



**Marijuana Control Board
Meeting Agenda
First Judicial District**

**Westmark Sitka
330 Seward Street
Sitka, Alaska**

**November 15, 2023 at 9:00 am
Join Zoom Meeting**

<https://amco-alaska-gov.zoom.us/j/85082041889?pwd=2mM60WhCt7wRYMbc3eENZv9HPigqPL.1>

Meeting ID: 850 8204 1889

Passcode: 630667

Dial by your location

+1 (719) 359-4580

+1 (669) 900-6833

**November 16, 2023 at 9:00 am
Join Zoom Meeting**

<https://amco-alaska-gov.zoom.us/j/83532856249?pwd=nRLa7mdyxcZ8ctA0uaVINuPJacD9Tx.1>

Meeting ID: 835 3285 6249

Passcode: 997739

Dial by your location

+1 (719) 359 4580

+1 (669) 900-6833

All times are approximate. Lunch break from 12:00 noon to 1:00 pm.

**The Board may go into executive session at any time when appropriate
under AS 44.62.310(b) and (c).**

● **ADMINISTRATION**

9:00 am

A. Call to Order

9:00 am

B. Roll Call

*Nick Miller, Board Chair and Industry Member, present in person
Bruce Schulte, Public Member, present in person
Christopher Jaime, Public Safety Member, present in person
Eliza Muse, Public Health Member, present in person
Ely Cyrus, Rural Public Member, present on Zoom*

*Joan Wilson, Director, present in person
Kevin Higgins, Assistant Attorney General, present in person
Carrie Craig, Records and Licensing Supervisor, present in person
Steven Johnson, Special Investigator, present in person
James Hoelscher, Chief Enforcement Supervisor, present on Zoom
Jane Sawyer, Project Coordinator, present on Zoom
Gabriel Gonzales, Local Government Specialist, present on Zoom
Kristina Serezhnikov, Regulations Specialist, present on Zoom*

C. Approval of Agenda

Bruce S. motions to approve the agenda. Lt. Jaime seconds. None opposed, motion carries.

D. AMCO Meeting Code of Conduct TAB 1

E. Top 10 Zoom FAQ TAB 2

F. Approval of August 23 – 24, 2023 MCB Meeting Minutes TAB 3

Bruce S. motions to approve the August 23 -24, 2023 meeting minutes. Lt. Jaime seconds. None opposed, motion carries.

G. Approval of October 4, 2023 MCB Special Meeting Minutes TAB 4

Bruce S. motions to approve the October 4, 2023 meeting minutes. Lt. Jaime seconds. None opposed, motion carries.

● BOARD GOVERNANCE 9:05 am

There are no changes to report.

● PUBLIC TESTIMONY 9:05 am

The Board may decide to limit public testimony.

Public testimony is limited to issues not on this agenda and that are not proposed regulations
Written comments may also be submitted to the board for review during its next regular meeting via marijuana@alaska.gov.

Recordings and transcripts are available on AMCO's website here:
<https://www.commerce.alaska.gov/web/amco/MCBMeetingDocuments>

9:05 am: Public Testimony is open.

Ryan Tunseth, AMIA and licensee is present on Zoom. There needs to be further discussion regarding transportation. He appreciates the board's hard work.

Bailey Stuart: AMIA and licensee is present in person. She speaks about the testing facility special meeting which was educational and AMIA is supportive of random testing. They also give their full support of Director Wilson rewrite of the regulations. She thanks the board and staff and reiterates she would like to be a part of the marijuana handler course reviews – keep her public comment in September in mind when reviewing.

Lloyd Stiasnny, licensee is present on Zoom. He echoes thanks for the hard work and touches on sampling and drive throughs – both are public safety issues.

9:14 am: Public Testimony is closed.

● **DIRECTOR'S REPORT** **TAB 5**

Director Wilson summarizes her report. There are no questions for the Director.

A. Hemp Lawsuit **TAB 6**

● **ENFORCEMENT**

A. Supervisor's Report **TAB 7**

Chief Hoelscher summarizes his report and requests peace officer powers for Cordell Murray in accordance with AS 17.38.131. **Bruce S. motions to approve peace officer powers for Cordell Murray in accordance as such time as concurrence with commissioner of public safety with AS 17.38.131. Lt. Jaime seconds. None opposed, motion carries.**

B. Notices of Violation Issued and Licensee Responses **TAB 8**

Chief Hoelscher summarizes the NOVs in Tab 8.

C. Notices of Violation for Unpaid Taxes **TAB 9**

Chief Hoelscher summarizes the tax NOVs. If the licensee does not respond to a NOV by either paying the fine or appeal, should the Director issue a letter? Working through the process regarding the civil fine schedule.

● LICENSING REPORT

Carrie Craig summarizes her report.

10:22 am: Break

10:42 am: Reconvened, all board members are present in person or on Zoom.

TAB 10

● EXECUTIVE SESSION – November 15, 2023 at 1:00pm

1:05 pm: Bruce S. motions to go into Executive Session to review the draft audit report. Lt. Jaime seconds. None opposed, motion carries.

1:09 pm: in Executive Session

1:57 pm: out of Executive Session, Break

● REGULATIONS

A. Regulations Tracking Sheets

TAB 11

Kristina S. is present on Zoom and summarizes the information in Tab 11.

B. Opened Regulations Projects

1. Public Comment Period Closed. **Public oral comments may not be received at this meeting for this section.**

a. Revoke Acceptance, Transportation

TAB 12

Status: Public comment closed September 13, 2023. Comments were received.

Potential Board Actions: TBD at meeting

Bruce S. motions to adopt the changes and send to Department of Law. Lt. Jaime seconds. There is a question if this will require a statutory change. Yes. None opposed, motion carries.

b. Ownership Change and Fees

TAB 13

Status: Public comment closed October 20, 2023. Comments were received.

Potential Board Actions: TBD at meeting

Bruce S. motions to adopt the changes and send to Department of Law. Eliza M. seconds. The fee was increased due to the amount of time for Licensing to review and research. Director Wilson clarified that it is more of a decrease in fees for those entities with multiple licenses. None opposed, motion carries.

c. Packaging, Variety Packs

TAB 14

Status: Public comment closed November 6, 2023. Comments were received.

Potential Board Actions: TBD at meeting

Director Wilson and Jane S. summarize the regulation project. Bruce S. motions to adopt the changes and send to Department of Law. Eliza M. seconds. Ely C. and Nick M. are opposed. Motion carries, 3-2.

- d. **Introduction of Seeds or Clones** TAB 15
Status: Public comment closed November 6, 2023. Comments were received.
Potential Board Actions: TBD at meeting

*Kristina S. summarizes the regulation project. **Bruce S. motions to adopt the changes and send to Department of Law for review. Eliza M. seconds. Lt. Jaime is opposed. Motion carries, 4-1.***

- e. **Overlapping Premises** TAB 16
Status: Public comment closed November 13, 2023. Comments were received.
Potential Board Actions: TBD at meeting

*Kristina S. summarizes the regulation project. **Bruce S. motions to adopt the changes and send to Department of Law for review. Eliza M. seconds. None opposed, motion carries.***

2. Board Discussion

- a. **Application Process, Food Safety Permit** TAB 17
Status: Draft for board discussion
Potential Board Actions: TBD at meeting

*Kristina S. summarizes the regulation project. **Bruce S. motions to approve the regulation project and send to Department of Law for review if no substantive changes, then send out for public comment for 30 days. Eliza M. seconds. None opposed, motion carries.***

- b. **Investigator Hiring Standards** TAB 18
Status: Draft for board discussion
Potential Board Actions: TDB at meeting

*Kristina S. summarizes the regulation project. **Bruce S. motions to approve the regulation project and send to Department of Law for review if no substantive changes, send out for public comment for 30 days. Eliza M. seconds. There is a discussion regarding the difference of academies across the nation and level of experience. None opposed, motion carries.***

- c. **Operating Plans** TAB 19
Status: Rough draft for board discussion
Potential Board Actions: TDB at meeting

*Kristina S. and Jane S. summarize the regulation project and ask for guidance on what the board wants to see in the regulation. Nick M. clarifies the need for this project and is in favor of more certifications. Enforcement is in support of this project, more efficient for them and for Licensing. Bruce S. would like a place for clarifications for the applicants. **Bruce S. motions to send back to staff for elaboration based on discussion. Eliza M. seconds. None opposed, motion carries.***

11:54 am: Lunch, Ely C. will not be present in the meeting until possibly 3 pm today.

1:05 pm: Reconvened, all four board members are present in person. Ely C. is not present on Zoom.

2:16 pm: Reconvened after Executive Session, Ely Cyrus is still absent.

d. Plant Tags

Potential Board Actions: TDB at meeting

*Director Wilson summarizes the background. There is a discussion of the issue and request for a potential regulation project and the METRC pricing for tags. The costs to licensees will remain the same whether they tag each plant or in batches. There is a discussion regarding the height of the plants when they are tagged. Currently it is 8 inches in regulation. Chief Hoelscher mentions it should be tagged once the plant becomes mature or at 18 inches. **Bruce S. motions to open a regulation project to specify that clone plants only need to be tagged when they reach 18 inches. Eliza M. seconds.** There is a discussion regarding the METRC contract. **None opposed, motion carries.***

e. Free Samples

Potential Board Actions: TDB at meeting

Nick M. and Director Wilson summarize the background. Nick M. believes the board should not put that prohibition back into regulations. In his opinion, if licensees do not want to give out free samples, communicate that with their customers. It's a business decision. Eliza M. asked could a customer get a sample and buy the daily purchase limit? There is not a good answer now. What about onsite consumption? Same limitations set in regulation. There is no action from the board.

f. Exterior Window Pickup

Potential Board Actions: TDB at meeting

Nick M. and Director Wilson summarize the background. There is a discussion regarding drive through windows in a "coffee hut" type of structure, local governments requesting additional time for public notice, contiguous restricted area. There is no action from the board.

● **MARIJUANA HANDLER COURSE PROVIDERS**

A. MHCP 033: American Cannabis Training Association (ACTA) – Renewal

TAB 20

Tabled to 11/16/23 at 9 am.

B. Marijuana Handler Permit Course Providers – pending renewal

TAB 21

Gabriel G. summarizes the information in Tab 21. If they do not submit a renewal, staff will bring them to the board for consideration of rescinding their approval. They will revisit in first 2024 meeting with some recommendations.

3:28 pm: Break

3:46 pm: Reconvened, all four board members are present in person. Ely Cyrus is still absent.

● **NEW LIMITED MARIJUANA CULTIVATION FACILITY APPLICATIONS**

A. License #35983	Black Mountain Farms	<u>TAB 22</u>
Licensee:	Black Mountain Farms, LLC	
Premises Address:	800 Ridgemont Drive	
Local Government:	Fairbanks North Star Borough	
Consideration:	Objections and comments received	

3:59 pm: Ely Cyrus has joined the meeting via Zoom.

Bruce S. motions to approve #35983 with delegation. Lt. Jaime seconds. Jana Weltzin, counsel for the applicant, is present on Zoom with the applicants and provides additional information. The applicant has personally met with Tobias Albrigtsen, the lead objector, and explained his operating plan and potential odor issues. The board may hold a hearing but that is not mandated in regulation. Lt. Jaime is opposed. Motion carries, 4-1.

B. License #36055	Chronic Crops	<u>TAB 23</u>
Licensee:	Fowler Enterprises, LLC	
Premises Address:	2644 E Holobinko Road	
Local Government:	Matanuska – Susitna Borough	
Consideration:	Will need delegation	

C. License #35382	Goldsprout	<u>TAB 24</u>
Licensee:	Dustin White	
Premises Address:	2941 S. Singing Woods Dr.	
Local Government:	Matanuska – Susitna Borough	
Consideration:	Will need delegation	

Bruce S. motions to approve #36055 & #35382 with delegation, including receiving a signed lease. Lt. Jaime seconds. None opposed, motion carries.

● **NEW STANDARD MARIJUANA CULTIVATION FACILITY APPLICATIONS**

Tabs in this section may be approved as a block or may pull any specific application for separate discussion/consideration at the board’s discretion.

A. License #36063	Pearl & Earl Extractions	<u>TAB 25</u>
Licensee:	Pearl & Earl, LLC	
Premises Address:	3954 S. Crozier Lane	
Local Government:	Matanuska – Susitna Borough	
Consideration:	Will need delegation	

B. License #36155:	Tundra Gold Corporation	<u>TAB 26</u>
Licensee:	Tundra Gold Corporation	
Premises Address:	14479 West King Arthur Road	
Local Governments:	City of Houston	
Consideration:	Will need delegation	

Bruce S. motions to approve #36063 & #36155 with delegation. Eliza M. seconds. None opposed, motion carries.

● **NEW MARIJUANA CONCENTRATES MANUFACTURING FACILITY**

Tabs in this section may be approved as a block or may pull any specific application for separate discussion/consideration at the board's discretion.

A. License #36062	Pearl & Earl Extractions	<u>TAB 27</u>
Licensee:	Pearl & Earl, LLC	
Premises Address:	3954 S. Crozier Lane, Unit A	
Local Government:	Matanuska – Susitna Borough	
Consideration:	Will need delegation	

Bruce S. motions to approve #36062 with delegation. Eliza M. seconds. None opposed, motion carries.

● **NEW RETAIL MARIJUANA STORE APPLICATIONS**

Tabs in this section may be approved as a block or may pull any specific application for separate discussion/consideration at the board's discretion.

A. License #35633:	Coastal Cannabis Company	<u>TAB 28</u>
Licensee:	Cannabis 49 LLC	
Premises Address:	1900 Mineral Creek Loop Rd	
Local Governments:	City of Valdez	
Consideration:	Will need delegation	

Bruce S. motions to approve #35633 with delegation. Eliza M. seconds. None opposed, motion carries.

● **LICENSE TRANSFER APPLICATIONS**

Tabs in this section may be approved as a block or may pull any specific application for separate discussion/consideration at the board's discretion.

Tabs 34, 37 or 38 are transfers of locations. Tab 37 includes a change of local government as well. The board will consider these separately. Bruce S. motions to approve the other ownership transfers, Tabs 29, 30, 31, 32, 33, 35, and 36 with delegation. Eliza M. seconds. None opposed, motion passed.

A. License #10165	GOOD Cannabis	<u>TAB 29</u>
Current Licensee (from):	Good LLC	
New Licensee (to):	Good Production LLC	
License Type:	Marijuana Product Manufacturing Facility	
Premises Address:	1949 Frank Ave	
Local Governments:	Fairbanks North Star Borough	

Consideration: Will need delegation

- B. License #10166** **GOOD Cannabis** **TAB 30**
Current Licensee (from): Good LLC
New Licensee (to): Good Production LLC
License Type: Standard Marijuana Cultivation Facility
Premises Address: 1949 Frank Ave
Local Governments: Fairbanks North Star Borough
Consideration: Will need delegation
- C. License #12325** **GOOD Cannabis** **TAB 31**
Current Licensee (from): Good LLC
New Licensee (to): Good LLC
License Type: Retail Marijuana Store
Premises Address: 356 Old Steese Hwy
Local Governments: City of Fairbanks; Fairbanks North Star Borough
Consideration: Will need delegation
- D. License #10828** **Melted Glacier** **TAB 32**
Current Licensee (from): Glacier Extracts, LLC
New Licensee (to): Melted Glacier, LLC
License Type: Marijuana Product Manufacturing Facility
Premises Address: 8693 Toloff St. Suite 3
Local Governments: Municipality of Anchorage
Consideration: Will need delegation
- E. License #10837** **Hillside Roots, LLC** **TAB 33**
Current Licensee (from): Hillside Natural Wellness, LLC
New Licensee (to): Hillside Roots, LLC
License Type: Retail Marijuana Store
Premises Address: 8639 Toloff St. Suite 1
Local Governments: Municipality of Anchorage
Consideration: Will need delegation
- F. License #17764** **Alaskan Grown Cannabis** **TAB 34**
Current Licensee (from): Alaskan Grown Products, LLC (Kalla Peacock 100%)
New Licensee (to): Alaskan Grown Products II, LLC (Kalla Peacock 51%, Jason Evans 49%)
License Type: Retail Marijuana Store
Premises Address (Old): 585A 3rd Ave
Premises Address (New): 701 Shore Ave.
Local Governments: Kotzebue
Consideration: Will need delegation

*Ely C. excuses himself as his is part of the company that sold the property to the applicants. **Bruce S. motions to approve the location transfer of #17764 with delegation. Eliza M. seconds.** Jana Weltzin, counsel, on Zoom and summarizes the transfer. Jason Evans, applicant, is on Zoom as well. Add proximity 500 ft in certifications on form. There is a discussion of the closeness to the elementary school. Jana W. states*

*this is the wrong parcel, there are two Shoreline streets. That fact is confirmed after research. **None opposed, motion carries, 4 – 0.***

G. License #26609 **Ganja Girls of Alaska** **TAB 35**
Current Licensee **(from)**: 5031 Eagle Street LLC
New Licensee **(to)**: Caribbean Dreams LLC (Mark Ha 100%)
License Type: Standard Marijuana Cultivation Facility
Premises Address: 2031 Eagle Street Unit C
Local Governments: Municipality of Anchorage
Consideration: Will need delegation

H. License #29493 **L & H Enterprises LLC** **TAB 36**
Current Licensee **(from)**: L & H Enterprises LLC (Stephen Lovelace 50%, Shantell Hacker 50%)
New Licensee **(to)**: L & H Enterprises LLC (Stephen Lovelace 99%, Janene Lovelace 1%)
License Type: Standard Marijuana Cultivation Facility
Premises Address: 29945 Aspen Ave, Sterling
Local Governments: Kenai Peninsula Borough
Consideration: Will need delegation

I. License #15594 **Cold Creek Extracts** **TAB 37**
Current Local Government **(frm)**: Municipality of Anchorage
New Local Government **(to)**: City of Houston
License Type: Marijuana Product Manufacturing Facility
Premises Address: 12642 W Wester Drive, Unit B
Local Governments: City of Houston
Consideration: Will need delegation

*Jason Brandeis, counsel for applicant, is present on Zoom and provides a summary of the transfer. **Bruce S. motions to approve the relocation transfer of #15594 with delegation. Eliza M. seconds. None opposed, motion carries.***

J. License #19178 **Higher by Bad Gramm3r, LLC** **TAB 38**
Current Premises **(from)**: 1204 N. Hyer Spur Road Palmer
New Licensee **(to)**: 6199 East Mountain Heather Way Palmer
Current Licensee **(from)**: Teresa C. Zell 100%
New Licensee **(To)**: Teresa C. Zell 52% and Peter Zell 48%
License Type: Retail Marijuana Store
Local Governments: Matanuska – Susitna Borough
Consideration: Will need delegation

*Jana W., who is counsel for the applicant, Terry Zell, is present on Zoom. Jana W. provides additional information. **Bruce S. motions to approve the relocation transfer for #19178 with delegation. Eliza M. seconds. There is a discussion around the drive-up window. None opposed, motion carries.***

11/15/2023 5:00 pm: Recessed

11/16/2023 9:01 am: Reconvened

3x Tax Delinquency NOV's Between July 1st 2022 & June 30th 2023 (10 Tax Delinquencies total)

*The applicant is not present and they are on the current tax delinquency list for 28k. The licensee, Chase Griffith, is now present on Zoom. **Bruce S. motions to deny the renewal for #11519. Eliza M. seconds.** Mr. Griffith states he is on a payment plan. Kelly Mazzai, with Department of Revenue, is present on Zoom, and states this account is appropriately on the recent delinquency list as of yesterday. **None opposed, motions carries.***

- C. License #25190: Alaskan Coffee Pot TAB 42**
Licensee: Alaskan Coffee Pot, LLC
License Type: Retail Marijuana Store
Premises Address: 2219 Dunn Street
Local Governments: City of Juneau

Objection via Legal Dispute from AlaskaSense LLC on 9/22/2023

*The applicant is not present. Director Wilson explains the objection process. **Bruce S. motions to approve the renewal of #25190 with delegation. Eliza M. seconds. None opposed, motion carries.***

- D. License #12125: Alaska Marijuana Gardens (AMG) TAB 43**
Licensee: Alaska Wild Coyote. Inc.
License Type: Standard Marijuana Cultivation Facility
Premises Address: 838 Bonanza Avenue
Local Governments: Municipality of Anchorage

- E. License #12471: AMG Concentrates**
Licensee: Alaska Wild Coyote, Inc.
License Type: Marijuana Concentrate Manufacturing Facility
Premises Address: 838 Bonanza Avenue
Local Governments: Municipality of Anchorage

Incomplete 2023-2024 Renewal Certifications - see memo

*Kevin Higgins provides background and updated information. Mr. Crone, counsel for Evangelina Gonzalez, is present on Zoom. **Bruce S. motions to table consideration to the next meeting. Eliza M. seconds. Ely C. is opposed. Motion carries, 4 – 1.***

● **2024 MCB BOARD MEETING CALENDAR AND LOCATION DISCUSSION TAB 44**

Director Wilson and Carrie Craig summarize the ABC Board's recommendations. Ely C. prefers Kotzebue. Lt. Jaime will not be present at the April meeting and prefers Utqiagvik. The board agrees with ABC's recommendations. Nick M. announces he is terming out after the January 2024 meeting and calls for industry members to apply early.

- *January in Juneau*
- *April in Anchorage*

- June in Nome or Utqiagvik – reach out to local law enforcement and licensees in Utqiagvik for interest.
- September in Fairbanks
- November in Kodiak
- 2025 possibly Haines and Kenai

● **BOARD REQUESTS (IF ANY)**

● **MARIJUANA MAILBOX**

TAB 45

All correspondence received in the marijuana@alaska.gov inbox from August 17, 2023 to November 3, 2023.

Eliza M. thanks everyone for their comments.

● **ADDITIONAL PUBLIC TESTIMONY**

The Board may decide to limit public testimony.

Public testimony is limited to issues not on this agenda and that are not proposed regulations. Written comments may also be submitted to the board for review during its next regular meeting via marijuana@alaska.gov.

9:42 am: Public Testimony is open

Bailey Stewart, AMIA Green Jar and Stewart Consulting, present in person. Comment yesterday about the industry doesn't want regulations. She disagrees. Touches on METRC as a monopoly. Appreciates the board's public service.

Ron Bass, licensee Houston Grass Station, is present on Zoom. Speaks about black market competition. The limit of marijuana to be sold is the problem. Would like to see no limit.

Ryan Tunseth, AMIA on Zoom. 119 HB hearing today at 2pm. Would like to have the transportation subject revisited. Thanks the board.

Kerby Coman, licensee on Zoom. Drive thru in a stand-alone building – coffee shack, would like more direction.

Barrett Goodale, licensee present in person. NOVs are a learning opportunity for the industry. NOVs should be part of the application packet. Speaks about regulation projects that get approved to quickly particularly the overlapping premises, variety packs projects. Thanks the board for their work.

Kerby Coman, on Zoom. Transporting product.

10:01 am: Closed.

● **BOARD COMMENTS**

Bruce S.: No requests. Thanks staff & Kevin's counsel.

Ely C.: Sorry he couldn't be present in person.

Lt. Jaime: Thanks staff and industry.

Eliza M.: Thanks everyone.

Nick M.: Requests staff to research the regs Barrett Goodale spoke about during public testimony. Tab 14 & 16 – regulations would have to come back to the board to go out for additional public comment. **Bruce S. motions to propose a regulation project to broaden the scope of overlapping premises to include unrestricted areas. Eliza M. seconds. None opposed, motion passes.** Regarding drive throughs in a separate building, does the board want a regulation project? There is a discussion on the subject. **Bruce S. motions open a regulation project to clarify that drive thrus should be part of contiguous space. Ely C. seconds. None opposed, motion passes.** Is there a motion to reconsider the variety packs? No. Nick thanks staff.

Director Wilson asks for a 4-hour discussion regarding the 3 AAC 306 rewrite at the January 2024 meeting if there is not a full agenda. The board agrees.

● **NEXT MARIJUANA CONTROL BOARD MEETING**

The next meeting is TBD. **January 31 – February 1, 2024 in Juneau.**

● **ADJOURN**

10:22 am Adjourned.