THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE
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Marijuana Control Board Advisory
Responding to Notice of Violation

Relevant Statute(s)/Regulation(s):

3 AAC 306.805(d)
The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may issue a notice of violation if an inspection report or other credible information shows a marijuana establishment is in violation of AS 17.38, this chapter, or other law relating to marijuana. The notice of violation must be delivered to the marijuana establishment at its licensed premises, and to the board. The notice must describe any violation, and cite the applicable statute, regulation, or order of the board. A marijuana establishment that receives a notice of violation may respond to the notice orally or in writing, and may, not later than 10 days after receiving the notice, request an opportunity to appear before the board. A notice of violation may be the basis of a proceeding to suspend or revoke a marijuana establishment's license as provided under 3 AAC 306.810. [underline added]

Advisory:

The Marijuana Control Board notes that licensee response to a notice of violation is optional as the term "may respond" is used in the regulation. This is different from notices of violation issued to alcohol licensees, where the licensee must respond to a notice of violation (3 AAC 304.525(a)(1)(B)).

The Marijuana Control Board advises and encourages licensees to respond to notices of violation. Notices of violation are a form of communication between the board and the licensee. It is very important that this communication go both ways, from board to licensee and from licensee to board. The board is very interested in ensuring that a licensee understands how they violated statute and regulation, and that the licensee has a plan for how they will prevent such a violation from occurring a second time.

May 15, 2017