure Life Solutions II LLC dba Caesars Garden appeal to the  
Medical Marihuana Commission

WHEREAS, in 2018, voters approved the City of Pontiac Medical Marihuana Facilities Ordinance (Ordinance 2357(B)); and,

WHEREAS, Ordinance 2357(B) gives the City Clerk the responsibility to score and rank applications for provisioning centers using a 130 point scoring system and awarding permits to the 20 highest scoring applicants; and,

WHEREAS, the City of Pontiac adopted Ordinance 2363, an ordinance to include Medical Marihuana Facility uses in designated Overlay Districts; and,

WHEREAS, Ordinance 2363 section 2.546 Medical Marihuana Provisioning Center section F Licensing states that no more than 5 Provisioning Centers shall be established in each of the Medical Marihuana Overlay Districts including Cesar Chavez, Walton Blvd, and C-2 Downtown Overlay Districts; and,

WHEREAS, Ordinance 2363 no more than 5 Provisioning Centers shall be established in the C-1, C-3 and C-4 zoned properties combined outside of the Medical Marihuana Overlay Districts; and,

WHEREAS, the City Clerk accepted Provisioning Center applications by Overlay Districts and the Non Overlay for a twenty-one day period January 6-27, 2020; and,

WHEREAS, the City Clerk ranked and scored Provisioning Centers by district using a 130 point scoring system; and,

WHEREAS, the City Clerk informed Caesars Garden that their application for a provisioning center in the Cesar Chavez Overlay District had received a score of 111 and ranking of 5 of 17 on May 21, 2021;

WHEREAS, Caesars Garden appealed the score and ranking to the City Clerk since its application had received an adverse decision. The ranking was changed from 4 to 5 as a result of another Cesar Chavez applicant's appeals to the Hearing Officer. The City Clerk appointed Grewal Law, PLLC to serve as the Hearing Officer. The Hearing Officer conducted your hearing on June 29, 2021. The Hearing Officer issued a recommendation to the City Clerk. The City Clerk adopted the Hearing Officer recommendation. Based on the Hearing Officer recommendation and other appeals in the Cesar Chavez Overlay District, your ranking was changed to 6. The City Clerk issued a decision to deny Caesars Garden application; and,

WHEREAS, Ordinance 2357(B) allows an applicant to further appeal to the Medical Marihuana Commission; and,

WHEREAS, Caesars Garden submitted their appeal to the Medical Marihuana Commission on August 6, 2021; and,

WHEREAS, the City Attorney issued a recommendation to the Medical Marihuana Commission to deny Caesars Garden appeal; and

WHEREAS, the Medical Marihuana Commission reviewed Caesars Garden appeal and the City Attorney's recommendation;

NOW THEREFORE BE IT RESOLVED, the Medical Marihuana Commission finds no basis to overturn the Clerk's decision to deny Pure Life Solutions II LLC dba Caesars Garden application for a provisioning center in the Cesar Chavez Overlay District.

**#5**

**The Dixie  
Depot  
Discussion**

# **Commission Appeal**

Application Name The Dixie Depot

Application Number [REDACTED]



**CITY OF PONTIAC MEDICAL MARIHUANA COMMISSION**

Following a denial of an application by the City Clerk after review by the Hearing Officer, an appellant who wishes to appeal the denial of its application may further appeal to the medical marihuana commission by filing a written statement fully setting forth the grounds for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marihuana commission shall only overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Please note the Medical Marihuana Commission is a public body. Any documents that you submit as a part of your appeal to Medical Marihuana Commission are public and subject to disclosure in accordance with the Freedom of Information Act (FOIA). The hearing officer recommendation and the Clerk's decision on your appeal will be submitted to the Medical Marihuana Commission and therefore will be subject to public disclosure.

Please use the appeal form below if you are submitting an appeal to the Medical Marihuana Commission. You can only appeal to the Medical Marihuana Commission after you have received a decision letter from the City Clerk about your hearing officer appeal.

**Medical Marihuana Facility Permit Application  
Medical Marihuana Commission Appeal Form**

Appellant Name (Applicant)		Address	
The Dixie Depot		1500 golfside court	
City	State	Zip Code	
Flushing	MI	48433	
Appellant's Representative or Contact Person for Purposes of Appeal			
Atty. Peter J Phillott			
Phone Number		Email Address	
810-234-1300		attypeterjphilpott@yahoo.com	

Appellant Representative or Contact Person  
Print Name LESH SHKRELI Signature *Lesh Shkrel* Date 6-21-2021

**RECEIVED**  
**JUN 21 2021**  
BY: JS

Application Name The Dixie Depot

Application Number [REDACTED]

**Written Statement of Appeal**

**\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number**

Application, Dixie Depot, Properly and timely submitted its application in accordance with the adopted and established ordinances and procedures initially set forth by the City of Pontiac. It has come to this applicants attention that the rules and procedures initially set forth by the as adoted were changed without proper notice to said appicant, resulting in fewer points being awarded

The attached addendum sets forth further support for this appeal, and applicant will supplement any furter infomation and documentation to further support for this appeal.

Respectfully submitted  
Attonrey Peter J Philpott

For Office of the City Clerk Use Only

Hearing Officer Appeal Hearing Date 4/26/2021  
Clerk Decision Letter Date 5/21/2021

**APPEAL ADDENDUM**

**APPLICANT: THE DIXIE DEPOT  
APPLICATION NUMBER: [REDACTED]  
DISTRICT: CESAR CHAVEZ  
DATE OF SUBMISSION: 3/16/2021  
FOR PARCEL NO. 14-18-351-017  
SUBMITTED BY: ATTORNEY PETER J. PHILPOTT P-58078  
503 S. SAGINAW STREET, STE. 1415  
FLINT, MI 48502  
810-234-1300**

The following provides the basis for the appeal:

**SECURITY: SCORE 0.5**

Pages 33-41 of the application details extensive security details for the new development in full compliance with the City of Pontiac's requirements. The report from the well-respected Conti security firm details with all specificity the security measures that will be taken upon the development of a new building.

Applicant has been in contact with the Oakland County Sheriff's department and the City of Pontiac Police Department to assure full compliance.

Applicant went to great measures to hire a professional security firm to provide this body a full and complete security plan.

Any and all measures to secure the facility and surrounding neighborhood has been fulling studied and complied with.

**PLANNING: SCORE 1**

The time line for completion was and is dependent on whether this applicant was awarded a license. Upon award construction would start immediately as pointed out in the application. The score of 1 in this area seems to be based on the larger plan map provided by applicant that fails to provide a stamp by a licensed surveyor. However, a close reading of the map and survey for the proposed construction is stamped by a licensed professional in the field. It appears this was overlooked in the decision process. A close review of the application will refute all deficiencies cited in this decision.

**SANITATION: SCORE 0**

As there are no improvements to the applicant's site to date, applicant had no need at this point to contract with a sanitation company. However, applicant owes several businesses throughout Michigan with multiple sanitation contactors. All plans for proposed sanitation have been properly submitted.

RESIDENT SAFETY: SCORE 1

Applicant provided a detail analysis of the area surrounding the proposed development in its application. A professional analysis of the area provided by a qualified professional demonstrates there are no issues that would impact any residential area or any religious or otherwise restricted facility in the proximity of this proposed site.

NEIGHBORHOOD LAND USE: SCORE 1

All land use issues were thoroughly address in the application. Applicant is proposing to build a brand-new building in an area that is relatively vacant and devoid of any businesses or residences. There were no comments made in the decision for further comment. The application properly addresses each and every issue wherein the decision in this section said "No".

COMMUNITY IMPACT: SCORE 1


Again, there were no comments made in the decision to properly address in this appeal. Applicant intends to build a new facility in an area that needs massive improvements, and this applicant, as stated in the application, was to provide local residents construction jobs and future employment in the facility.

PHYSICAL IMPROVEMENTS: SCORE 1

Again, the large map of said improvements and site plans does not have a certified stamp. However, the smaller version contained in the application clearly demonstrates the professional certification stamp.

This application shall be supplemented by any and all required documentation to support this appeal, if necessary.

Respectfully submitted



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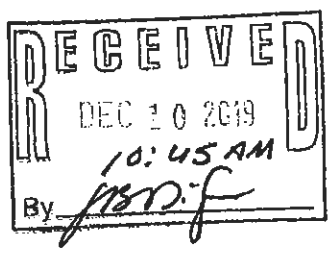
Peter J. Philpott P-58078  
Attorney for Applicant



Time Stamp: # 44



# CITY OF PONTIAC



**Executive Branch**  
47450 Woodward Ave.  
Pontiac, MI 48342

[www.pontiac.mi.us](http://www.pontiac.mi.us)  
(248) 758-3323

On 12-10-2019, the Office of the Interim City Clerk refused to accept our  
(date)  
Medical Marihuana application for a provisioning center. As such, as noted below,  
I am submitting the front page of this application to the Executive Office.

Submitted by:

Lesh Shkreli  
Applicant's Name

1500 Golfside Ct  
Address

Flushing MI 48433  
City, State, Zip

~~Marsh Shkreli~~ marsh.shkreli@p100.com  
Email Address

\* 810 471 2509

8104712563  
Phone

Lesh Shkreli  
Signature of Applicant and/or Official Representative

J B P. [signature]  
Application Received by

**Clerk's  
Decision  
Letter**



OFFICE OF THE CITY CLERK  
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone: (248) 758-3200  
Fax: (248) 758-3160

May 21, 2021

Peter J. Philpott, Esq.  
c/o The Dixie Depot  
1500 Golfside Court  
Flushing, MI 48433

Dear Mr. Philpott:

Re: Clerk's Decision on The Dixie Depot [REDACTED] Hearing Officer Appeal

On March 2, 2021, The Dixie Depot was informed that their application for a Cesar Chavez Overlay District Provisioning Center Permit received a score of 80 and was ranked 15 of 17 total applications.

After being informed that their application had been denied, you submitted an appeal on their behalf on March 16, 2021 within the fourteen (14) days required by Ordinance 2357(B).

On April 26, 2021, Grewal Law PLLC, the Medical Marihuana Hearing Officer for the City of Pontiac Office of the City Clerk conducted a hearing. John W. Fraser, Esq., Grewal Law PLLC served as the hearing officer for your appeal.

I have reviewed the hearing officer recommendation. The hearing officer recommendation was emailed to attpeterjphilpott@yahoo.com. Based on the hearing officer recommendation, I am affirming my decision to deny your application.

The following are the categories that the score was appealed.

Category	Applicant Score	Maximum Points	Hearing Officer Recommendation	Clerk's Final Decision
Security	0.5	1.5	0.5	0.5
Facility Planning	1	8	1	1
Facility Sanitation	0	2	0	0
Land Use – Resident Safety	1	10	1	1
Land Use – Neighborhood	1	10	1	1
Community Impact	1	10	1	1
Physical Improvement	1	10	1	1

According to Ordinance 2357(B) Section 16 you may further appeal to the for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marihuana commission shall only overturn a decision or finding of the City Clerk if it funds such decision or finding to be arbitrary or capricious and

not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Therefore, your appeal to the Medical Marihuana Commission can only focus on the categories listed above and you cannot submit any additional information in your appeal to the Medical Marihuana Commission as noted in Ordinance 2357(B) Section 16.

If you choose to appeal to the Medical Marihuana Commission, you must submit your appeal on the attached form to the Office of the City Clerk no later than 4:30p.m. on June 21, 2021. Please note the Medical Marihuana Commission is a public body any documents that you submit as a part of your appeal to Medical Marihuana Commission are public and subject to disclosure in accordance with the Freedom of Information Act (FOIA). The hearing officer recommendation and the Clerk's decision on your appeal will be submitted to the Medical Marihuana Commission and therefore will subject to public disclosure.

If you have any questions, please contact Jonathan Starks, Special Assistant to the Clerk at (248) 758-3005.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland S. Doyle", with a long, sweeping flourish extending to the right.

Garland S. Doyle, M.P.A., CNP  
Interim City Clerk

Cc: Lesh Shkreli



**Hearing  
Officer  
Recommendation**

**CITY OF PONTIAC**  
**OFFICE OF THE CITY CLERK**  
**MEDICAL MARIHUANA FACILITY PERMIT APPLICATION APPEAL**

---

**The Dixie Depot**  
**Appellant**

**Proposed Location:**  
**Parcel Number: 14-18-351-017**

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**HEARING OFFICER RECOMMENDATION**

This recommendation is remitted to the Clerk of the City of Pontiac by Hearing Officer John W. Fraser, who, having reviewed the application and the applicant's written statement of appeal, having heard oral argument on the appeal and being otherwise informed on the matter recommends that the City Clerk affirm the denial of The Dixie Depot's application for a Medical Marihuana Facility for the reasons stated herein.

**STATEMENT OF THE MATTER**

The Dixie Depot ("Appellant") applied to the City of Pontiac for license to open a medical marihuana facility under the City of Pontiac Ordinance No. 2357(B). Appellant received a score of 80 out of a total possible score of 130, which placed it outside of the top 5 scoring applications, resulting in the denial of its application. Appellant subsequently filed this timely appeal.

**Appellant's Position**

Appellant seeks appellate review pursuant to the City of Pontiac Ordinance No. 2357(B) (hereinafter "the Ordinance"). It argues that the original examiner did not score correctly or overlooked presented materials with respect to the following categories: (1) Security, (2) Facility Planning, (3) Sanitation, (4) Resident Safety, (5) Neighborhood Land Use, (6) Community Impact, and (7) Physical Improvements.

## STANDARD OF REVIEW

The City of Pontiac’s decision will be reviewed under the arbitrary and capricious standard. “A ruling is arbitrary and capricious when it lacks an adequate determining principle, when it reflects an absence of consideration or adjustment with reference to principles, circumstances, or significance, or when it is freakish or whimsical.”<sup>1</sup> As the Michigan Court of Appeals has made clear:

The generally accepted meaning of “arbitrary” is “determined by whim or caprice,” or “arrived at through an exercise of will or caprice, without consideration or adjustment with reference to principles, circumstances, or significance, ... decisive but unreasoned.” The generally accepted meaning of “capricious” is “apt to change suddenly; freakish; whimsical; humorsome.”<sup>2</sup>

## APPLICABLE LAW & REASONING

Appellant claims the City of Pontiac erroneously denied its application for a Medical Marijuana Facility.

The City of Pontiac enacted its Medical Marijuana Facilities Ordinance to provide for standards and procedures to permit, regulate, and impose conditions upon medical marijuana facilities.<sup>3</sup> The ordinance states that no more than twenty (20) licenses may be issued for provisioning centers, and these 20 licenses are to be divided with not more than 5 licenses to be issued in each of the 4 applicable zoning overlay districts.<sup>4</sup> As such, each respective application has to be evaluated, scored, and ranked according to the criteria set forth in the ordinance. The ordinance specifically states what needs to be included in each application and how each application will be scored. Only the top 5 scoring applications in each of the applicable zoning

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<sup>1</sup> *Wescott v. Civ Serv Comm'n*, 298 Mich App 158, 162, 825 NW2d 674, 677 (2012).

<sup>2</sup> *In re Keast*, 278 Mich App 415, 424–25, 750 NW2d 643, 648 (2008).

<sup>3</sup> City of Pontiac Ordinance No. #2357(B), available at: <http://www.pontiac.mi.us/Ordinance%202357B%20Medical%20Marihuana%20Facilities%20Ord.pdf>.

<sup>4</sup> *Id.*; Sections 3.1108 and 3.1109 of Ordinance #2363.



overlay districts shall be awarded licenses.

The City of Pontiac provided detailed instructions on its website<sup>5</sup> and the criteria for scoring each applicant was made available on the City Clerk's website.<sup>6</sup> The instructions state that:

If an attachment to the application is required, clearly identify the ordinance section applicable to such attachment at the top of the attachment. For example, in the financial background section, the applicant must submit verification that it has a minimum capitalization consistent with the requirements of LARA Rule 12. This requirement is met by submitting CPA attested financial statements. On the top of the CPA attested financial statements, the applicant shall type "Sec. 8(c)(24)", because such CPA attested financial statements are applicable to Section 8(c)(24) of the Ordinance.

Each applicant is given the right to appeal the denial of its application. The application instructions provide that:

Any applicant aggrieved by the denial of a permit may appeal to the Pontiac City Clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Pontiac City Clerk. Such appeal shall be taken by filing with the Pontiac City Clerk, within fourteen (14) days after notice of the action complained of has been mailed to the applicant's last known address on the records of the Pontiac City Clerk, a written statement setting forth fully the grounds for the appeal. The Pontiac City Clerk shall review the report and recommendation of the hearing officer and make a decision on the matter. The Pontiac City Clerk's decision may be further appealed to the medical marijuana commission if applied for in writing to the medical marijuana commission no later than thirty (30) days after the Pontiac City Clerk's decision.

Appellant has challenged the Clerk's scoring for the following categories: (1) Security, (2) Facility Planning, (3) Sanitation, (4) Resident Safety, (5) Neighborhood Land Use, (6) Community Impact, and (7) Physical Improvements. Each of these arguments is addressed in turn.

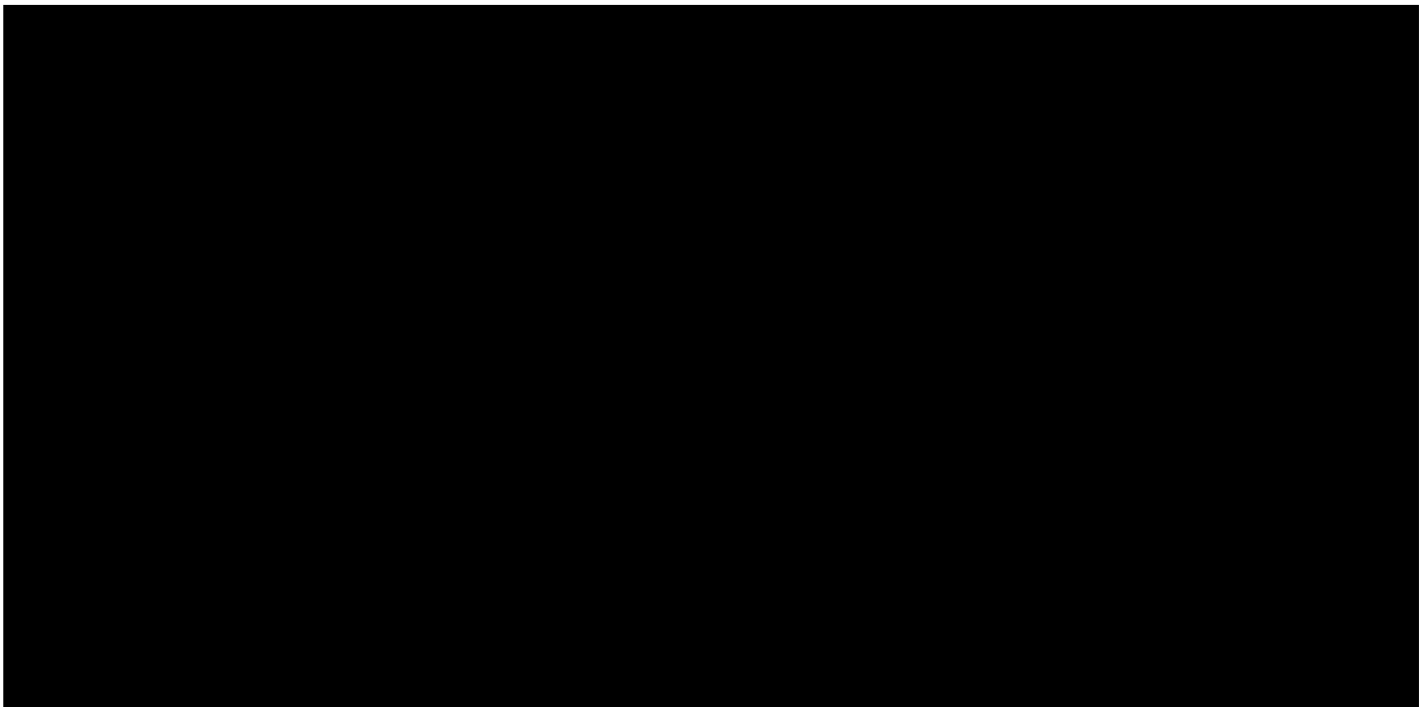
At the outset, the Hearing Officer notes that the entirety of Appellant's written statement of appeal does not contain any arguments about how the Appellant's submitted application actually met the requirements of the Ordinance. It is well-established under Michigan law that "It is not

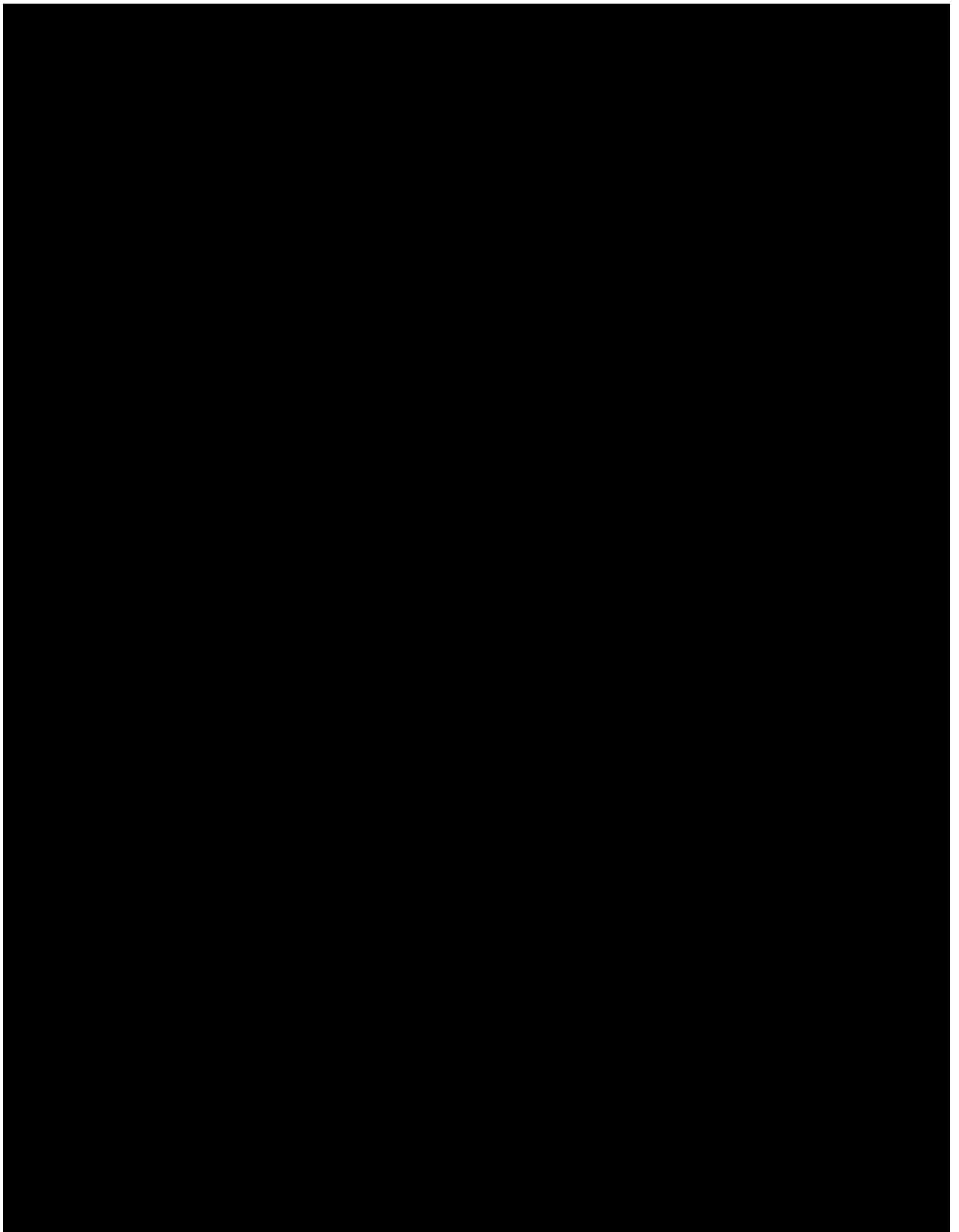
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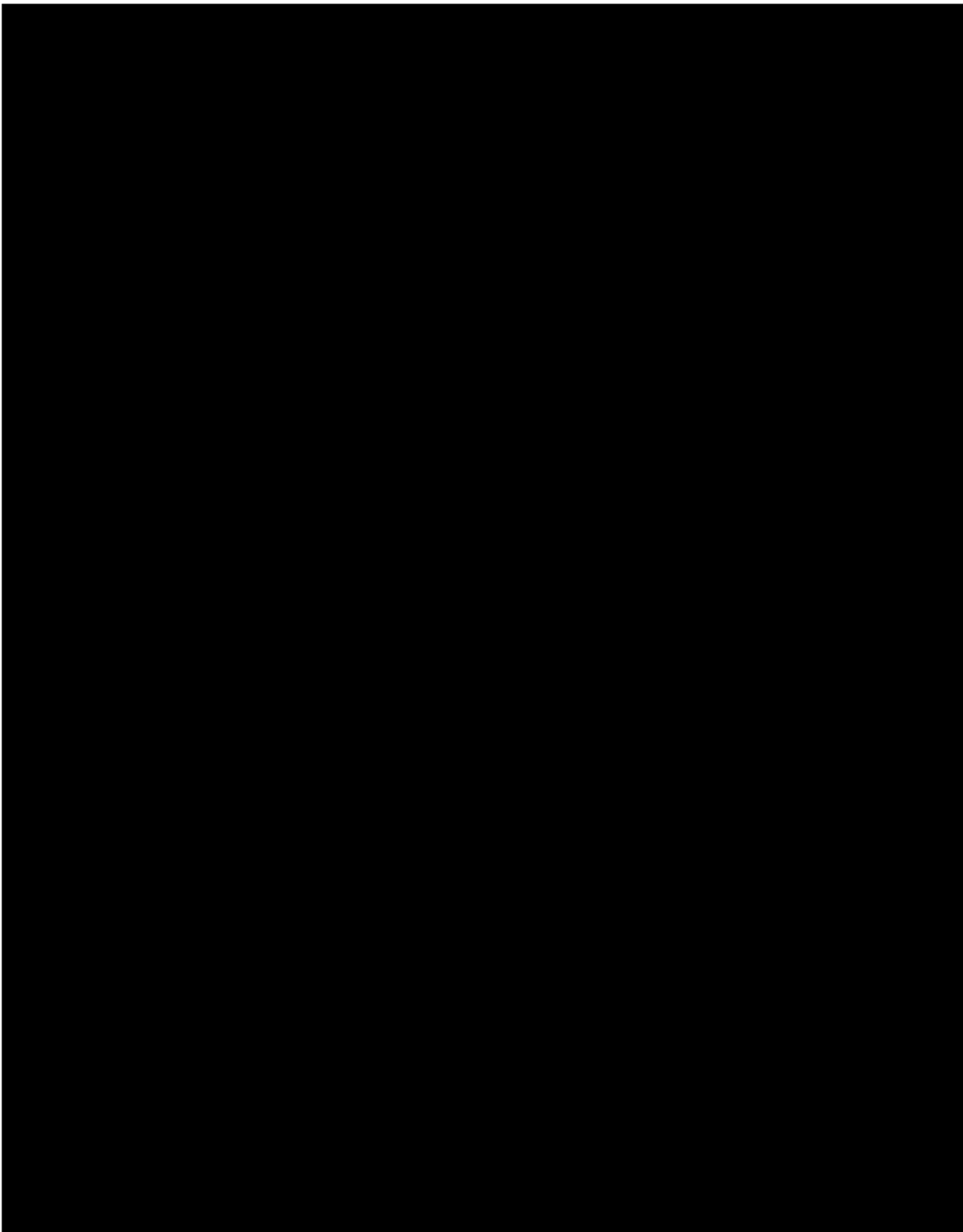
<sup>5</sup> [http://www.pontiac.mi.us/departments/clerk/medical\\_marihuana.php](http://www.pontiac.mi.us/departments/clerk/medical_marihuana.php).

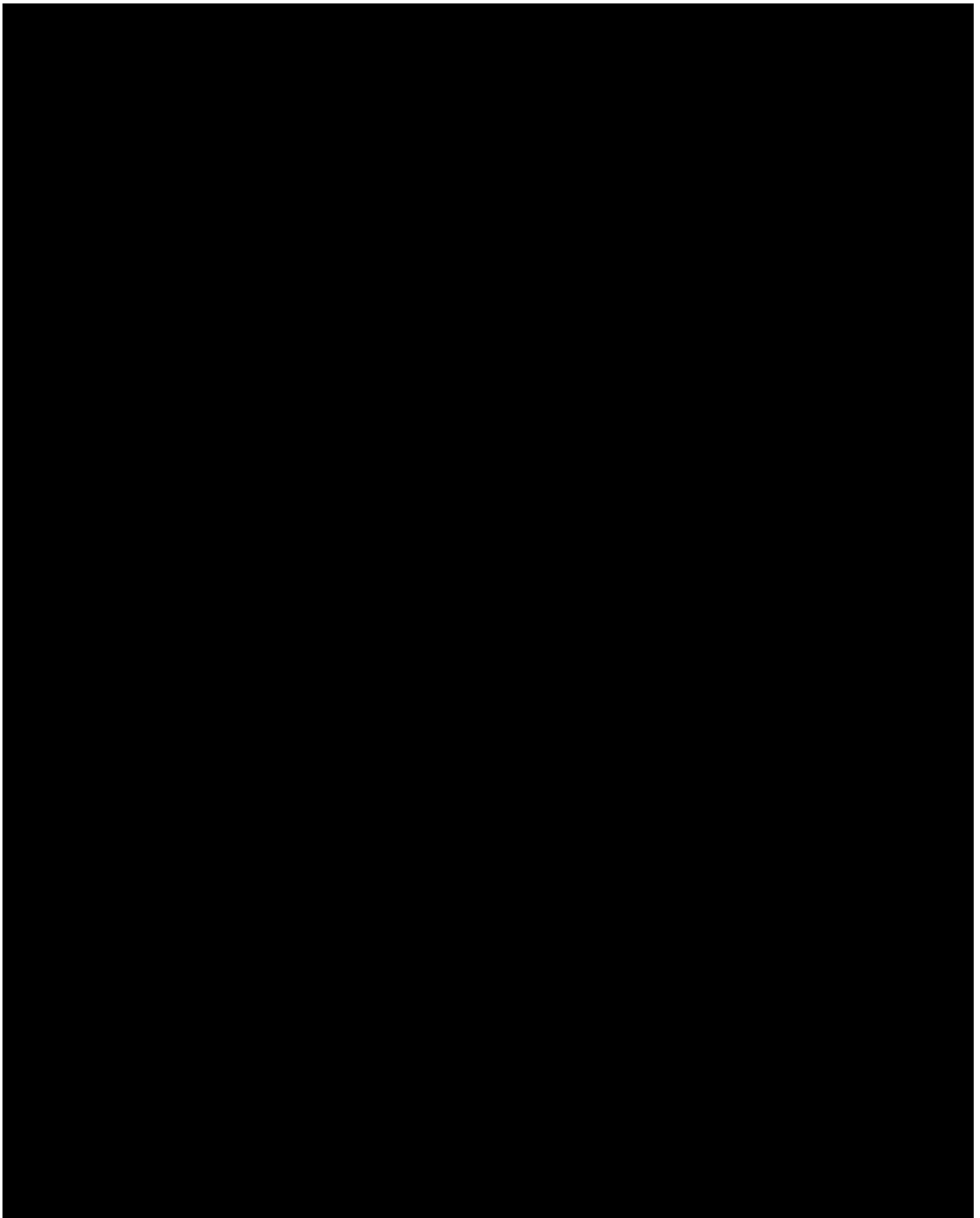
<sup>6</sup> <https://pontiaccityclerk.com/medical-marihuana>.

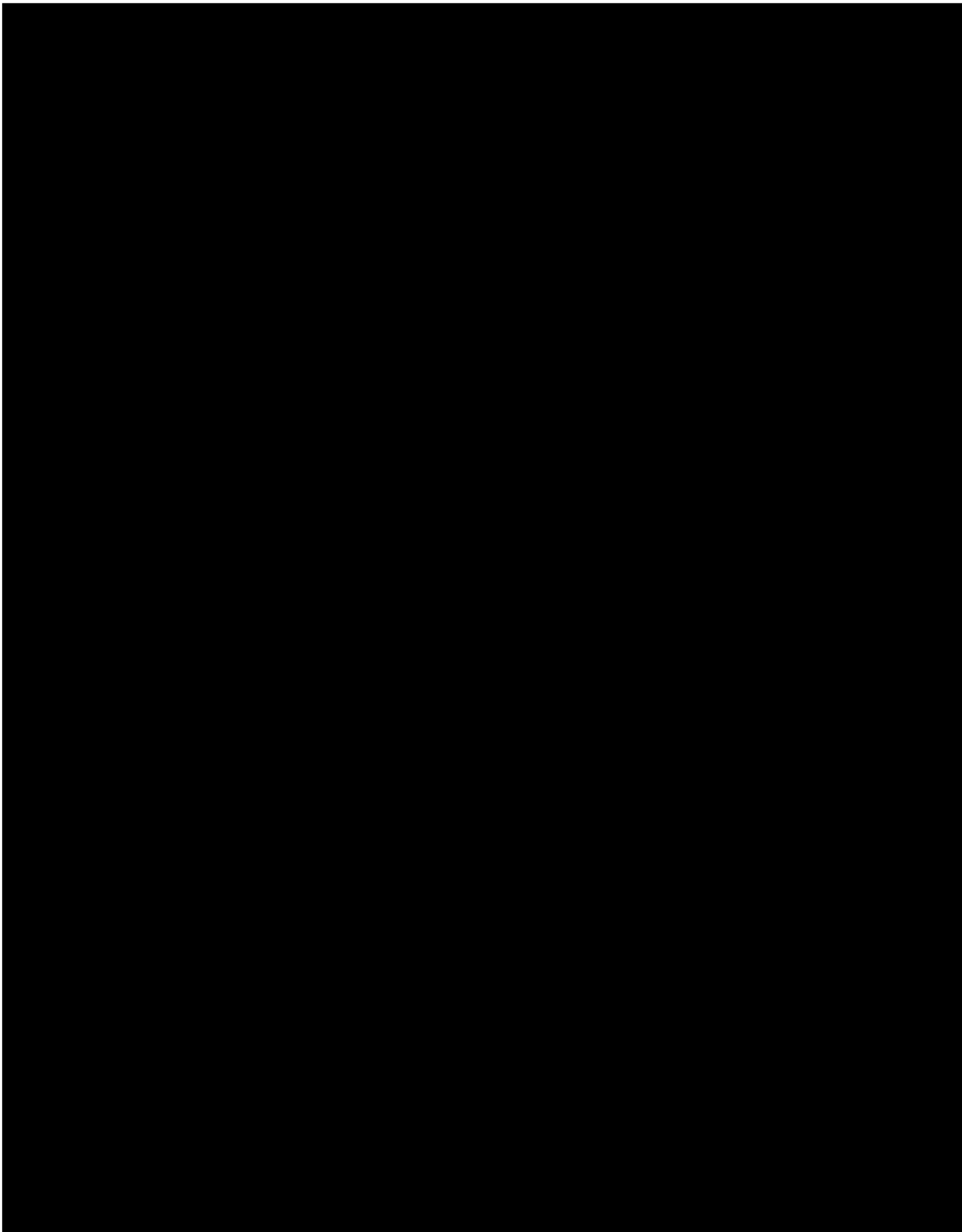
enough for an appellant in his brief to simply announce a position or assert an error and then leave it up to [the appellate body] to discover and rationalize the basis for his claims, or unravel and elaborate for him his arguments, and then search for authority either to sustain or reject his position. The appellant himself must first adequately prime the pump; only then does the appellate well begin to flow.”<sup>7</sup> Instead of providing any argument about *how* or *why* Appellant’s application met the criteria for licensure in a particular category, Appellant has instead decided to simply announce that its application materials were sufficient to meet the application criteria or the Ordinance and should have been awarded full points without any description or explanation of why that is the case. This failure by Appellant to provide an argument to support its claims of error is sufficient for the Hearing Officer to recommend an affirmance of the denial, as Appellant has failed to follow the rules established for the hearing officer appeals, which required appellants to “present their arguments as concisely as possible *with reference to the specific applicable sections of the Ordinance (2357B)*.” Nevertheless, the Hearing Officer has reviewed Appellant’s assigned claims of error and has determined that each is without merit. As a result, the City Clerk’s decision to deny Appellant’s application was appropriate and should be affirmed.

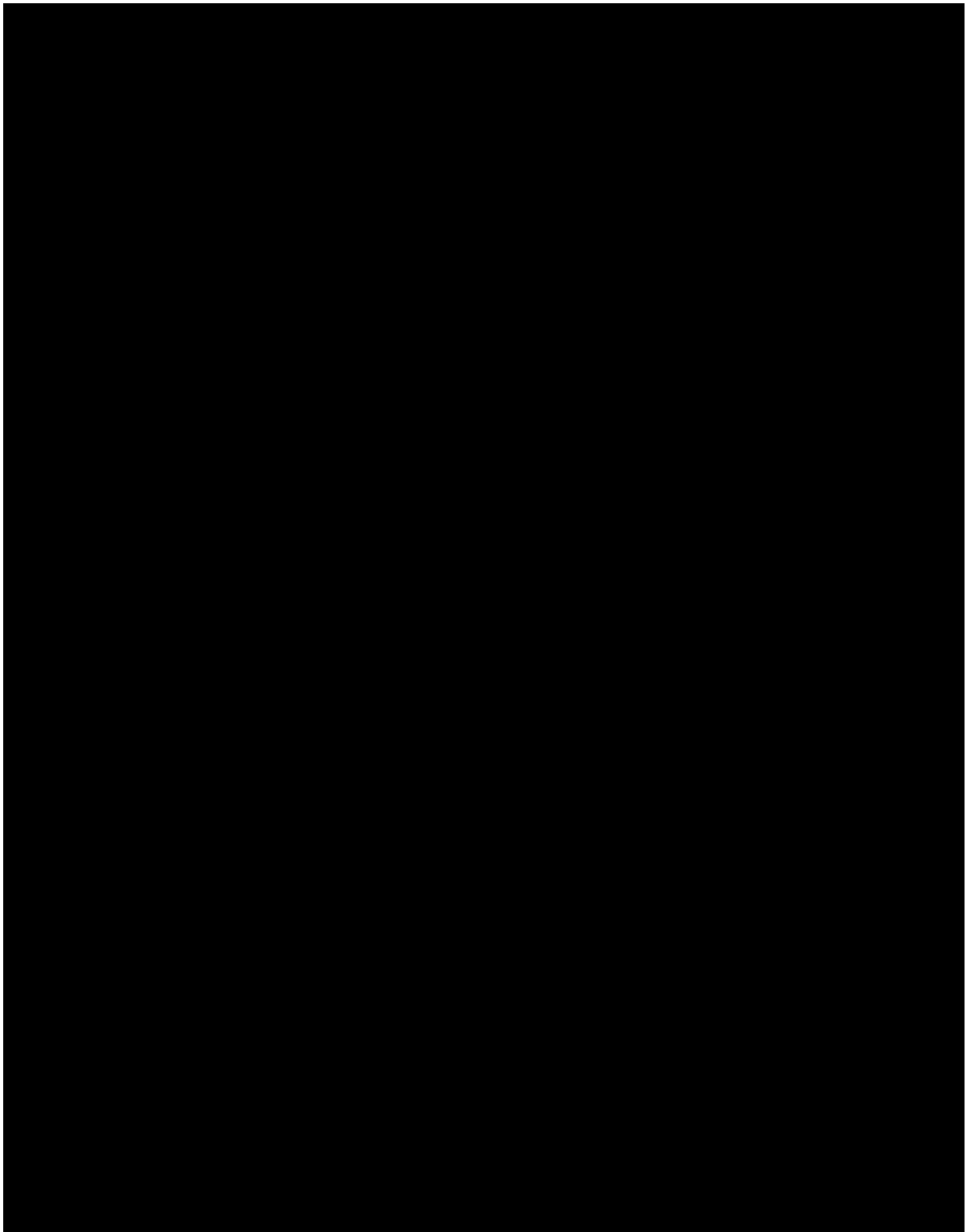














**CONCLUSION**

For the reasons stated herein, the Hearing Officer recommends that the City Clerk affirm its scoring and denial of The Dixie Depot's application.



Respectfully Submitted,

**GREWAL LAW PLLC**

Dated: May 7, 2021

/s/ John W. Fraser  
**John W. Fraser, Hearing Officer**

# Hearing Officer Appeal

Application Name The Dixie Depot

Application Number [REDACTED]

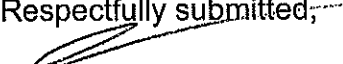
**City of Pontiac  
Medical Marihuana Facility Permit Application  
Hearing Officer Appeal Form**

Appellant Name (Applicant) <b>The Dixie Depot</b>		Address <b>1500 Golfside Court</b>	
City <b>Flushing</b>	State <b>MI</b>	Zip Code <b>48433</b>	
Appellant's Representative or Contact Person for Purposes of Appeal <b>Atty. Peter J. Philpott</b>			
Phone Number <b>810-234-1300</b>		Email Address <b>attypeterjphilpott@yahoo.com</b>	

**Written Statement of Appeal**  
**\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number; Failure To Properly Label Attachments May Result In Your Appeal Being Delayed.**

Applicant, Dixie Depot, properly and timely submitted its application in accordance with the adopted and established ordinances and procedures initially set forth by the City of Pontiac. It has come to this applicants attention that the rules and procedures as adopted were changed without proper notice to said applicant, resulting in fewer points being awarded.

The attached addendum sets forth further support for this appeal, and applicant will supplement any further information and documentation to further support for this appeal.

Respectfully submitted,  
  
Attorney Peter J. Philpott

**RECEIVED**  
MAR 16 2021  
BY: .....

Appellant Representative or Contact Person  
Print Name LESH SHARPELI Signature  Date 3-16-2021

## APPEAL ADDENDUM

**APPLICANT: THE DIXIE DEPOT**  
**APPLICATION NUMBER: [REDACTED]**  
**DISTRICT: CESAR CHAVEZ**  
**DATE OF SUBMISSION: 3/16/2021**  
**FOR PARCEL NO. 14-18-351-017**  
**SUBMITTED BY: ATTORNEY PETER J. PHILPOTT P-58078**  
**503 S. SAGINAW STREET, STE. 1415**  
**FLINT, MI 48502**  
**810-234-1300**

The following provides the basis for the appeal:

### SECURITY: SCORE 0.5

Pages 33-41 of the application details extensive security details for the new development in full compliance with the City of Pontiac's requirements. The report from the well-respected Conti security firm details with all specificity the security measures that will be taken upon the development of a new building.

Applicant has been in contact with the Oakland County Sheriff's department and the City of Pontiac Police Department to assure full compliance.

Applicant went to great measures to hire a professional security firm to provide this body a full and complete security plan.

Any and all measures to secure the facility and surrounding neighborhood has been fully studied and complied with.

### PLANNING: SCORE 1

The time line for completion was and is dependent on whether this applicant was awarded a license. Upon award construction would start immediately as pointed out in the application. The score of 1 in this area seems to be based on the larger plan map provided by applicant that fails to provide a stamp by a licensed surveyor. However, a close reading of the map and survey for the proposed construction is stamped by a licensed professional in the field. It appears this was overlooked in the decision process. A close review of the application will refute all deficiencies cited in this decision.

### SANITATION: SCORE 0

As there are no improvements to the applicant's site to date, applicant had no need at this point to contract with a sanitation company. However, applicant owes several businesses throughout Michigan with multiple sanitation contactors. All plans for proposed sanitation have been properly submitted.

RESIDENT SAFETY: SCORE 1

Applicant provided a detail analysis of the area surrounding the proposed development in its application. A professional analysis of the area provided by a qualified professional demonstrates there are no issues that would impact any residential area or any religious or otherwise restricted facility in the proximity of this proposed site.

NEIGHBORHOOD LAND USE: SCORE 1

All land use issues were thoroughly address in the application. Applicant is proposing to build a brand-new building in an area that is relatively vacant and devoid of any businesses or residences. There were no comments made in the decision for further comment. The application properly addresses each and every issue wherein the decision in this section said "No".

COMMUNITY IMPACT: SCORE 1

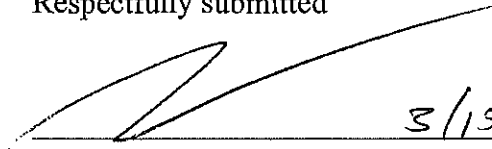
Again, there were no comments made in the decision to properly address in this appeal. Applicant intends to build a new facility in an area that needs massive improvements, and this applicant, as stated in the application, was to provide local residents construction jobs and future employment in the facility.

PHYSICAL IMPROVEMENTS: SCORE 1

Again, the large map of said improvements and site plans does not have a certified stamp. However, the smaller version contained in the application clearly demonstrates the professional certification stamp.

This application shall be supplemented by any and all required documentation to support this appeal, if necessary.

Respectfully submitted

  
Peter J. Philpott P-58078  
Attorney for Applicant

3/15/21



**OFFICE OF THE CITY CLERK  
MEDICAL MARIHUANA DIVISION**

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone: (248) 758-3200  
Fax: (248) 758-3160

March 2, 2021

Lesh Shkreli  
The Dixie Depot  
1500 Golfside Ct.  
Flushing, MI 48433

Re: Application Ranking

Dear Mr. Shkreli:

In accordance with the City of Pontiac Medical Marihuana Facilities Ordinance 2357 (B), the Office of the City Clerk and members of the review team have reviewed, scored and ranked your Medical Marihuana Facility Cesar Chavez Overlay District Provisioning Center Permit Application [REDACTED]

There were a total of seventeen (17) provisioning center applications submitted for the Cesar Chavez Overlay District. Applications were scored using a 130 point scale. The following is the scoring and ranking for your application.

City of Pontiac  
Office of the City Clerk  
Medical Marihuana Provisioning Center Scoring Form

Application Category	Applicant Points	Maximum Points
<b>Content and Sufficiency of Information</b>		<b>50</b>
<b>Background Information</b>		<b>5</b>
Marihuana Regulations	1.5	(1.5)
Business Entity	2	(2)
Security	0.5	(1.5)
Financial Background	10	10
Economic Benefits	10	10
Community Development	8	10
<b>Facility (Planning and Sanitation)</b>		<b>10</b>
Planning	1	(8)
Sanitation	0	(2)
<b>Patient Education</b>		<b>5</b>
Staff Training and Education	2.5	(2.5)
Patient and Community Programs	2.5	(2.5)
<b>Land Use</b>		<b>20</b>
Resident Safety	1	10
Neighborhood Land Use	1	10
Community Impact	1	10
Managerial Resources	10	10
Financial Resources	10	10
Job Creation	10	10
Philanthropic and Community Improvement	8	10
Physical Improvements	1	10
<b>Applicant Total Score</b>	<b>80</b>	<b>130</b>

Applicant Ranking: 15 of 17 Total Applicants

Your scoring report with each reviewer's detailed review was emailed to your designated contact at email [marshshkreli@yahoo.com](mailto:marshshkreli@yahoo.com).

According to Ordinance 2363 the zoning ordinance, no more than 5 provisioning centers permits will be awarded in the Cesar Chavez Overlay District. The City anticipates awarding permits to the top 5 ranked applicants provided that they meet the requirements of Ordinance 2357(B) which includes among other things the following:

Fire Department and Building and Safety Department inspects the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements;

Application must be in compliance with Ordinance 2363 (Medical Marijuana Zoning);

Applicant received certificate of occupancy and if necessary, a building permit; and

The applicant has obtained their pre-approval from the State of Michigan.

Since your application did not received a ranking between 1-5, it is considered denied and you have the right to appeal.

According to Ordinance 2357(B) section 16 any applicant denied a permit or adverse decision under this ordinance may appeal to the clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the clerk. The clerk has appointed Grewal Law PLLC to serve as the Hearing Officer:

1. An appellant who wishes to appeal the denial of its application shall file a written statement fully setting forth the grounds for appeal within 14 days after notice of the denial has been mailed to the applicant's last known address. Written statements of appeal must be filed by mail or in person with the City Clerk's office.
2. Written statements of appeal shall be typed, in the English language, on 8½ by 11 inch paper, in 12 point font size, and double spaced preferably completed on the attached Hearing Officer Appeal Form. While the Hearing Officer is not imposing a page limit on the written statements of appeal, applicants are strongly encouraged to present their arguments as concisely as possible with reference to the specific applicable sections of the Ordinance (2357B).
3. Written statements of appeal shall include the following information: (a) the name of the appellant; (b) the appellant's proposed address; (c) the name, telephone number, and e-mail address of the appellant's representative or contact person for purposes of the appeal; (d) the date that the written statement of appeal was submitted to the City Clerk's office; and (e) a copy of the notice of denial.
4. Written statements of appeal shall be limited exclusively to the information submitted with the application; an appellant may not supplement their application with their written

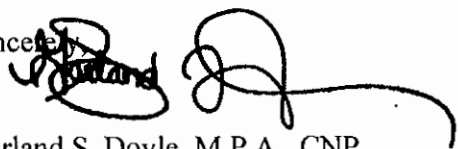
statement of appeal. The Hearing Officer shall not consider any information submitted in an appellant's written statement of appeal that was not part of the appellant's application prior to the denial.

5. The appellant's entire application submission is part of the record on appeal. As a result, appellants are discouraged from attaching their entire application as an exhibit to their written statement of appeal. Appellants would be well served to attach as an exhibit to their written statement of appeal only the excerpt or excerpts of their application that are germane to the issue or issues raised in their written statement of appeal.
6. Within 14 days of receipt of an appellant's written statement of appeal, the Clerk's Office will notify the appellant's representative or contact person of the scheduled hearing on the appeal. Hearings shall be conducted by way of videoconference technology. Instructions for joining the hearing shall be transmitted to the appellant's representative or contact person in advance of the hearing. The City Clerk's office shall maintain a copy of the instructions for joining the videoconference hearings so that the hearings shall be available for public viewing.
7. Hearings shall be limited to 15 minutes, unless the Hearing Officer determines that good cause exists to extend the amount of time for the hearing. Appellants who anticipate needing more than 15 minutes for their hearing are encouraged to indicate the facts and circumstances that justify good cause for an extended hearing in their written statement of appeal. Appellants are discouraged from reading from their written statement of appeal at the hearing and should be prepared to answer questions from the Hearing Officer about the specific issues raised in their written statement of appeal. The hearing shall be limited exclusively to the issues raised in the appellant's written statement of appeal; no new issues on appeal may be raised at the hearing.
8. If an appellant wishes to waive its opportunity to participate in a live hearing with the Hearing Officer and rest their appeal solely on their written statement of appeal, the applicant should clearly indicate on the first page of their written statement of appeal "NO ORAL ARGUMENT."
9. Following the conclusion of the hearing, the Hearing Officer shall prepare a written report and recommendation for the City Clerk to make a decision on the matter. The City Clerk shall mail a copy of his decision on the matter to the appellant's last known address.
10. Following a denial of an application by the City Clerk after review by the Hearing Officer, an appellant who wishes to appeal the denial of its application may further appeal to the medical marijuana commission by filing a written statement fully setting forth the grounds for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marijuana commission shall only overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.



If you have any questions, please contact Jonathan Starks, Special Assistant to the Clerk at (248) 758-3005.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland S. Doyle", with a long, sweeping horizontal flourish extending to the right.

Garland S. Doyle, M.P.A., CNP  
Interim City Clerk

# **City Attorney Recommendation**

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**ATTORNEY-CLIENT PRIVILEGED MEMORANDUM**

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**TO:** Pontiac Medical Marihuana Commissioners

**CC:** Garland Doyle, City Clerk

**FROM:** Anthony Chubb, Esq., City Attorney

**DATE:** April 4, 2022

**RE:** Medical Marihuana Commission Appeal – The Dixie Depot

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**PROCEDURAL POSTURE**

The Applicant in this matter submitted an appeal consistent with the timing and format requirements set forth in Pontiac City Ordinance 2357(B) (“Ordinance”).

**LEGAL STANDARD**

Pursuant to Ordinance Section 16, medical marihuana facility applicants that are aggrieved by the denial of a permit or adverse decision may appeal to a Hearing Officer appointed by the Clerk within 14 days of the decision from which they seek to appeal. Subsequently, the Hearing Officer will make a recommendation to the Clerk regarding the validity of the appeal that the Clerk may adopt or reject. Subsequent to that determination, if the applicant remains aggrieved, within 30 days they may appeal to the Medical Marihuana Commission (“Commission”). Pursuant to Ordinance Section 5, the Commission shall review appeals de novo, and “shall only overturn a decision or finding of the clerk if it finds such decision or finding to be arbitrary and capricious and not supported by material, substantial, and competent facts on the whole record considered by the Clerk in arriving at such decision or finding.”

De novo review means that the Commission is making its determination without being bound by the previous factual and legal determinations of the Hearing Officer. However, to the extent that the Clerk adopted the findings of the Hearing Officer, those findings then become part of the record

which the Clerk considered in arriving at his decision or finding, and should be considered as part of the factual analysis the Clerk used in making his determination.

Arbitrary and capricious is generally considered to be a willful and unreasonable action without consideration or in disregard of facts or law or without determining principle. *Black's Law, Sixth Edition*. The Michigan Court of Appeals has further held that “a ruling is arbitrary and capricious when it lacks an adequate determining principle, when it reflects an absence of consideration or adjustment with reference to principles, circumstances or significance, or when it is freakish or whimsical.” *Henderson v. Civil Service Commission*, 321 Mich.App. 25 (2017).

#### **FINDINGS AND RECOMMENDATION**

In this matter, the Applicant appeals the decisions and findings of the Clerk in the following categories:

1. Security
2. Planning
3. Sanitation
4. Resident Safety
5. Neighborhood Land Use
6. Community Impact
7. Physical Improvements

I have reviewed the Clerk's decision letter, the Applicant's appeal to the commission, and the Hearing Officer Appeal packet including the Hearing Officer Recommendation as adopted by the Clerk.

For purposes of reviewing the Appeal against the arbitrary and capricious legal standard of review, I have utilized the factual determinations as set forth in the foregoing documents. It is important to understand that the Commission is not bound by those factual determinations and may independently adopt independent factual determinations based upon the record.

In this matter, all determinations made by the Clerk were reasonable and rationally related to

the information provided in the application and the scoring as set forth within the Ordinance. For those reasons, I believe the Commission should deny this Appeal.

**#6**

# **RESOLUTION**

Resolution on The Dixie Depot appeal to the Medical Marihuana Commission

WHEREAS, in 2018, voters approved the City of Pontiac Medical Marihuana Facilities Ordinance (Ordinance 2357(B)); and,

WHEREAS, Ordinance 2357(B) gives the City Clerk the responsibility to score and rank applications for provisioning centers using a 130 point scoring system and awarding permits to the 20 highest scoring applicants; and,

WHEREAS, the City of Pontiac adopted Ordinance 2363, an ordinance to include Medical Marihuana Facility uses in designated Overlay Districts; and,

WHEREAS, Ordinance 2363 section 2.546 Medical Marihuana Provisioning Center section F Licensing states that no more than 5 Provisioning Centers shall be established in each of the Medical Marihuana Overlay Districts including Cesar Chavez, Walton Blvd, and C-2 Downtown Overlay Districts; and,

WHEREAS, Ordinance 2363 no more than 5 Provisioning Centers shall be established in the C-1, C-3 and C-4 zoned properties combined outside of the Medical Marihuana Overlay Districts; and,

WHEREAS, the City Clerk accepted Provisioning Center applications by Overlay Districts and the Non Overlay for a twenty-one day period January 6-27, 2020; and,

WHEREAS, the City Clerk ranked and scored Provisioning Centers by district using a 130 point scoring system; and,

WHEREAS, the City Clerk informed The Dixie Depot that their application for a provisioning center in the Cesar Chavez Overlay District had received a score of 80 and ranking of 15 of 17 on March 2, 2021;

WHEREAS, The Dixie Depot appealed the score and ranking to the City Clerk since its application was denied because it was not ranked in the top 5 for the Cesar Chavez Overlay District. The City Clerk appointed Grewal Law, PLLC to serve as the Hearing Officer. The Hearing Officer conducted a hearing on April 26, 2021. The Hearing Officer issued a recommendation to the City Clerk. The City Clerk adopted the Hearing Officer recommendation. Based on the Hearing Officer recommendation, your ranking remained 15 and the City Clerk affirmed his decision to deny The Dixie Depot application; and,

WHEREAS, Ordinance 2357(B) allows an applicant to further appeal to the Medical Marihuana Commission; and,

WHEREAS, The Dixie Depot submitted their appeal to the Medical Marihuana Commission on June 21, 2021; and,

WHEREAS, the City Attorney issued a recommendation to the Medical Marihuana Commission to deny The Dixie Depot appeal; and

WHEREAS, the Medical Marihuana Commission reviewed The Dixie Depot appeal and the City Attorney's recommendation;

NOW THEREFORE BE IT RESOLVED, the Medical Marihuana Commission finds no basis to overturn the Clerk's decision to deny The Dixie Depot application for a provisioning center in the Cesar Chavez Overlay District.

**#7**

**PGSH**

**Holdings LLC**

**Discussion**



# **Commission Appeal**

Application Name PGSH Holdings, LLC

Application Number [REDACTED]



**CITY OF PONTIAC MEDICAL MARIHUANA COMMISSION**

Following a denial of an application by the City Clerk after review by the Hearing Officer, an appellant who wishes to appeal the denial of its application may further appeal to the medical marihuana commission by filing a written statement fully setting forth the grounds for appeal within 30 days after notice of the denial has been mailed to the appellant. Written statements of appeal must be filed by mail or in person with the City Clerk's office. The medical marihuana commission shall only overturn a decision or finding of the City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the City Clerk in arriving at such decision or finding.

Please note the Medical Marihuana Commission is a public body. Any documents that you submit as a part of your appeal to Medical Marihuana Commission are public and subject to disclosure in accordance with the Freedom of Information Act (FOIA). The hearing officer recommendation and the Clerk's decision on your appeal will be submitted to the Medical Marihuana Commission and therefore will subject to public disclosure.

Please use the appeal form below if you are submitting an appeal to the Medical Marihuana Commission. You can only appeal to the Medical Marihuana Commission after you have received a decision letter from the City Clerk about your hearing officer appeal.

**Medical Marihuana Facility Permit Application  
Medical Marihuana Commission Appeal Form**

Appellant Name (Applicant)		Address	
PGSH Holdings, LLC		1054 Durant Ave	
City	State	Zip Code	
Pontiac	MI	48340	
Appellant's Representative or Contact Person for Purposes of Appeal			
Mike M. Bahoura, Esq			
Phone Number		Email Address	
248-392-1586		mike@bahouralaw.com	

RECEIVED  
JUN 21 2021

BY: JS

Appellant Representative or Contact Person  
Print Name Mike M. Bahoura

Signature Mike M. Bahoura

Date 6/21/2021

Application Name PGSH Holdings, LLC

Application Number [REDACTED]

**Written Statement of Appeal**

**\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number**

PLEASE SEE THE ATTACHED APPEAL WITH EXHIBITS.

For Office of the City Clerk Use Only

Hearing Officer Appeal Hearing Date \_\_\_\_\_

Clerk Decision Letter Date \_\_\_\_\_

**In re: PGSH HOLDINGS, LLC**

**Applicant/Appellant**

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**PGSH HOLDINGS, LLC'S APPEAL FOR DENIAL OF MARIJUANA LICENSE  
AND REQUEST FOR SCORING CHANGE**

**1054 Durant Ave., Pontiac, MI 48340  
Application Number [REDACTED]**

**INTRODUCTION**

PGSH Holdings, LLC ("Applicant") applied to the City of Pontiac for license to open a medical marijuana facility under the City of Pontiac Ordinance No. 2357(B). Applicant received a score of 101 out of a total possible score of 130, which placed it in the 8<sup>th</sup> ranked position out of 17 applicants and resulted in the denial of its application. Applicant subsequently filed an appeal.

In that previous appeal, Applicant detailed several specific bases under which it should be entitled to additional points. In addition to discussing significant flaws in the City's development and execution of the application, Applicant identified six (6) different categories of the Scoring Form in which additional points should have been awarded. These categories included Insurance; Background Information / Security; Facility Planning; Patient Education; Resident Safety; and Physical Improvements.

A hearing officer conducted a hearing for Applicant's appeal and provided a recommendation that the City Clerk award an additional 4 points in the category of Resident Safety and 9 points in the category of Physical Improvements but otherwise affirm the denial of the Application based on an alleged "failure to submit a complete application." **Ex. 1 – Hearing Officer Recommendation dated May 7, 2021.** Based on the hearing officer's recommendation, the City Clerk awarded the additional points to Applicant, giving Applicant a total of 114 points



out a total possible score of 130, but affirmed its decision to deny the Application. **Ex. 2 – City Clerk’s Decision dated May 21, 2021.** However, the Hearing Officer’s decision to recommend denial is based on Applicants alleged incomplete application even though this was never made an issue by the Clerk during its initial scoring review and Applicant has never been previously informed that there were any issues with completeness prior to this Recommendation. In fact, the Application has already been previously accepted and scored by the City once before with no mention of a rejection based upon completeness. Further, the Hearing Officer’s own findings indicate the Application is entitled to at least 13 points more than its initial score. This significant increase in points is inconsistent with an application that is “incomplete.” The Hearing Officer’s finding regarding this issue is entirely based upon arbitrary and capricious decision-making, erroneous findings of material fact, and an abuse of discretion. Furthermore, denying the application for incompleteness after it has already been scored by the Clerk seems to be in violation of Section 16 of the Ordinance, which states, in part, that: “The clerk shall notify an applicant of the reasons for denial of an application for a permit...” The clerk issued its reasoning for denial as “not scoring high enough”, with no mention of “incompleteness.” The clerk can not now say the application was incomplete. As a result, this finding should be reversed and the Application should be evaluated based on scoring factors alone.

Applicant hereby timely submits this Appeal to the Medical Marihuana Commission in accordance with the City’s ordinances, applicable application consideration policy, and the Appeal Notice dated May 21, 2021.

For the reason stated in this Appeal, Applicant holds that 1) it should be awarded additional points in the five scoring categories of Insurance, Background Information/Security, Facility Planning, Patient Education, and Land Use – Resident Safety; and 2) that its Application

should not be denied on any grounds related to incompleteness because such a finding is arbitrary or capricious and not supported by the record.

### **APPLICATION CONSIDERATION POLICY**

The Appeal process is governed, in part, by Ordinance 2357(B) Section 16.

### **STANDARD OF REVIEW**

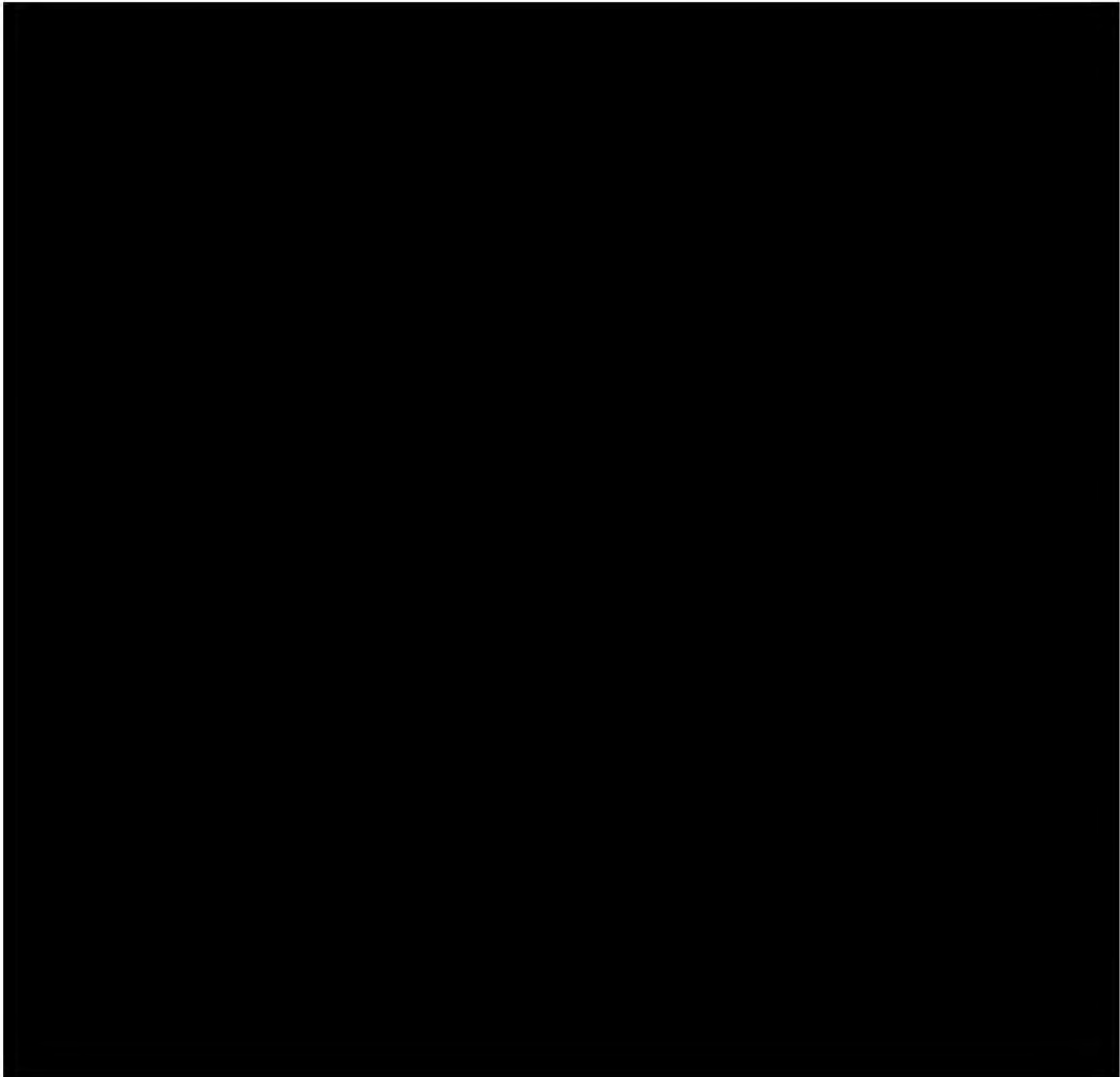
Ordinance 2357(B) Section 5 states that the Medical Marihuana Commission will review and decide all appeals de novo, and that the Commission will “only overturn a decision or finding of the clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the clerk in arriving at such decision or finding.”

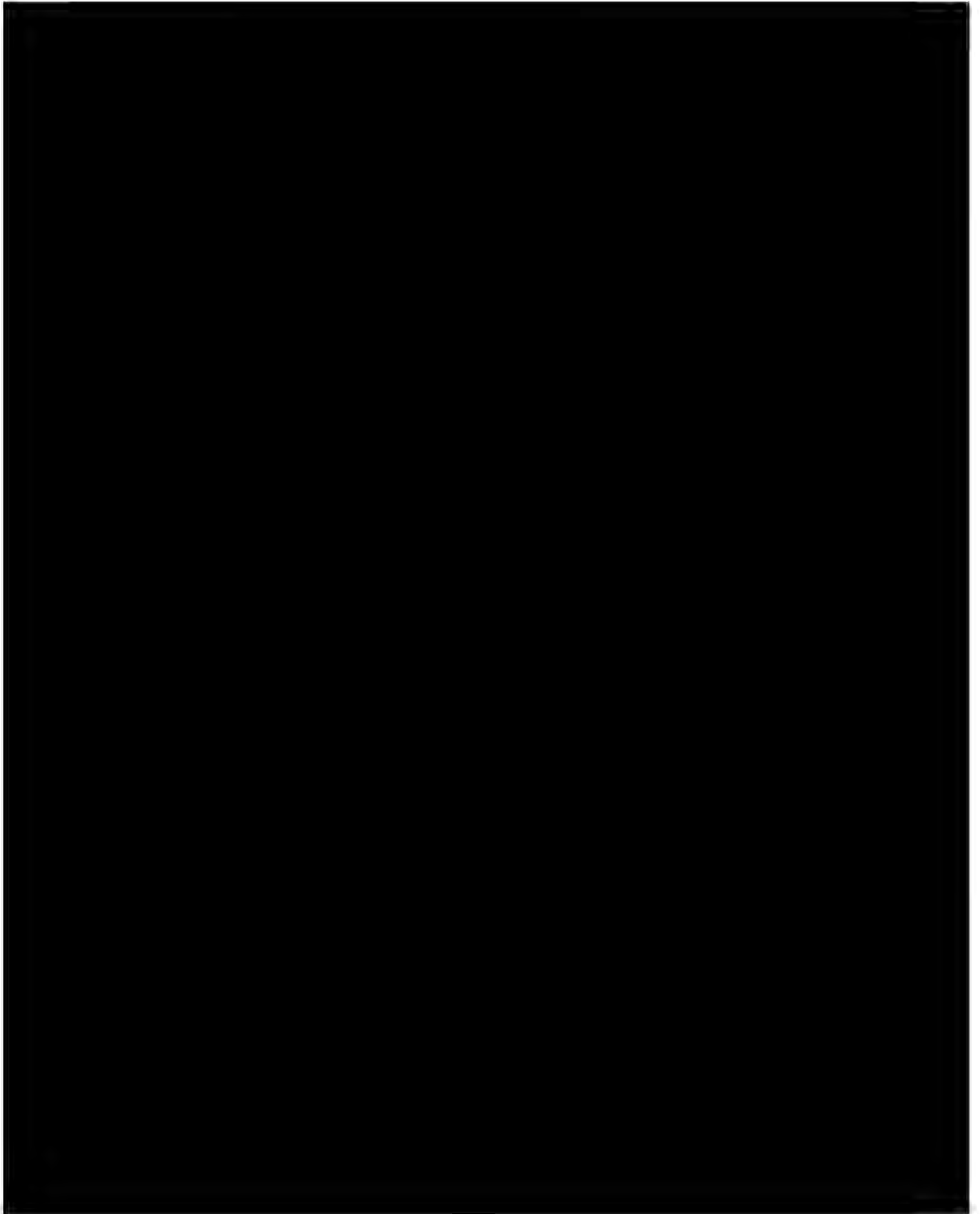
### **BASIS OF APPEAL**

The basis for this Appeal is 1) the Applicant provided sufficient material for an award of additional points in the categories discussed below; 2) the scoring, with regards to the term “very deficient” and “somewhat deficient” was not based on competent, material, and substantial evidence; 3) the scoring review sheet provided to Applicant are arbitrary, capricious, and based on clearly erroneous findings 4) Applicant’s score under the category in question was based on improper and/or inconsistent scoring; 5) the scoring method did not comply with the City’s ordinance and is based on an erroneous interpretation of law; 6) scoring review sheets were inconsistent; 7) the scoring of Applicant’s application was not supported by material, substantial, and competent facts on the whole record considered by the scorers; and 8) the retained expert’s scoring decisions constituted an abuse of discretion.

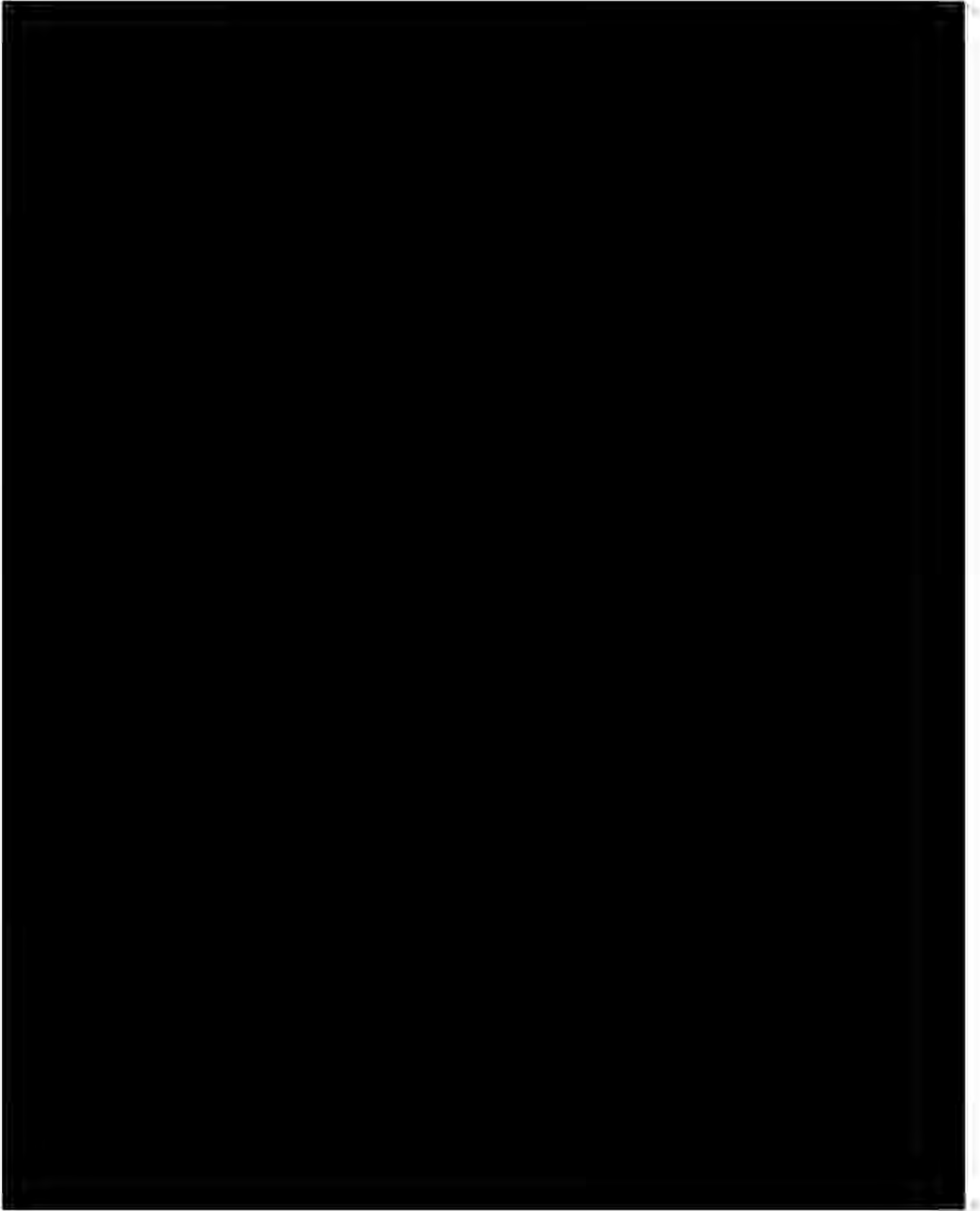
### **ARGUMENTS RELATED TO APPLICANT’S SCORE**

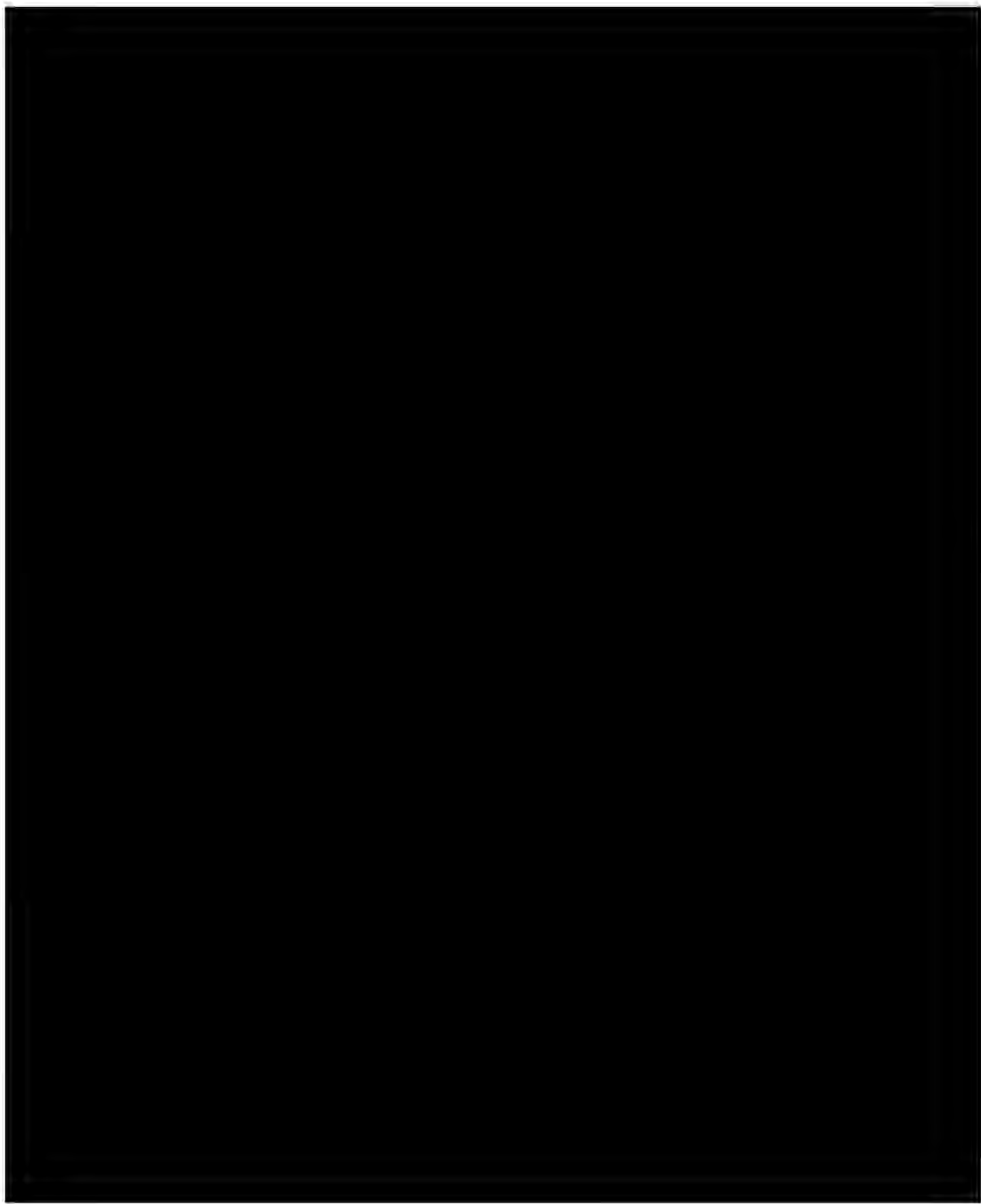
Upon review of the Hearing Officer Recommendation and the City Clerk's most recent decision, Applicant has identified five (5) different categories in which additional points should have been awarded. Those categories and the basis for this appeal are as follows:

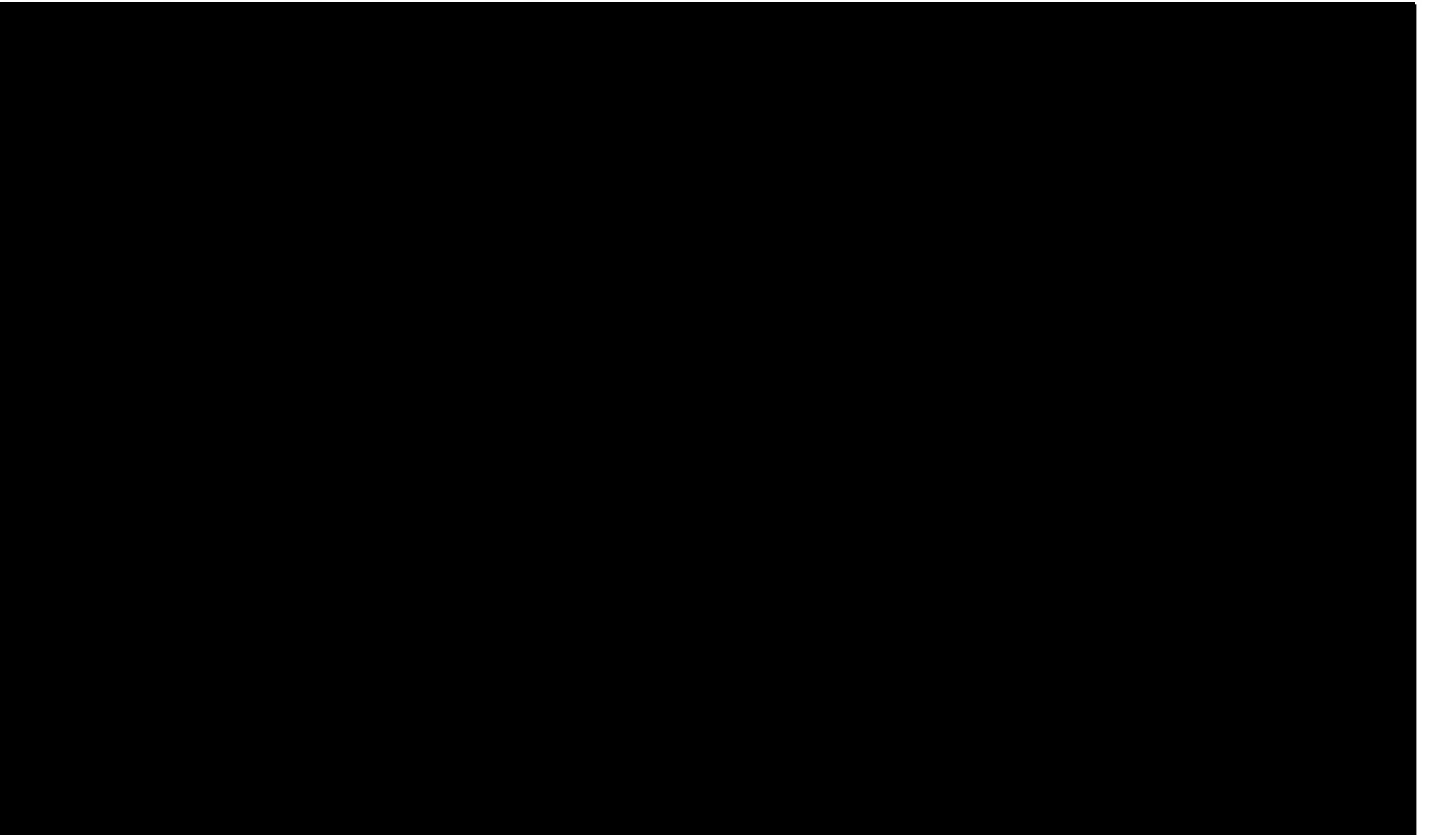
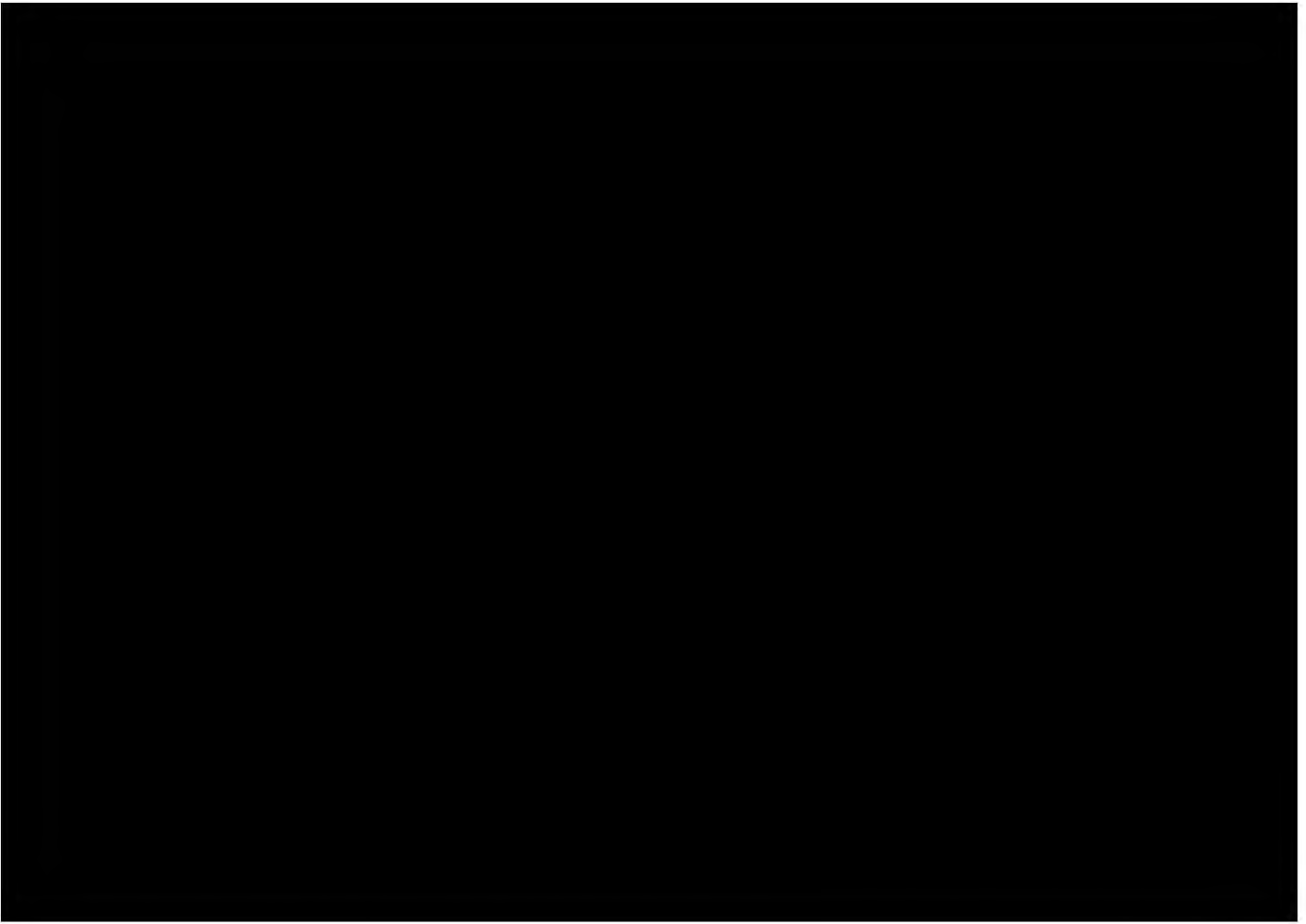


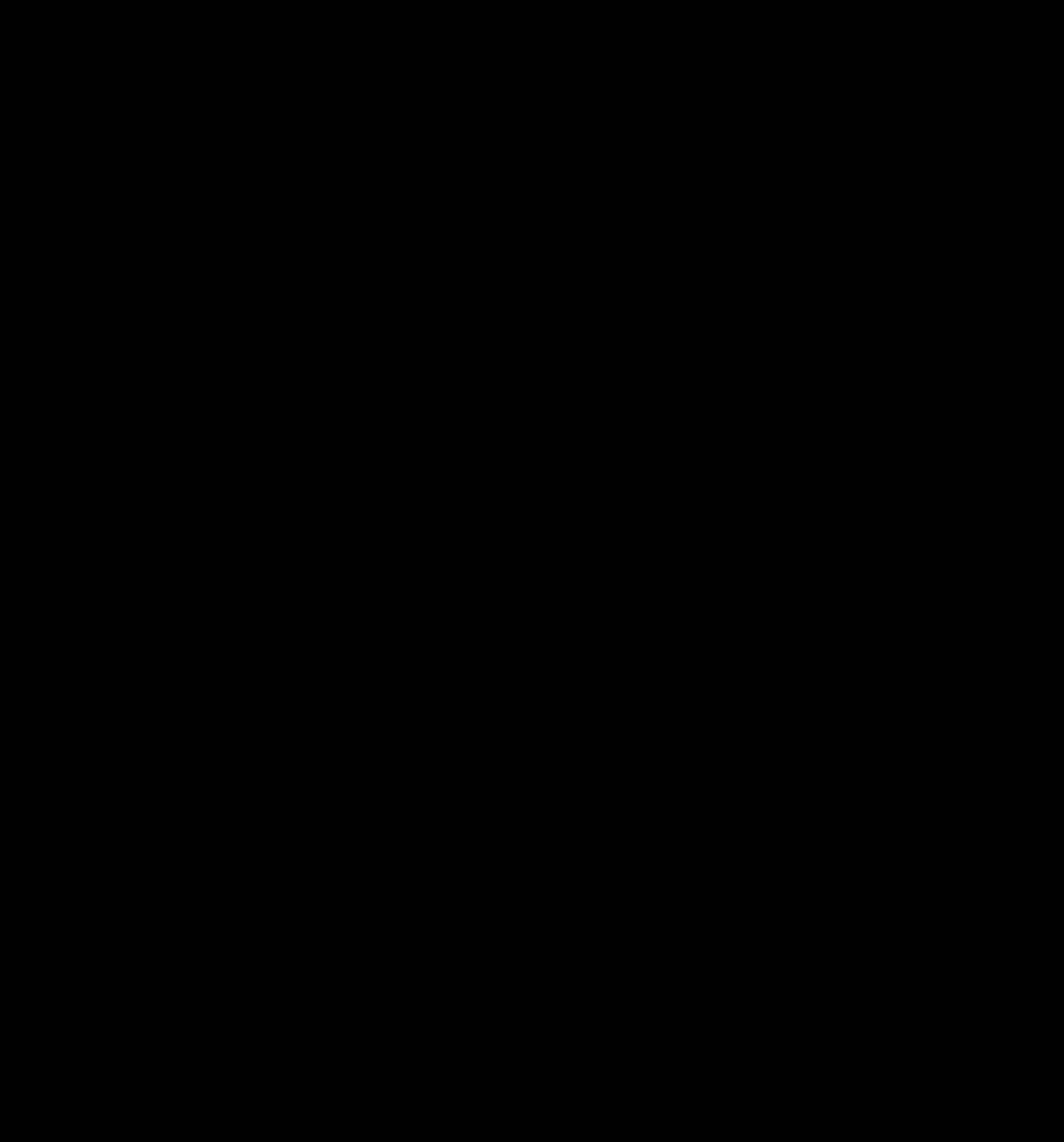












**CONCLUSION AND REQUESTED RELIEF**

As discussed in Applicant's previous appeal, the application process in the City of Pontiac was flawed from the start. The City's scoring of the applications clearly establishes that

the process was and continues to be flawed. The findings of the Application's scorers, along with subsequent hearing officer and City Clerk appeal findings, are riddled with clear and obvious errors. The scoring deductions for the Application and appeal are arbitrary, capricious, non-objective, unreasonable, and without factual and legal basis under the requirements set forth in the City's applicable ordinances and Scoring Form. The Applicant maintains that much or most of the requested application information can be found in other parts of the submitted application or was not otherwise awarded the appropriate amount of points. Therefore, the application sections discussed herein should be rescored for the Applicant accordingly.

Applicant hereby reserves all rights. Additionally, the Applicant states that any Exhibits attached hereto are not meant to replace the application, or the totality of documents submitted in support of each category of scoring. Applicant hereby incorporates its entire Application and the previously-submitted appeal by reference herein.

Submitted: June 21, 2021

/s/ Mike M. Bahoura, Esq.  
Mike M. Bahoura, Esq. (P80205)  
Attorney for Applicant  
631 East Big Beaver Road, Suite 211  
Troy, MI 48083  
Ph: 248-781-8800  
[mike@bahouralaw.com](mailto:mike@bahouralaw.com)

# Exhibit 1

**CITY OF PONTIAC**  
**OFFICE OF THE CITY CLERK**  
**MEDICAL MARIHUANA FACILITY PERMIT APPLICATION APPEAL**

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**PGSH Holdings LLC**  
**Appellant**

**Proposed Location:**  
**1054 Durant Ave.**  
**Pontiac, MI 48340**

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**HEARING OFFICER RECOMMENDATION**

This recommendation is remitted to the Clerk of the City of Pontiac by Hearing Officer John W. Fraser, who, having reviewed the application and the applicant's written statement of appeal, having heard oral argument on the appeal and being otherwise informed on the matter recommends PGSH Holdings LLC's application for a Medical Marihuana Facility be awarded an additional 13 points for the reasons stated herein. However, because PGSH Holdings LLC's application contains numerous internal contradictions about where its facility will be located, whether it will be a renovation or a new construction, and whether it will be a standalone provisioning center or a vertically integrated facility, it is impossible for the Hearing Officer to verify *where* PGSH Holdings LLC's facility will actually be located and *what* that facility will look like. These contradictions in PGSH Holdings LLC's application lead the Hearing Officer to conclude that PGSH Holdings LLC failed to submit a complete application for a license, and as such, the Hearing Officer recommends that the City Clerk affirm the denial of its application for failure to submit a complete application.

**STATEMENT OF THE MATTER**

PGSH Holdings LLC ("Appellant") applied to the City of Pontiac for license to open a medical marihuana facility under the City of Pontiac Ordinance No. 2357(B). Appellant received

a score of 101 out of a total possible score of 130, which placed it outside of the top 5 scoring applications, resulting in the denial of its application. Appellant subsequently filed this timely appeal.

### Appellant's Position

Appellant seeks appellate review pursuant to the City of Pontiac Ordinance No. 2357(B) (hereinafter "the Ordinance"). It argues that the original examiner did not score correctly or overlooked presented materials with respect to the following categories: (1) Insurance, (2) Background Information/Security, (3) Facility Planning, (4) Patient Education, (5) Resident Safety, and (6) Physical Improvements.

### STANDARD OF REVIEW

The City of Pontiac's decision will be reviewed under the arbitrary and capricious standard. "A ruling is arbitrary and capricious when it lacks an adequate determining principle, when it reflects an absence of consideration or adjustment with reference to principles, circumstances, or significance, or when it is freakish or whimsical."<sup>1</sup> As the Michigan Court of Appeals has made clear:

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Appellant claims the City of Pontiac erroneously denied its application for a Medical Marijuana Facility.

The City of Pontiac enacted its Medical Marijuana Facilities Ordinance to provide for

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standards and procedures to permit, regulate, and impose conditions upon medical marihuana facilities.<sup>3</sup> The ordinance states that no more than twenty (20) licenses may be issued for provisioning centers, and these 20 licenses are to be divided with not more than 5 licenses to be issued in each of the 4 applicable zoning overlay districts.<sup>4</sup> As such, each respective application has to be evaluated, scored, and ranked according to the criteria set forth in the ordinance. The ordinance specifically states what needs to be included in each application and how each application will be scored. Only the top 5 scoring applications in each of the applicable zoning overlay districts shall be awarded licenses.

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Each applicant is given the right to appeal the denial of its application. The application instructions provide that:

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<sup>3</sup> City of Pontiac Ordinance No. #2357(B), available at: <http://www.pontiac.mi.us/Ordinance%202357B%20Medical%20Marihuana%20Facilities%20Ord.pdf>.

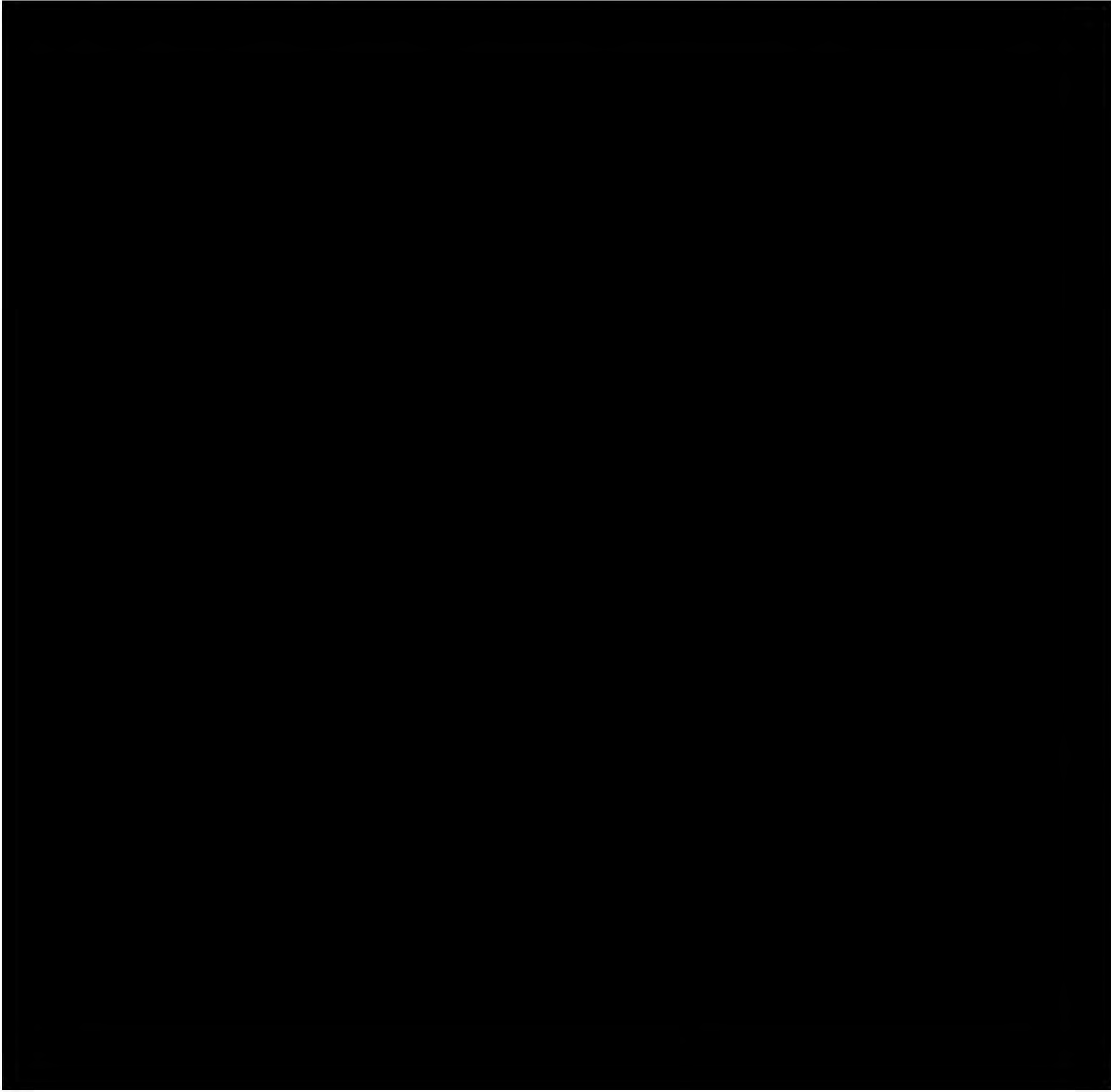
<sup>4</sup> *Id.*; Sections 3.1108 and 3.1109 of Ordinance #2363.

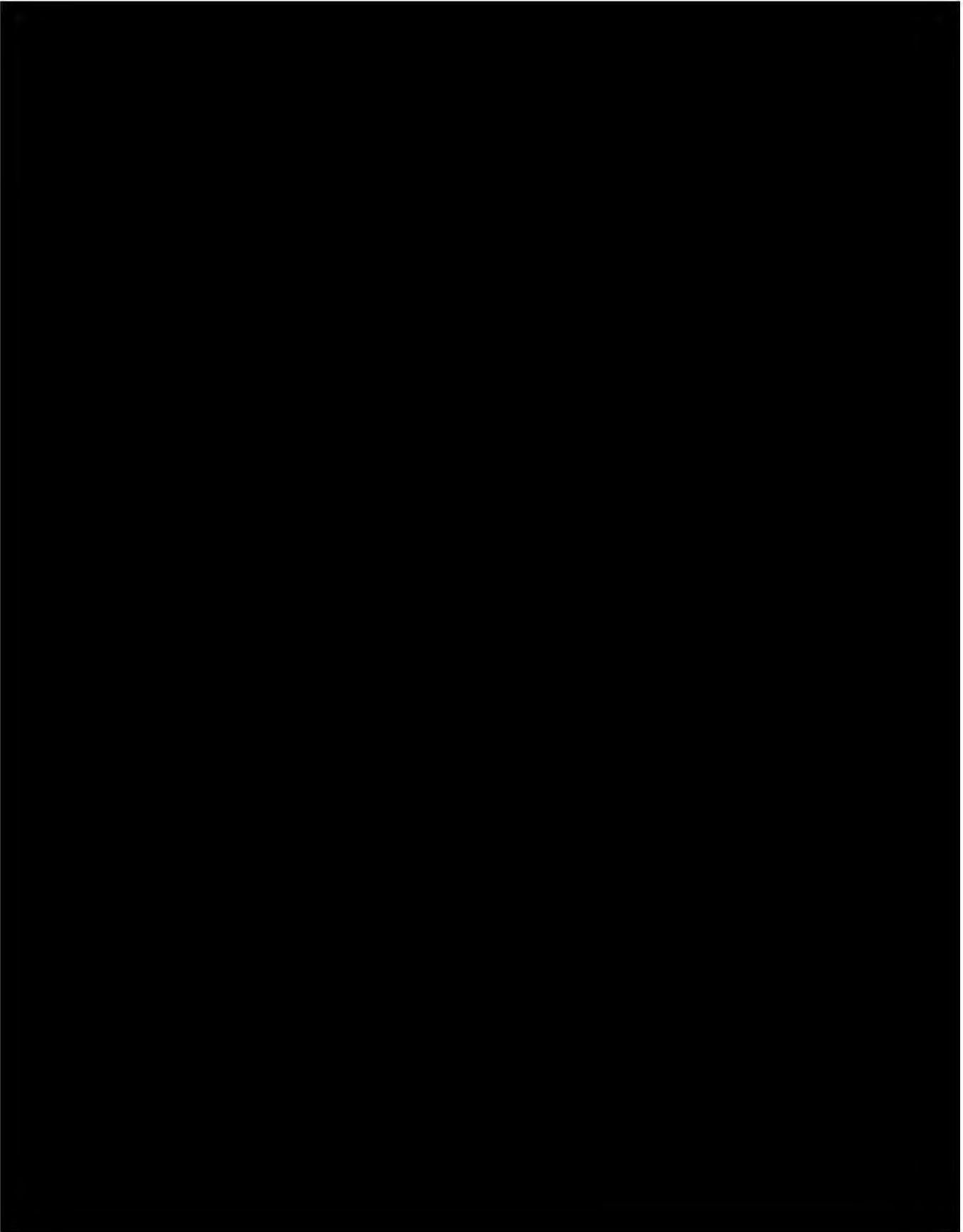
<sup>5</sup> [http://www.pontiac.mi.us/departments/clerk/medical\\_marihuana.php](http://www.pontiac.mi.us/departments/clerk/medical_marihuana.php).

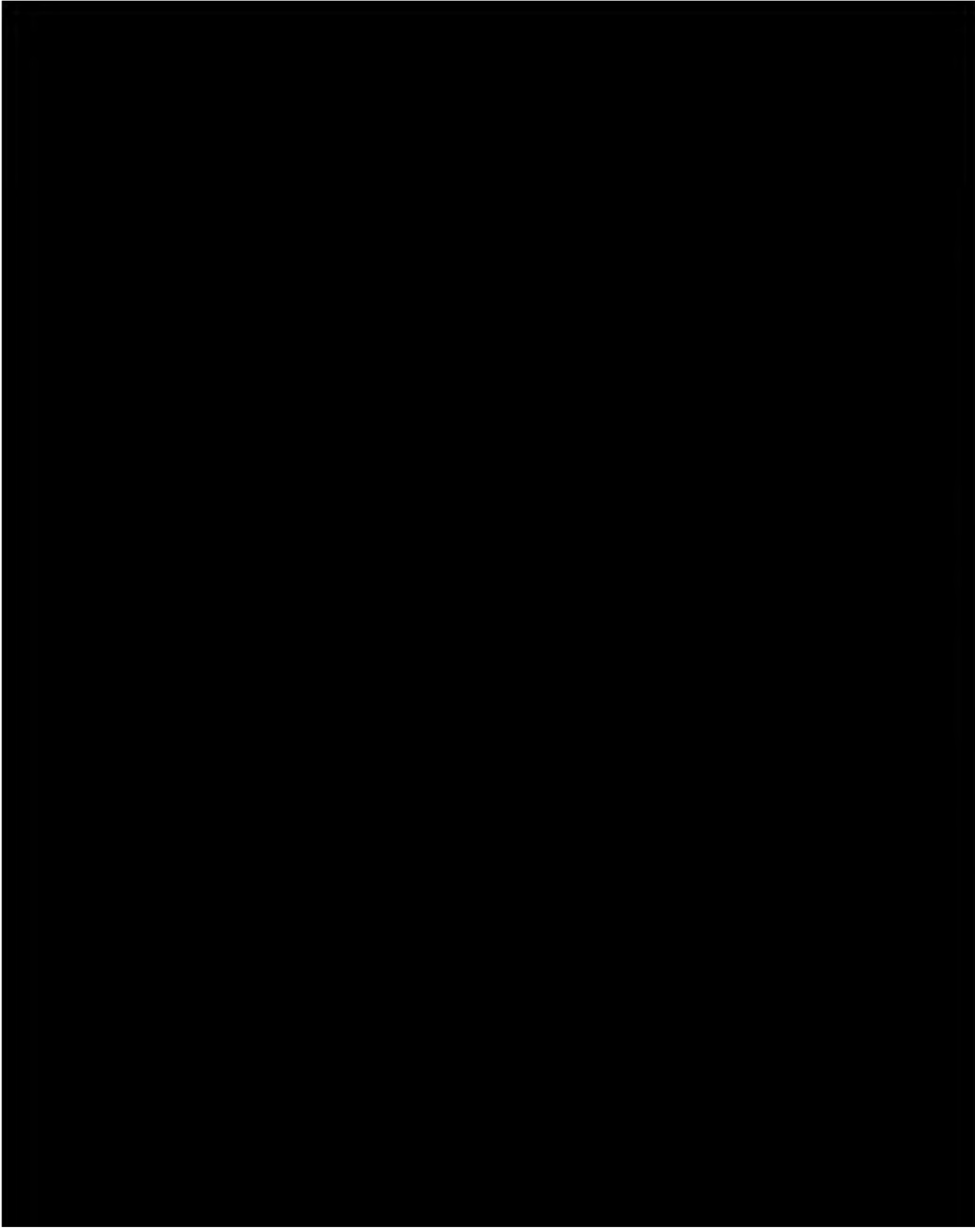
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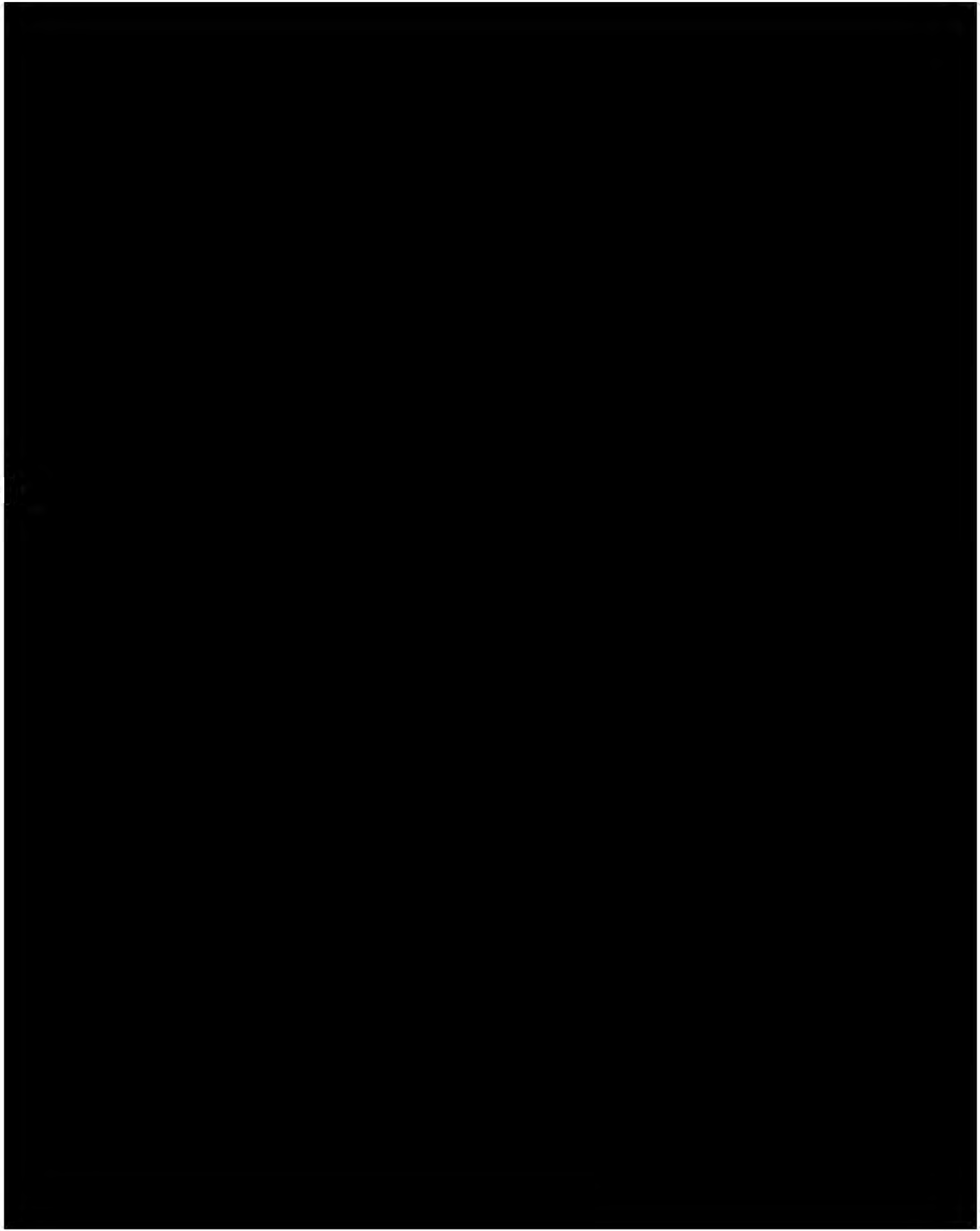
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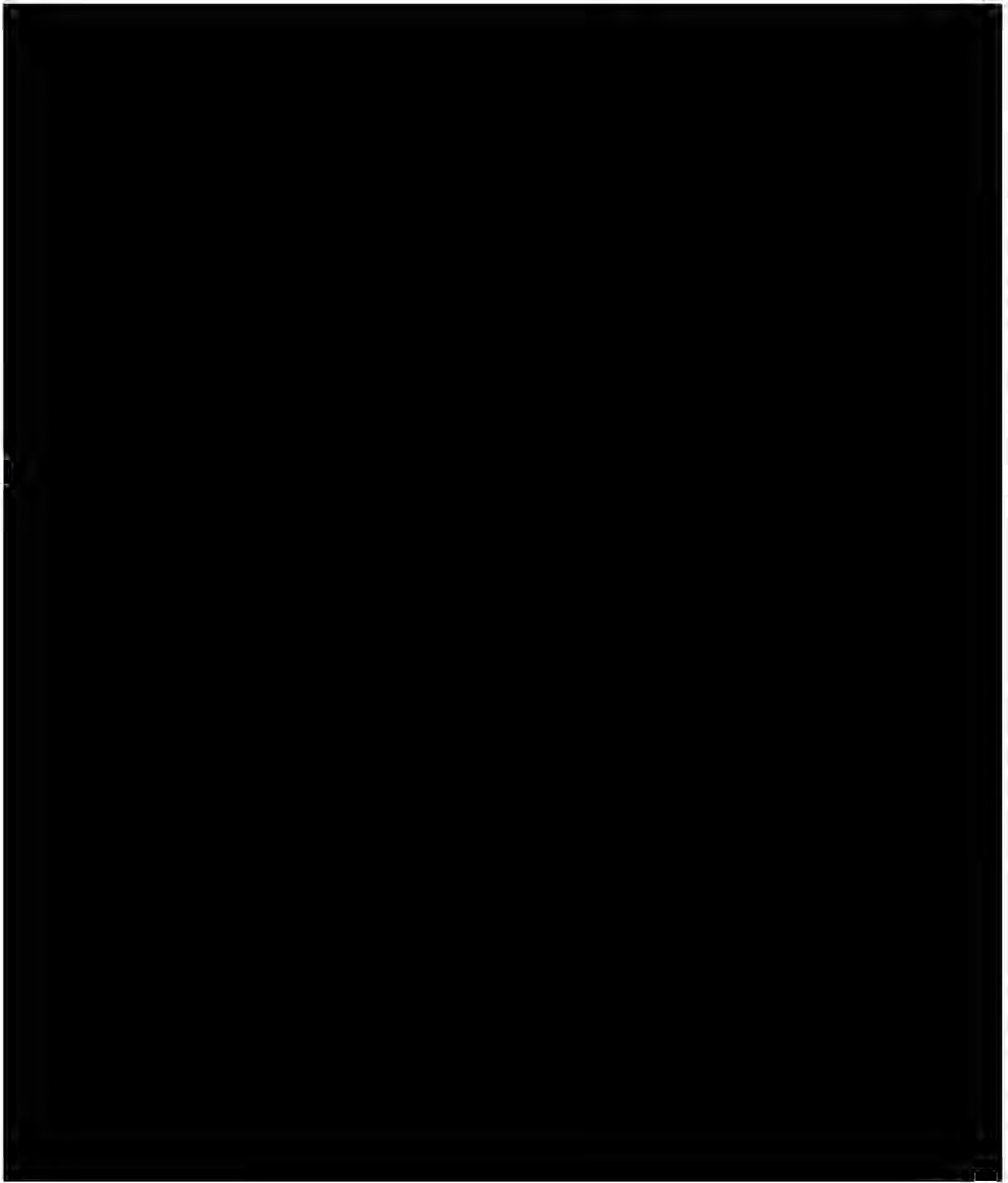
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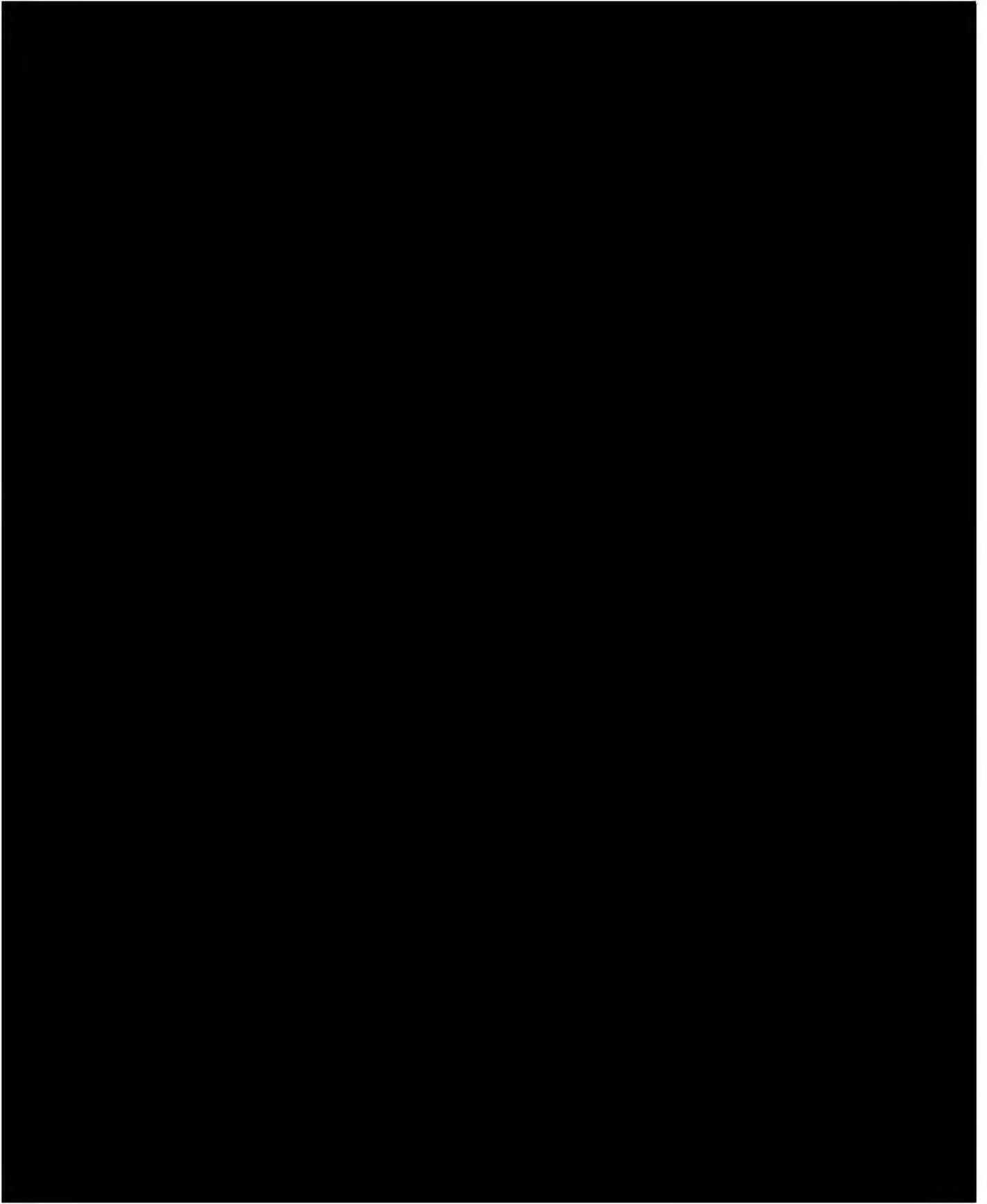


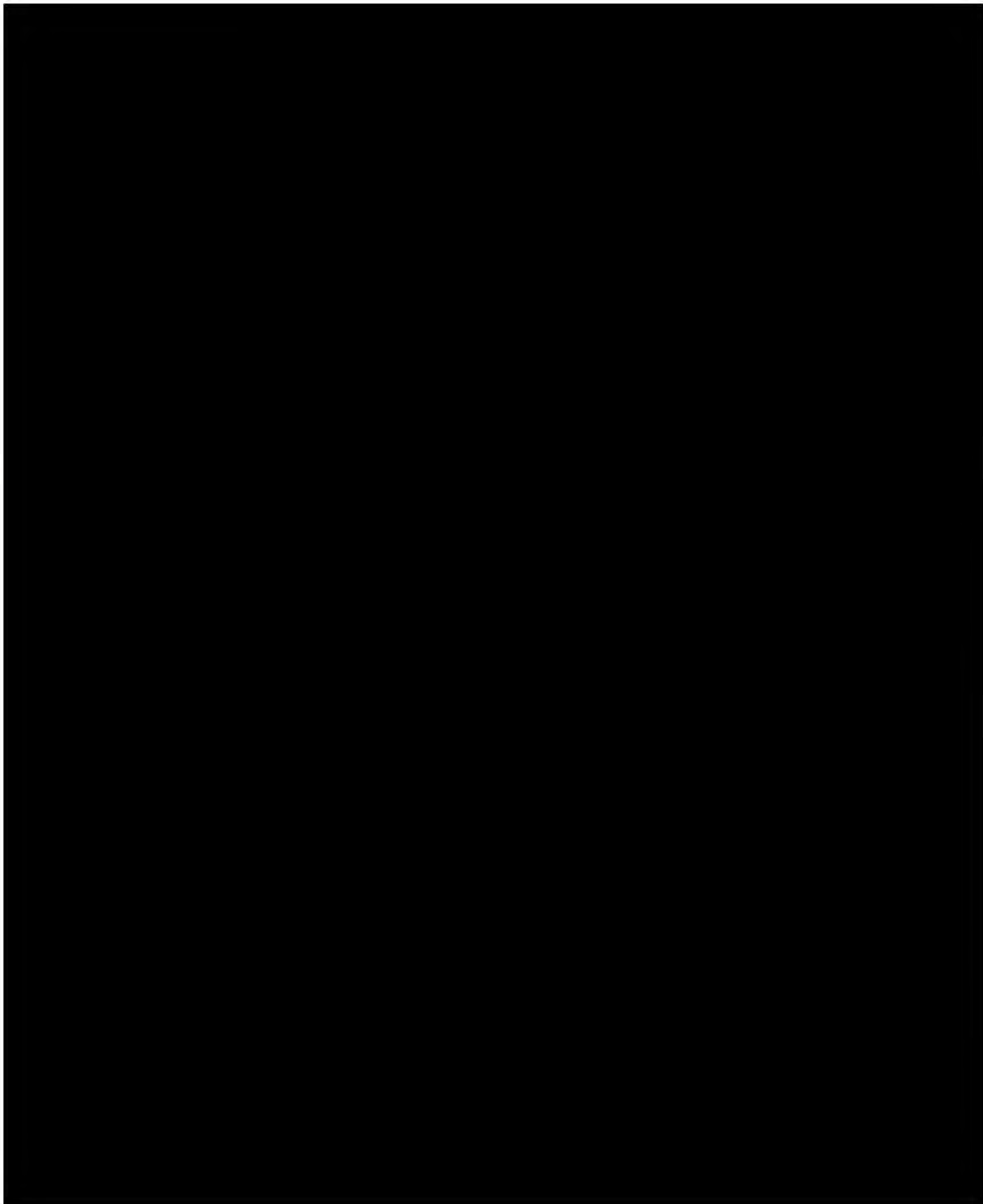




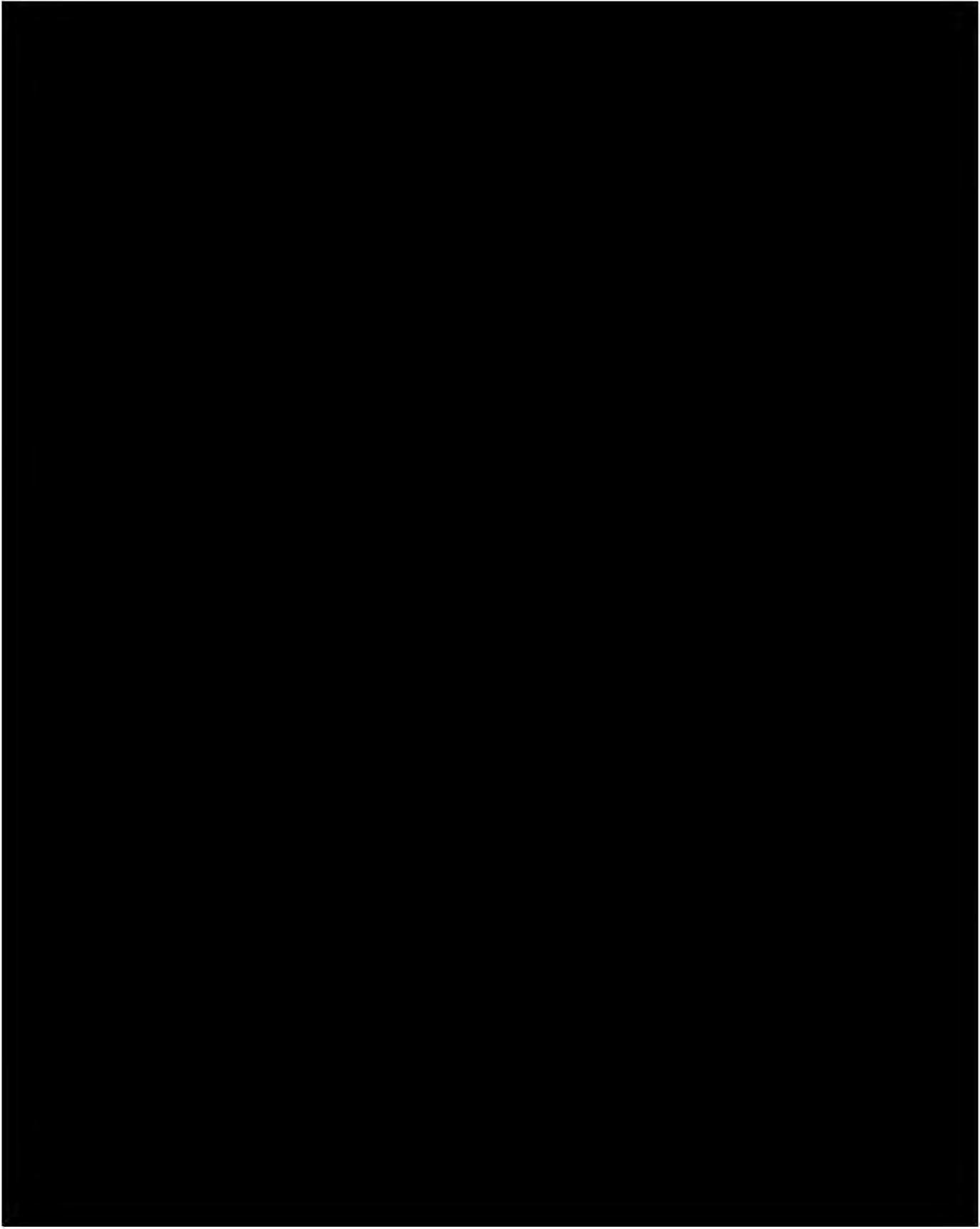












category.

### CONCLUSION

For the reasons stated herein, the Hearing Officer recommends that the City Clerk modify its decision on PGSH Holdings LLC's application by awarding an additional 4 points in the Resident Safety category and an additional 9 points in the Physical Improvements category. However, the Hearing Officer recommends that the City Clerk affirm its denial of PGSH Holdings LLC's application for failure to submit a complete application due to PGSH Holdings LLC's failure to include a floor plan with its application. Given the inconsistencies and contradictions created by PGSH Holdings LLC in its application, Appellant's application fails to give the City Clerk the ability to verify where Appellant even seeks to operate its facility or what that facility will even look like. This renders much of the remaining portions of Appellant's application similarly deficient because they are prefaced on competing assumptions on where Appellant's facility will be located and what that facility will look like. As a result, the Hearing Officer concludes that the City Clerk's decision to deny PGSH Holdings LLC's application was appropriate under these circumstances and was not arbitrary and capricious. Because PGSH Holdings LLC failed to submit a complete application, the Hearing Officer recommends that the City Clerk affirm the denial of its application.

Respectfully Submitted,

**GREWAL LAW PLLC**

Dated: May 7, 2021

/s/ John W. Fraser  
John W. Fraser, Hearing Officer

# Exhibit 2



OFFICE OF THE CITY CLERK  
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone: (248) 758-3200  
Fax: (248) 758-3160

May 21, 2021

Mike M Bahoura Esq.  
c/o PGSH Holdings LLC  
1054 Durant Ave.  
Pontiac, MI 48340

Dear Mr. Bahoura:

**Re: Clerk's Decision on PGSH Holdings LLC [REDACTED] Hearing Officer Appeal**

On March 2, 2021, PGSH Holdings LLC was informed that their application for a Cesar Chavez Overlay District Provisioning Center Permit received a score of 101 and was ranked 8 of 17 total applications.

After being informed that their application had been denied, you submitted an appeal on their behalf on March 16, 2021 within the fourteen (14) days required by Ordinance 2357(B).

On April 26, 2021, Grewal Law PLLC, the Medical Marihuana Hearing Officer for the City of Pontiac Office of the City Clerk conducted a hearing. John W. Fraser, Esq., Grewal Law PLLC served as the hearing officer for your appeal.

I have reviewed the hearing officer recommendation. The hearing officer recommendation was emailed to mike@bahouralaw.com. Based on the hearing officer recommendation, I am affirming my decision to deny your application.

The following are the categories that the score was appealed.

Category	Applicant Score	Maximum Points	Hearing Officer Recommendation	Clerk's Final Decision
Insurance	0	1	0	0
Background Information/Security	0	1	0	0
Facility Planning	1	8	1	1
Patient Education	0.5	2.5	0.5	0.5
Land Use -- Resident Safety	1	10	5	5
Physical Improvement	1	10	10	10

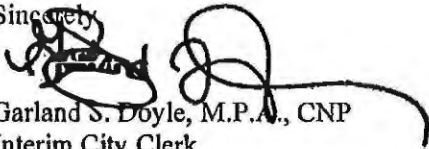
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Therefore, your appeal to the Medical Marihuana Commission can only focus on the categories listed above and you cannot submit any additional information in your appeal to the Medical Marihuana Commission as noted in Ordinance 2357(B) Section 16.

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If you have any questions, please contact Jonathan Starks, Special Assistant to the Clerk at (248) 758-3005.

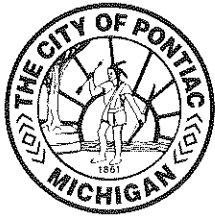
Sincerely,



Garland S. Doyle, M.P.A., CNP  
Interim City Clerk

Cc: Jason Brikho

**Clerk's  
Decision  
Letter**



OFFICE OF THE CITY CLERK  
MEDICAL MARIHUANA DIVISION

47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone: (248) 758-3200  
Fax: (248) 758-3160

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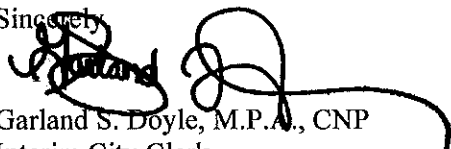
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Application Name \_\_\_\_\_

Application Number \_\_\_\_\_

**City of Pontiac  
Medical Marihuana Facility Permit Application  
Medical Marihuana Commission Appeal Form**

<b>Appellant Name (Applicant)</b>		<b>Address</b>	
<b>City</b>	<b>State</b>	<b>Zip Code</b>	
<b>Appellant's Representative or Contact Person for Purposes of Appeal</b>			
<b>Phone Number</b>		<b>Email Address</b>	

**Written Statement of Appeal**

**\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number**

Appellant Representative or Contact Person

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Hearing  
Officer  
Recommendation**

**CITY OF PONTIAC**  
**OFFICE OF THE CITY CLERK**  
**MEDICAL MARIHUANA FACILITY PERMIT APPLICATION APPEAL**

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**PGSH Holdings LLC**  
**Appellant**

**Proposed Location:**  
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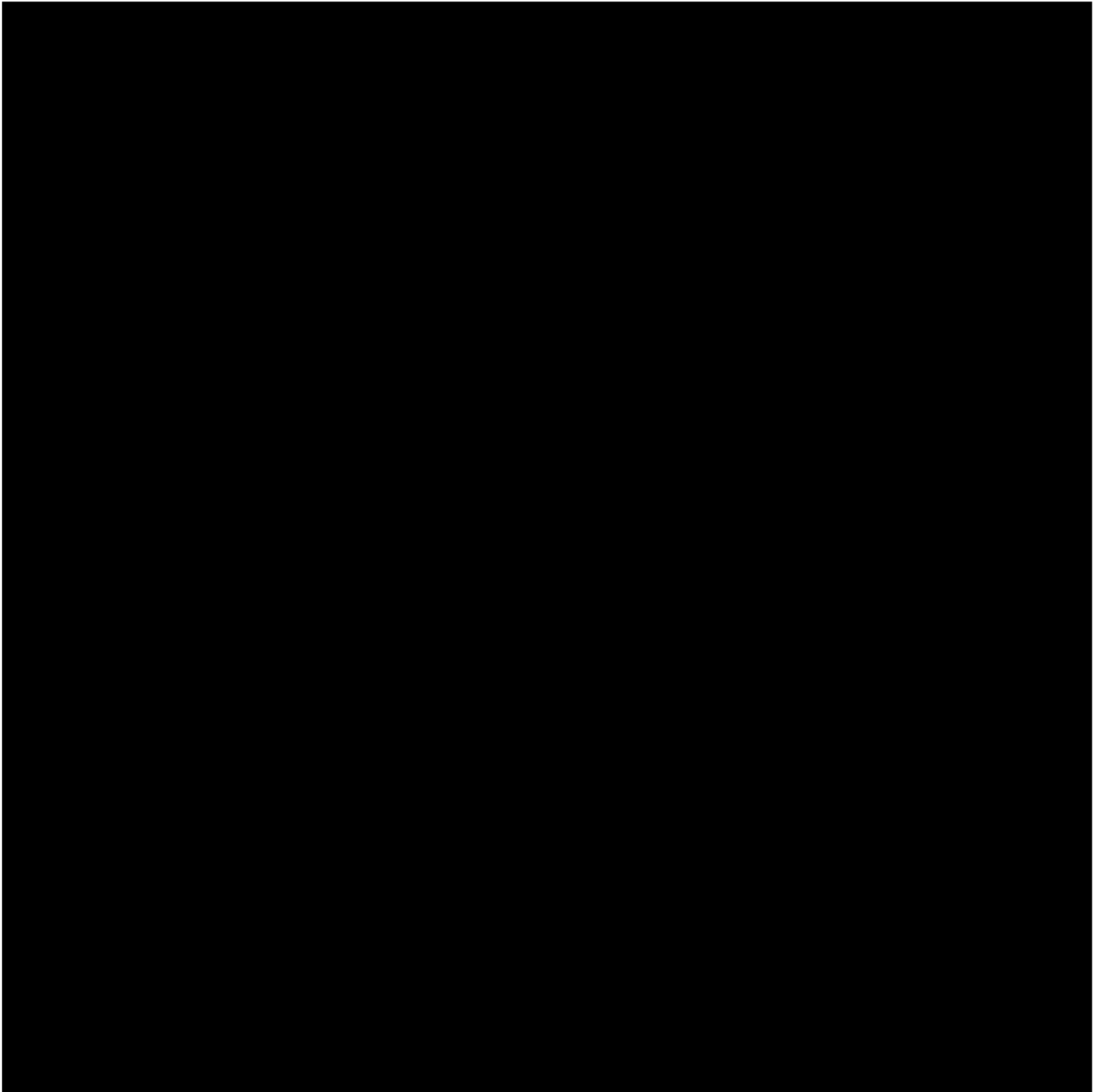
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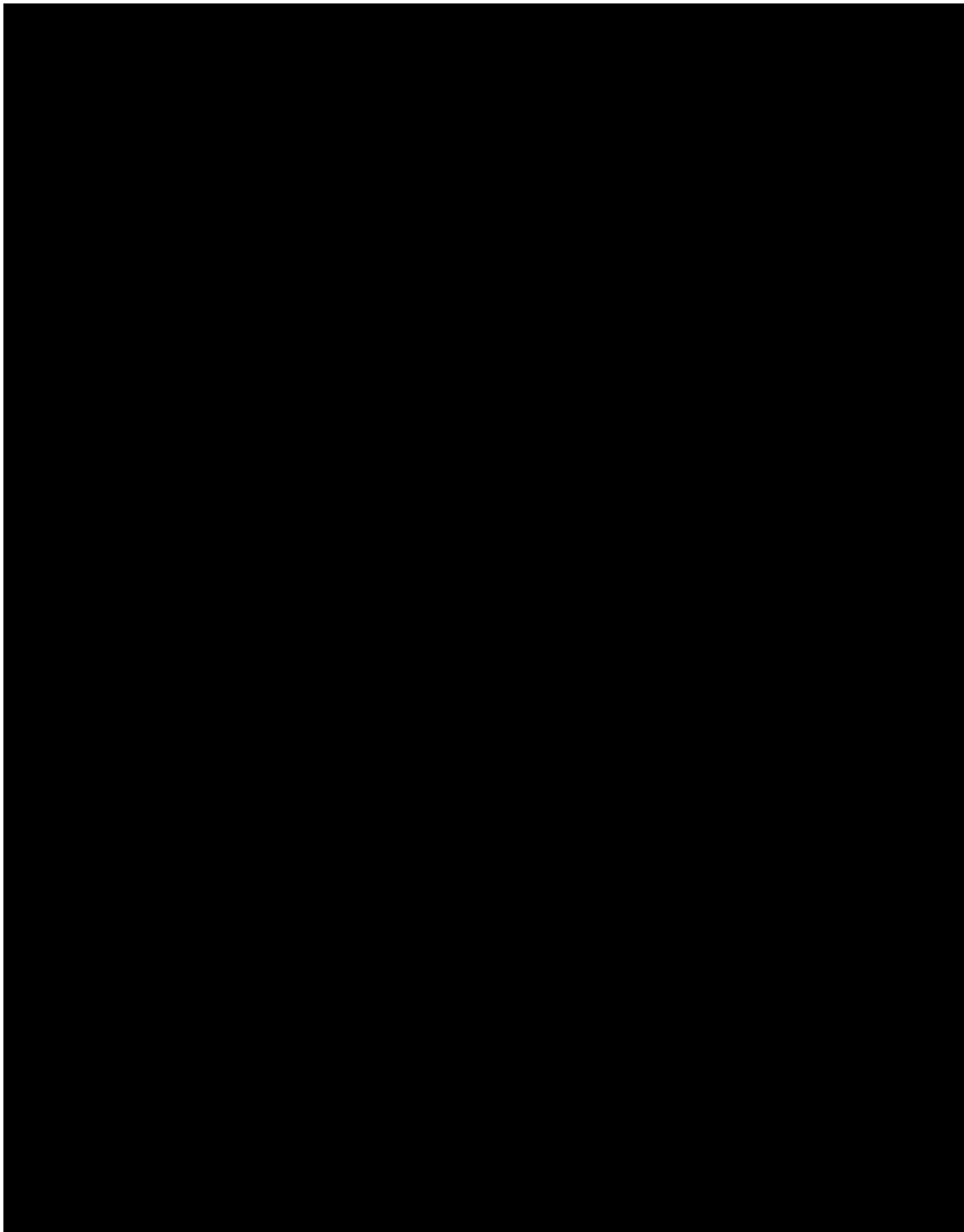
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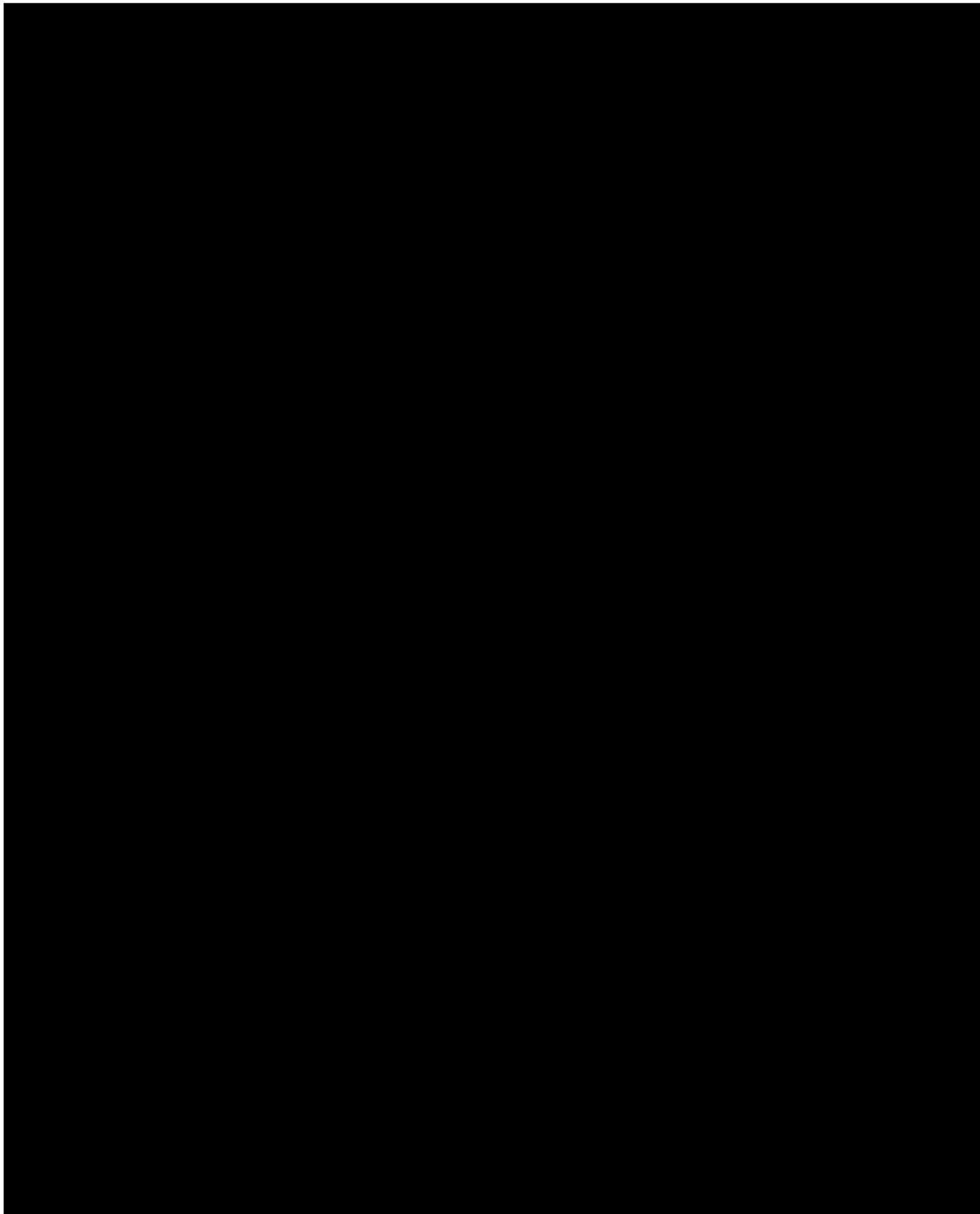
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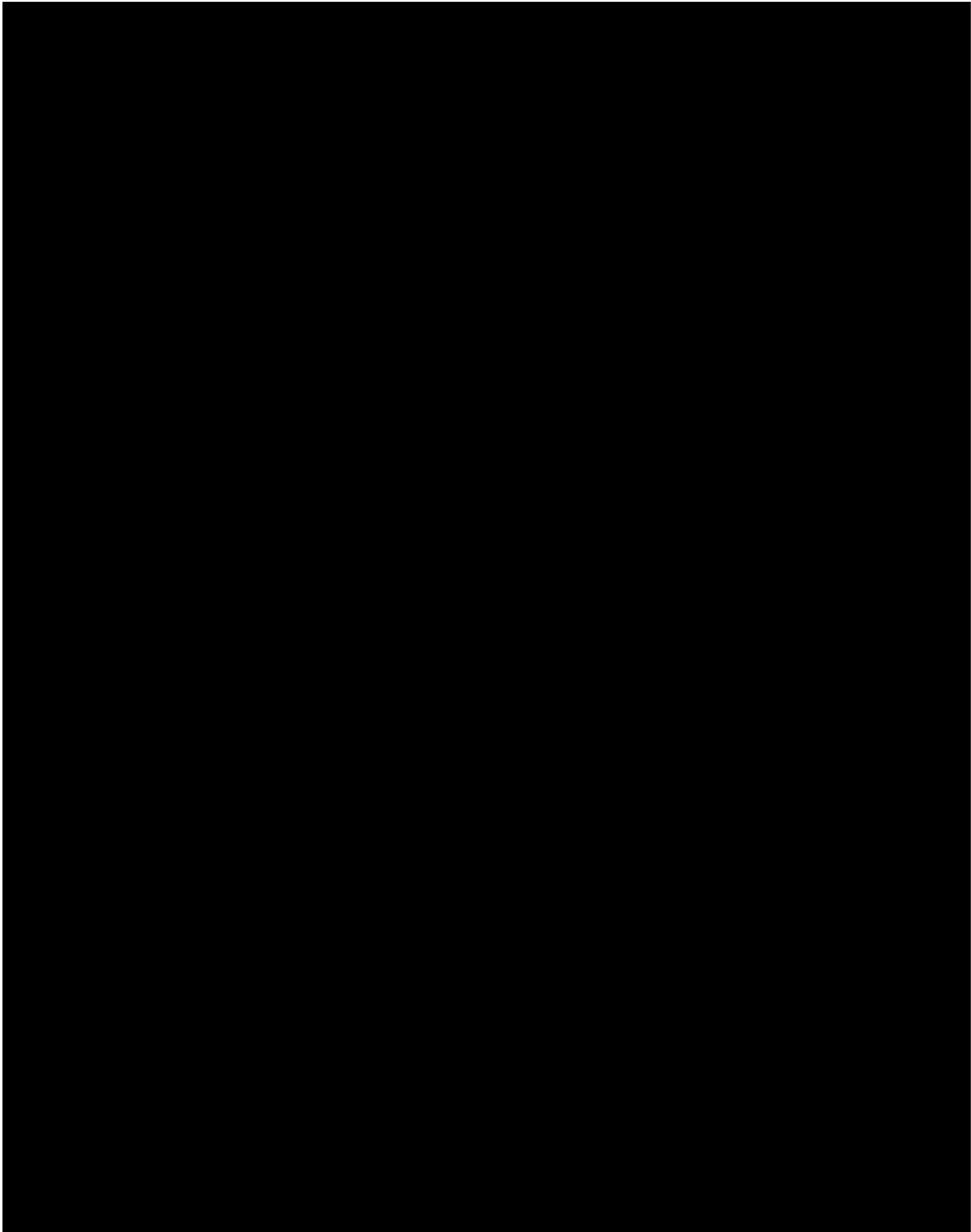
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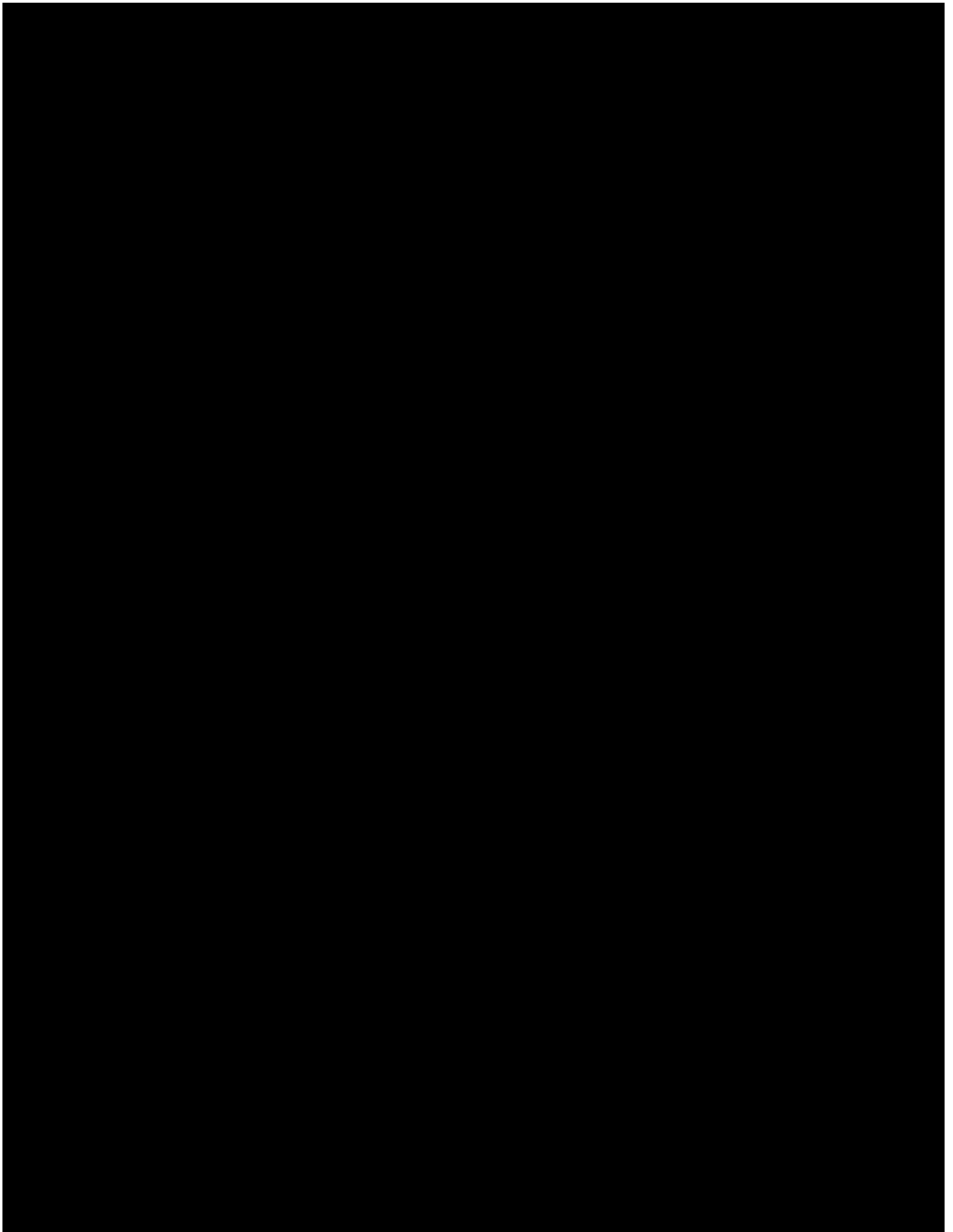


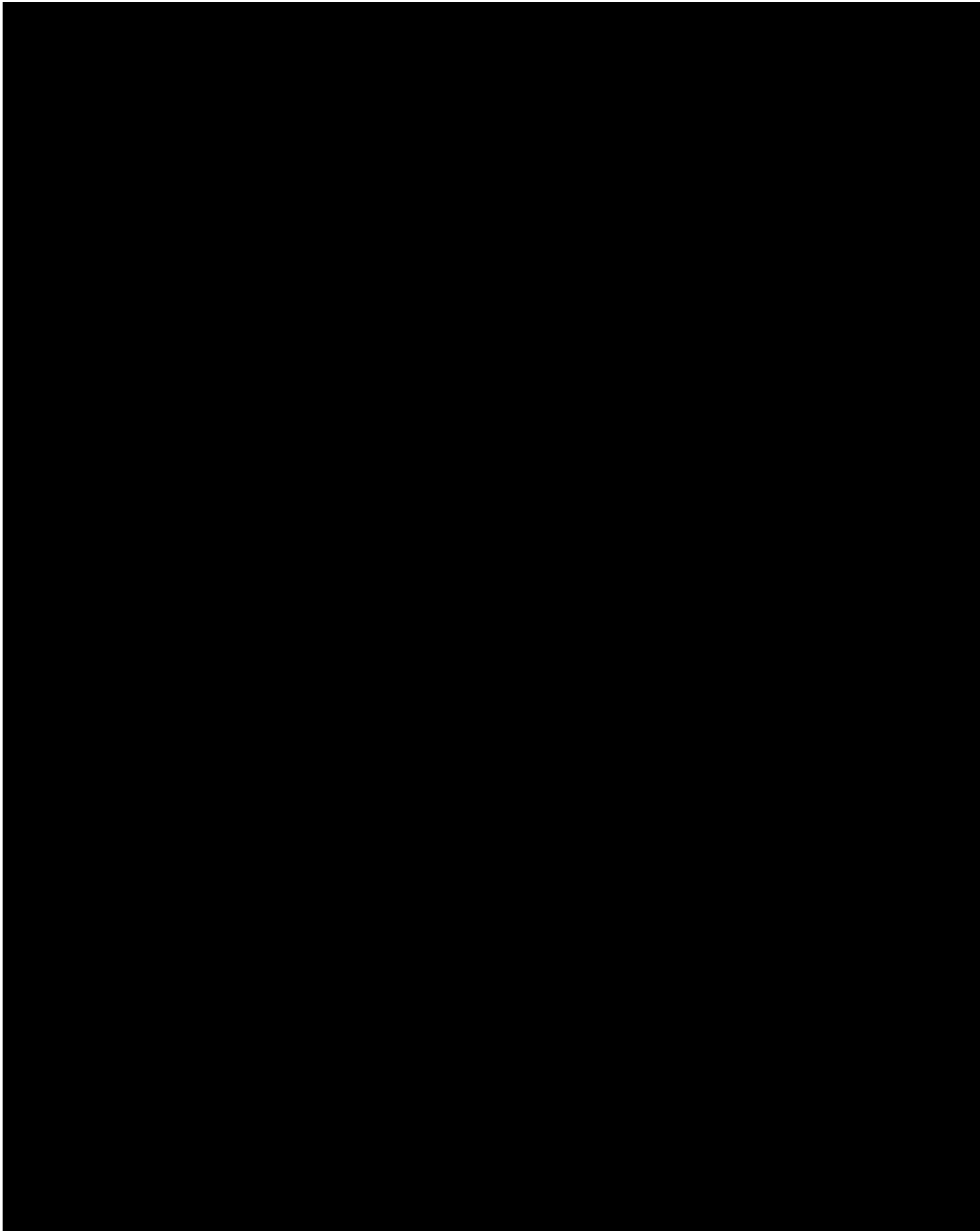


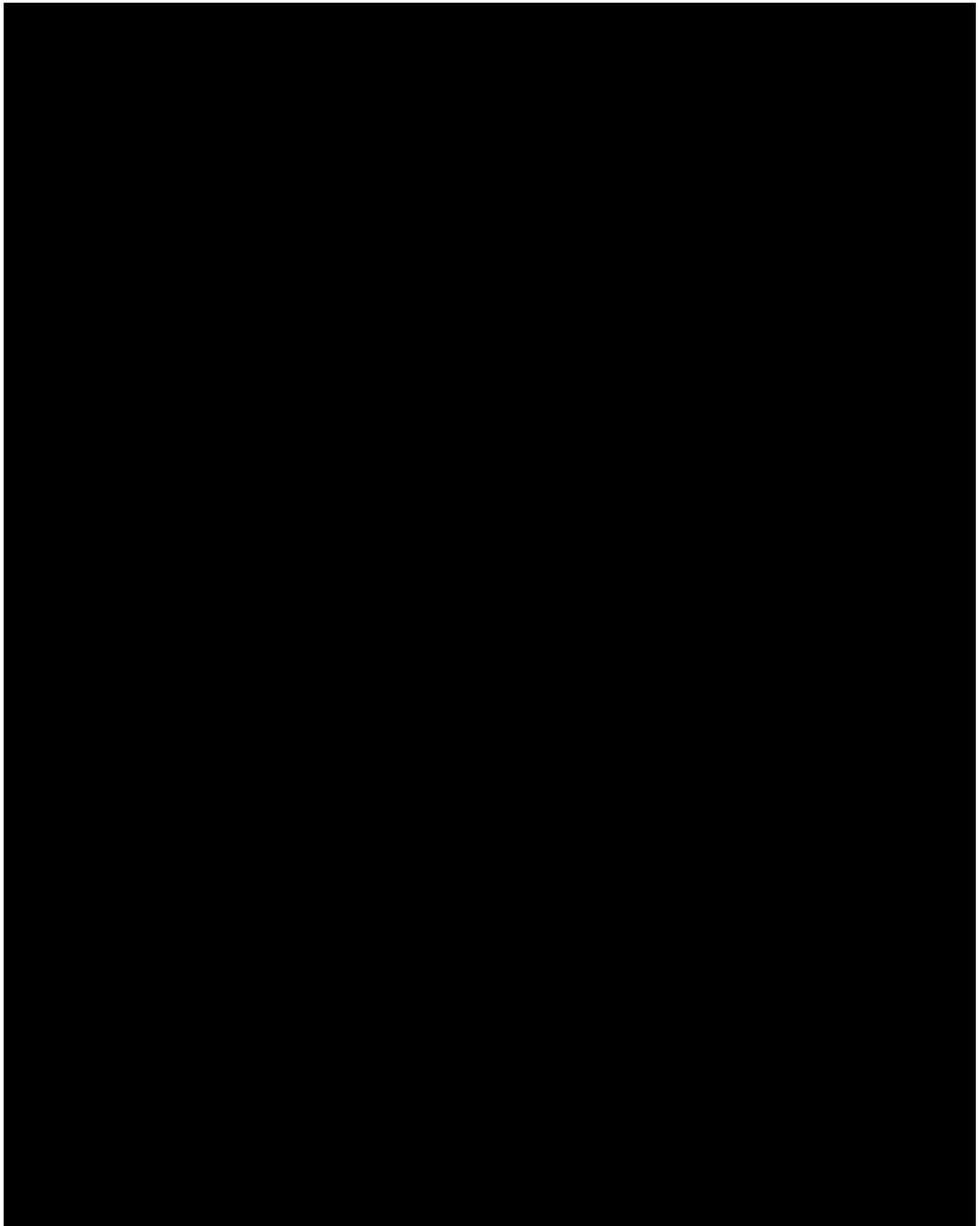


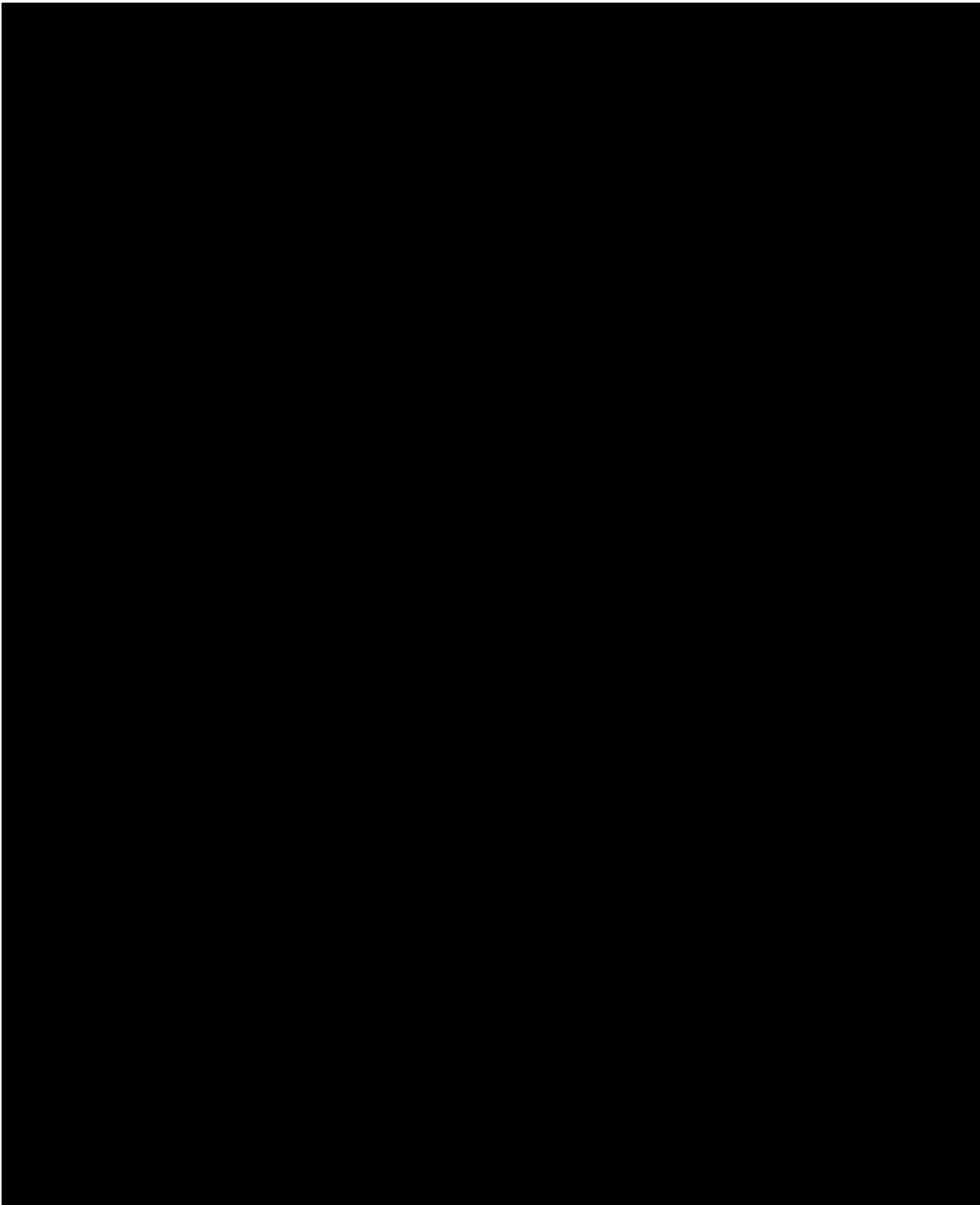












## CONCLUSION

For the reasons stated herein, the Hearing Officer recommends that the City Clerk modify its decision on PGSH Holdings LLC's application by awarding an additional 4 points in the Resident Safety category and an additional 9 points in the Physical Improvements category. However, the Hearing Officer recommends that the City Clerk affirm its denial of PGSH Holdings LLC's application for failure to submit a complete application due to PGSH Holdings LLC's failure to include a floor plan with its application. Given the inconsistencies and contradictions created by PGSH Holdings LLC in its application, Appellant's application fails to give the City Clerk the ability to verify where Appellant even seeks to operate its facility or what that facility will even look like. This renders much of the remaining portions of Appellant's application similarly deficient because they are prefaced on competing assumptions on where Appellant's facility will be located and what that facility will look like. As a result, the Hearing Officer concludes that the City Clerk's decision to deny PGSH Holdings LLC's application was appropriate under these circumstances and was not arbitrary and capricious. Because PGSH Holdings LLC failed to submit a complete application, the Hearing Officer recommends that the City Clerk affirm the denial of its application.

Respectfully Submitted,

**GREWAL LAW PLLC**

Dated: May 7, 2021

/s/ John W. Fraser  
**John W. Fraser, Hearing Officer**

# Hearing Officer Appeal

Application Name PGSH Holdings, LLC

Application Number [REDACTED]

**City of Pontiac  
Medical Marihuana Facility Permit Application  
Hearing Officer Appeal Form**

Appellant Name (Applicant) <b>PGSH Holdings, LLC</b>		Address <b>1054 Durant Ave</b>	
City <b>Pontiac</b>	State <b>MI</b>	Zip Code <b>48340</b>	
Appellant's Representative or Contact Person for Purposes of Appeal <b>Mike M Bahoura, Esq</b>			
Phone Number <b>248-392-1586</b>		Email Address <b>mike@bahouralaw.com</b>	

**Written Statement of Appeal**  
\*If You Require Additional Space, You May Attach An Addendum, All Attachments To This Appeal Form Should Be Clearly Labeled With Your Appellant (Application) Name and Application Number; Failure To Properly Label Attachments May Result In Your Appeal Being Delayed.

PLEASE SEE ATTACHED APPEAL W/EXHIBITS

**RECEIVED**  
MAR 16 2021  
BY: .....

Appellant Representative or Contact Person  
Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_



**In re: PGSH Holdings, LLC**

**Applicant/Appellant**

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**PGSH Holdings, LLC'S APPEAL FOR DENIAL OF MARIJUANA LICENSE  
AND REQUEST FOR SCORING CHANGE**

**1054 Durant Ave, Pontiac, MI 48340**

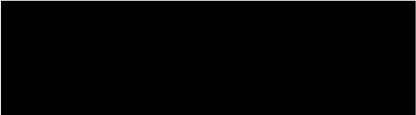
**Application Number** [REDACTED]

**INTRODUCTION/BACKGROUND**

PGSH Holdings, LLC (“Applicant”) is a limited liability company which applied to the City of Pontiac to operate a medical marijuana provisioning center, as defined by the Medical Marijuana Facilities Licensing Act (“MMFLA”), to be located at 1054 Durant Ave, Pontiac, MI 48340 as part of the “Caesar Chavez Overlay District”. According to the Scoring Form provided by the City Clerk’s office, Applicant scored 101 points out of a possible 130 points, which ranked Applicant 8<sup>th</sup> out of 17 (**see attached Exhibit A**).

As part of the application submission process, the City requested documentation and information from each applicant, and provided numerous different forms, guidelines, and instructions. Said information was located on multiple competing “city” websites, that created a bewildering process for applicants, attorneys, and city employees alike. Documentation related to the information that was being requested by the City could be found on websites for the City of Pontiac as well as a newly created “official” City Clerk website, which was completely separate from the official City website. The ballot initiative upon which the underlying application process stemmed was passed by Pontiac voters in August, 2018.


Although the ballot initiative was passed in August of 2018, the City finally began accepting applications on January 6, 2020. The application process leading up to January 6, 2020, included numerous moratoriums, several variations of a zoning ordinance, and weekly city



council meetings. At these city council meetings, arguments between the legislative and executive branches were on full display. Sometime in early November 2019, the Mayor's office announced that the 21-day window to apply for provisioning centers was opened, and the City would be accepting applications from November 6<sup>th</sup> through November 27<sup>th</sup> of 2019, which contradicted what the Clerks office had previously been saying publicly. As a result of this contradictory information, applicants rushed to submit applications to the Mayor's office, only to find out later that this information was incorrect.

After a legal challenges commenced, the Mayor's office was forced to issue a press release to correct the misinformation and announce a new application window beginning on January 6<sup>th</sup>, 2020 through January 27<sup>th</sup>, 2020. (**see attached Exhibit B**). The process, however, became so dysfunctional that the City Clerk decided he would make its own web page, completely separate from the official City website, and with no links available to the new website from the official City website. Naturally, this only further added confusion to an application process already riddled with misinformation. This dysfunction was made even clearer when the City and City Clerk began to release the application packet and related guidelines, scoring criteria, and instruction sheets. These numerous documents were often redundant, repetitive, and contradictory; and always seeming to request additional voluminous information that caused even the most seasoned cannabis consultants and attorneys to question just how many different people were requesting their own set of documents. These different documents, found over two competing "city" websites, included:

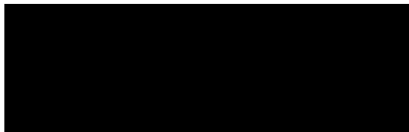
- 1) Frequently Asked Questions (**see attached Exhibit C**)
- 2) City of Pontiac Scoring Guide (**see attached Exhibit D**)

- 
- 3) The entire application packet itself (see pgs. 2,5,6,11,14,15,19,20,23,28 of attached **Exhibit E**), including a diagram of the appeal process which contradicts the appeal process information found in Exhibit C, allowing an applicant to waive the instant appeal and move directly to an appeal by the marijuana commission.
  - 4) Medical Marijuana Facility Permit Application Instructions (see attached **Exhibit F**)
  - 5) The City Ordinance #2357B itself, which outlined how the 130 points were to be scored and was contradictory to much of the other documentation being published by the City and the City Clerk.

In the event that the hearing officer has not had a chance to review these documents prior to seeing them here, I encourage him/her to do so. After reading the hundreds of different document requests, it would be difficult to argue that the entire application process was flawed from the beginning. These documents clearly show that the City simply threw everything but the proverbial kitchen sink at the Applicants, and left it for them to sort out. It is difficult to understand how documents were reviewed, or even submitted in a section of the binder that the application scorer did not properly review. By making this such a complex application submission process, it was incumbent on the City to take the proper amount of time (they had over 1 year) to review the applications in their entirety, instead of taking a piecemeal approach and assigning different sections to different scorers.

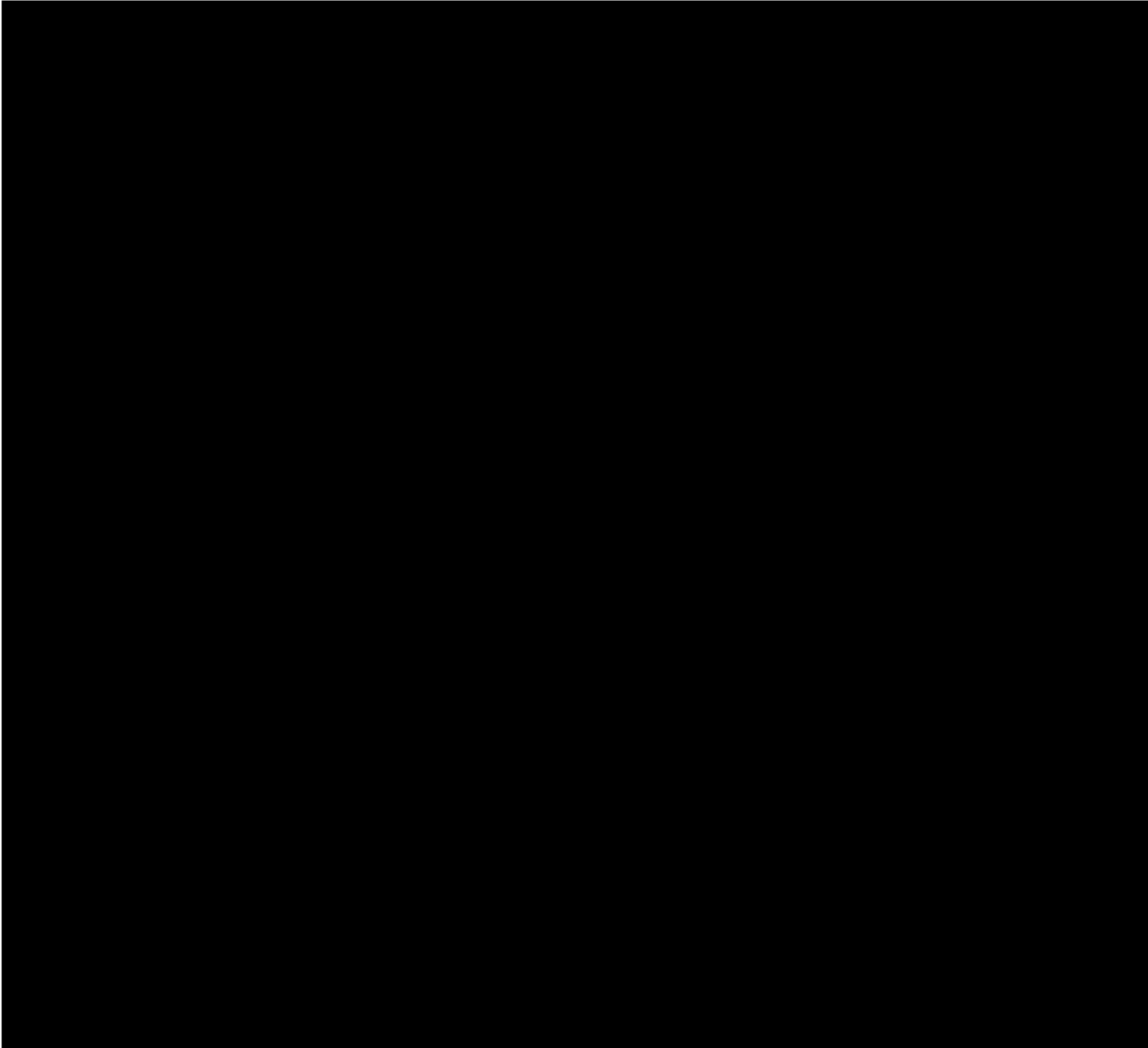
### **BASIS OF APPEAL**

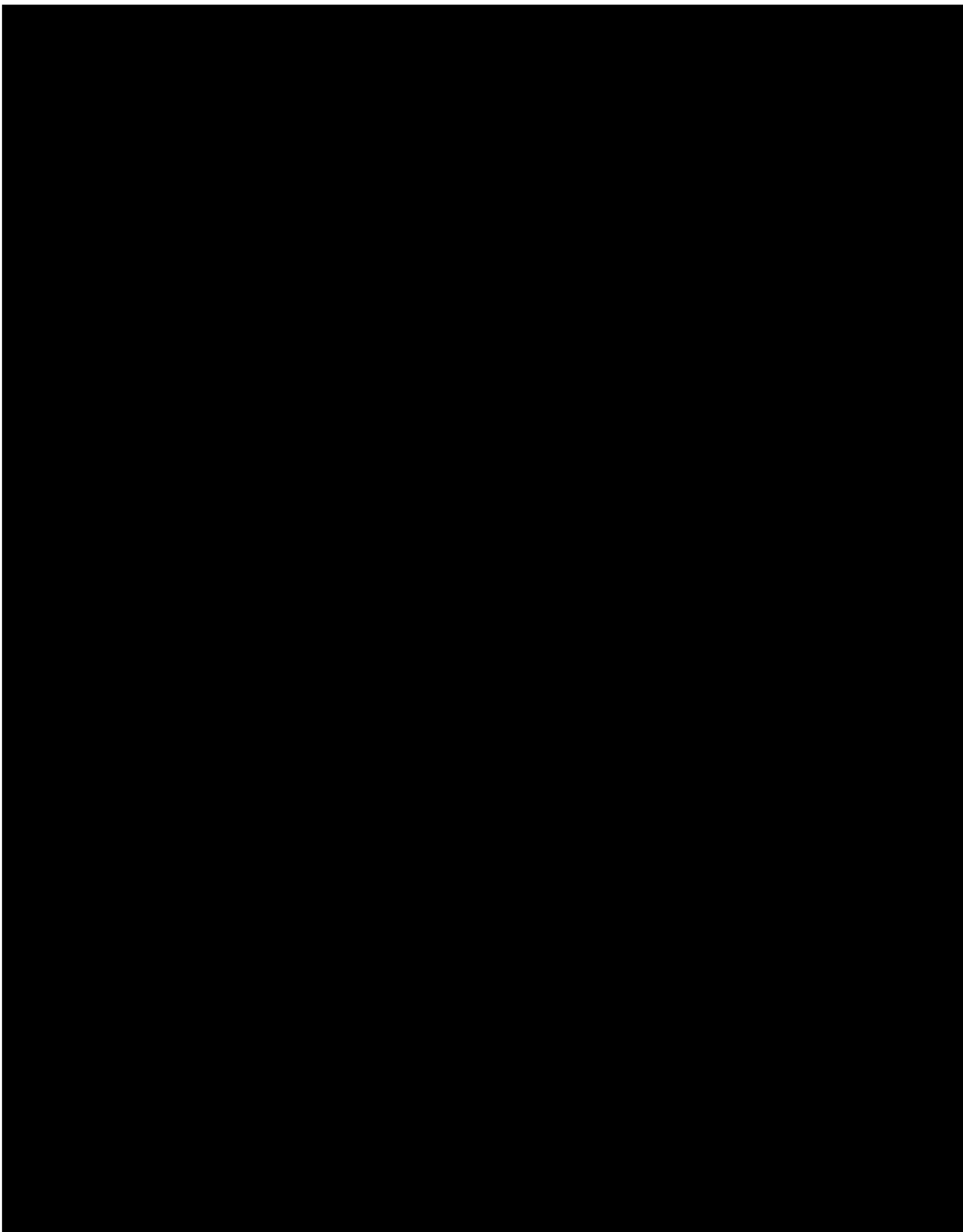
The basis for this appeal is as follows: 1) the Applicant provided sufficient material to be awarded additional points in the six (6) categories (outlined below); 2) the scoring of the term “very deficient” in at least two of these categories was not based on competent, material, and substantial evidence; 3) the scoring review sheet provided to Applicant are based on clearly erroneous findings. Much of the documentation alleged to be lacking was found in other areas of

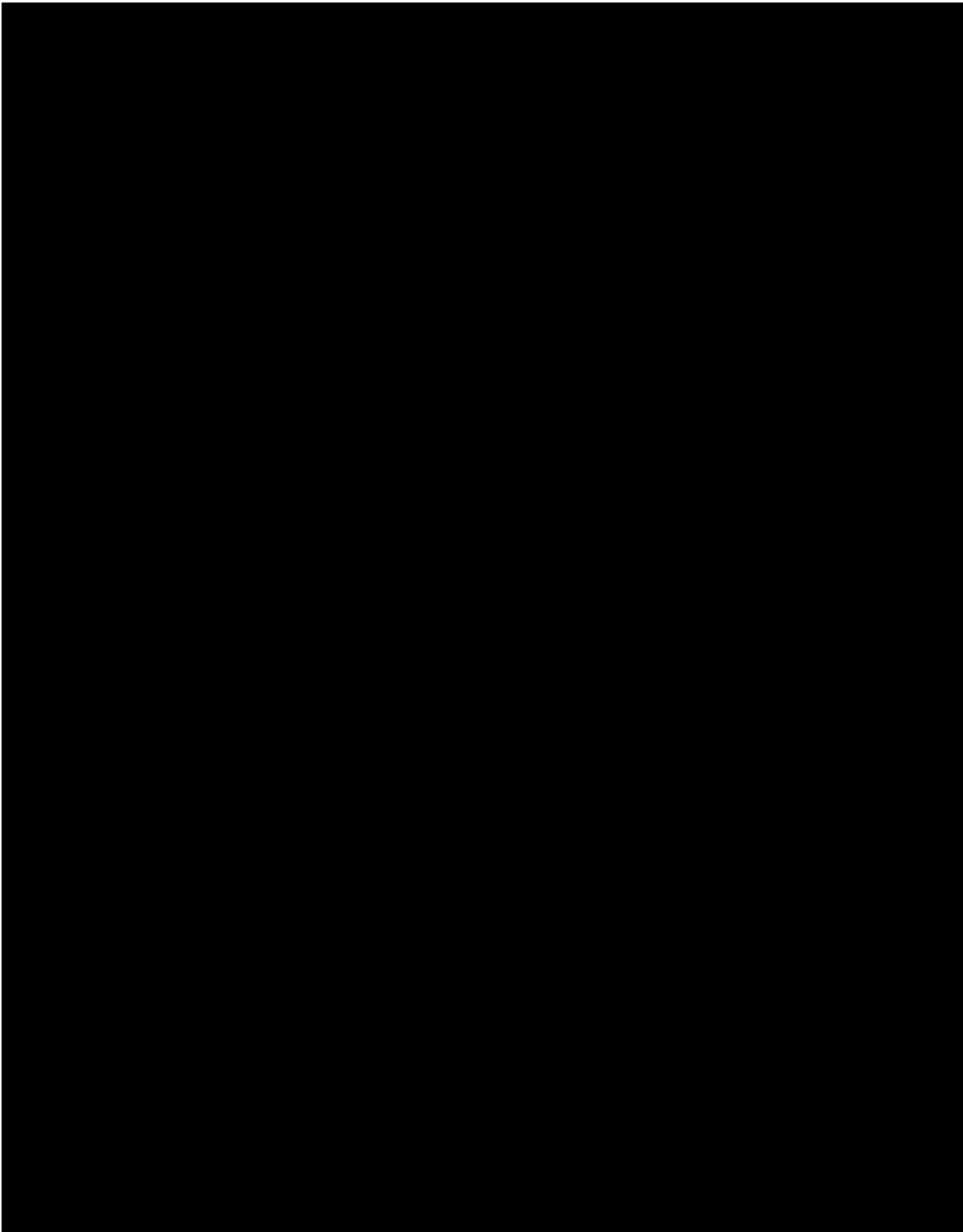


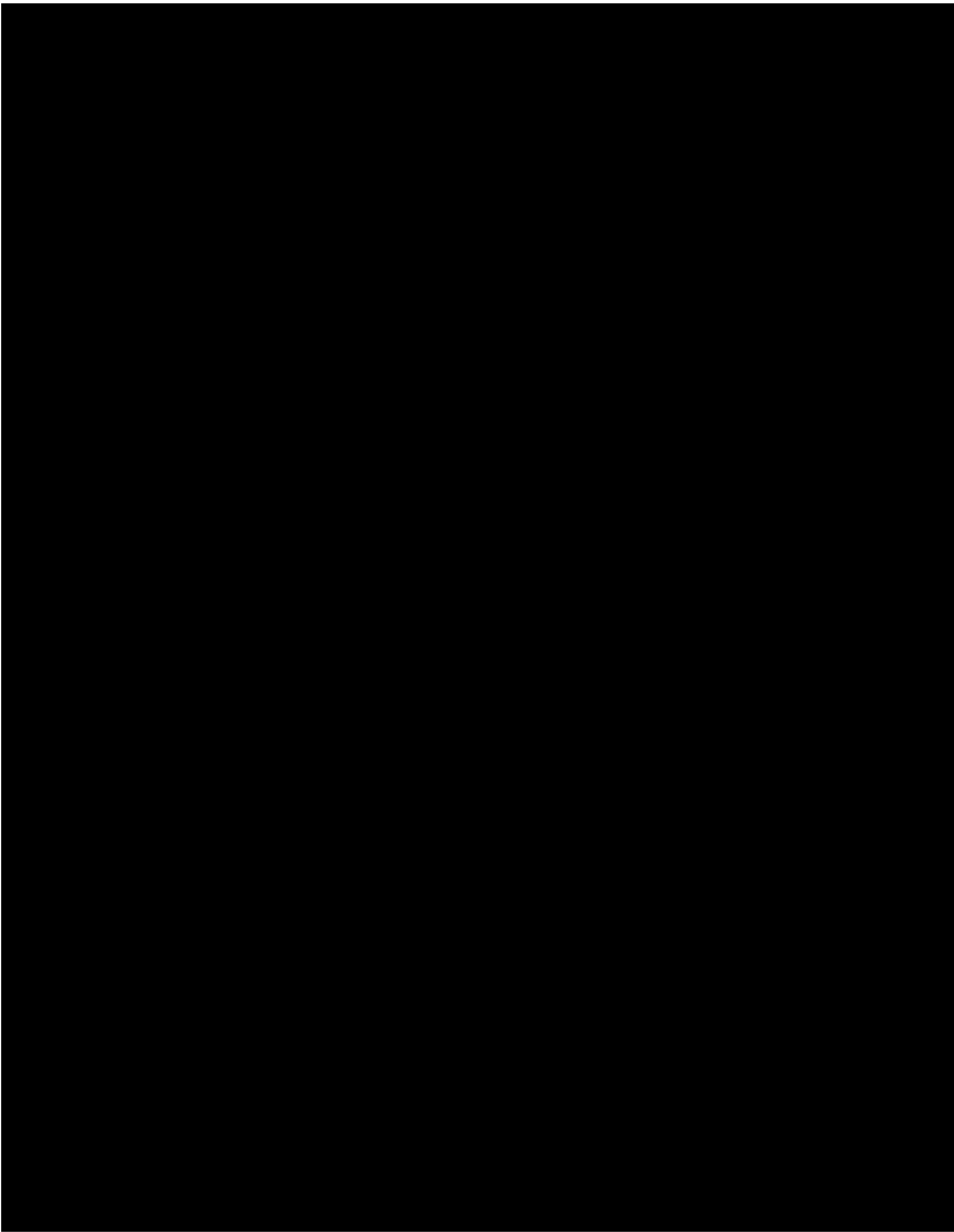
the application. 4) Applicant's score under the categories in question were based on improper and/or inconsistent scoring; 5) the scoring method did not comply with the City's ordinance and is based on an erroneous interpretation of law; 6) scoring review sheets were inconsistent; 7) the scoring of Applicant's application was not supported by material, substantial, and competent facts on the whole record considered by the scorers; and 8) the retained experts scoring decisions constituted an abuse of discretion.

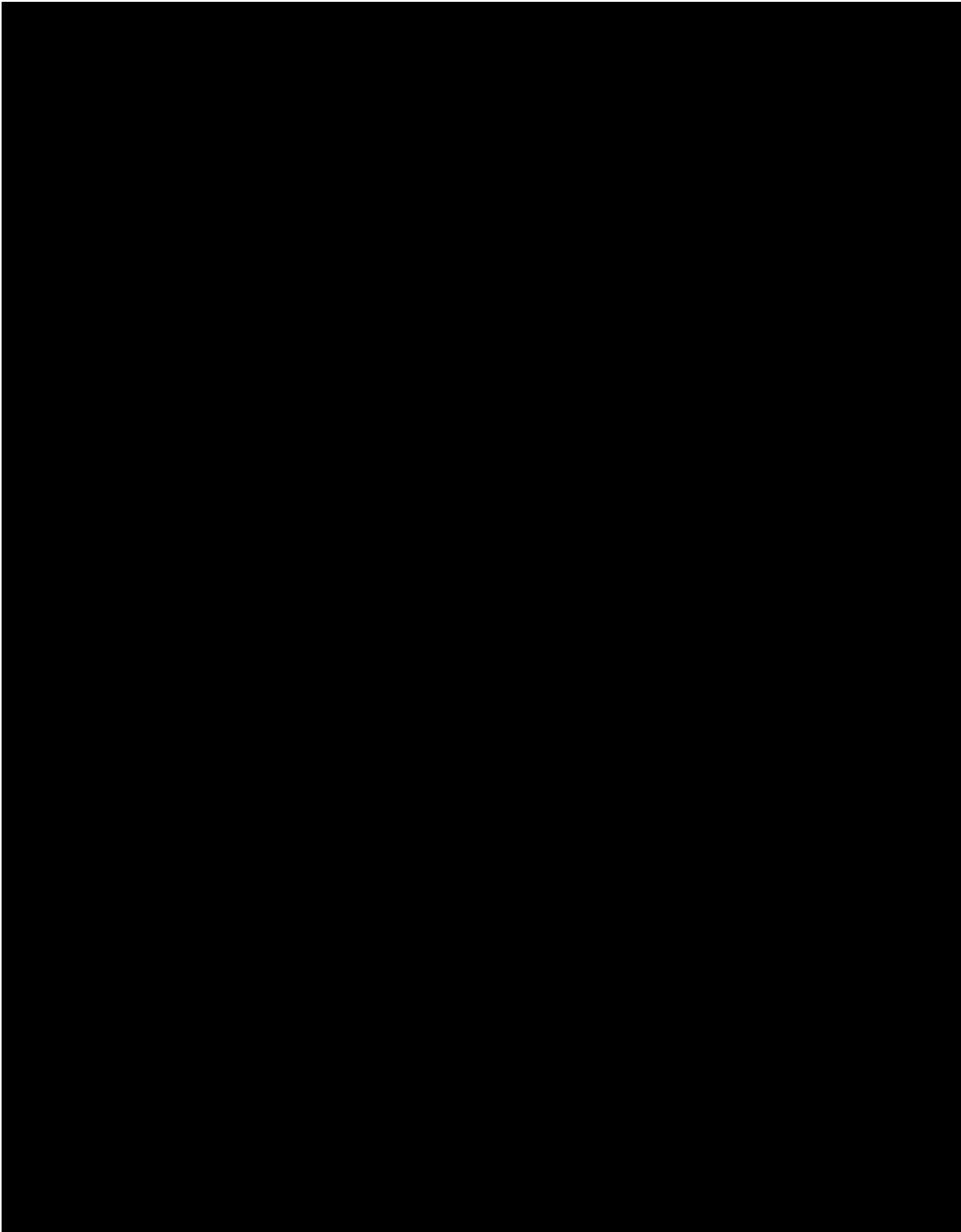
**ARGUMENTS RELATED TO APPLICANT'S SCORE**



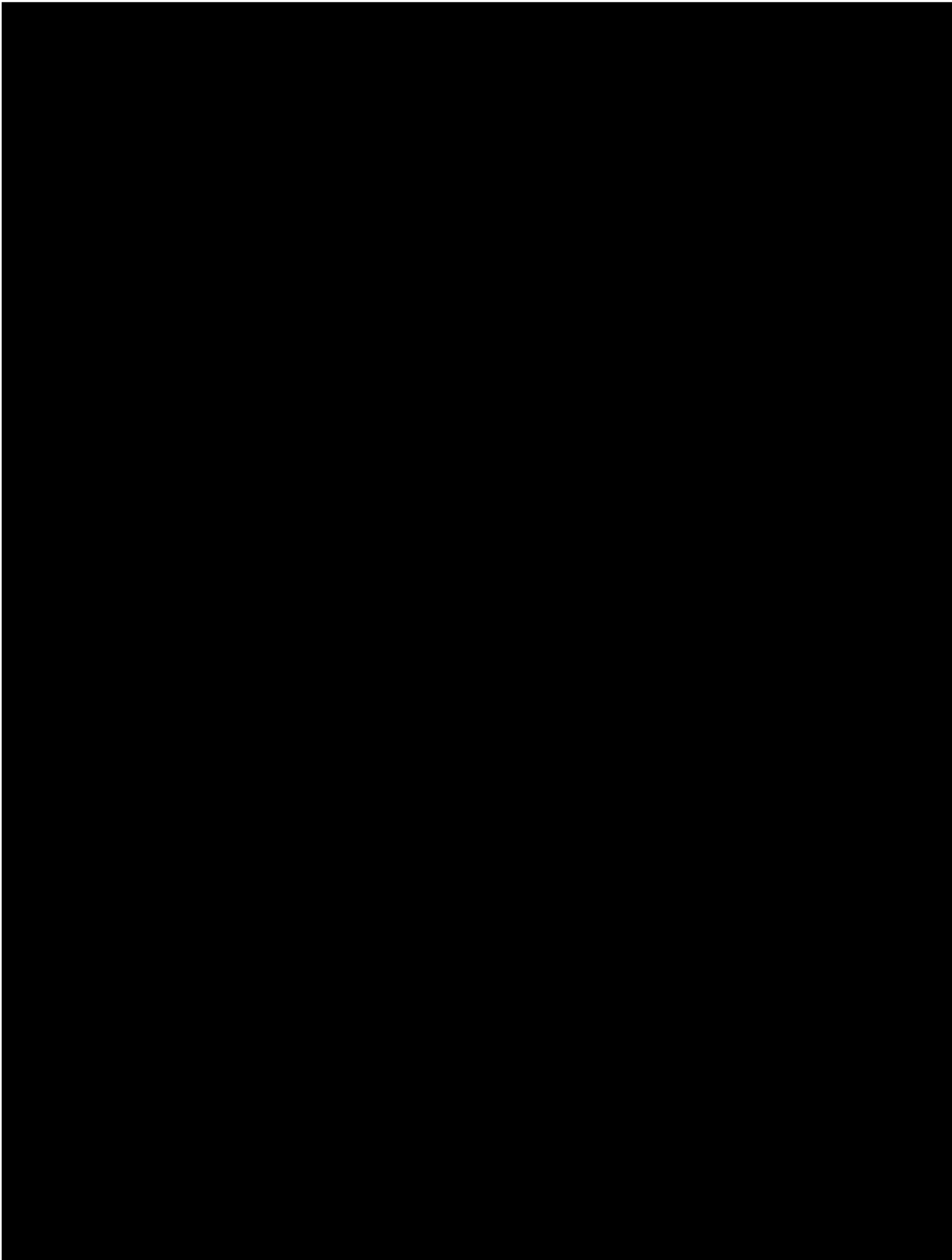


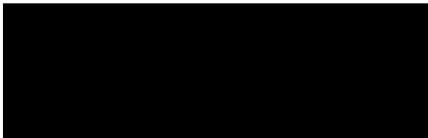












**CONCLUSION AND REQUESTED RELIEF**

The application process in the City of Pontiac was flawed from the start. And the way in which these Applications have been scored clearly establishes that the process was and continues to be flawed. The decision of the application scorers was riddled with clear and obvious errors. As discussed above, the deductions were arbitrary, capricious, non-objective, unreasonable, and without factual and legal basis under the requirements set forth in the City’s applicable ordinances and Scoring Form. Applicant maintains that much or most of the requested application information could be found in other parts of the submitted application, and were simply overlooked in those sections. Therefore, the application sections discussed herein should be rescored for the Applicant accordingly.

Applicant hereby reserves all rights. Additionally, the Applicant states that the Exhibits attached hereto are not meant to replace the application, or the totality of documents submitted in support of each category of scoring. Applicant hereby incorporates its entire Application by reference herein.

Submitted: March 16, 2021

/s/ Mike M. Bahoura, Esq.  
Mike M. Bahoura, Esq. (P80205)  
Attorney for Applicant  
77 E. Long Lake Rd., Suite 100  
Bloomfield Hills, MI 48304  
Ph: 248-509-5165  
[mike@bahouralaw.com](mailto:mike@bahouralaw.com)

# EXHIBIT A

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez



**City of Pontiac  
Office of the City Clerk  
Medical Marihuana Provisioning Center Scoring Form**

<b>Application Category</b>	<b>Applicant Points</b>	<b>Maximum Points</b>
<b>Content and Sufficiency of Information</b>		<b>50</b>
<b>Background Information</b>		<b>5</b>
Marihuana Regulations	0.5	(1.5)
Business Entity	2	(2)
Security	0.5	(1.5)
Financial Background	10	10
Economic Benefits	10	10
Community Development	10	10
<b>Facility (Planning and Sanitation)</b>		<b>10</b>
Planning	1	(8)
Sanitation	2	(2)
<b>Patient Education</b>		<b>5</b>
Staff Training and Education	2.5	(2.5)
Patient and Community Programs	0.5	(2.5)
<b>Land Use</b>		<b>20</b>
Resident Safety	1	10
Neighborhood Land Use	10	10
<b>Community Impact</b>	10	<b>10</b>
<b>Managerial Resources</b>	10	<b>10</b>
<b>Financial Resources</b>	10	<b>10</b>
<b>Job Creation</b>	10	<b>10</b>
<b>Philanthropic and Community Improvement</b>	10	<b>10</b>
<b>Physical Improvements</b>	1	<b>10</b>
<b>Applicant Total Score</b>	<b>101</b>	<b>130</b>

Applicant Ranking: 8 of 17 Total Applicants

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if no deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>CONTENT AND SUFFICIENCY OF INFORMATION</b>						50	
<b>Background Information - Marijuana Regulations</b>							
			0.5	1.5			

In this sub-category, applicants can receive up to 1.5 points.

**Applicant Information** (Sec. 8(c)(1) and (3))

- **Name**
  - If the applicant is an individual, provide the full name as it appears on a state issued driver's license or passport.
  - If the applicant is an entity, provide the entity name as it appears on official government documents (e.g., Articles of Incorporation, Articles of Organization, Certificate of Formation, etc.).
- **Date of Birth** (if individual) (month/day/year) (e.g., 06/20/1990) / **Employer Identification Number** (if entity)
- **Phone Number**: Provide a phone number for the applicant.
- **Address**: Provide a mailing address for the applicant.
- **Email address**: Provide an active email address that is regularly checked by the applicant.

**Insurance** (Sec. 8(c)(25))

The applicant must provide proof of premises liability and casualty insurance consistent with the requirements of LARA.

LARA Rule 11 sets forth the following minimum limits of insurance:

- bodily injury (casualty insurance) -- not less than \$100,000.00; and
- commercial general liability covering premises liability -- not less than \$100,000.00.

**BACKGROUND INFORMATION**



All Documents Returned to Office of City Clerk

Reviewer Name: Jonathan Starks

Signature: *Jonathan Starks* Title: Special Assistant

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if no deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>CONTENT AND SUFFICIENCY OF INFORMATION</b>							
<i>Background Information – Business Entity</i>							
		Articles of incorporation, operating agreement, and bylaws (0.5pt)					
		Entity's employee identification number (0.5pt)					
		Proposed ownership structure (0.5pt)					
		Current organization chart (0.5pt)					
			2	2.0			

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

**BACKGROUND INFORMATION**

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Background Information**

**Organization Documentation**

- *Official Business Formation Document* (Sec. 8(c)(2)). The applicant must provide a copy of its formation document filed with the applicable jurisdiction (e.g., Michigan or another state). For a Michigan limited liability company this would be the applicant's Articles of Organization, and for a Michigan corporation this would be the applicant's Articles of Incorporation.
- *Copy of Governing Documents* (Sec. 8(c)(4)). The applicant must provide a copy of its current governing documents. For a Michigan limited liability company this would typically be an Operating Agreement and for a Michigan corporation this would typically be Bylaws.

**Ownership Structure** (Sec. 8(c)(7))

The applicant must submit evidence of the proposed ownership structure of the applicant, including ownership percentages held by each stakeholder. Such attachment must include all direct and indirect owners of the applicant. Graphical images with an entity chart are acceptable.

**Organization Chart** (Sec. 8(c)(8))

The applicant must submit a current organization chart that includes position descriptions and the names of each person holding such position. Graphical images with an organization chart are acceptable.

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if no deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>Background Information - Security</b>							
			0	1.0			
			0.5	0.5			

In this sub-category, applicants can receive up to 1.5 points

**BACKGROUND INFORMATION**



All Documents Returned to Office of City Clerk

Reviewer Name: Brian R. Stair

Signature: [Handwritten Signature]

Title: Security Consultant

**CONTENT AND SUFFICIENCY OF INFORMATION – Background Information**

**Criminal Background (Sec. 8(c)(14))**

The applicant must submit a criminal background report of the applicant's criminal history. Such reports shall be obtained by the applicant through the internet Criminal History Access Tool (ICHAT) for applicants residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants who reside in other states or have resided in other states within 5 years prior to the date of application. The applicant is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application.

**Security Plan (Sec. 8(c)(17))**

The applicant must submit a security plan for the proposed medical marijuana facility that is consistent with the requirements of LARA Rule 35. LARA Rule 35 has 13 subparts, which imposes twelve requirements on the part of the applicant. The applicant must be able to attest that it has requisite systems in place and that it will be able to follow the procedures put in place by LARA.





Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Financial Reviewer  
Title: \_\_\_\_\_

**CONTENT AND SUFFICIENCY OF INFORMATION – Financial Background**

The second section of the application applies to the applicant's business and financial information.

**Proposed Business Plan** (Sec. 8(c)(6))

The applicant must submit a proposed business plan. A complete business plan should include a description of the following for the applicant:

- Business and Objectives;
- Location, Facilities and Equipment;
- Market and Competitive Analysis;
- Management and Organization;
- Products and Services;
- Marketing Plan and Sales Strategy;
- Funding; and
- Financial Projections.

The applicant may include cross references to other sections of the application to reference the applicant's (a) short and long term business objectives; (b) the proposed marketing, advertising and business promotion plan for the facility; (c) planned capital investment in the City of Pontiac; (d) expected job creation; (e) community education plans; and (f) charitable plans and strategies. These items may be considered as part of the applicant's business plan.

**Capital Investment** (Sec. 8(c)(10))

The applicant must describe the planned tangible capital investment in the City of Pontiac, including (i) detail related to the number and nature of proposed medical marijuana facilities (including if the applicant is applying for a stacked license or if the applicant plans to apply for future licenses) and (ii) whether the locations of such facilities will be owned or leased. In describing the planned capital investment in the City, the applicant should also describe its investment in the location (e.g., purchase price of the location or monthly/annual rent and proposed investment in improvements at the location).

**Financial Structure and Financing** (Sec. 8(c)(12))

The applicant must describe the financial structure and the financing of the proposed medical marijuana facility. Graphical images are acceptable, so long as the entities or individuals referenced on the graph have been identified in the application.

The financial structure should include the structure of the applicant's sources of financing, including owners' equity, short and long-term debt and liabilities, and accounts payable. The financial structure should show the applicant's debt-equity ratio and all debt or equity investors in the proposed medical marijuana facility. Failure to include a detailed explanation of how and by whom the facility will be financed may result in the application being delayed or rejected.

**Business Goals** (Sec. 8(c)(13))

The applicant must describe its short-term and long-term business goals and objectives for the proposed medical marijuana facility.

The applicant's business goals and objectives should be specific and measurable. Goals are statements of the applicant's desired achievements, while objectives are specific steps or actions the applicant can/will take to reach a particular goal. The applicant's goals and objectives should be separately identified, and the goals should support the applicant's proposed business plan. Goals can be in areas such as sales, profitability, product range, community outreach, efficiency and customer service/approval, with a range of objectives to meet such goals.

[continued on next page]

Applicant Name PGSH Holdings LLC

Application Number



District Cesar Chavez

**Marketing Plan** (Sec. 8(c)(9))

The applicant must submit a proposed marketing, advertising, and business promotion plan for the proposed medical marijuana facility. The proposed plan should describe all the means and methods of promoting the proposed medical marijuana facility, including which marketing strategies the applicant will implement, such as:

- e-mail marketing;
- attending industry related events and conferences;
- become a member of business and industry associations (local, state and/or national);
- online advertising;
- direct communication with other licensed medical marijuana facilities;
- development of a website or social media accounts; and
- sponsorship or establishment of community programs.

The plan should acknowledge that all advertising, marketing, signs and materials will comply with state laws and any Pontiac City ordinances.

**Inventory and Recordkeeping Plan** (Sec. 8(c)(22))

The applicant must submit a proposed inventory and recordkeeping plan consistent with the requirements of LARA. The plan should identify the following:

- How the applicant will keep records;
- What specific information will be reported on the METRIC system (e.g., the applicant should report lot and batch information throughout the entire chain of custody);
- How the applicant will identify inventory discrepancies;
- How the applicant will tag, batch, label and log information into the METRIC system; and
- How marijuana will be stored at the facility.

**Minimum Capitalization Requirement** (Sec. 8(c)(24))

The applicant must verify that it has met the minimum capitalization consistent with the requirements of LARA Rule 12. To satisfy this requirement, the applicant must submit Certified Public Accountant (CPA) attested financial statements consistent with the requirements of LARA Rule 12 validating the capitalization amounts and sources.

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>Economic Benefits</b>							
			10	10			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) points if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Economic Benefits (Sec. 8(c)(11))**

The applicant must provide an explanation of the economic benefits to the City of Pontiac and the job creation to be achieved by the proposed medical marihuana facility, including: (i) the number and types of jobs the medical marihuana facility is expected to create; (ii) the amount and type of compensation expected to be paid for such jobs; and (iii) the projected annual budget and revenue of the medical marihuana facility.

**ECONOMIC BENEFITS**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: Sherman J. Taylor

Title: Financial Reviewer

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Satisfactory (S) or Very Deficient (VD) (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>Community Development</b>							
		S or VD					
		Commitment to providing community benefits and quality of pledged community benefits • A description of the proposed community outreach and education strategies.	4	4	10	10	
		Duration of pledged community benefits • A description of the amount of time or financial commitment to each program. • A description of the length (days, weeks, months) of each commitment and cumulative duration.	3	3			
		Community support for pledged community benefits • Community outreach meetings that occur at a variety of places (community centers, churches, etc.). • A description of the planned frequency of community outreach meetings. • A description of the applicant's plans for responding to community concerns. • A description of the applicant's efforts to connect with community leaders. • A description of the involvement of key stakeholders in community development programs.	3	3			

- In the sub-category with a maximum of four (4) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Four (4) points if their submission is **Satisfactory**.
- In each sub-category with a maximum of three (3) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Three (3) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular sub-category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular sub-category if it satisfies the criteria set out for that category, as applicable.

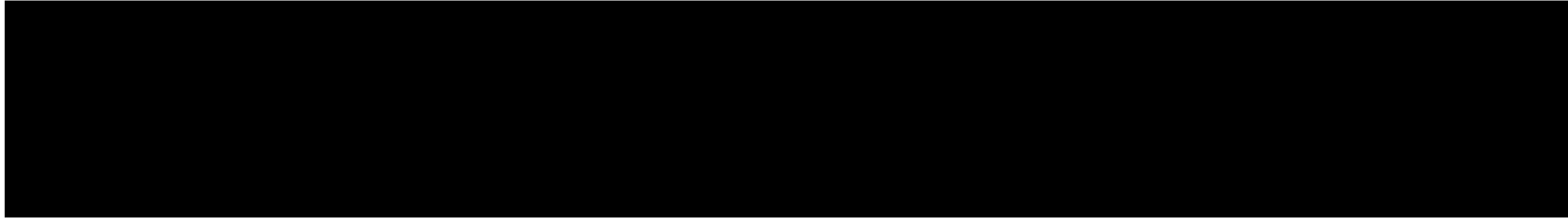
**PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.**

**COMMUNITY DEVELOPMENT**

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez



All Documents Returned to Office of City Clerk

Reviewer Name: Garland Doyle

Signature: [Handwritten Signature]

Title: Interim City Clerk

**CONTENT AND SUFFICIENCY OF INFORMATION – Community Development**

**Community Outreach and Education** (Sec. 8(c)(15))

The applicant must describe its proposed community outreach and education strategies. This should include specific steps that the applicant intends to take with regard to community outreach and education.

Community outreach and education initiatives can include, but are not limited to, the following:

- reaching out to local homeowner associations, neighborhood associations, community groups, businesses and/or property owners within a reasonable proximity of the proposed facility to request a meeting with representatives and provide information about the facility; applicants who contact homeowner's associations, neighborhood associations, community groups, businesses and/or property owners should include the name of the association/business/owner and contact person if meetings have been scheduled;
- description of the applicant's plan for responding to community concerns; and
- partnering with neighborhood associations and/or community groups or sponsoring events for neighborhood associations and/or community groups (if this is part of your efforts, please describe in detail which organizations you intend to partner with or have committed partnerships or sponsorships and how that will further your community outreach).

***If an applicant does not pledge community benefits, the applicant will receive a zero (0) score for this section.***

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

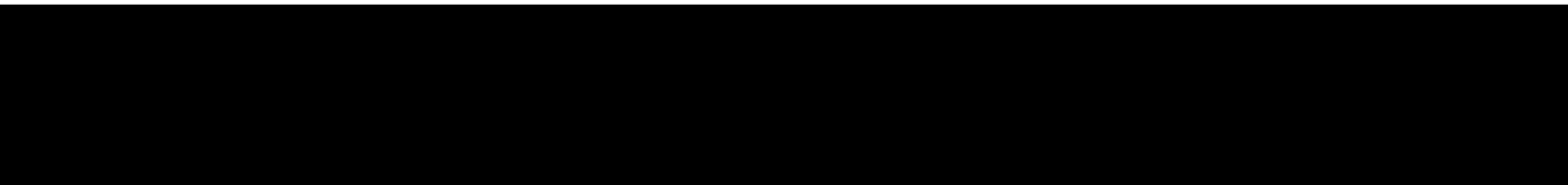
Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>Facility (Planning and Sanitation)</b>							
<b>Planning Section</b>							
			1	8			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Four (4) points if their submission is **Somewhat Deficient**, or (c) Eight (8) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

PLANNING SECTION

Satisfactory  Somewhat Deficient  Very Deficient



✓ 11-16-20 / Rev 1-19-21 / Rev 1-21-21  
 All Documents Returned to Office of City Clerk

Reviewer Name: Vem Gustafsson Signature: [Signature] Title: Planning Manager

Reviewer Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Planning (Facility)**

**Floor Plan** (Sec. 8(c)(18))

The applicant must submit a floor plan of the proposed medical marihuana facility consistent with the requirements of the City of Pontiac Zoning Ordinance, Section 6.208.

**Scale Diagram** (Sec. 8(c)(19))

The applicant must submit a scale diagram illustrating the property upon which the proposed medical marihuana facility is to be operated, including all available parking spaces and specifying which parking spaces are handicapped-accessible.

Such scale diagram must be in the form of a property survey prepared by a licensed professional surveyor.

**Signage** (Sec. 8(c)(20))

The applicant must submit a depiction of any proposed text or graphic materials that will be shown on the exterior of the proposed medical marihuana facility.

**Location Map** (Sec. 8(c)(27))

The applicant must submit a location map that identifies the relative locations of, and distances from, the nearest school, childcare center, public park containing playground equipment, or religious institution. Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac's Medical Marihuana Zoning Ordinance #2363, the measurement must be taken along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center or religious institution, or, for a public park, from the playground equipment nearest the contemplated location, and from the primary point of ingress to the contemplated location.

Such location map must be in the form of a survey map prepared by a licensed professional surveyor.



Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

		Criteria						
Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name	
<b>Facility (Planning and Sanitation)</b>								
<b>Sanitation Section</b>								
	Facility sanitation plan	[REDACTED]						
	Plan for ensuring proper treatment and security of waste		2	2				
	Contracts with service providers for waste disposal and treatment							

- In this sub-category, applicants will receive: (a) zero (0) no point if their submission is **Very Deficient**, (b) One (1) point if their submission is **Somewhat Deficient**, or (c) Two (2) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA

SANITATION SECTION

Satisfactory

Deficient

Very Deficient

Comments:

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All Documents Returned to Office of City Clerk

Reviewer Name: Dan Ringo

Signature: [Signature]

Title: Director

**CONTENT AND SUFFICIENCY OF INFORMATION – Facility (Planning and Public Works)**

**Facility Sanitation Plan (Sec. 8(c)(21))**

The applicant must submit a facility sanitation plan that describes how waste will be stored and disposed and how marijuana will be rendered unusable upon disposal at the proposed medical marijuana facility. Such facility sanitation plan must comply with all laws, including any guidelines published by LARA.

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
				5			
			2.5	2.5			

- In this sub-category, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Five (5) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.**

**PATIENT EDUCATION**

Satisfactory  Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor Signature: Sherman J. Taylor Title: Financial Reviewer

**CONTENT AND SUFFICIENCY OF INFORMATION – Patient Education**

**Staff Training and Education (Sec. 8(c)(5))**

The applicant must describe the training and education that the applicant will provide to all of its employees.

Training and education should include courses about the regulations of marihuana and employee manuals and other materials that include, but are not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and daily limits. Employee training and education is not and should not be limited to marihuana related matters. Applicants are encouraged to describe other training and educational opportunities they may offer their employees.

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

Criteria							
Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
				5			
			.5	2.5			

- In this sub-category, applicants can receive: (a) Half (0.5) point if their submission is **Very Deficient**, or (b) Two and a half (2.5) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

PATIENT EDUCATION

Satisfactory  Very Deficient

All Documents Returned to Office of City Clerk

Reviewer Name: Garland Doyle

Signature: [Signature]

Title: Interim City Clerk

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

**CONTENT AND SUFFICIENCY OF INFORMATION – Patient Education**

**Patient Education Plan (Sec. 8(c)(28))**

The applicant must describe the educational materials and information that will be provided to or available to patients at the facility.

Information should be provided verbally and in writing and include information regarding the risks and benefits of medical marijuana usage, scientific publications or brochures from medical organizations regarding the health risks and recommended dosages, and materials regarding the risks of impairment and addiction.

**Drug and Alcohol Awareness Programs (Sec. 8(c)(29))**

The applicant must describe its plan for providing and/or making available to the public drug and alcohol awareness programs.

Applicant should describe the frequency with which it intends to host drug or alcohol awareness programs, including identification of the individuals who will provide information regarding potential risks and addictions, if it intends to host such programs on-site; identify the channels through which it intends to disseminate awareness information; or describe its plan for engaging in partnerships with community organizations to provide referrals to drug and alcohol awareness programs.

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

	Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Total Score	Max. Possible Score	Reviewer Name
<b>LAND USE</b>							20	
<b>A. Resident Safety</b>								
Detriment to resident safety								
System for communicating potential safety threats to neighborhood residents				1	10			
Plan for securing facility including surveillance								
Agreements with law enforcement or private security company to ensure area safety								

- In these sub-categories, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) points if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.

LAND USE

Satisfactory  Somewhat Deficient  Very Deficient

All Documents Returned to Office of City Clerk

Reviewer Name: Brian R. Stair

Signature: [Signature]

Title: Security Consultant

Applicant Name PGSH Holdings LLC

Application Number



District Cesar Chavez

**LAND USE**

**Detriment to Resident Safety (Sec. 9(f)(2))**

The applicant must explain whether the proposed facility is anticipated to have any detrimental effects on resident safety and, if so, the applicant's plan for mitigating those safety risks, including any systems for communicating threats to neighborhood residents and plans for securing the facility area, such as surveillance cameras, private security contracts, or agreements with local law enforcement for additional security patrols.

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Score	Reviewer Name
<b>LAND USE</b>								20	
<i>B. Neighborhood Land Use</i>									
	Consistency with neighborhood land use				10	10			
	Efforts to ensure character of neighborhood maintained								
	Plan to ensure product and materials are kept away from minors								
	Partnerships with community organizations to mitigate negative effects								
	Partnerships with area businesses to mitigate issues								
	Effect on traffic patterns								

- In these sub-categories, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, (b) Five (5) points if their submission is **Somewhat Deficient**, or (c) Ten (10) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.
- A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.**

LAND USE

Satisfactory     Somewhat Deficient     Very Deficient

Comments:

All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature: [Signature]

Title: Planning Manager

11-16-20 / REV 1-19-21 / REV 1-31-21

Applicant Name PGSH Holdings

Application Number [REDACTED]

District Cesar Chavez

**LAND USE**

**Consistency with Land Use and Effect on Traffic Patterns** (Sec. 9(f)(2))

The applicant must explain whether the proposed facility is consistent with the character and existing land use in the surrounding neighborhood, including any anticipated impact on neighborhood traffic flow and the applicant's plan to minimize disruptions to neighborhood residents' quality of life and to ensure that residents have continued ease of access to the area. The applicant should specifically describe the availability of parking near the facility and any partnerships with community organizations and/or law enforcement to minimize congestion and potential traffic and neighborhood hazards.

Below are the applicable standards that should be used to evaluate the facility plan and land use submissions:

- All Medical Marijuana Facilities must meet the following applicable Building Codes: (i) Michigan Building Code 2015; (ii) Michigan Mechanical 2015; (iii) Michigan Plumbing Code 2015; and (iv) National Electrical Code 2017
- Applicants shall be required to obtain permits for build out of medical marijuana facilities – such permits may include: (i) Building; (ii) Electrical; (iii) Mechanical; (iv) Plumbing; (v) Fire Alarm (Security System); and (vi) Fire Suppression
- Applicable Medical Marijuana Facilities must meet applicable requirements of the International Fire Code 2015 edition and National Fire Protection Association (NFPA) standards (including NFPA 1 2018)
- Applicants are subject to Property Maintenance Code 2015, Section 107.5
- Review of Medical Marijuana Applications by the City of Pontiac Planning Division; without limitation, review of permits is subject to the following provisions of the Pontiac Zoning Ordinance:
  - Uses Permitted by District: Articles 2, Chapter 2
  - Dimensional and Development Standards for Zoning District: Article 2, Chapter 3
  - Frontage Design Standards: Article 2, Chapter 4
  - Dimension & Development Standards for Specific Uses: Article 2, Chapter 5
  - Special Purpose Zoning Districts: Article 3, Chapter 11
  - General Provision: Article 4
    - Accessory Structures and Fences: Chapter 1
    - General Standards: Chapter 2
    - Parking: Chapter 3
    - Landscaping & Buffering: Chapter 4
    - Exterior Lighting: Chapter 5
    - Performance Standards: Chapter 7
  - Signs: Article 5
  - Site Plan Review: Article 6, Chapter 3
  - Special Exception Permit Review: Article 6, Chapter 3
  - Variances & Appeals: Article 6, Chapter 4
  - Permits, Fees, Violations and Penalties: Article 6, Chapter 7
  - Zoning Text & Map Amendments: Article 6, Chapter 8
  - Public Hearing Procedures: Article 6, Chapter 9
  - Definitions: Article 7, Chapter 1, 2 & 3



Applicant Name PGSH Holdings

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>COMMUNITY IMPACT</b>							
	Planned community outreach initiatives	[REDACTED]	[REDACTED]	[REDACTED]	10	10	
	Meetings with community leaders and stakeholders	[REDACTED]	[REDACTED]	[REDACTED]			
	Availability of facility managers to address community concerns	[REDACTED]	[REDACTED]	[REDACTED]			
	Promptness in responding to community concerns	[REDACTED]	[REDACTED]	[REDACTED]			
	Physical improvements to building	[REDACTED]	[REDACTED]	[REDACTED]			
	Capital investment in building and time for completion	[REDACTED]	[REDACTED]	[REDACTED]			
	Impact on traffic	[REDACTED]	[REDACTED]	[REDACTED]			
	Plan for ensuring uninterrupted street access	[REDACTED]	[REDACTED]	[REDACTED]			
	Effect on noise level	[REDACTED]	[REDACTED]	[REDACTED]			
	Efforts to control facility area and eliminate loitering	[REDACTED]	[REDACTED]	[REDACTED]			
	Mitigation of odor effects	[REDACTED]	[REDACTED]	[REDACTED]			
	Technology in place to mitigate odors	[REDACTED]	[REDACTED]	[REDACTED]			

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Community Outreach and Minimization of Traffic, Noise, and Odors** (Sec. 9(f)(3))

The applicant must describe its efforts to address anticipated community concerns regarding increased noise, odors, and traffic as a result of the facility, including specific strategies to make managers available to address concerns and any technologies that the applicant intends to utilize to mitigate noise and odors.

**COMMUNITY IMPACT**

Satisfactory     Somewhat Deficient     Very Deficient

Comments:

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Applicant Name PGSH Holdings

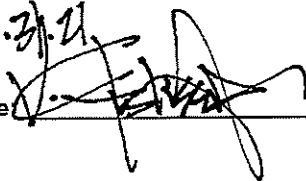
Application Number [REDACTED]

District Cesar Chavez

*11.10.2020 Rev 1.19.2021 Rev 1.31.21*

All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature 

Planning/Development Manager

Title: \_\_\_\_\_

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>MANAGERIAL RESOURCES</b>						10	
	Description of each primary stakeholder's relevant business experience	[REDACTED]			10	10	
	History of operating similar medical marihuana facilities						
	Whether applicant currently operates other medical marihuana facilities						
	Whether facility managers are stakeholders of applicant						
	Whether facility manager has operated other medical marihuana facilities						
	Proof of regulatory compliance						
	Criminal background history by applicant and stakeholders						

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**If an applicant and all of its stakeholders have received prequalification approval from the department or board, the applicant shall receive the maximum number of scoring points under this category.**

**Record of Detrimental Acts** (Sec. 9(f)(4))

The applicant must disclose and describe whether it or any of its stakeholders have a record of acts detrimental to the public health, security, safety, morals, good order, or general welfare. This should not be limited to criminal charges or convictions. For each such act, the applicant should disclose the date of the act, the factual background, the resolution of the incident, and any discipline imposed.

**MANAGERIAL RESOURCES**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_

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All Documents Returned to Office of City Clerk

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Reviewer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Applicant Name PGSH Holdings LLC

Application Number                     

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>FINANCIAL RESOURCES</b>							
	Sufficient financial resources to fund business plan				10	10	
	Description of allocation of financial resources to each phase of business plan						
	Anticipated reinvestment of profits into business						
	Copies of financial statements and tax returns of applicant and primary stakeholders for last three years						
	Business experience to execute business plan						
	Managerial history of key stakeholders and managers including copies of resumes						
	CPA attestation of net worth or bank statements						
	Pre-qualification with State of Michigan (maximum points awarded)						

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**If an applicant and all of its stakeholders have received prequalification approval from the department or board, the applicant shall receive the maximum number of scoring points under this category.**

**Financial Resources** (Sec. 9(f)(5))

The applicant must submit documentation sufficient to reasonably and tangibly demonstrate that it possesses sufficient financial resources to fund, and the requisite business experience to execute, the submitted business plan and other plans required by this application. Suggested documentation includes verified financial statements, bank statements, resumes or other employment records, and tax returns.

**FINANCIAL RESOURCES**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: *Sherman J. Taylor*

Title: Financial Reviewer

Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>JOB CREATION</b>							
	Anticipated job creation						
	Number of full-time and part-time positions expected to be created						
	Nature of each position						
	Hourly wages or salaries for each position						
	Qualifications required for each position (high school, college, certifications, etc.)				10	10	
	Healthcare and benefits to be provided						
	Plan and strategy to attract employees from City of Pontiac						
	Plans and initiatives for recruiting prospective employees						
	Marketing of jobs and recruiting efforts via a variety of media, including in-person meetings within community						

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Anticipated Job Creation** (Sec. 9(f)(6))

The applicant must identify the job creation to be achieved by the proposed medical marijuana facility, including: (i) the number of full-time and part-time positions the medical marijuana facility is expected to create; (ii) the hourly wages or salaries to be paid for such jobs; (iii) any plans and strategies to attract and hire employees from the City of Pontiac; and (iv) whether the applicant plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave.

**JOB CREATION**

Satisfactory     Somewhat Deficient     Very Deficient

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

All Documents Returned to Office of City Clerk

Reviewer Name: Sherman Taylor

Signature: Sherman J. Taylor

Title: Financial Reviewer

Applicant Name PGSH Holdings LLC

Application Number                     

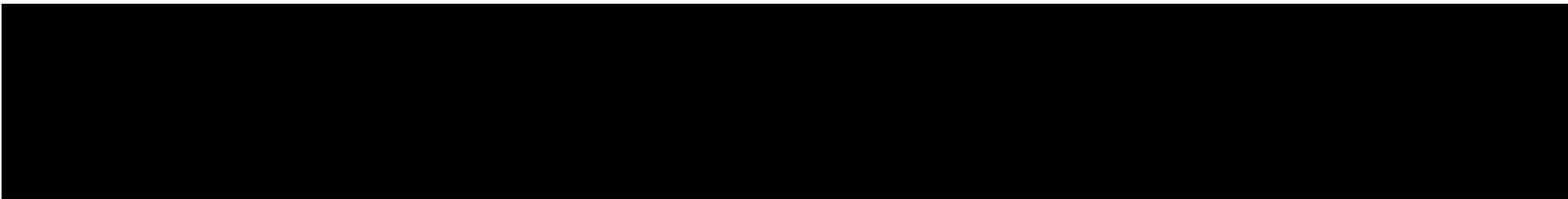
District Cesar Chavez

	Yes	No	Satisfactory (S) or Very Deficient (VD) (if deficient explain in comments)	Points	Max Possible Points	Total Score	Max Possible Points	Reviewer Name
<b>PHILANTHROPIC AND COMMUNITY IMPROVEMENT</b>			S or VD					
Commitment to providing community benefits and quality of pledged community benefits				4	4	10	10	
<ul style="list-style-type: none"> <li>A description of proposed charitable plans, whether through financial donations or volunteer work.</li> <li>A description of the community improvement programs aimed at the City of Pontiac.</li> </ul>								
Duration of pledged community benefits				3	3			
<ul style="list-style-type: none"> <li>A description of the amount of time or financial commitment to each program.</li> <li>A description of the length (days, weeks, months) of each commitment and cumulative duration.</li> </ul>								
Community support for pledged community benefits				3	3			
<ul style="list-style-type: none"> <li>A description of the applicant's plans for responding to community concerns.</li> <li>A description of the applicant's efforts to connect with community leaders.</li> <li>A description of the involvement of key stakeholders in community development programs.</li> </ul>								

- In the sub-category with a maximum of four (4) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Four (4) points if their submission is **Satisfactory**.
- In each sub-category with a maximum of three (3) possible points, applicants can receive: (a) One (1) point if their submission is **Very Deficient**, or (b) Three (3) points if their submission is **Satisfactory**.
- A submission will be deemed **Very Deficient** in a particular sub-category if it significantly fails to satisfy the criteria set out for that category, as applicable.
- A submission will be deemed **Satisfactory** in a particular sub-category if it satisfies the criteria set out for that category, as applicable.

**PLEASE SEE NEXT PAGE FOR ADDITIONAL EXPLANATION OF THE APPLICATION REQUIREMENTS AND SCORING CRITERIA.**

**PHILANTHROPIC AND COMMUNITY IMPROVEMENT**






Applicant Name PGSH Holdings LLC

Application Number [REDACTED]

District Cesar Chavez

All Documents Returned to Office of City Clerk

Reviewer Name: Garland Doyle

Signature: 

Title: Interim City Clerk

**PHILANTHROPIC AND COMMUNITY IMPROVEMENT**

**Philanthropic & Community Improvement Programs (Sec. 9(f)(7))**

The applicant must describe its planned philanthropic or community improvement programs, including whether the applicant intends to contribute through financial donations or volunteer work; the time or financial commitment; the community organizations it plans to volunteer or work with and/or donate to; and the applicant's plan for communicating with the City of Pontiac to identify particular areas of need.

**Charitable Plans (Sec. 8(c)(16))**

The applicant must describe its proposed charitable plans, whether through financial donations or volunteer work. The applicant should list which charitable organizations it plans to volunteer or work with and/or donate to, and the details of such proposed relationship.

With regards to charitable plans, the City Clerk will consider those community benefits pledged to the City of Pontiac as part of the provisioning center application and award points based on the commitment, quality, duration, community support, and amount pledged of such pledged benefits.

***If an applicant does not pledge community benefits, the applicant will receive a zero (0) score for this section.***

Applicant Name PGSH Holdings

Application Number [REDACTED]

District Cesar Chavez

		Yes	No	Deficient (if deficient explain in comments)	Points	Max. Possible Points	Reviewer Name
<b>PHYSICAL IMPROVEMENTS</b>							
	Proximity to other structures						
	More than 1,000 feet from operational public or private school				1	10	
	More than 500 feet from operational commercial childcare organization, public park with playground equipment, or religious institution						

In this category, applicants can receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

**Proximity to Other Structures** (Sec. 9(f)(8))

Per Section 3.11010 – Buffer Distance Restrictions, of the City of Pontiac’s Medical Marihuana Zoning Ordinance #2363, the applicant must submit documentation showing the proximity of the proposed medical marihuana facility to other structures, including (a) whether the proposed medical marihuana facility is more than 1,000 feet from an operational public or private school, and (b) more than 500 feet from an operational commercial childcare organization (non-home occupation) that is licensed or registered with the State of Michigan Department of Health and Human Services or its successor agency, a public park with playground equipment, or a religious institution that is defined as tax exempt by the city assessor.

Such distance between the school, childcare center, public park, or religious institution and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, or religious institution, or from the playground equipment in a public park, and from the primary point of ingress to the contemplated location.

**PHYSICAL IMPROVEMENTS**

Satisfactory     Somewhat Deficient     Very Deficient



Applicant Name PGSH Holdings

Application Number [REDACTED]

District Cesar Chavez

*11-16-2020 Rev 1-11-2021 Rev 1-11-21*  
 All Documents Returned to Office of City Clerk

Reviewer Name: Vern Gustafsson

Signature: 

Title: Planning/Development Manager

# EXHIBIT B

GARLAND S. DOYLE, M.P.A.  
*Interim City Clerk*  
*FOIA Coordinator*

SHEILA GRANDISON  
*Deputy City Clerk*

For Immediate Release  
November 21, 2019



OFFICE OF THE CITY CLERK  
47450 Woodward Avenue  
Pontiac, Michigan 48342  
Phone: (248) 758-3200  
Fax: (248) 758-3160

**Media Contact:**  
Garland S. Doyle (248) 758-3200

**Pontiac City Clerk Clarifies the Medical Marihuana Application Process  
Mayor Waterman's Press Release had Inaccurate Information**

Pontiac- The moratorium on the acceptance of Medical Marihuana applications has ended. The City Clerk's Office began accepting applications again for grower, processor, secure transporter and safety compliance on November 20, 2019. These applications will be accepted Monday-Friday 9:00 a.m.-4:00 p.m. only. More information on these types of applications are available at [http://www.pontiac.mi.us/departments/clerk/medical\\_marihuana.php](http://www.pontiac.mi.us/departments/clerk/medical_marihuana.php)

"Since the moratorium was in effect during the majority of the 21 day application period that I set for provisioning centers as November 6-27, 2019 back in September, I have to select another 21 day application period. The new 21 day application period will be January 6-27, 2019 not November 20 – December 10, 2019 as stated in Mayor Waterman's press release" said Interim City Clerk Garland Doyle.

The City of Pontiac Medical Marihuana Facilities Ordinance (Ordinance #2357(B)) directs the Clerk to set the 21 day application period for provisioning centers as well as assess, evaluate, score and rank all provisioning center applications submitted during that twenty-one (21) day application period. The 21 day application period will begin on Monday, January 6, 2020 at 9:00 a.m. and end on Monday, January 27, 2020 at 4:00 p.m.

In addition, Ordinance #2357 (B) allows the City Clerk to select "professional expert assistance in performing the clerk's duties and responsibilities under this ordinance." Interim Clerk Doyle announced on Tuesday that he had selected Sherman J. Taylor, JD CPA, SRT Consulting, LLC to serve as the Professional Expert- Financial Advisor to the City Clerk and Klint Kesto, Esq., Kesto Law, P.L.L.C. to serve as the Professional Expert- Legal Advisor to the City Clerk. City Council will vote on November 26<sup>th</sup> on their contracts.

**To clarify, the City Clerk's Office has begun to accept applications for grower, processor, secure transporter and safety compliance. The 21 day application period for provisioning centers will begin on Monday, January 6, 2020 at 9:00 a.m. and end on Monday, January 27, 2020 at 4:00 p.m.**

The City of Pontiac voters approved the Medical Marihuana ballot proposal in August 2018.

# EXHIBIT C

# CITY OF PONTIAC



## MEDICAL MARIHUANA FACILITIES ORDINANCE

### NO. 2357(B)

### APPLICATION FREQUENTLY ASKED QUESTIONS

NOVEMBER 21, 2019

**1. *What is the permit application fee?***

Five Thousand Dollars (\$5,000.00). The fee is non-refundable.

**2. *I am applying for multiple permit applications; do I need to pay the permit application fee for each application?***

Yes. The permit application fee for EACH application is \$5,000.00. Applications will not be accepted without a certified check for the full permit application fee payable to the City of Pontiac.

**3. *What application format will be accepted?***

No electronic submission will be accepted. Each item on the application must be clearly marked per the application instructions. The applicant must submit one (1) original and four (4) copies of the completed typed application. The City Clerk will not accept partially completed applications.


**4. *Where can I locate the City of Pontiac Official Zoning Maps for approved medical marihuana facility locations?***

A zoning map is available on the City Clerk's webpage (<http://www.pontiac.mi.us/departments/clerk/>). You may also contact the City of Pontiac Planning Division at 248-758-2800 to confirm the zoning of a specific property.

Also, the Medical Marihuana Overlay District Maps [Walton Blvd, Cesar Chavez, and C-2 Downtown] are posted on the City Clerk's webpage. Any and all Medical Marihuana Overlay Districts previously released by the City Council's contemplation of the Ordinance are null and void as they do not comport with the Ordinance No. 2363 (recent amendments to the Pontiac zoning ordinance regarding medical marijuana facilities). Ordinance No. 2363 is available on the City Clerk's webpage (<http://www.pontiac.mi.us/departments/clerk/>).

**5. *What is the zoning for the Provisioning Centers?***

No more than five (5) Provisioning Centers will be permitted in C-3, M-1, and M-2 zoned properties in the Cesar Chavez Overlay District.



No more than five (5) Provisioning Centers will be permitted in C-2 zoned properties in the Downtown Overlay District.

No more than five (5) Provisioning Centers will be permitted in C-1, C-3, and C-4 zoned properties located outside of the three (3) Medical Marihuana Overlay Districts. Prior to being issued a permit, the applicant will need to obtain a special exemption permit from the City of Pontiac Planning Commission. This is the non-overlay district.

No more than five (5) Provisioning Centers will be permitted in C-3, M-1, and M-2 zoned properties in the Walton Blvd. Overlay District.

**6. *If my property is not zoned for medical marihuana and it is located in an overlay district, can I submit a rezoning request with my application?***

No, only applications that have the proper zoning at the time they are submitted will be considered. No exceptions.

**7. *When will the City Clerk begin accepting applications?***

The City Clerk's Office is currently accepting applications for growers, processors, secure transporters and safety compliance facilities. The moratorium has ended.

**8. *When will the applications for Provisioning Centers be accepted?***

The 21 day application period for provisioning center is January 6-27, 2020.

**9. *Will the City Clerk select professional experts to assist in the review process?***

Yes. Ordinance No. 2357(B) Section 9(j) allows the City Clerk to "engage professional expert assistance in performing the clerk's duties and responsibilities" under the ordinance. The City Clerk has used a professional expert to assist with the drafting of the applications and related materials, and the City Clerk will use a professional expert to assist with the assessment, evaluation, scoring and ranking, as applicable, of permit applications.

**10. *Where will the funds come from to pay professional experts?***

The non-refundable \$5000.00 application fee. The purpose of the application fee is to help defray administrative costs associated with the application for the medical marihuana facility.

**11. *Why has the City Clerk chosen to select a Professional Expert-Financial Advisor as oppose to using the City of Pontiac Finance Department to review applications?***

The Finance Department is experts in municipal finance not business start-ups or medical marihuana. The Clerk needs an expert who is skilled in reviewing short and long-term business goals, financial structure, solvency of investors and verification of minimum capitalization. This is why an outside expert is necessary. In addition, the Clerk cannot supervise the Finance Department it is prohibited by the Charter.



**12. Why has the City Clerk chosen to select a Professional Expert-Legal Advisor as oppose to using the City Attorney?**

It would be a conflict to use the City Attorney since the City Attorney will be involved in the appeal process. Also, the Clerk cannot supervise the City Attorney it is prohibited by the Charter. In addition, the Clerk is seeking an expert in medical marihuana law not municipal law.

**13. Do I have to be prequalified for a State of Michigan medical marihuana facilities license before receiving a City of Pontiac permit?**

Yes, no application will be approved for a permit unless the applicant is prequalified (step-one approval) for a State of Michigan medical marihuana facilities license by the Michigan Department of Licensing and Regulatory Affairs. While an applicant may submit its application to the Office of the City Clerk prior to receiving such prequalification, such applicant could not receive a permit unless it receives prequalification.

**14. Is there a limit on other types of medical marihuana facility permits (other than Provisioning Centers)?**

No. There is no limit on the number of permits issued by the City of Pontiac for growers, processors, secure transporters or safety compliance facilities. (Ordinance 2357(B) Section 10)

**15. Can permit holders operate separate medical marihuana facilities at the same physical location?**

Yes. Consistent with Medical Marihuana Facilities Licensing Act (MMFLA) and the Final Rules promulgated by the State of Michigan Department of Licensing and Regulatory Affairs (LARA), growers, processors and provisioning centers may operate as separate facilities at the same physical location, subject to any applicable requirements in the Pontiac zoning ordinance. (Ordinance No. 2357(B) Section 11).

**16. Can a permit applicant stack an application?**

Yes. Consistent with MMFLA and the Final Rules promulgated by LARA, applicants for Class C grower permits may receive multiple Class C grower permits and operate each permit in a single facility, subject to any applicable requirements in the Pontiac zoning ordinance. (Ordinance No. 2357(B) Section 11).

**17. What is the term of the medical marihuana permit issued by the City of Pontiac?**

The City of Pontiac permit is valid for one calendar year, but it is subject to review by the City Clerk and continued compliance with the regulations of the Ordinance No. 2357(B).

**18. When do I need to apply for a permit renewal?**

Permit renewals must be made in writing to the Pontiac City Clerk at least 30 days prior to the expiration of an existing permit.

**19. Is the information I submit in my application subject to the Michigan Freedom of Information Act (FOIA)?**

No, MCL 333.27205 exempts application information from FOIA.

**20. How will Provisioning Center permit applications be scored?**

The City Clerk will assess, evaluate, score and rank each provisioning center permit application based upon a scoring and ranking procedure developed by the City Clerk consistent with the requirements, conditions, and provisions in those categories set forth in Ordinance 2357(B) Section 9(f). Pursuant to Section 9(g), overall scoring and ranking of provisioning center permit applications will be conducted by the City Clerk on the basis of assigned points from zero (0) to one hundred and thirty (130) points. Please see the City of Pontiac Medical Marihuana Provisioning Centers Scoring Criteria Guide for further information.

**21. If my application is denied, can I get my application fee back?**

No. The application fee is non-refundable.

**22. If my application is denied, can I appeal the City Clerk's decision?**

Yes. Pursuant to Ordinance 2357(B) Section 16, any applicant aggrieved by the denial of a permit may appeal to the Pontiac City Clerk, who shall appoint a hearing officer to hear and evaluate the appeal and make a recommendation to the Pontiac City Clerk. Such appeal shall be taken by filing with the Pontiac City Clerk, **within fourteen (14) days** after notice of the action complained of has been mailed to the applicant's last known address on the records of the Pontiac City Clerk, a written statement setting forth fully the grounds for the appeal. The Pontiac City Clerk shall review the report and recommendation of the hearing officer and make a decision on the matter. The Pontiac City Clerk's decision may be further appealed to the medical marihuana commission if applied for in writing to the medical marihuana commission **no later than thirty (30) days** after the Pontiac City Clerk's decision.

IN THE ALTERNATIVE, an applicant may choose to **WAIVE**, in writing, its opportunity to be heard before a hearing officer within fourteen (14) days after notice of the action complained of has been mailed to the applicant's last known address and then submit its appeal **directly** to the medical marihuana commission. To do so, an applicant must submit to the medical marihuana commission through the Pontiac City Clerk's Office, **within thirty (30) days** after notice of the action complained of has been mailed to the applicant's last known address on the records of the Pontiac City Clerk, a writing requesting an appeal directly to the medical marihuana commission.

Any decision by the medical marihuana commission on an appeal shall be final for purposes of judicial review. The medical marihuana commission shall review and decide all appeals that are forwarded to it by the Pontiac City Clerk under the Ordinance, and the medical marihuana commission shall review all appeals de novo. The medical marihuana commission shall only overturn a decision or finding of the Pontiac City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the Pontiac City Clerk in arriving at such decision or finding.



**APPEAL  
OPTION 1**

**PROCESS FOR APPEAL**

**APPEAL  
OPTION 2**

Pontiac City Clerk makes decision on application

Applicant submits written appeal to Pontiac City Clerk within 14 days.

Applicant waives, in writing, its right to be heard before a hearing officer within 14 days.

Pontiac City Clerk appoints hearing officer to hear and evaluate appeal.

After waiving its right in writing to be heard before a hearing officer, Applicant submits written appeal to medical marihuana commission through the Pontiac City Clerk's Office within 30 days.

Applicant can present additional clarifying information or evidence that the applicant believes should be considered in assessing its

The medical marihuana commission shall only overturn a decision or finding of the Pontiac City Clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material, substantial, and competent facts on the whole record considered by the Pontiac City Clerk in arriving at such decision or finding.

Hearing officer conducts hearing on appeal and makes recommendation to Pontiac City Clerk, who makes a decision on the matter.

Applicant may submit further written appeal to medical marihuana commission within 30 days.

# EXHIBIT D

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**CITY OF PONTIAC MEDICAL MARIHUANA PROVISIONING CENTERS**  
**SCORING CRITERIA GUIDE**

Applicants seeking a license to operate a medical marihuana provisioning center within the City of Pontiac will be evaluated and scored according to several criteria set out in the City of Pontiac Medical Marihuana Facilities Ordinance.

Each applicant will be scored in each of the following eight categories:

	Category	Maximum Possible Points	Applicable Ordinance Section
1	<b>Content and Sufficiency</b> <u>Subcategories</u> <ul style="list-style-type: none"> <li>• <i>Background Information</i> (up to 5 points)</li> <li>• <i>Financial Background</i> (up to 10 points)</li> <li>• <i>Economic Benefits</i> (up to 10 points)</li> <li>• <i>Community Development</i> (up to 10 points) *scored using Community Benefits Scoring</li> <li>• <i>Planning (Facility)</i> (up to 10 points)</li> <li>• <i>Patient Education</i> (up to 5 points)</li> </ul>	50	§9(f)(1)
2	<b>Land Use</b>	20	§9(f)(2)
3	<b>Community Impact</b>	10	§9(f)(3)
4	<b>Managerial Resources</b>	10	§9(f)(4)
5	<b>Financial Resources</b>	10	§9(f)(5)
6	<b>Job Creation</b>	10	§9(f)(6)
7	<b>Philanthropic and Community Improvement</b> *scored using Community Benefits Scoring	10	§9(f)(7)
8	<b>Physical Improvements</b>	10	§9(f)(8)
<b>TOTAL POSSIBLE SCORE</b>		<b>130</b>	

In a category in which an applicant can earn a maximum of five (5) points, applicants will receive:

- One (1) point if their submission is **Very Deficient**, or
- Five (5) points if their submission is **Satisfactory**.

In a category in which an applicant can earn a maximum of ten (10) points, applicants will receive:

- One (1) point if their submission is **Very Deficient**,
- Five (5) points if their submission is **Somewhat Deficient**, or
- Ten (10) points if their submission is **Satisfactory**.


In the category in which an applicant can earn a maximum of twenty (20) points, applicants will receive:

- One (1) point if their submission is **Very Deficient**,
- Ten (10) points if their submission is **Somewhat Deficient**, or
- Twenty (20) points if their submission is **Satisfactory**.

A submission will be deemed **Satisfactory** in a particular category if it satisfies the criteria set out for that category, as applicable.

A submission will be deemed **Somewhat Deficient** in a particular category if it partially satisfies the criteria set out for that category but fails to satisfy all criteria, as applicable.

A submission will be deemed **Very Deficient** in a particular category if it significantly fails to satisfy the criteria set out for that category, as applicable.



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In order to receive the maximum amount of points for pre-qualification with the State of Michigan in the categories of Managerial Resources and Financial Resources, the applicant must have received its pre-qualification prior to submitting its Provisioning Center Application to the City of Pontiac.

**Community Benefits Scoring**

In the Community Development Subcategory of Content and Sufficiency (up to 10 points) and the Philanthropic and Community Improvement Category (up to 10 points), applicants will be scored based on the community benefits pledged to the City. Community benefits points will be awarded, as determined by the City Clerk, based on the commitment, quality, duration and community support of such pledged benefits.

If an applicant does not pledge community benefits, such applicant will receive a zero (0) score for such Community Development Subcategory and Philanthropic and Community Improvement Category.

In each Community Benefits Scoring category in which an applicant can earn a maximum of three (3) points, applicants will receive:

- One (1) point if their submission is ***Very Deficient***, or
- Three (3) points if their submission is ***Satisfactory***.

In each Community Benefits Scoring category in which an applicant can earn a maximum of four (4) points, applicants will receive:

- One (1) point if their submission is ***Very Deficient***, or
- Four (4) points if their submission is ***Satisfactory***.

The ***Total Possible Score*** for an application is **130 points**.

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MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA				
#1	<u>CONTENT AND SUFFICIENCY OF THE INFORMATION</u>	Sub-Category Maximum Possible Points	Maximum Possible Points	Applicable Ordinance Section
	<b>CRITERIA</b>		<b>50</b>	
A	<i>Background Information Subcategory</i>	<b>5</b>		
1	Full name, date of birth, physical address, email address, and telephone number of applicant and entity's stakeholders			§8(c)(1)
2	Articles of incorporation, operating agreement, and bylaws			§8(c)(2),(4)
3	Entity's employee identification number			§8(c)(3)
4	Proposed ownership structure			§8(c)(7)
5	Current organization chart			§8(c)(8)
6	Applicant's criminal history			§8(c)(14)
7	Description of security plan consistent with LARA requirements			§8(c)(17)
8	Affidavit that no applicant or stakeholder is in default to the city			§8(c)(23)
9	Proof of premises liability and casualty insurance			§8(c)(25)
10	Signed acknowledgment of understanding regarding federal law			§8(c)(26)

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<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>					
<b>#1</b>	<b><u>CONTENT AND SUFFICIENCY OF THE INFORMATION</u></b>	<b>Sub-Category Maximum Possible Points</b>	<b>Maximum Possible Points</b>	<b>Applicable Ordinance Section</b>	
	<b>CRITERIA</b>		<b>50</b>		
<b>B</b>	<i>Financial Background Subcategory</i>	<b>10</b>			
11	Proposed business plan			§8(c)(6)	
12	Marketing, advertising, and business promotion plan			§8(c)(9)	
13	Description of planned tangible capital investment in the city			§8(c)(10)	
14	Description of financial structure and financing of facility			§8(c)(12)	
15	Source of financing of facility, including documentation of any loans or lines of credit				
16	Sources of capital contributions				
17	Solvency of investors				
18	Whether facility has established account with financial institution				
19	Description of financial recordkeeping and accounting system				
20	Controls in place to assure financial integrity of facility, including how cash is secured				
21	Pre-qualification with State of Michigan (maximum points awarded)				
22	Short-term business goals and objectives				§8(c)(13)
23	Long-term business goals and objectives				
24	Strategic plan for meeting business goals				
25	Identification and investment of resources necessary to achieve business goals				
26	Proposed inventory and recordkeeping plan			§8(c)(22)	
27	Frequency of inventory audits and other inventory controls				
28	Method of inventory costing (FIFO, LIFO, etc.)				
29	Verification of minimum capitalization			§8(c)(24)	
30	Documentation, including bank or financial statements of minimum capitalization				





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MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA				
#1	<u>CONTENT AND SUFFICIENCY OF THE INFORMATION</u>	Sub-Category Maximum Possible Points	Maximum Possible Points	Applicable Ordinance Section
	<b>CRITERIA</b>		50	

C	<i>Economic Benefits Subcategory</i>	10		
31	Job creation to be achieved			§8(c)(11)
32	Number and type of jobs to be created			
33	Compensation to be offered for each position			
34	Projected annual budget and revenue of facility			
35	Projected timeline for facility to break even			
D	<i>Community Development Subcategory</i>	10		

The City Clerk will consider those community benefits pledged to the City of Pontiac as part of the provisioning center application and award points based on the following criteria.

If an applicant does not pledge community benefits, such applicant will receive a zero (0) score for this subcategory.

36	Commitment to providing community benefits and quality of pledged community benefits	4		§8(c)(15),
	<ul style="list-style-type: none"> <li>A description of the proposed community outreach and education strategies.</li> </ul>			
37	Duration of pledged community benefits	3		
	<ul style="list-style-type: none"> <li>A description of the amount of time or financial commitment to each program.</li> <li>A description of the length (days, weeks, months) of each commitment and cumulative duration.</li> </ul>			
38	Community support for pledged community benefits	3		
	<ul style="list-style-type: none"> <li>Community outreach meetings that occur at a variety of places (community centers, churches, etc.).</li> <li>A description of the planned frequency of community outreach meetings.</li> <li>A description of the applicant's plans for responding to community concerns.</li> <li>A description of the applicant's efforts to connect with community leaders.</li> </ul>			

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MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA				
#1	<u>CONTENT AND SUFFICIENCY OF THE INFORMATION</u>	Sub-Category Maximum Possible Points	Maximum Possible Points	Applicable Ordinance Section
	<b>CRITERIA</b>		50	
	<ul style="list-style-type: none"> <li><i>A description of the involvement of key stakeholders in community development programs.</i></li> </ul>			
E	<i>Planning (Facility) Subcategory</i>	<b>10</b>		
39	Floor plan for facility			§8(c)(18)
40	Description of renovations needed to meet floor plan			
41	Time needed to complete renovation and setup			
42	Scale diagram illustrating property			§8(c)(19)
43	Any proposed text or graphic materials to be posted on exterior of building			§8(c)(20)
44	Size and nature of external graphics (signboard, electronic, etc.)			
45	Number of external graphics or signs			
46	Verification of compliance with state and local building and safety codes			
47	Certificate of occupancy			§8(c)(21)
48	Facility sanitation plan			
49	Plan for ensuring proper treatment and security of waste			
50	Contracts with service providers for waste disposal and treatment			

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<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>						
<b>#1</b>	<b><u>CONTENT AND SUFFICIENCY OF THE INFORMATION</u></b>	<b>Sub-Category Maximum Possible Points</b>	<b>Maximum Possible Points</b>	<b>Applicable Ordinance Section</b>		
	<b>CRITERIA</b>		<b>50</b>			
F	<i>Patient Education Subcategory</i>	<b>5</b>				
51	Description of education and training to be provided to employees			§8(c)(5)		
52	Patient education plan					§8(c)(28)
53	Training to be provided to employees on patient education					
54	Whether licensed professional provides employee training					
55	Resources available to employees in educating patients (written materials, online, etc.)					
56	Brochures and other resources available to patients					§8(c)(29)
57	Drug and alcohol awareness programs					
58	Training provided to employees for recognizing substance abuse					
59	Partnerships with community organizations for substance abuse awareness programs					
60	Materials provided to patients regarding drug and alcohol awareness					
	<b>TOTAL – Content and Sufficiency of the Information</b>					

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<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>				
<b>#2</b>	<b><u>LAND USE</u></b>	<b>Sub-Category Possible Points</b>	<b>Maximum Possible Points</b>	<b>Applicable Ordinance Section</b>
	<b>CRITERIA</b>		<b>20</b>	
<b>A</b>	<i>Resident Safety Subcategory</i>	<b>10</b>		
1	Detriment to resident safety			<b>§9(f)(2)</b>
2	System for communicating potential safety threats to neighborhood residents			
3	Plan for securing facility including surveillance			
4	Agreements with law enforcement or private security company to ensure area safety			
<b>B</b>	<i>Neighborhood Land Use Subcategory</i>	<b>10</b>		
5	Consistency with neighborhood land use			<b>§9(f)(2)</b>
6	Efforts to ensure character of neighborhood maintained			
7	Plan to ensure product and materials are kept away from minors			
8	Partnerships with community organizations to mitigate negative effects			
9	Partnerships with area businesses to mitigate issues			
10	Effect on traffic patterns			
11	Consultation with law enforcement regarding traffic flow			
12	Availability of adequate parking near facility			
13	Whether parking is exclusive to facility or share with other businesses			
	<b>TOTAL – Land Use</b>			

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<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>			
<b>#3</b>	<b><u>COMMUNITY IMPACT</u></b>	<b>Maximum Possible Points</b>	<b>Applicable Ordinance Section</b>
	<b>CRITERIA</b>	<b>10</b>	
1	Planned community outreach initiatives		§9(f)(3)
2	Meetings with community leaders and stakeholders		
3	Availability of facility managers to address community concerns		
4	Promptness in responding to community concerns		
5	Physical improvements to building		
6	Capital investment in building and time for completion		
7	Impact on traffic		
8	Plan for ensuring uninterrupted street access		
9	Effect on noise level		
10	Efforts to control facility area and eliminate loitering		
11	Mitigation of odor effects		
12	Technology in place to mitigate odors		
	<b>TOTAL – Community Impact</b>		

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<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>			
<b>#4</b>	<b><u>MANAGERIAL RESOURCES</u></b>	<b>Maximum Possible Points</b>	<b>Applicable Ordinance Section</b>
	<b>CRITERIA</b>	<b>10</b>	
1	Record of acts detrimental to public health, security, safety, morals, good order, or general welfare		§9(f)(4)
2	Description of each primary stakeholder's relevant business experience		
3	History of operating similar medical marihuana facilities		
4	Whether applicant currently operates other medical marihuana facilities		
5	Whether facility managers are stakeholders of applicant		
6	Whether facility manager has operated other medical marihuana facilities		
7	Proof of regulatory compliance		
8	Criminal background history by applicant and stakeholders		
9	Pre-qualification with State of Michigan (maximum points awarded)		
	<b>TOTAL – Managerial Resources</b>		

**In order to receive the maximum amount of points for pre-qualification with the State, the applicant must have received its pre-qualification prior to submitting its Provisioning Center Application with the City.**

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<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>			
<b>#5</b>	<b><u>FINANCIAL RESOURCES</u></b>	<b>Maximum Possible Points</b>	<b>Applicable Ordinance Section</b>
	<b>CRITERIA</b>	<b>10</b>	
1	Sufficient financial resources to fund business plan		§9(f)(5)
2	Description of allocation of financial resources to each phase of business plan		
3	Anticipated reinvestment of profits into business		
4	Copies of financial statements and tax returns of applicant and primary stakeholders for last three years		
5	Business experience to execute business plan		
6	Managerial history of key stakeholders and managers including copies of resumes		
7	CPA attestation of net worth or bank statements		
8	Pre-qualification with State of Michigan (maximum points awarded)		
	<b>TOTAL – Financial Resources</b>		

In order to receive the maximum amount of points for pre-qualification with the State, the applicant must have received its pre-qualification prior to submitting its Provisioning Center Application with the City.

This document is a draft and subject to change. This document should not be relied upon for business decisions by third parties or the public. Review, consultation, or use of the document shall not create any right, privilege, contract, or claim by a third party with respect to the City of Pontiac.

<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>			
<b>#6</b>	<b><u>JOB CREATION</u></b>	<b>Maximum Possible Points</b>	<b>Applicable Ordinance Section</b>
	<b>CRITERIA</b>	<b>10</b>	
1	Anticipated job creation		§9(f)(6)
2	Number of full-time and part-time positions expected to be created		
3	Nature of each position		
4	Hourly wages or salaries for each position		
5	Qualifications required for each position (high school, college, certifications, etc.)		
6	Healthcare and benefits to be provided		
7	Plan and strategy to attract employees from City of Pontiac		
8	Plans and initiatives for recruiting prospective employees		
9	Marketing of jobs and recruiting efforts via a variety of media, including in-person meetings within community		
	<b>TOTAL – Job Creation</b>		



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<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>						
<b>#7</b>	<b><u>PHILANTHROPIC AND COMMUNITY IMPROVEMENT</u></b>	<b>Benefits Rating</b>	<b>Maximum Points Possible</b>	<b>Applicable Ordinance Section</b>		
	<b>CRITERIA</b>		<b>10</b>			
<p>The City Clerk will consider those community benefits pledged to the City of Pontiac as part of the provisioning center application and award points based on the following criteria.</p> <p>If an applicant does not pledge community benefits, such applicant will receive a zero (0) score for this subcategory.</p>						
1	Commitment to providing community benefits and quality of pledged community benefits <ul style="list-style-type: none"> <li>◦ <i>A description of proposed charitable plans, whether through financial donations or volunteer work.</i></li> <li>◦ <i>A description of the community improvement programs aimed at the City of Pontiac.</i></li> </ul>	4		§9(f)(7) §8(c)(16)		
2	Duration of pledged community benefits <ul style="list-style-type: none"> <li>◦ <i>A description of the amount of time or financial commitment to each program.</i></li> <li>◦ <i>A description of the length (days, weeks, months) of each commitment and cumulative duration.</i></li> </ul>	3				
3	Community support for pledged community benefits <ul style="list-style-type: none"> <li>◦ <i>A description of the applicant's plans for responding to community concerns.</i></li> <li>◦ <i>A description of the applicant's efforts to connect with community leaders.</i></li> <li>◦ <i>A description of the involvement of key stakeholders in charitable programs.</i></li> </ul>	3				
<b>TOTAL – Philanthropic and Community Improvement</b>						

This document is a draft and subject to change. This document should not be relied upon for business decisions by third parties or the public. Review, consultation, or use of the document shall not create any right, privilege, contract, or claim by a third party with respect to the City of Pontiac.

<b>MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA</b>			
<b>#8</b>	<b><u>PHYSICAL IMPROVEMENTS</u></b>	<b>Maximum Possible Points</b>	<b>Applicable Ordinance Section</b>
	<b>CRITERIA</b>	<b>10</b>	
1	Proximity to other structures		§9(f)(8)
2	More than 1,000 feet from operational public or private school		
3	More than 500 feet from operational commercial childcare organization, public park with playground equipment, or religious institution		
	<b>TOTAL – Physical Improvements</b>		

The application should certify that distances have been measured in accordance with the procedure set out in Ordinance Section 9(f)(8) and should either (1) specify the distance of the proposed facility from each such structure or (2) certify that no structures are located within the prescribed distances.

# EXHIBIT E

All questions on this form must be answered completely and truthfully.  
Any incomplete information may result in an application being denied.

**OFFICE USE ONLY**

Application Number \_\_\_\_\_  
Date Rec'd \_\_\_\_\_  
Fee Rec'd \_\_\_\_\_  
Receipt # \_\_\_\_\_  
Applicant Name \_\_\_\_\_

PLEASE TYPE ONLY.



**CITY OF PONTIAC**  
**MEDICAL MARIHUANA FACILITY**  
**CESAR CHAVEZ OVERLAY DISTRICT**

**PROVISIONING CENTER PERMIT APPLICATION**



**One Year Permit Term**

**Applications must be submitted to the  
Office of the City Clerk  
47450 Woodward Avenue, Pontiac, MI 48342  
Monday-Friday 9:00 a.m.-4:00 p.m.**

**DURING THE 21-DAY APPLICATION PERIOD,  
JANUARY 6, 2020 THROUGH  
JANUARY 27, 2020 ONLY**

**No Applications Will Be Accepted After  
January 27, 2020.**

**The City Will Award No More Than Five (5)  
Permits to Operate Provisioning Centers  
in C-3, M-1, and M-2 zoned properties in the  
Cesar Chavez Overlay District**

**(PONTIAC ORDINANCE #2357B "CITY OF PONTIAC MEDICAL MARIHUANA FACILITIES ORDINANCE")**

**\*REVIEW AND FOLLOW THE "MEDICAL MARIHUANA FACILITY PERMIT APPLICATION INSTRUCTIONS FOR PROVISIONING CENTER APPLICATIONS" WHEN COMPLETING THIS APPLICATION\***

If an Applicant does not meet the required zoning for the overlay district, the application will not be scored and ranked. Each applicant will be scored in each of the following eight categories:

	Category	Max. Points	Ordinance Section
1	<b>Content and Sufficiency</b> <ul style="list-style-type: none"> <li>• <i>Background Information</i> (up to 5 points)</li> <li>• <i>Financial Background</i> (up to 10 points)</li> <li>• <i>Economic Benefits</i> (up to 10 points)</li> <li>• <i>Community Development</i> (up to 10 points)</li> <li>• <i>Planning (Facility)</i> (up to 10 points)</li> <li>• <i>Patient Education</i> (up to 5 points)</li> </ul>	50	§9(f)(1)
2	<b>Land Use</b>	20	§9(f)(2)
3	<b>Community Impact</b>	10	§9(f)(3)
4	<b>Managerial Resources</b>	10	§9(f)(4)
5	<b>Financial Resources</b>	10	§9(f)(5)
6	<b>Job Creation</b>	10	§9(f)(6)
7	<b>Philanthropic and Community Improvement</b>	10	§9(f)(7)
8	<b>Physical Improvements</b>	10	§9(f)(8)
<b>TOTAL POSSIBLE SCORE</b>		<b>130</b>	

In order to receive the maximum amount of points for pre-qualification with the State of Michigan in the categories of Managerial Resources and Financial Resources, the applicant must have received its pre-qualification prior to submitting its application to the City of Pontiac.

**FOR A DETAILED EXPLANATION OF THE SCORING CRITERIA, PLEASE SEE THE CITY OF PONTIAC MEDICAL MARIHUANA PROVISIONING CENTERS SCORING CRITERIA GUIDE.**

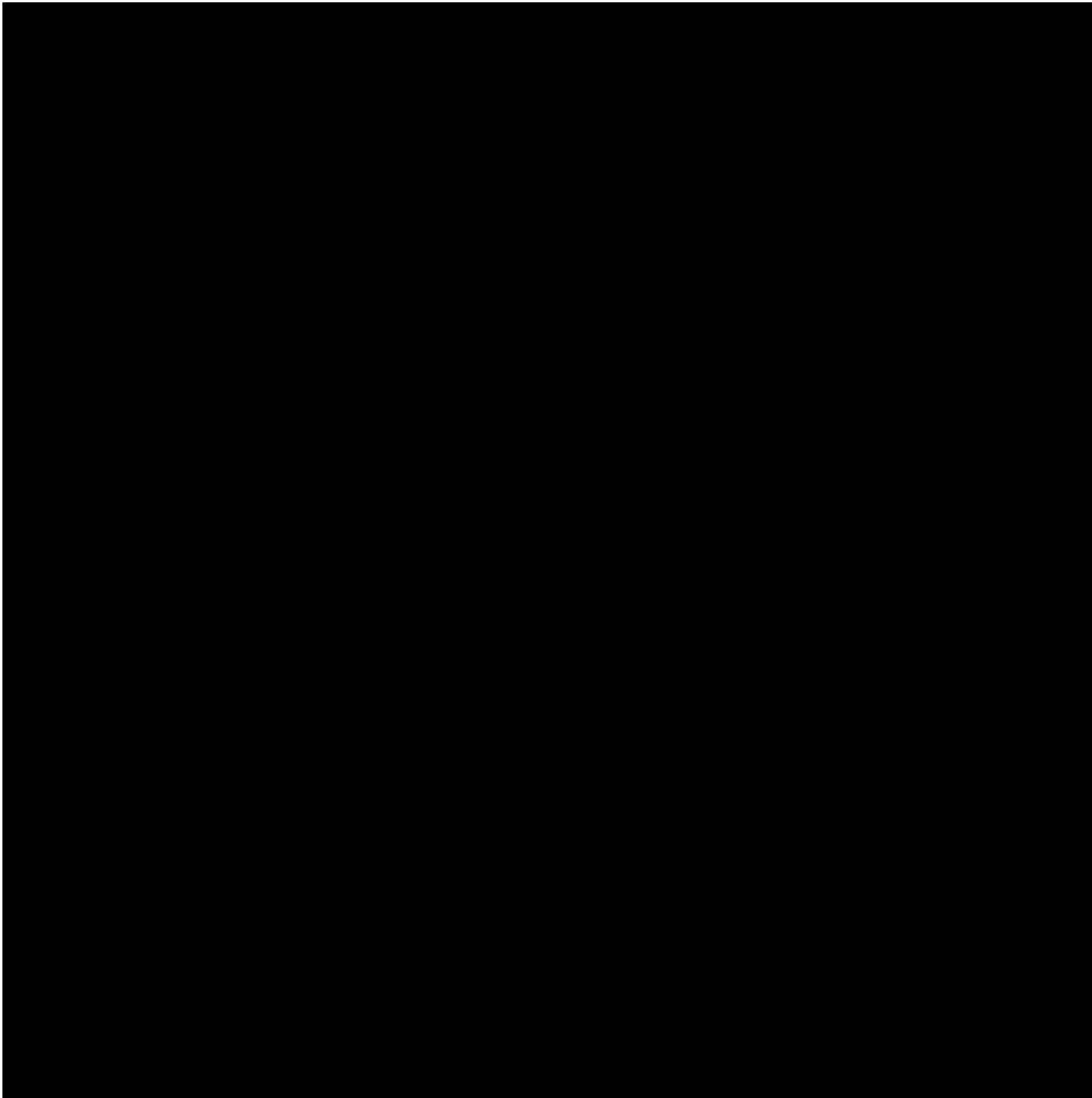
**All questions on this form must be answered completely and truthfully.  
Any incomplete information may result in an application being delayed or denied.**

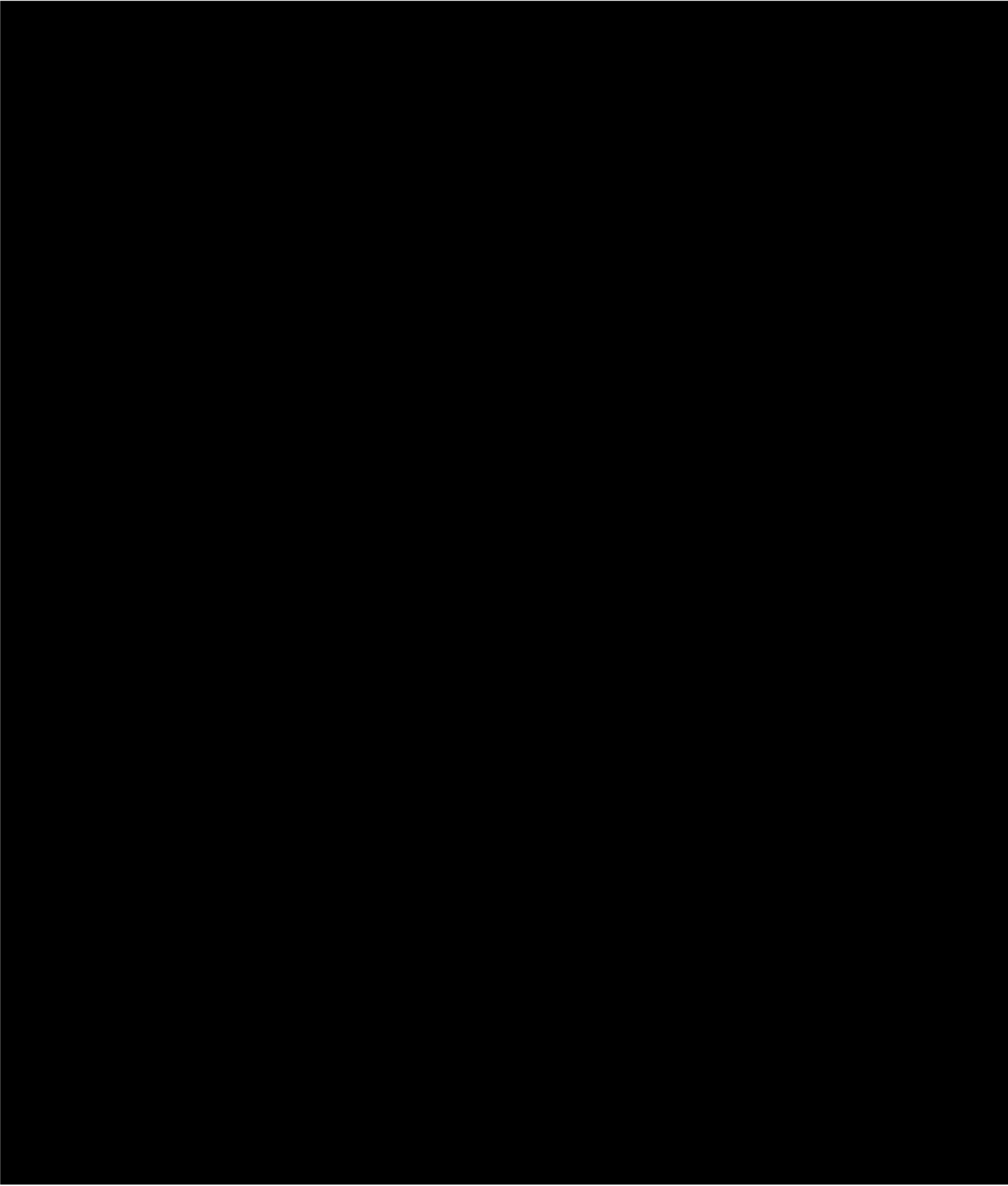
**PLEASE TYPE ONLY.**

**Applicant Name** \_\_\_\_\_

**APPLICATION CHECKLIST**

<input type="checkbox"/> <b>\$5,000 Application Fee (NON-REFUNDABLE) (Certified Check payable to the City of Pontiac)</b> <input type="checkbox"/> One (1) Original and Four (4) Copies of Completed Typed Application <input type="checkbox"/> All Attachments Properly Labeled with Ordinance Section Reference <input type="checkbox"/> <b>If applicable, State of Michigan pre-qualification letter enclosed.</b>
<p><b>Content and Sufficiency of Information</b></p> <p><i>Background Information</i></p> <input type="checkbox"/> Complete Applicant Information with Each Item Clearly Identified (Sec. 8(c)(1), (3)) <input type="checkbox"/> If Applicant is a Corporation, LLC, LLP or Other Entity - Organizational Documentation (Sec. 8(c)(2), (4)) <input type="checkbox"/> Proposed Ownership Structure of the Entity that Identifies the Ownership Percentage Held by Each Stakeholder (Sec. 8(c)(7)) <input type="checkbox"/> Current Organization Chart that Includes Position Descriptions and the Names of Each Person Holding such Position (Sec. 8(c)(8)) <input type="checkbox"/> Criminal Background Reports of the Applicant and the Applicant's Stakeholders Dated within 30 Days of the Date of the Application (Sec. 8(c)(14)) <input type="checkbox"/> Security Plan Consistent with the Requirements of LARA Rule 35 (Sec. 8(c)(17)) <input type="checkbox"/> Proof of Premises Liability and Casualty Insurance Consistent with the Requirements of LARA Rule 11 (Sec. 8(c)(25)) <p><i>Financial Background</i></p> <input type="checkbox"/> Proposed Business Plan (Sec. 8(c)(6)) <input type="checkbox"/> Proposed Marketing, Advertising and Business Promotion Plan for the Proposed Medical Marihuana Facility (Sec. 8(c)(9)) <input type="checkbox"/> Description of Planned Tangible Capital Investment in the City of Pontiac (Sec. 8(c)(10)) <input type="checkbox"/> Description of the Financial Structure and Financing of the Proposed Medical Marihuana Facility (Sec. 8(c)(12)) <input type="checkbox"/> Short-Term and Long-Term Business Goals and Objectives for the Proposed Medical Marijuana Facility (Sec. 8(c)(13)) <input type="checkbox"/> Inventory and Recordkeeping Plan Consistent with the Requirements of LARA (Sec. 8(c)(22)) <input type="checkbox"/> Verification that the Applicant has a Minimum Capitalization Consistent with the Requirements of LARA Rule 12 (Sec. 8(c)(24)) <p><i>Economic Benefits</i></p> <input type="checkbox"/> Explanation of the Economic Benefits to the City of Pontiac and Job Creation to be Achieved (Sec. 8(c)(11)) <p><i>Community Development</i></p> <input type="checkbox"/> Description of Proposed Community Outreach and Education Strategies (Sec. 8(c)(15)) <p><i>Planning (Facility)</i></p> <input type="checkbox"/> Floor Plan of the Proposed Medical Marihuana Facility Consistent with Requirements of Section 6.208 of the City of Pontiac Zoning Ordinance (Sec. 8(c)(18)) <input type="checkbox"/> Scale Diagram Illustrating the Property Upon Which the Proposed Medical Marihuana Facility is to be Operated, Including all Available Parking Spaces and Specifying Which Parking Spaces are Handicapped Accessible (Sec. 8(c)(19)) <input type="checkbox"/> Depiction of any Proposed Text or Graphic Materials to be Shown on Exterior of Proposed Medical Marihuana Facility (Sec. 8(c)(20)) <input type="checkbox"/> Facility Sanitation Plan (Sec. 8(c)(21)) <input type="checkbox"/> Location Map that Identifies the Relative Locations of, and Distances from, the Nearest School, Childcare Center, Public Park containing Playground Equipment, or Religious Institution (Sec. 8(c)(27)) <p><i>Patient Education</i></p> <input type="checkbox"/> Description of Employee Training and Education (Sec. 8(c)(5)) <input type="checkbox"/> Plan for Patient Education Program Consistent with the Requirements of LARA (Sec. 8(c)(28)) <input type="checkbox"/> Description of Drug and Alcohol Awareness Programs (Sec. 8(c)(29))
<p><b>Land Use</b></p> <input type="checkbox"/> Description of Impact on Resident Safety (Sec. 9(f)(2)) <input type="checkbox"/> Description of Impact on Traffic Patterns and Consistency with Neighborhood Land Use (Sec. 9(f)(2)) <input type="checkbox"/> Compliance with All State and Local Building, Electrical, Fire, Mechanical and Plumbing Requirements (Sec. 9(b)(1)) <input type="checkbox"/> Compliance with the Zoning Ordinance (Sec. 9(b)(2)) <input type="checkbox"/> Facility has been Issued a Certificate of Occupancy and, if Necessary, a Building Permit (Sec. 9(b)(3))
<p><b>Community Impact</b></p> <input type="checkbox"/> Description of Planned Outreach on Behalf of Facility Including Plans to Eliminate Traffic, Noise, and Odor Effects (Sec. 9(f)(3))
<p><b>Managerial Resources</b></p> <input type="checkbox"/> Record of Acts Detrimental to the Public Health, Security, Safety, Morals, Good Order, or General Welfare (Sec. 9(f)(4))
<p><b>Financial Resources</b></p> <input type="checkbox"/> Reasonable and Tangible Demonstration of Sufficient Financial Resources and Business Experience to Execute Business Plans (Sec. 9(f)(5))
<p><b>Job Creation</b></p> <input type="checkbox"/> Number of Full-Time and Part-Time Positions To Be Created, Hourly Wages and Salaries; Plans to Attract Employees from City of Pontiac, and Health and Welfare Benefits (Sec. 9(f)(6))
<p><b>Philanthropic and Community Improvement</b></p> <input type="checkbox"/> Description of the Proposed Charitable Plans (Sec. 8(c)(16), (9)(7))
<p><b>Community Benefits</b></p> <input type="checkbox"/> If an Applicant Intends to Pledge Community Benefits, Please Describe the Benefits in Detail.
<p><b>Physical Improvements</b></p> <input type="checkbox"/> Proximity to Other Structures, Including 1,000 Feet from School and 500 Feet from Daycare, Public Park, or Religious Institution (Sec. 9(f)(8))
<p><b>Affidavit and Signature</b></p> <input type="checkbox"/> Affidavit that Neither the Applicant nor any Stakeholder is in Default to the City of Pontiac (Sec. 8(c)(23)) <input type="checkbox"/> Signed Acknowledgement that Marihuana Use, Cultivation, Possession, Dispensing, Testing, Transporting and Distribution Are Subject to Federal Law, and Indemnification of the City of Pontiac (Sec. 8(c)(26))





All questions on this form must be answered completely and truthfully.  
Any incomplete information may result in an application being delayed or denied.

PLEASE TYPE ONLY.

Applicant Name \_\_\_\_\_

<b><u>BACKGROUND INFORMATION</u> (cont.)</b>
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**\*ALL ATTACHMENTS TO THIS APPLICATION SHOULD BE CLEARLY LABELED WITH AN ORDINANCE REFERENCE FOR THE APPLICABLE REQUIREMENT (FOR EXAMPLE, SEC. 8(C)(2)); FAILURE TO PROPERLY LABEL ATTACHMENTS MAY RESULT IN YOUR APPLICATION BEING DELAYED OR DENIED\***

**Entity Information:**

- If the applicant is a corporation, LLC, LLP or other entity, the applicant must attach the entity organizational documentation, including:
  - Articles of incorporation or organization of the Applicant **(Attachment Label: Sec. 8(c)(2))**
  - Bylaws or operating agreement of the Applicant **(Attachment Label: Sec. 8(c)(4))**
- Submit documentation that describes the proposed ownership structure of the entity and that identifies the ownership percentages held by each stakeholder **(Attachment Label: Sec. 8(c)(7))**
- Submit a current organization chart that includes position descriptions and the names of each person holding such position **(Attachment Label: Sec. 8(c)(8))**

Applicant must also make the following submissions for its proposed operations:

- Security plan for proposed medical marihuana facility consistent with the requirements of LARA Rule 35 **(Attachment Label: Sec. 8(c)(17))**
- Proof of premises liability and casualty insurance consistent with the requirements of LARA Rule 11 **(Attachment Label: Sec. 8(c)(25))**



All questions on this form must be answered completely and truthfully.  
Any incomplete information may result in an application being delayed or denied.

PLEASE TYPE ONLY.

Applicant Name \_\_\_\_\_

<b><u>BACKGROUND INFORMATION (cont.)</u></b>
--

**\*ALL ATTACHMENTS TO THIS APPLICATION SHOULD BE CLEARLY LABELED WITH AN ORDINANCE REFERENCE FOR THE APPLICABLE REQUIREMENT (SEC. 8(C)(14)); FAILURE TO PROPERLY LABEL ATTACHMENTS MAY RESULT IN YOUR APPLICATION BEING DELAYED OR DENIED\***

**CRIMINAL BACKGROUND**

Applicant must make the following submission for review of applicable criminal background history:

- Criminal background reports of the applicant's and the applicant's stakeholders' criminal history dated within 30 days of the date of this application (**Attachment Label: Sec. 8(c)(14)**)
  - Such report shall be obtained through Internet Criminal History Access Tool (ICHAT) for applicants residing in Michigan and/or through another state sponsored or authorized criminal history access source for applicants who reside in other states or who have resided in other states within 5 years prior to the date of this application.
  - Such reports must be obtained by applicant and attached to this application.

All questions on this form must be answered completely and truthfully.  
Any incomplete information may result in an application being delayed or denied.

PLEASE TYPE ONLY.

Applicant Name \_\_\_\_\_

**FINANCIAL BACKGROUND**

**\*IF YOU REQUIRE ADDITIONAL SPACE, YOU MAY ATTACH AN ADDENDUM. ALL ATTACHMENTS TO THIS APPLICATION SHOULD BE CLEARLY LABELED WITH AN ORDINANCE REFERENCE FOR THE APPLICABLE REQUIREMENT (SEC. 8(C)(6)); FAILURE TO PROPERLY LABEL ATTACHMENTS MAY RESULT IN YOUR APPLICATION BEING DELAYED OR DENIED\***

**(Attachment Label: Sec. 8(c)(6))**

Proposed business plan for the applicant.

# **City Attorney Recommendation**

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**ATTORNEY-CLIENT PRIVILEGED MEMORANDUM**

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**TO:** Pontiac Medical Marihuana Commissioners

**CC:** Garland Doyle, City Clerk

**FROM:** Anthony Chubb, Esq., City Attorney

**DATE:** April 4, 2022

**RE:** Medical Marihuana Commission Appeal – PGSH Holdings, LLC

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**PROCEDURAL POSTURE**

The Applicant in this matter submitted an appeal consistent with the timing and format requirements set forth in Pontiac City Ordinance 2357(B) (“Ordinance”).

**LEGAL STANDARD**

Pursuant to Ordinance Section 16, medical marihuana facility applicants that are aggrieved by the denial of a permit or adverse decision may appeal to a Hearing Officer appointed by the Clerk within 14 days of the decision from which they seek to appeal. Subsequently, the Hearing Officer will make a recommendation to the Clerk regarding the validity of the appeal that the Clerk may adopt or reject. Subsequent to that determination, if the applicant remains aggrieved, within 30 days they may appeal to the Medical Marihuana Commission (“Commission”). Pursuant to Ordinance Section 5, the Commission shall review appeals de novo, and “shall only overturn a decision or finding of the clerk if it finds such decision or finding o be arbitrary and capricious and not supported by material, substantial, and competent facts on the whole record considered by the Clerk in arriving at such decision or finding.”

De novo review means that the Commission is making its determination without being bound by the previous factual and legal determinations of the Hearing Officer. However, to the extent that the Clerk adopted the findings of the Hearing Officer, those findings then become part of the record

which the Clerk considered in arriving at his decision or finding, and should be considered as part of the factual analysis the Clerk used in making his determination.

Arbitrary and capricious is generally considered to be a willful and unreasonable action without consideration or in disregard of facts or law or without determining principle. *Black's Law, Sixth Edition*. The Michigan Court of Appeals has further held that “a ruling is arbitrary and capricious when it lacks an adequate determining principle, when it reflects an absence of consideration or adjustment with reference to principles, circumstances or significance, or when it is freakish or whimsical.” *Henderson v. Civil Service Commission*, 321 Mich.App. 25 (2017).

#### **FINDINGS AND RECOMMENDATION**

In this matter, the Applicant appeals the decisions and findings of the Clerk in the following categories:

1. Insurance
2. Background Information / Security
3. Facility Planning
4. Patient Education
5. Resident Safety
6. Physical Improvements

I have reviewed the Clerk's decision letter, the Applicant's appeal to the commission, and the Hearing Officer Appeal packet including the Hearing Officer Recommendation as adopted by the Clerk.

For purposes of reviewing the Appeal against the arbitrary and capricious legal standard of review, I have utilized the factual determinations as set forth in the foregoing documents. It is important to understand that the Commission is not bound by those factual determinations and may independently adopt independent factual determinations based upon the record.

In this matter, all determinations made by the Clerk as modified consistent with the recommendation of the Hearing Officer were reasonable and rationally related to the information

provided in the application and the scoring as set forth within the Ordinance. For those reasons, I believe the Commission should deny this Appeal.

**#8**

# **RESOLUTION**

Resolution on PGSH Holdings LLC appeal to the Medical Marihuana Commission

WHEREAS, in 2018, voters approved the City of Pontiac Medical Marihuana Facilities Ordinance (Ordinance 2357(B)); and,

WHEREAS, Ordinance 2357(B) gives the City Clerk the responsibility to score and rank applications for provisioning centers using a 130 point scoring system and awarding permits to the 20 highest scoring applicants; and,

WHEREAS, the City of Pontiac adopted Ordinance 2363, an ordinance to include Medical Marihuana Facility uses in designated Overlay Districts; and,

WHEREAS, Ordinance 2363 section 2.546 Medical Marihuana Provisioning Center section F Licensing states that no more than 5 Provisioning Centers shall be established in each of the Medical Marihuana Overlay Districts including Cesar Chavez, Walton Blvd, and C-2 Downtown Overlay Districts; and,

WHEREAS, Ordinance 2363 no more than 5 Provisioning Centers shall be established in the C-1, C-3 and C-4 zoned properties combined outside of the Medical Marihuana Overlay Districts; and,

WHEREAS, the City Clerk accepted Provisioning Center applications by Overlay Districts and the Non Overlay for a twenty-one day period January 6-27, 2020; and,

WHEREAS, the City Clerk ranked and scored Provisioning Centers by district using a 130 point scoring system; and,

WHEREAS, the City Clerk informed PGSH Holdings LLC that their application for a provisioning center in the Cesar Chavez Overlay District had received a score of 101 and ranking of 8 of 17 on March 2, 2021;

WHEREAS, PGSH Holdings LLC appealed the score and ranking to the City Clerk since its application was denied because it was not ranked in the top 5 for the Cesar Chavez Overlay District. The City Clerk appointed Grewal Law, PLLC to serve as the Hearing Officer. The Hearing Officer conducted a hearing on April 26, 2021. The Hearing Officer issued a recommendation to the City Clerk. The City Clerk adopted the Hearing Officer recommendation. Based on the Hearing Officer recommendation, your ranking remained 8 and the City Clerk affirmed his decision to deny PGSH Holdings LLC application; and,

WHEREAS, Ordinance 2357(B) allows an applicant to further appeal to the Medical Marihuana Commission; and,

WHEREAS, PGSH Holdings LLC submitted their appeal to the Medical Marihuana Commission on June 21, 2021; and,

WHEREAS, the City Attorney issued a recommendation to the Medical Marihuana Commission to deny PGSH Holdings LLC appeal; and

WHEREAS, the Medical Marihuana Commission reviewed PGSH Holdings LLC appeal and the City Attorney's recommendation;



NOW THEREFORE BE IT RESOLVED, the Medical Marihuana Commission finds no basis to overturn the Clerk's decision to deny PGSH Holdings LLC application for a provisioning center in the Cesar Chavez Overlay District.