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BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY THE MARIJUANA CONTROL BOARD

In the matter of:

Fairbanks Analytical Testing, LLC.
d/b/a Fairbanks Analytical Testing,
Respondent.

} OAH No. 20-0973-MCB

} Agency Reference No. AM20-720

MEDIATED SETTLEMENT AGREEMENT

The parties, Fairbanks Analytical Testing, LLC, d/b/a Fairbanks Analytical Testing (Respondent) by and through its attorney of record Lance Christian Wells of the Law Offices of Lance Christian Wells, LLC, and the Alaska Alcohol and Marijuana Control Office (AMCO) by and through its attorney of record Richard Moses with Alaska Attorney General's Office agreed to mediate the above-captioned matter.

On March 2, 2021, the parties along with their undersigned attorneys of record participated in a ZOOM mediation before Administrative Law Judge Lawrence Pederson from the Office of Administrative Hearings. The parties reached an agreement to resolve this entire matter subject to board approval as follows:

PROPOSED DECISION AND ORDER

- Respondent admits that the Board has jurisdiction over this matter.
- The Marijuana Control Board (Board) will place Respondent on probation for a period of two years. The term of probation shall begin the date the Board accepts this agreement.
- The Board will suspend Respondent's license to operate its testing facility for two months. The Board will fully suspend this license suspension during this probationary period set forth above subject to the terms and conditions set forth below.
- The Board will impose a \$2,500 fine, which Respondent must pay to AMCO within thirty calendar days of the Board's acceptance of this agreement. Failure

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to pay this fine within 30 days after adoption by the Board is a violation of this agreement and the probationary terms.

- While on probation, Respondent is subject to random audits by AMCO by DEC acting on behalf of AMCO. Respondent should expect to be audited a minimum of one time per probation year.

- Respondent is responsible for the cost of a maximum of one audit per probation year, which is capped at \$5,000 per audit. Any costs in excess of the \$5,000 per audit will be paid by AMCO. Any costs associated with a second or subsequent audit per probationary year will be paid by AMCO.

- A future probation violation(s) is conditioned upon an error(s) and/or violation(s) found in an audit described above or for failure to timely respond to audit information request within thirty calendar days. Further, it is understood by the parties that Respondent's failure to respond and/or correct an error/violation found in an audit within thirty calendar days will act as a "trigger point" for a probation violation.

Additionally, it is understood by the parties that this provision encompasses all applicable cannabis regulations and the Cannabis Testing Laboratory Compliance Document that has been adopted by the Board via regulation.

- Respondent's failure to pay the \$2,500 within the agreed-upon timeframe will constitute a violation of this agreement and is itself a trigger point for a probation violation.

- It is further understood between the parties that all or part of the suspended portions of the fine and/or period of license suspension can be imposed in the event Respondent violates the terms of probation listed above.

ITMO: Fairbanks Analytical Testing, LLC
Settlement Agreement

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• This mediation agreement shall be placed upon the Board calendar as soon as possible for the next scheduled board meeting for their consideration of this agreement.

- These agreements are not an admission by either party.
- Each party shall be responsible for their own attorney fees and costs incurred in this matter.

IT IS HEREBY FURTHER ORDERED that this Proposed Decision and Order shall take effect immediately upon its adoption by the Board and is a public record of the Board and the State of Alaska. The state may provide a copy of it to any person or entity, including other licensing boards, federal, state, or local governments, or other entity making a relevant inquiry.

DATED this 15th day of April, 2021 at Anchorage, Alaska

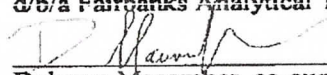
ALCOHOL & MARIJUANA CONTROL OFFICE

By:


Chen Klinkhart, Director


DATED this 14 day of April, 2021 at Fairbanks, Alaska

Fairbanks Analytical Testing, LLC.
d/b/a Fairbanks Analytical Testing


Dylanne Macomber, co-owner

DATED this 14 day of April, 2021 at Fairbanks, Alaska

Fairbanks Analytical Testing, LLC.
d/b/a Fairbanks Analytical Testing


Ronald Eads, co-owner

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON
REFERRAL BY THE MARIJUANA CONTROL BOARD**

In the matter of:)
)
FAIRBANKS ANALTICAL) OAH No. 20-0973-MCB
)
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CERTIFICATE OF SERVICE

I certify that on April 15, 2021, true and correct copies of the **MEDIATED SETTLEMENT AGREEMENT, ORDER** and this *Certificate of Service* were served on the following via email:

Lance C. Wells
lwells@gci.net



Sabina Figueroa
Law Office Assistant

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ORDER

The Marijuana Control Board (Board) for the State of Alaska, having examined the Stipulated Agreement and Proposed Decision and Order, signed by the Respondents and the Director of the Alcohol & Marijuana Control Board, hereby adopts the Stipulated Agreement and Proposed Decision and Order in this matter.

This Stipulated Agreement and now Final Decision and Order take effect immediately upon signature of this Order in accordance with the approval of the Board.

This Order is a public document.

DATED this 5th day of MAY, 2021

Marijuana Control Board

By: *Just Mally*
Chair