

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

7500 Odawa Circle

Harbor Springs, MI 49740

TRIBAL RESOLUTION # 061920-01

Limited Waiver of Sovereign Immunity for
Green Sunrise Products LLC Petoskey Marijuana Retail License and Related Matters

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621); and

WHEREAS Green Sunrise Products LLC has submitted an application Recreational: AU-RA-000255 to the Michigan Regulatory Agency (MRA) for a State of Michigan license to operate a retail establishment under the Michigan Regulation and Taxation of Marijuana Act (MRTMA), MCL 333.27101 *et seq.*, and associated administrative rules; and

WHEREAS The proposed marijuana establishment is located at 1345 US 31 North, Petoskey, Michigan, on land held in trust for the Tribe by the United States and leased from the Tribe to Green Sunrise Products LLC (“the premises”); and

WHEREAS The Tribe does not hold any direct or indirect ownership interest in Green Sunrise Products LLC, does not exercise any managerial control over Green Sunrise Products LLC, and does not fall within the definition of “applicant” under MRTMA or associated administrative rules for purposes of Green Sunrise Products LLC’s application; and

WHEREAS The Marijuana Regulatory Agency (MRA) is responsible for administering and enforcing the State of Michigan’s marijuana laws and associated administrative rules, including conducting background investigations and inspections of applicants and licensees, investigating alleged violations, and taking disciplinary and other enforcement action against applicants and licensees; and

WHEREAS The Michigan Department of Treasury (Treasury) and the State Treasurer are responsible for implementing, administering, and ensuring the collection of any taxes imposed under

MRTMA and any other applicable taxes imposed under State of Michigan law and associated administrative rules and for administering and/or directing the investment of the funds created under MRTMA; and

WHEREAS State and local law enforcement are responsible for enforcing and for assisting the MRA in administering and enforcing the State of Michigan’s marijuana laws and associated administrative rules, including by conducting background investigations and criminal history checks of applicants and conducting investigations of applicants and licensees to ensure compliance; and

WHEREAS State of Michigan building code officials, code enforcement officials, and fire officials (collectively, “state building and fire officials”) are responsible for enforcing and for assisting the MRA in administering and enforcing the State of Michigan’s marijuana laws and associated administrative rules, including by conducting inspections of applicants and licensees; and

WHEREAS The Tribe desires to lease the premises to Green Sunrise Products LLC for the purpose of Green Sunrise Products LLC participating in the State of Michigan marijuana industry subject to the same requirements, privileges, and responsibilities as any other similarly situated entity outside the Tribe’s reservation and trust lands; and

WHEREAS Any actions by the Tribe that attempt to bar the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, or state building and fire officials from entering the premises as permitted under MRTMA and associated administrative rules may result in the denial, suspension, and/or revocation of any state license sought by or issued to Green Sunrise Products LLC; and

WHEREAS The Tribe has authority under the Constitution of the Little Traverse Bay Bands of Odawa Indians as adopted on February 2, 2005 to waive tribal sovereign immunity and tribal court jurisdiction and to waive any right the Tribe may have to exclude persons from its reservation or trust lands by either Tribal Resolution and/or Certified Motion, the Tribe has provided a copy of the Constitution of the Little Traverse Bay Bands of Odawa Indians as adopted on February 2, 2005; and WOS 2015-019 Administrative Procedures

Act, to the MRA, and this waiver is consistent with the Constitution of the Little Traverse Bay Bands of Odawa Indians as adopted on February 2, 2005; and WOS 2015-019 Administrative Procedures Act; and

WHEREAS The Tribe finds that the waiver of the right to exclude and the waiver of sovereign immunity and tribal court jurisdiction contained in this resolution are necessary in order for Green Sunrise Products LLC to obtain and maintain a license to operate a marijuana establishment on the premises; and

WHEREAS The Tribe voluntarily provides this waiver of the right to exclude and this waiver of sovereign immunity and tribal court jurisdiction.

THEREFORE, BE IT RESOLVED THAT:

1. The Little Traverse Bay Bands of Odawa Indians Tribe expressly waives any right that the Tribe may have to exclude the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, or state building and fire officials from entering the premises as permitted under MRTMA, applicable tax statutes, and associated administrative rules, without a warrant and without notice to Green Sunrise Products LLC or the Tribe, for the purpose of administering and enforcing the State of Michigan's marijuana laws, applicable tax laws, and associated administrative rules.
2. The right of the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or the Treasury, state and local law enforcement, and state building and fire officials to enter the premises includes the right to go inside, outside, over, or below any structure or feature on the premises in any matter related to Green Sunrise Products LLC's application or licensure; conduct investigations and inspections; inspect, examine, and audit relevant records of Green Sunrise Products LLC; and impound, seize, assume physical control of, or summarily remove records from the premises if Green Sunrise Products LLC fails to cooperate with an investigation.
3. This limited waiver of the right to exclude is solely for the purpose of ensuring the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, and state building and fire officials have the ability to exercise all authorities, powers, duties, functions, and responsibilities under State of Michigan law and associated administrative rules for the specific purposes identified in this resolution.

4. The Tribe expressly waives its sovereign immunity for the purpose of subjecting the Tribe to the jurisdiction of State of Michigan courts, administrative agencies, and law enforcement agencies for the sole purpose of enforcing this waiver of the Tribe's right to exclude. No pledge of specific assets by the Tribe is necessary to satisfy any judgment or decision obtained in a State of Michigan court action or administrative proceeding contemplated by this paragraph.
5. This waiver of the Tribe's right to exclude and limited waiver of sovereign immunity shall take effect immediately.
6. This waiver of the Tribe's right to exclude and limited waiver of sovereign immunity shall continue in effect so long as the above-referenced state license, if issued to Green Sunrise Products LLC, is in effect; for the duration of any dispute arising out of or related to the license or operations under the license; and to allow the MRA to take action after expiration of the license as permitted under State of Michigan law and associated administrative rules.
7. If Green Sunrise Products LLC's application for a state license is denied, this waiver of the Tribe's right to exclude and limited waiver of sovereign immunity shall continue in effect for the duration of any administrative or judicial proceedings related to the license denial, including any appeals.
8. The Tribe, pursuant to Constitution of the Little Traverse Bay Bands of Odawa Indians as adopted on February 2, 2005 expressly waives the jurisdiction of Little Traverse Bay Bands of Odawa Indians Tribal Court with respect to any claim or cause of action arising out of or within the scope of this resolution, including but not limited to any claim or cause of action initiated by the Tribe.
9. The Tribe acknowledges that if this limited waiver of sovereign immunity is rescinded or otherwise made ineffective, or if the Tribe asserts any right it may have to exclude the MRA and its agents, Treasury and the State Treasurer and their agents, any successors of the MRA or Treasury, state and local law enforcement, or state building and fire officials from entering the premises in any matter related to Green Sunrise Products LLC's application or licensure, the MRA may in its discretion deny, suspend, revoke, restrict, refuse to renew, impose a fine against, and/or take other disciplinary action against any state license sought by or issued to Green Sunrise Products LLC.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians by a phone poll of the Tribal Council held on June 19, 2020 at which a quorum was present, by a vote of 8 in favor, 1 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	X			
Fred Kiogima	X			
Tamara Kiogima		X		
Melissa Pamp	X			
Leroy Shomin	X			
Marty Van De Car	X			
Marcella Reyes	X			
Julie Shananaquet	X			
Emily Proctor	X			

Date: 06.19.2020 Emily Proctor
Emily Proctor, Legislative Leader

Date: 06.19.2020 Julie Shananaquet
Julie Shananaquet, Tribal Council Secretary

Received by the Executive Office on 6/22/2020 by [Signature]

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 6/23/2020 Regina Gasco Bentley
Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 06.23.2020 by [Signature]