



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

**Department of Commerce,
Community, and Economic
Development**

ALCOHOL AND MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO: The Marijuana Control Board

DATE: January 13, 2022

FROM: Glen Klinkhart, Director, AMCO
Joe Hamilton, Investigator, AMCO

RE: Accusation regarding Althea's Morning Bear Cultivation & Bob's Morning Bear Cultivation

BACKGROUND:

The Alcohol & Marijuana Control Office (AMCO) received a complainant that both Althea's Morning Bear Cultivation (license NO. 14352) & Bob's Morning Bear Cultivation (license NO. #4B-10063) had violated regulations regarding the operations of both cultivation facilities (see attached accusations AM21-0858 and AM21-0809). The fines recommended were, at that time, based upon the proposed MCB Fine Schedule. The accusation(s) were served on the owner of the limited cultivations, Brennan J. Norden. During the Notice of Defense process the owner agreed to fines for all of the alleged violations, \$4950 for Althea's morning bear cultivation (license no. 14352) and \$2150 for Bob's Morning Bear Cultivation (license NO. #4B-10063) for a total agreed fine to be paid of \$7100. See attached Stipulated Agreement for Morning Bears x 2 for specific violations, fines, and agreement.

REQUESTS OF THE BOARD:

The AMCO Director and the licensee request the board affirm the attached stipulated agreement with a certain amount of time for the licensee to pay the fine in its entirety.

A handwritten signature in black ink, appearing to read "Glen Klinkhart".

Glen Klinkhart
Director
Alcohol & Marijuana Control Board
550 W 7th Ave #1600, Anchorage, AK 99501
Office (907) 269-0350

**STATE OF ALASKA
MARIJUANA CONTROL BOARD**

IN THE MATTERS OF)	
)	
BRENNAN J. NORDEN)	AMCO NOS. AM21-0858
ALTHEA’S MORNING BEAR)	AM21-0809
CULTIVATION)	
LIMITED CULTIVATION LICENSE)	
NO. 14352)	
)	
BOB’S MORNING BEAR)	
CULTIVATION)	
LIMITED CULTIVATION LICENSE)	
NO. #4B-10063)	

STIPULATED AGREEMENT, PROPOSED DECISION, AND ORDER

IT IS HEREBY AGREED by the Director (“Director”) of the Alcohol & Marijuana Control Office (“AMCO”) and Brennan J. Norden, holder of limited cultivation license numbers 14352 and 4B-10063 (“Respondent”) as follows:

1. Licensure. Norden holds two limited cultivation licenses: (1) Althea’s Morning Bear Cultivation Facility, license number 14352, and (2) Bob’s Morning Bear Cultivation, license number 4B-10063. Both licenses are operated in Kasilof, Alaska.

2. Jurisdiction. Norden admits and agrees that the Marijuana Control Board (“Board”) has jurisdiction over the licenses and subject matters addressed in this agreement.

3. Admitted Conduct and counts regarding operations of Althea’s Morning Bear Cultivation Facility. In response to a complaint of a former employee, AMCO

enforcement officers conducted an on-site inspection of Althea's Morning Bear Cultivation Facility. Respondent admits to the following conduct or observed discrepancies at Althea's Morning Bear Cultivation facility in violation of the identified regulations:

- (a) On August 10, 2021, a visitor was permitted in the restricted area of the licensed premises without an escort in violation of 3AAC 306.710(c)(2) & 3 AAC 306.710(c)(3) – 2 counts.
- (b) On August 10, 2021, the visitor log for the facility was not maintained on site in violation of 3AAC 306.755(a)(6) – 1 count.
- (c) On August 10, 2021 (the date of AMCO's initial on-site inspection), a camera was missing in the facility's drying room and two other cameras were positioned in a manner that created blind spots, all in violation of 3 AAC 306.720(a), 3 AAC 306.720(b) (2 counts), and 3 AAC 306.720(c) (2 counts)– 5 counts in total.
- (d) On August 10, 2021 (the date of AMCO's initial on-site inspection), a drying room was on the licensed premises that was not accounted for in the operational plan and for which no operating plan change was submitted in violation of 3AAC 306.703 and 3 AAC 306.705(c) – 2 counts.
- (e) On August 10, 2021 (the date of AMCO's initial on-site inspection) 48 plants under 8 inches tall were untagged and not tracked in violation of 3AAC 306.730(a) -- 48 counts.

- (f) On August 10, 2021 (the date of AMCO's initial on-site inspection) 132 clone/immature plants that were identified in Metrc as being at the facility were not present in violation of 3 AAC 306.730(a) – 132 counts.
- (g) On August 11, 2021, following AMCO's inspection, cameras were temporarily unplugged and not communicating with software in violation of 3AAC 306.720(b) and 3 AAC 306.720(c) – 2 counts
- (h) on August 18, 2021 (the date of AMCO's follow-up inspection), six plants that were registered in Metrc as being at the facility were not present in violation of 3AAC 306.730(a) -- 6 Counts
- (i) on August 18, 2021 (the date of AMCO's follow-up inspection), 114 clones/immature plants identified in Metrc as being present at the facility were not un violation 3AAC 306.730(a) Marijuana inventory -- 114 Counts
- (j) On August 18, 2021 (the date of AMCO's follow-up inspection), with the removal of a camera, an additional blind spot was creating in the in violation of 3 AAC 306. 3AAC 306.720(b) and 3 AAC 306.8720(c) – 2 counts

4. Admitted Conduct and counts regarding operations of Bob's Morning Bear Cultivation Facility. In response to a complaint of a former employee, AMCO enforcement officers conducted an on-site inspection of Bob's Morning Bear Cultivation

Facility. Respondent admits to the following conduct or observed discrepancies at Bob's Morning Bear Cultivation facility in violation of the identified regulations:

- (a) On August 10, 2021 (the date of AMCO's on-site inspection), surveillance video on the licensed premises was not operational and had not operational since June of 2021 in violation of 3 AAC 306.720(b) and 3 AAC 306.720(c) – 2 counts
- (b) On August 10, 2021 (the date of AMCO's on-site inspection), a visitor was permitted in the restricted area of the licensed premises without an escort in violation of 3 AAC 306.710(c)(3) – 1 count
- (c) On August 10, 2021 (the date of AMCO's on-site inspection), the visitor log for the facility was not maintained on site in violation of 3AAC 306.755(a)(6) – 1 count.
- (d) On August 10, 2021 (the date of AMCO's on-site inspection), eight plants that were registered in Metrc as being at the facility were not present in violation of 3AAC 306.730(a) -- 8 Counts
- (e) On August 10, 2021 (the date of AMCO's on-site inspection), 140 plants over eight inches to several feet tall were untagged in violation of 3 AAC 306.730(a) – 140 counts
- (f) On August 10, 2021 (the date of AMCO's initial on-site inspection), a drying room was on the licensed premises that was not accounted for in the operational plan and for which no operating plan change was

submitted in violation of 3AAC 306.703 and 3 AAC 306.705(c) – 2 counts.

(g) Respondent failed to produce the video requested from the premises and due August 26, 2021 in violation of 3 AAC 306.755(a)(6) – 1 count

(h) Respondent failed to produce the requested visitor log due on August 31, 2021 in violation of 3 AAC 306.755(a)(6) – 1 count

4. Alternative Dispute Resolution. The Respondents and AMCO met in alternative dispute resolution. Using the recently adopted civil fine schedule as the guide for negotiating and determining the appropriate penalty, this stipulated agreement is proposed for Board approval.

5. Formal Hearing Process. It is the intent of the parties to this Stipulated Agreement to provide for the compromise and settlement of all issues addressed in the Accusation that were or could have been raised in the Accusation based on the same underlying facts.

6. Waiver of Rights. Respondent understands and agrees it has the right to consult with an attorney of its own selection and have a right to an administrative hearing on the facts in this case. Respondent understands and agrees that, by signing this Stipulated Agreement, it waives further rights to counsel and to a hearing. Further, Respondent understands and agrees that it is relieving AMCO of any burden it has of proving the facts above. Respondent further understands and agrees that by signing this Stipulated Agreement, it has voluntarily and knowingly giving up its right to present oral Stipulated Agreement, Proposed Decision, and Order

and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against Respondents, and to appeal any adverse Board decision to Superior Court.

7. Effect of Non-Acceptance of Settlement Agreement. Respondent and AMCO agree that this Stipulated Agreement is subject to Board approval. The Parties agree that, if the Board rejects this Stipulated Agreement, it will be void, and the appeal of the denial will proceed. If this Stipulated Agreement is rejected by the Board, it will not constitute a waiver of Respondent's right to a hearing on the matters and the admissions contained herein will have no effect. Respondent agrees that if the Board rejects this Stipulated Agreement, the Board may decide the matter after a hearing, and its consideration of this Stipulated Agreement shall not alone be grounds for claiming that the Board is biased against Respondent, that it cannot fairly decide the case, or that it has received ex parte communication.

8. Stipulated Agreement, Decision, and Order. Respondent agrees that the Director and the Board have the authority to enter in the Stipulated Agreement and to issue the following Proposed Decision and Order. The Parties will accept entry of the Proposed Decision and Order if approved by the Board. Any requested changes from the Board will be brought back to the Parties for approval or declination.

9. Good Faith.

All Parties agree to act in good faith in carrying out the stated intentions of this Stipulated Agreement.

10. Counterparts and Digital Signatures. The Parties may execute this Stipulated Agreement in one or more counterparts, all of which when taken together will constitute the entire Stipulated Agreement, Proposed Decision, and Order.

constitute one and the same instrument. Scanned signatures or digitally authorized signatures shall have the same binding effect as a handwritten signature.

**STATE OF ALASKA
MARIJUANA CONTROL BOARD**

IN THE MATTERS OF)	
)	
BRENNAN J. NORDEN)	AMCO NOS. AM21-0858
ALTHEA’S MORNING BEAR)	AM21-0809
CULTIVATION)	
LIMITED CULTIVATION LICENSE)	
NO. 14352)	
)	
BOB’S MORNING BEAR)	
CULTIVATION)	
LIMITED CULTIVATION LICENSE)	
NO. #4B-10063)	

PROPOSED DECISION AND ORDER

IT IS HEREBY ORDERED that Brennan J. Norden, holder of limited cultivation license numbers 14352 and 4B-10063 (“Respondent”) is subject to the following disciplinary actions:

1. Fines. Respondent shall pay civil fines totaling \$7,100.00 for all admitted violations calculated as follows:

For Althea’s Limited Cultivation Facility

VIOLATION	NUMBER OF COUNTS	FINE PER COUNT	TOTAL FINE
3AAC 306.703: Operations	1	\$100	\$ 100
3AAC 306.705(c): Licensed premises; alteration	2	\$100	\$200

3AAC 306.710(c)(2): Restricted access areas	1	\$100	\$ 100
3AAC 306.710(c)(3) Restricted access areas	1	\$100	\$ 100
3AAC 306.720(a): Video	1	\$200	\$200
3 AAC 306.720(b) Video	4	\$200	\$800
3AAC 306.720(c): Video	4	\$200	\$800
3AAC 306.730(a): Marijuana inventory tracking system	300	\$8.33	\$2,500
3 AAC 306.750(a)(6)	1	\$150	\$150
Total			\$4,950

For Bob's Limited Cultivation Facility

VIOLATION	NUMBER OF COUNTS	FINE PER COUNT	TOTAL FINE
3AAC 306.703: Operations	1	\$100	\$ 100
3AAC 306.705(c): Licensed premises; alteration	1	\$100	\$100
3AAC 306.710(c)(3): Restricted access areas	1	\$100	\$100
3 AAC 306.720(b) Video	1	\$200	\$200
3AAC 306.720(c): Video	1	\$200	\$200
3AAC 306.730(a): Marijuana inventory tracking system	148	\$6.75	\$1,000

Stipulated Agreement, Proposed Decision, and Order

3 AAC 306.750(a)(6)	3	\$150	\$450
Total			\$2,150

All fines shall be paid in full within 90 days of the Board’s adoption of this Proposed Order. Such payment shall be delivered to the Alcohol & Marijuana Control Office, 550 W 7th Ave #1600, Anchorage, AK 99501.

2. COMPLIANCE WITH ALL LAWS

In the event of violation of this Proposed Decision and Order, the Director may elect to pursue and the Board is authorized to order any and all disciplinary actions permitted under AS 04. As such, the Director and Board are not limited to the specific disciplinary sanctions set out in this Proposed Decision and Order.

3. SETTLEMENT OF ALL CLAIMS WITH PREJUDICE.

If approved by the Board, this Stipulated Agreement and Proposed Decision and Order resolves all allegations raised in the Accusation. Upon execution of the Proposed Decision and Order by the Board, the administrative appeal in the above-captioned matter shall be dismissed with prejudice.

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.

Stipulated Agreement, Proposed Decision, and Order

SIGNATORIES TO THE STIPULATED AGREEMENT AND PROPOSED ORDER

DATED this _____ day of _____, 2021 at Anchorage, Alaska

ALCOHOL & MARIJUANA CONTROL OFFICE

By: _____

Glen Klinkhart. Director

DATED this _____ day of _____, 2021 at Anchorage, Alaska

BRENNAN J. NORDEN

By: _____

**STATE OF ALASKA
MARIJUANA CONTROL BOARD**

IN THE MATTERS OF)	
)	
BRENNAN J. NORDEN)	AMCO NOS. AM21-0858
ALTHEA’S MORNING BEAR)	AM21-0809
CULTIVATION)	
LIMITED CULTIVATION LICENSE)	
NO. 14352)	
)	
BOB’S MORNING BEAR)	
CULTIVATION)	
LIMITED CULTIVATION LICENSE)	
NO. #4B-10063)	

ORDER

The Marijuana Control Board (“Board”) for the State of Alaska, having examined the Stipulated Agreement and Proposed Decision and Order, signed by the Respondent 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 _____ day of _____, 2022, at Anchorage, Alaska.

Marijuana Control Board

By: _____
Chair

Stipulated Agreement, Proposed Decision, and Order

Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: License #/Type:
Licensee: Address:
DBA: AMCO Case #:

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice of Violation. A licensee may respond, either orally or in writing to the Notice. 3 AAC 306.810 (2)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation, to correct any defect that is the subject of the notice of violation of AS 17.8 or this chapter.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your marijuana license number in your response.**

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator:

SIGNATURE:

J.R. Hamilton

Delivered VIA:

Received by:

SIGNATURE:

Date:

Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Continued...



STATE OF ALASKA

ALCOHOL CONTROL BOARD

In the matter of)
)
Brennan J. Norden)
DBA Althea's Morning Bear Cultivation)
21565 Evelyn May Street)
Kasilof, AK 99610)
Marijuana Cultivation)
Facility license #14352)
Respondent)
)
) **Accusation No. AM21-0858**

ACCUSATION(S) :

Petitioner, Glen Klinkhart, Director of the Marijuana Control Board, acting in his official capacity and upon information and belief, alleges as follows:

INFORMATION/INVESTIGATION

1. Respondent, Brennan J. Norden, DBA Althea's Morning Bear Cultivation, is the holder of Limited Marijuana Cultivation Facility license #14352, located at 21565 Evelyn May Street, Kasilof, Alaska. According to AMCO records, **Althea's Morning Bear Cultivation** is owned %100 by Brennan J. Norden.
2. Mr. Norden owns another cultivation, Bob's Morning Bear Cultivation, license #4B-10063. The facilities are physically separated, each with their own physical address and respective license number.
3. The Alcohol & Marijuana Control Office (AMCO) had received a complainant from Althea's Morning Bear Cultivation ex-employee Brandon Gardner on 7-26-21. The complainant relayed the following:

(a) During his employment with Mr. Norden, he observed multiple plants, over 18 inches tall, fail to be given a METRC tag.

(c) Mr. Brennan is not documenting plant growth in the METRC tracking system.

3. On 8/10/21, Investigator F.R. (Joe) Hamilton conducted an inspection of **Althea's Morning Bear Cultivation**. Present during the inspection was employee Doug Smith, MHP 28884, and Office Worker Jeanne Maltby later arrived. The following discrepancies were noted:

(a) Inv. Hamilton had observed Soren (Van) Adams, a visitor from Connecticut and future employee, coming out of **Althea's Morning Bear Cultivation** by himself. Mr. Adams stated he had been in the facility alone. Mr. Smith was initially in the facility with Mr. Adams but Mr. Smith had been called from the facility by Mr. Norden. 3AAC 306.710(c)(2)&(3): Restricted access areas (1 Count each)

(b) Inv. Hamilton could not locate a visitor's log or badges. Mr. Norden stated he keeps several visitors logs and he would show me later. 3AAC 306.755(a)(6): Business records (1 Count)

(c) No video camera in the drying room. Multiple blind spots throughout the facility. The camera located above the south door was being blocked by supplies. 3AAC 306.720(a) & (b) & (c): Video Surveillance (1 Count each)

(d) A drying room was added inside the facility which alters the functional floor plan. 3AAC 306.703: Operations, 3AAC 306.705(c): Licensed premises; alteration (1 Count each)

(e) There were 48 untagged plants that were over 8 inches tall to several feet tall. 3AAC 306.730(a): Marijuana inventory tracking system (48 Counts)

(f) There 364 clone/immature plants counted. METRC showed 496 clone/immature plants. 3AAC 306.730(a): Marijuana inventory tracking system (132 Counts)

4. On 8-18-21 a follow-up inspection was conducted. The following discrepancies were noted:

(a) A total of 291 plants were counted. METRC shows there should be 297. 3AAC 306.730(a): Marijuana inventory tracking system (6 Counts)

(b) A total of 354 clones/immature plants were counted. METRC shows there should be 468. 3AAC 306.730(a): Marijuana inventory tracking system (114 Counts)

(c) The camera above the south door was removed and placed into the drying room. This created another blind spot. 3AAC 306.720(b) & (c): Video Surveillance (2 Count)

(d) On 8-23-21, Inv. Hamilton spoke with Dave Martin at Communications Alaska. He stated when he arrived on/or about 8-11-21 all the cameras had been unplugged and that the hardware was not communicating to the software. He added that there may not be any video on the hard drives. Note: The cameras were working on 8-10-21 during the inspection. 3AAC 306.720(b) & (c): Video Surveillance (2 Counts)

Prior History

A review of the Alcohol and Marijuana Office records shows the respondent, Brennan J. Norden, DBA: Althea's Morning Bear Cultivation, that they received the following Notice of Violation.

1. On 3-23-21 for AS 17.38.010(b)(2) legitimate, tax paying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC61.020. License revocation and suspension.2. On 2-17-21, AS 17.38.010(b)(2): Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3AAC 306.480: Marijuana tax to be paid; 3AAC 306.810: Suspension or revocation of license, AS 43.61.030(b): Marijuana cultivation facility fails to pay tax, AS 43.05.230(e): DOR can publish list of taxpayer(s) who failed to pay their taxes, 15AAC 61.020: Licensee revocation and suspension.

Requests of the Marijuana Beverage Control Board

Wherefore, in accordance with:

3AAC 306.703: Operations (1 Count)

Count 1: \$100

3AAC 306.705(c): Licensed premises; alteration (2 Counts)

Count 1: \$100

Count 2: \$100

3AAC 306.710(c)(2): Restricted access areas (1 Count)

Count 1: \$100

3AAC 306.710(c)(3): Restricted access areas (1 Count)

Count 1: \$100

3AAC 306.720(a): Video (1 Count)

Count 1: \$200

3AAC 306.720(b): Video (4 Count)

Count 1: \$200

Count 2: \$200

Count 3: \$200

Count 4: \$200

3AAC 306.720(c): Video (4 Counts)

Count 1: \$200

Count 2: \$200

Count 3: \$200

Count 4: \$200

3AAC 306.730(a): Marijuana inventory tracking system (300 Counts)
Counts 1-300: 300 x \$25 = \$7500

3AAC 306.755(a) (6): Business records (1 Count)
Count 1: \$150

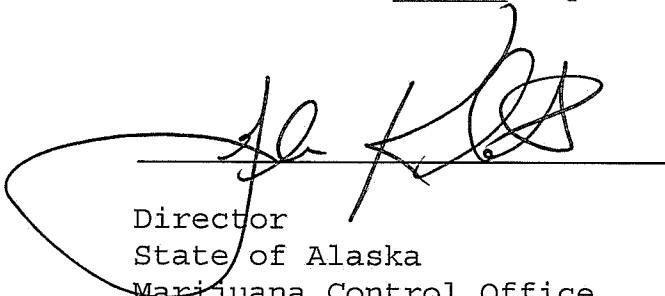
Total Fines: \$9,950

The petitioner respectfully requests,

1. That the Marijuana Control Board find that the respondent, Brennan J. Norden, DBA: Althea's Morning Bear Cultivation, License #14352, committed the acts alleged above.

2. Using the proposed 2021 AMCO/MCB proposed fine schedule as a guideline for issuance of the above fines, the affiant requests the Marijuana Control Board fine the respondent, Brennan J. Norden, DBA: Althea's Morning Bear Cultivation, License #14352, a total of \$9,950.00.

Dated at Anchorage, Alaska, this 14TH Day of September 2021.



Director
State of Alaska
Marijuana Control Office
September 1, 2021

ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT
ALCOHOL AND MARIJUANA CONTROL OFFICE

In the matter of)
)
Brennan J. Norden)
DBA Althea's Morning Bear Cultivation)
21565 Evelyn May Street)
Kasilof, AK 99610)
Marijuana Cultivation)
Facility license #14352)
Respondent)
_____)

Accusation No. 0858

NOTICE OF DEFENSE

The Respondent, pursuant to AS 44.62.390, hereby gives Notice of Defense in this proceeding. A hearing on the matters set forth in the Decision is hereby requested.

I. Respondent Initiating Request

Date: _____ Respondent's Name (printed): _____

Respondent's Signature: _____

Mailing Address: _____

City _____ State _____ Zip Code _____

Phone Number: _____

OR

II: Attorney Representing Respondent (Note: An attorney is not required for this proceeding.)

Name of Attorney Representing Respondent: _____

Mailing Address: _____

City _____ State _____ Zip Code _____

Phone Number: _____

Date: _____ Signature: _____

NOTE: This Notice of Defense/Request for Hearing must be signed by or on behalf of Respondent, must set forth Respondent's current mailing address, and must be filed **within 15 days** after the enclosed Decision was mailed or delivered to the Respondent, or within 15 days of the informal conference if one is requested. It shall be filed accordingly:

Administrative Officer
Department of Commerce, Community, and Economic Development
Alcohol and Marijuana Control Office
550 West 7th Ave, Suite 1600, Anchorage, AK 99501

Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 8/30/21

License #/Type: 14352 Limited Marijuana Cultivation Facilities

Licensee: Brennan J. Norden

Address: 21565 Evelyn May St., Kasilof, AK

DBA: Althea's Morning Bear Cultivation

AMCO Case #: 21-0858

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

On 7-26-21, AMCO received a complaint from Althea's Morning Bear Cultivation's former employee regarding several improprieties at the facility. On 8-10-21, an inspection was conducted and the following discrepancies noted: Soren (Van) Adams, a visitor from Connecticut and future employee, was left unattended in the restricted area of the establishment. No visitors log could be located nor could any visitor badges be located. Forty-eight over 18-inch-tall plants did not have a METRC tag. Clones counted inside the establishment were 364. METRC shows 496 clones. There were multiple blind spots throughout the facility after the installation of new ballasts. One camera was inoperable. Finally, a drying closet had been constructed sometime after the initial inspection which altered the floor plan. No camera was installed in drying room. A request for video was made from July 5th to 8-10-21 was made. On 8-18-21, a follow-up inspection was conducted. A camera was installed in the drying room. There were 291 tagged plants; METRC shows 297. There were 354 immature plants/clones counted; METRC shows 468. One camera had been taken down to put in the drying room which created more blinds spots. Employee Jeannie Maltby said she did find two pages of the visitors log but was unable to locate it in the facility. It was found at the licensee's other facility. It was learned that the licensee's other cultivation was being used to maintain a visitors log for both facilities. It was the same visitors log that was at the

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice of Violation. A licensee may respond, either orally or in writing to the Notice. 3 AAC 306.810 (2)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation, to correct any defect that is the subject of the notice of violation of AS 17.8 or this chapter.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your marijuana license number in your response.**

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: ~~M. Chiesa~~ HAMILTON

Received by:

SIGNATURE: *J.R. Hamilton*

SIGNATURE:

Delivered VIA: Email

Date:

Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Continued...

licensees other facility on the 8-10-21 inspection. Adams name as well as Maltby's name had been added to it sometime after the 8-10-21 inspection. It was also learned that Communications Alaska personnel had been to the facility to install/adjust cameras. They stated when he arrived, on or about 8-11-21, all the cameras had been unplugged. He plugged them back and the cameras worked; but the hard drive wasn't working. He stated it looked like someone had pried it open or dropped it, a piece of plastic was missing. Employee John Klemy said at one time the power had gone out at both the licenses facilities. He said maybe it occurred when a storm or a tree had fallen on the power line in the vicinity sometime in June. As of 8-26-21, five deadlines for producing video have been missed. On 8-27-21, the hard drives were given to AMCO by employee Robin Hansen, MPH #29996.

Your attention is directed to 3AAC 306.710(c)(2) & (3): Restricted access areas, 3AAC 306.755(a)(2) & (6): Business records, 3AAC 306.730(a): Marijuana inventory tracking system, 3AAC 306.720(b) & (c): Video surveillance, 3AAC 306.703: Operations, 3AAC 306.705(c): Licensed premises; alteration

Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: License #/Type:
Licensee: Address:
DBA: AMCO Case #:

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice of Violation. A licensee may respond, either orally or in writing to the Notice. 3 AAC 306.810 (2)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation, to correct any defect that is the subject of the notice of violation of AS 17.8 or this chapter.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your marijuana license number in your response.**

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator:

Received by:

SIGNATURE: *J.R. Hamilton*

SIGNATURE:

Delivered VIA:

Date:

STATE OF ALASKA

ALCOHOL CONTROL BOARD

In the matter of)
)
 Brennan J. Norden)
 DBA Bob's Morning Bear Cultivation)
 21725 Evelyn May Street)
 Kasilof, AK 99610)
 Limited Marijuana)
 Cultivation Facility)
 license #4B-10063)
 Respondent)
)
) **Accusation No. AM21-0809**

ACCUSATION(S) :

Petitioner, Glen Klinkhart, Director of the Marijuana Control Board, acting in his official capacity and upon information and belief, alleges as follows:

INFORMATION/INVESTIGATION

1. Respondent, Brennan J. Norden, DBA Bob's Morning Bear Cultivation, is the holder of Limited Marijuana Cultivation Facility license #4B-10063, located at 21725 Evelyn May Street, Kasilof, Alaska. According to AMCO records, Bob's Morning Bear Cultivation is owned %100 by Brennan J. Norden.

2. Mr. Norden owns another cultivation, Althea's Morning Bear Cultivation, license #4B-14352. The facilities are physically separated, each with their own physical address and respective license number.

3. The Alcohol & Marijuana Control Office (AMCO) had received a complainant from Althea's Morning Bear Cultivation ex-employee Brandon Gardner on 7-26-21. The complainant relayed the following:

(a) During his employment with Mr. Norden, he observed multiple plants, over 18 inches tall, fail to be given a METRC tag.

(b) Mr. Brennan is not documenting plant growth in the METRC tracking system.

4. On 8/10/21, Investigator F.R. (Joe) Hamilton conducted an inspection of **Bob's Morning Bear Cultivation**. Present during the inspection was employee Doug Smith, MHP 28884. The following discrepancies were noted:

(a) Surveillance video was not operational. Office Worker Jeanne Maltby advised Inv. Hamilton that the video system has not been working since about 8-3-21 but the "camera guy" was coming on 8-11-21 to repair the system. No video coverage in the interim. On 8-24-21, Mr. Klemly stated he believed the video has not been operational since sometime in June of 2021. Inv. Hamilton was advised by licensee Norden that both hard drives had been "fried" after an electrical surge. 3AAC 306.720(b) & (c): Video Surveillance (1 Count Each)

(b) Inv. Hamilton had observed Soren (Van) Adams, a visitor from Connecticut and future employee, coming out of Althea's Morning Bear Cultivation by himself. Mr. Norden was asked if Mr. Adams had been in this facility (**Bob's Morning Bear Cultivation**) as well. Norden admitted he had been in the restricted area of **Bob's Morning Bear Cultivation**. 3AAC 306.710(c)(3): Restricted access areas (1 Count)

(c) Inv. Hamilton could not locate Adams name in the visitor's log. Mr. Norden stated he keeps several visitors logs and he would show me later. 3AAC 306.755(a)(6): Business records (1 Count)

(d) Two hundred fourteen plants were counted in the facility. METRC showed there were 222. 3AAC 306.730(a): Marijuana inventory tracking system (8 Counts)

(e) There were 140 untagged plants that were over 8 inches tall to several feet tall. 3AAC 306.730(a): Marijuana inventory tracking system (140 Counts)

(f) A drying room was added inside the facility which alters the functional floor plan. 3AAC 306.703: Operations, 3AAC 306.705(c): Licensed premises; alteration (1 Count Each)

(e) As of 8-26-21, no video has been produced. 3AAC 306.755(a)(6): Business records (1 Count)

(f) As of 8-31-21, Mr. Brennen has not produced other visitors logs he claimed he had. 3AAC 306.755(a)(6): Business records (1 Count)

Prior History

A review of the Alcohol and Marijuana Office records shows the respondent, Brennan J. Norden, DBA: Bob's Morning Bear Cultivation, that they received the following Notices of Violations.

1. On 2-18-21 for a 3AAC 306.720(b) & (c): Video surveillance, 3AAC 306.710(c)(3): Restricted access areas, 3AAC 06.755.(a)(6): Business records, 3AAC 306.730(a): Marijuana inventory tracking system, 3AAC 306.703: Operations, 3AAC 306.705(c): Licensed premises.
2. On 2-17-21, AS 17.38.010(b)(2): Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3AAC 306.480: Marijuana tax to be paid; 3AAC 306.810: Suspension or revocation of license, AS 43.61.030(b): Marijuana cultivation facility fails to pay tax, AS 43.05.230(e): DOR can publish list of taxpayer(s) who failed to pay their taxes, 15AAC 61.020: Licensee revocation and suspension.
3. On 3-8-19, 3AAC 306.750(e): Transportation.
4. On 11-16-18, AS 17.38.010(b)(2): Legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana, 3AAC 306.480: Marijuana tax to be paid, 3AAC 306.810: suspension or revocation of license, AS 43.61.030(b): Marijuana cultivation facility fails to pay tax, AS 43.05.230(e): DOR can publish lists of taxpayer(s) who failed to pay their taxes, 15AAC 61.020: License revocation and suspension.
5. On 5-10-17, 2AAC 306.800(b): Inspection and investigation. (Failure to provide business records)

Requests of the Marijuana Beverage Control Board

Wherefore, in accordance with:

3AAC 306.703: Operations (1 Count)

Count 1: \$100

3AAC 306.705(c): Licensed premises; alteration (1 Count)

Count 1: \$100

3AAC 306.710(c) (3): Restricted access areas (1 Count)

Count 1: \$100

3AAC 306.720(b): Video (1 Count)

Count 1: \$200 (could have proposed \$200 per
day, but did not at this point)

3AAC 306.720(c): Video (1 Count)

Count 1: \$200

3AAC 306.730(a): Marijuana inventory tracking system (148
Counts)

Counts 1-148: $148 \times \$25 = \3700

3AAC 306.755(a) (6): Business records (3 Counts)

Count 1: \$150

Count 2: \$150

Count 3: \$150

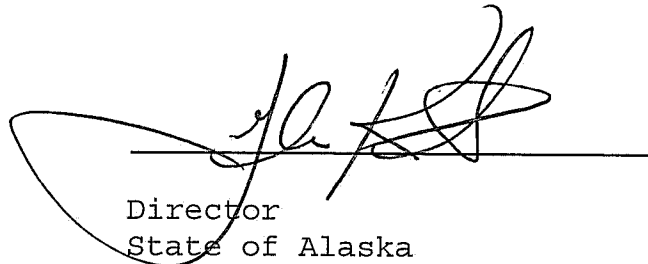
Total Fine: \$4850.00

The petitioner respectfully requests,

1. That the Marijuana Control Board find that the respondent, Brennan J. Norden, DBA: Bob's Morning Bear Cultivation, committed the acts alleged above.

2. Using the proposed 2021 AMCO/MCB proposed fine schedule as a guideline for issuance of fines, the affiant requests the Marijuana Control Board fine the respondent, Brennan J. Norden, DBA Bob's Morning Bear Cultivation, a Limited Marijuana Cultivation Facility license #4B-10063 a total of \$4,850.00.

Dated at Anchorage, Alaska, this 14th Day of September 2021.



Director
State of Alaska
Marijuana Control Office
September 1, 2021

ALASKA DEPARTMENT OF COMMERCE, COMMUNITY, AND
ECONOMIC DEVELOPMENT
ALCOHOL AND MARIJUANA CONTROL OFFICE

In the matter of)
)
Brennan J. Norden)
DBA Bob's Morning Bear Cultivation)
21565 Evelyn May Street)
Kasilof, AK 99610)
Marijuana Cultivation)
Facility license #4B-1006314352)
Respondent)
_____)

Accusation No. 0809

NOTICE OF DEFENSE

The Respondent, pursuant to AS 44.62.390, hereby gives Notice of Defense in this proceeding. A hearing on the matters set forth in the Decision is hereby requested.

I. Respondent Initiating Request

Date: _____ Respondent's Name (printed): _____

Respondent's Signature: _____

Mailing Address: _____

City _____ State _____ Zip Code _____

Phone Number: _____

OR

II: Attorney Representing Respondent (Note: An attorney is not required for this proceeding.)

Name of Attorney Representing Respondent: _____

Mailing Address: _____

City _____ State _____ Zip Code _____

Phone Number: _____

Date: _____ Signature: _____

NOTE: This Notice of Defense/Request for Hearing must be signed by or on behalf of Respondent, must set forth Respondent's current mailing address, and must be filed **within 15 days** after the enclosed Decision was mailed or delivered to the Respondent, or within 15 days of the informal conference if one is requested. It shall be filed accordingly:

Administrative Officer
Department of Commerce, Community, and Economic Development
Alcohol and Marijuana Control Office
550 West 7th Ave, Suite 1600, Anchorage, AK 99501

Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 9/1/21

License #/Type: 10063 Limited Marijuana Cultivation Facilities

Licensee: Brennan J. Norden

Address: 21725 Evelyn May St., Kasilof, AK

DBA: Bob's Morning Bear Cultivation

AMCO Case #: 21-0809

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Note: This is not an accusation or a criminal complaint.

On 7-26-21, AMCO received a complaint from Bob's Morning Bear Cultivation former employee regarding several improprieties at the facility. On 8-10-21, an inspection was conducted and the following discrepancies noted: No operational video since 6-4-21 to approximately 8-11-21. Licensee admitted Soren (Van) Adams, a visitor from Connecticut and future employee, had been in the Restricted Area of the facility w/out being signed in the visitors log. Licensee says he keeps several visitors logs and will supply one with Adams name on it. Added to the facility after initial inspection was a drying room which changed the functional floor plan. Two hundred fourteen plants were counted in the facility. METRC showed there were 222. There were 140 untagged plants that were over 8 inches tall to several feet tall. It should be noted that on 8-18-21, a follow-up inspection was conducted. The plant count was 214. METRC shows 214. As of 8-26-21, no hard drives or visitors logs have been provided.

Your attention is directed to 3AAC 306.720(b) & (c): Video surveillance, 3AAC 306.710(c)(3): Restricted access areas, 3AAC 306.755(a)(2) & (6): Business records, 3AAC 306.730(a): Marijuana inventory tracking system, 3AAC 306.703: Operations, 3AAC 306.705(c): Licensed premises; alteration

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice of Violation. A licensee may respond, either orally or in writing to the Notice. 3 AAC 306.810 (2)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation, to correct any defect that is the subject of the notice of violation of AS 17.8 or this chapter.

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Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: ~~M. Chiesa~~ HAMILTON

Received by:

SIGNATURE: *J.R. Hamilton*

SIGNATURE:

Delivered VIA: Email

Date: