

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: 8-31-17

License #/Type: Retail Marijuana Store / #11140

Licensee: Fat Tops, LLC

Address: 36380 Murray Lane, Soldotna, AK

DBA: Fat Tops, LLC

AMCO Case #: AB17-0384

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 8-29-17, an inspection was completed at your establishment. Immediately upon walking in, I noticed two individuals behind the counter in a restricted access area. Neither were wearing store badges. I asked for the store manager and one of the individuals went to get him. After about 2 minutes, licensee Dave Parker arrived. While making small chat with him, one of the individuals realized who I was and retrieved her vest; her credentials were attached to the vest. I advised Parker of the violation and the remaining individual said she had just arrived and continued to work. I told her the correct response was to get her credentials from her car and become compliant to which she did.

Your attention is referred to 3AAC306.320: Marijuana handler permit required and 3AAC306.710: Restricted access areas

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. A licensee may respond, either orally or in writing, to the Notice. 3 AAC 306.810(3)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation from the director, to correct any defect that is the subject of the notice of violation of AS 17.38 or this chapter, a condition or restriction imposed by the board or other applicable law.

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 Establishment 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: J. Hamilton

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

7013 2250 0000 9617 5989

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: 8-31-17

License #/Type: Retail Marijuana Store / #11138
(Standard Cultivation)

Licensee: Fat Tops, LLC

Address: 36380 Murray Lane, Soldotna, AK

DBA: Fat Tops, LLC

AMCO Case #: AB17-0387

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 8-29-17, an inspection was conducted at your cultivation establishment. Clones were inspected and many clone counts were improperly documented. The first two strains checked did not match what was in METRC; but you provided paper documentation showing actual number of clones matching METRC.

Count which were off:

Apollo Haze, METRC 16, actual count 1
Big Smooth, METRC 32, actual zero
Black Mamba, METRC 11, actual zero
Blue Kush, 29 METRC, actual zero
Blue Banner, 7 METRC, actual count 14
Cherry Bomb, 14 METRC, actual count 9
Cinex, 7 METRC, actual count 69

Hell Monkey, 24 METRC, actual zero
Pink, 11 METRC, actual count 51
Pipe Dream, 11 METRC, actual zero
Quantum Kush, 16 METRC, actual count 4
Quantum Kush Clone, 32 METRC, actual zero
Gorilla, not in METRC, actual count 46
Girl Scout, 16 METRC, actual count 24

Your attention is directed to 3AAC306.405: Standard marijuana facility: Privileges and prohibited acts, 3AAC306.435: Marijuana inventory tracking system and 3AAC306.730: Marijuana inventory tracking system

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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 Establishment 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: J. Hamilton

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

7013 2250 0000 9617 5989

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: 9/5/17

License #/Type: Retail

Licensee: Fat Tops, LLC

Address: 36380 Murray Lane Soldotna, AK 99669

DBA: Fat Tops

AMCO Case #: AB17000395

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 9/5/17 AMCO received a complaint from the Kenai Peninsula Borough that Fat Tops, LLC was advertising in the right-of-way of the Sterling Highway. The right-of-way is "publicly owned property." A photograph provided by the Kenai Peninsula Borough shows that the advertisement was on the highway side of a survey stake that marks the property line.

This is in violation of:

3AAC 306.360(c)(3) restrictions on advertising of marijuana and marijuana products.
(2)

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. A licensee may respond, either orally or in writing, to the Notice. 3 AAC 306.810(3)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation from the director, to correct any defect that is the subject of the notice of violation of AS 17.38 or this chapter, a condition or restriction imposed by the board or other applicable law.

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 Establishment 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: J. Rukes

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:





LANCE CHRISTIAN WELLS
LAW OFFICES OF LANCE CHRISTIAN WELLS, LLC.
733 W. Fourth Avenue, Suite 308
Anchorage, Alaska 99501
(907) 274-9696

e-mail: lwells@gci.net

Fax No. (907) 277-9859

October 12, 2017

Inv. J. Hamilton &
Inv. J. Rukes
Alcohol & Marijuana Control Office
Attn: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501

Re: AMCO Case # AB17-000395; Date of Violation: 9/5/17
AMCO Case # AB17-0387; Date of Violation: 8/31/17
AMCO Case # AB17-0384; Date of Violation: 8/31/17
Licensee: Fat Tops, LLC., Retail Marijuana Store # 11140
Standard Marijuana Cultivation Facility License # 11138

Dear Investigators Hamilton and Rukes:

I have been retained by Fat Tops, LLC. to respond to the above three notices of violation recently received. I will address them in the order of their occurrence as follows.

1. AMCO Case# AB17-00395: Violation of 3 AAC 306.360 (c)(3) Restrictions on Advertising of Marijuana and Marijuana Products.

In response, Mr. Parker admits that the sign he placed on what he believed was his property, was over his property line by approximately 10-12 inches. Mr. Parker believed he was within his property, at the time he placed the sign upon the real property. It was not until Mr. Parker met with Mr. Bruce Wall, Planner with Kenai Borough Zoning and Planning, that he found out that his sign was actually in a public right of way area. They located the property lines together, and it was determined that the sign was just over the property line. This was an inadvertent mistake by Mr. Parker, and one not deliberately nor intentionally made. Mr. Parker and Mr. Wall were able to rectify the problem, by moving the sign to inside of Mr. Parker's property line. The sign is no longer within "publicly owned property." The inadvertent mistake, has been rectified, corrected, and will not occur again. All property lines have clearly been established, marked, and Mr. Parker is aware of where they all are at this time. He thought he was aware of where they were previously, but was incorrect. This will not occur again.

2. AMCO Case# AB17-0387: Violations of 3 AAC 306.405; 3 AAC 306.435 and 3 AAC 306.730.

In response to this notice of violation, Mr. Parker is aware of the provisions set forth in 3 AAC 306.405: Standard Marijuana Facility, which at paragraph (a)(4) sets forth in pertinent part ...

any stored inventory must be stored in a restricted access area and accounted for in the marijuana cultivation's facilities inventory tracking system as required under 3 AAC 306.730. 3 AAC306.430, Marijuana inventory tracking system sets forth in pertinent part (a): a marijuana cultivation facility should use an inventory tracking system in compliance with 3 AAC 306.730 to insure all marijuana propagated, grown or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment or destruction. The marijuana cultivation facility must assign a tracking number to each plant over eight inches tall...."

That at the time the inspection was conducted, Mr. Parker had the correct number of clones listed on paper. However, the incorrect numbers of clones was set forth within the MTRC system. In speaking with Mr. Parker, he indicated to me that his clones are moved for sale into the retail store, or are tagged, the information is placed on paper, and transferred to the office for placement into the MTRC system. At the time of the inspection, updated MTRC information had not been placed within the system. Subsequently, Mr. Parker has changed business protocol and procedure, in that the office will immediately update any and all changes at to marijuana plant count, including clones, at the time any movement and/or change occurs. Not within several hours but immediately. Mr. Parker is now aware, that this needs to be done timely, and that time is of the essence so that the MTRC numbers are actually correct, and reflected in the number of actual plants, or clones.

3. Lastly, in response to AMCO case # AB17-0384, date of occurrence 8/31/17, an alleged violation of 3 AAC 306.320 and 3 AAC 306.710.

At the time of the inspection, there were two of the store employees who were in a restricted area, not wearing their marijuana handler permit as required under 3AAC 306.320 (2). One had apparently taken off her vest, to which her credentials were attached, and a second employee had just arrived to work and had left her card in her vehicle. Being somewhat nervous, and a little confused, the one employee continued to work. She was told by the inspector, "that her correct response would have been to get her credentials from her car" to which she immediately did. It is important to point out, while these employees did not have their cards immediately upon their person as required, both were credentialed with a valid marijuana handler permit as required, and both cards were within date of issue.

Since this occurrence, Mr. Parker has again changed his policies to require a visual inspection each day upon opening that each employee, including Mr. Parker, has their marijuana handler permit affixed or within that person's immediate possession when on the licensed premise or within the restricted access area as set forth under 3AAC 306.710.

Mr. Parker has rectified all of the violations set forth within the three notices. He has changed his business practices as to violation # AB17-0384 and AB17-0387. Lastly, as to violation AB17-000395, Mr Parker has located his property lines so that no advertising will occur in any right-of-way that is "publicly owned property".

Mr. Parker, like many individuals within the marijuana retail operation arena and that of a cultivation facility, find themselves in somewhat of a steep learning curve. Undersigned counsel is now working directly with Fat Tops, LLC to ensure compliance. Furthermore, a private audit of Fat Tops, LLC's MTRC records, is being conducted, and will continue to be conducted on a routine

basis, until such time as it is believed there are no errors within the MTRC system, and that Mr. Parker, including his employees, are comfortable with the operation of the metric system, and its continual updating as required.


It is respectfully requested, that the above violations, not be found, no fine imposed but utilized as a warning, and held in abeyance within Mr. Parker's retail and cultivation files. Mr. Parker, has not, nor would he do anything willful or intentional, to violate any rules set forth within this marijuana industry by the State of Alaska as codified in 3 AAC 306 or other Alaska statutes.

Lastly, Mr. Parker requests to appear before the Marijuana Control Board and be heard regarding the above violations.

Thank you for your time and attention to this matter. We look forward to working with you in building this marijuana industry.

Sincerely Yours,

LAW OFFICES OF LANCE C. WELLS, LLC.
Attorneys for David Parker d/b/a Fat Tops, LLC.



Lance C. Wells

LCW/ejr

cc: David Parker, Fat Tops, LLC.