

**From:** [zells](#)  
**To:** [Marijuana, CED ABC \(CED sponsored\)](#)  
**Subject:** store question II  
**Date:** Tuesday, January 26, 2016 11:42:13 AM

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Hi,

I just sent an email about opening a glass/tee shirt shop before the marijuana becomes available. I should clarify that further by saying this is using the SAME building. So glass first and adding marijuana later in the same building.

Thanks Again  
Peter Zell

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**From:** [zells](#)  
**To:** [Marijuana, CED ABC \(CED sponsored\)](#)  
**Subject:** store question  
**Date:** Tuesday, January 26, 2016 10:57:14 AM

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Hello,

As I am waiting for my license approval from the State, can I open the store as a glass and tee shirt store with no marijuana on the premises?

Thank You  
Peter Zell

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**From:** [Kevin Schwan](#)  
**To:** [Marijuana, CED ABC \(CED sponsored\)](#)  
**Subject:** Submitting finger prints  
**Date:** Sunday, January 17, 2016 3:15:18 PM

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Hello,

My name is Kevin Schwan and I had a question regarding submitting fingerprints with our electronic application. I found several locations to obtain finger prints, but will they provide a way or how do we transfer that paper document into an electronic document that we can submit when filling out the application on line?

Thank you,

Sincerely,

Kevin Schwan

**From:** [ANH LAM](#)  
**To:** [Marijuana, CED ABC \(CED sponsored\)](#)  
**Subject:** Testing facility  
**Date:** Monday, January 11, 2016 11:02:18 AM

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What are requirements for the testing facility? Is what equipments will be needed? Thx

Sent from my iPhone

**From:** [Marcus Mooers](#)  
**To:** [Calder, John P. \(CED\)](#)  
**Subject:** The Higher Calling, Fairbanks Alaska  
**Date:** Wednesday, December 02, 2015 1:23:29 PM  
**Attachments:** [Fairbanks zoning retail cannabis, The Higher Calling \(1\).jpg](#)  
[Fairbanks zoning retail cannabis, The Higher Calling \(2\).jpg](#)  
**Importance:** High

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Good day Mr Calder. My name is Marcus Mooers and I recently opened a cannabis club in Fairbanks. I was hoping to discuss the finer details of our endeavor with you and the MCB.

At this time we have come under fire for being too close to the back doors of a day care. However we have been closely following the proposed regulations and such, and while we do not sell, grow or test cannabis products we have attempted to be in compliance with these regulations. As a result we have paid a lot of attention to the zoning issues.

For several months the Fairbanks North Star Borough has been publishing zoning maps based on the proposed regulations and the ones enacted recently. In every case the location (310A First Ave, Fairbanks) of our club has been in the 'green zone' meaning approved for cannabis business. I have attached the most current map available that we received from the Borough building and their website just this morning. If there has been a mistake or oversight we would like to be given the opportunity to relocate.

In addition community support for our club has been strong. We took a building that has previously been a wine bar, and more recently a place where illegal drugs were sold, alcohol was given to minors, and some very sketchy people were known to frequent. The building was a wreck and not safe or good for the neighborhood.

We have turned the location into an upscale club with respectful members. We have many safeguards in place to deter children from attempting to enter, and we have kept our signage very small and light so as to not be 'enticing' children into our place. I would consider it extremely irresponsible to put a 15 foot cartoon camel smoking a joint on the side of the building facing the playground or day care.

I am exactly the kind of person whom the MCB should be looking to allow to run a business such as this. I am open and communicative, I have respect for the law, and I am not attempting to push the boundaries of the law to a great extent. We are vigilant about checking ID's and I am committed to being good, responsible members of the community. However I do feel that we have a legitimate claim to do business and I would like to be fully licensed when the time comes.

We do acknowledge the state buffer zones will be greater than the Borough zoning, and we are seeking to find a new location for our club. All we ask is that we be allowed to continue to do business until we can move. Unless a variance is possible of course.

In any event, this is an attempt to open a dialogue with the MCB so that we can all work together to create a community of safe and responsible cannabis businesses. I hope to hear from you soon.

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Marcus Mooers

Fairbanks, Alaska

**From:** [Bill Fikes](#)  
**To:** [Marijuana, CED ABC \(CED sponsored\)](#)  
**Subject:** Tracking compliance  
**Date:** Thursday, January 07, 2016 5:34:47 PM

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Dear MCB,

Could you please let me know what, if any, tracking systems will be compatible with the States requirements?

Is there a list of software providers that offer MCB approved programs?

Is there a specific program that the MCB will utilize to process tracking reports that the marketplace will be able to interface with easily?

Thank You, Bill Fikes

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Per Curiam

**SUPREME COURT OF THE UNITED STATES**MELENE JAMES *v.* CITY OF BOISE, IDAHO, ET AL.ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF IDAHO

No. 15–493. Decided January 25, 2016

PER CURIAM.

Under federal law, a court has discretion to “allow the prevailing party, other than the United States, a reasonable attorney’s fee” in a civil rights lawsuit filed under 42 U. S. C. §1983. 42 U. S. C. §1988. In *Hughes v. Rowe*, 449 U. S. 5 (1980) (*per curiam*), this Court interpreted §1988 to permit a prevailing defendant in such a suit to recover fees only if “the plaintiff’s action was frivolous, unreasonable, or without foundation.” *Id.*, at 14 (quoting *Christiansburg Garment Co. v. EEOC*, 434 U. S. 412, 421 (1978) (internal quotation marks omitted)).

In the decision below, the Idaho Supreme Court concluded that it was not bound by this Court’s interpretation of §1988 in *Hughes*. According to that court, “[a]lthough the Supreme Court may have the authority to limit the discretion of lower federal courts, it does not have the authority to limit the discretion of state courts where such limitation is not contained in the statute.” 158 Idaho 713, 734, 351 P. 3d 1171, 1192 (2015). The court then proceeded to award attorney’s fees under §1988 to a prevailing defendant without first determining that “the plaintiff’s action was frivolous, unreasonable, or without foundation.” The court’s fee award rested solely on its interpretation of federal law; the court explicitly refused to award fees under state law. *Id.*, at 734–735, 351 P. 3d, at 1192–1193. We grant certiorari, and now reverse.

Section 1988 is a federal statute. “It is this Court’s responsibility to say what a [federal] statute means, and once the Court has spoken, it is the duty of other courts to



Per Curiam

respect that understanding of the governing rule of law.” *Nitro-Lift Technologies, L. L. C. v. Howard*, 568 U. S. \_\_\_, \_\_\_ (2012) (*per curiam*) (slip op., at 5) (quoting *Rivers v. Roadway Express, Inc.*, 511 U. S. 298, 312 (1994) (internal quotation marks omitted)). And for good reason. As Justice Story explained 200 years ago, if state courts were permitted to disregard this Court’s rulings on federal law, “the laws, the treaties, and the constitution of the United States would be different in different states, and might, perhaps, never have precisely the same construction, obligation, or efficacy, in any two states. The public mischiefs that would attend such a state of things would be truly deplorable.” *Martin v. Hunter’s Lessee*, 1 Wheat. 304, 348 (1816).

The Idaho Supreme Court, like any other state or federal court, is bound by this Court’s interpretation of federal law. The state court erred in concluding otherwise. The judgment of the Idaho Supreme Court is reversed, and the case is remanded for further proceedings not inconsistent with this opinion.

*It is so ordered.*

**From:** [Sherwood, Todd K.](#)  
**To:** [Marijuana, CED ABC \(CED sponsored\)](#)  
**Subject:** When do you expect to have the final marijuana regs up as passed by the MCB?  
**Date:** Monday, November 23, 2015 12:01:05 PM

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Todd Sherwood  
Assistant Municipal Attorney

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**From:** [Justin Roland](#)  
**To:** [Marijuana, CED ABC \(CED sponsored\)](#)  
**Subject:** Zoning and Co-op  
**Date:** Tuesday, November 24, 2015 9:34:04 AM

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Hello MCB,

First off, Thank you guys for all your hard work on adopting the regulations, job well done. Now that you have adopted regulations people are really on the hunt for warehouses and seems they are going fast already. We have a few of questions we were hoping you could help with

Are you going to allow multiple licensed companies to operate within the same building. For example if you had a 10,000 sq ft warehouse could one company lease the entire building then sub lease say 5,000 sq ft to another company?

If it is allowed for the above question, can these places share common areas like bathrooms or break rooms?

On the rules for 500ft from where children frequent, is a residential area or the start of a residence considered where children frequent?

Is it ok for the building to be right on the property line and act as the perimeter secured fence, for example say a building is on the property line and a fence was built right up against the building then became the perimeter fence around the property?

Thanks again for your time,

Justin Roland  
907-350-5242  
[dreamgreenak@gmail.com](mailto:dreamgreenak@gmail.com)

**From:** [Joseph Robinson](#)  
**To:** [Marijuana, CED ABC \(CED sponsored\)](#)  
**Subject:** Zoning Question  
**Date:** Tuesday, January 26, 2016 1:42:48 PM

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I am interested in leasing a property which is located in a B3 zone, however, this particular premises is located just next to an R3 zoned area. Are there any restrictions- such as the 500-foot rule for schools, churches etc., along the borders of R3 zoned properties?

Thank You for your assistance,

Sincerely,

Joe Robinson