CORRESPONDENCE

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

April 7, 2021

Alaska Vibes LLC
DBA: Alaska Vibes
Via email: alwaysredeyellc@gmail.com

Re: Retail Marijuana Store, Onsite Consumption, and Limited Marijuana Cultivation Facility License #27471, 27532

Dear Applicant,

The AMCO Office has reviewed the documents submitted for the proposed marijuana establishment license referenced above. This letter is notice under 3 AAC 306.025(e)(2) that your application is incomplete and additional items are needed to complete the application. The additional items that need correction or resubmittal are listed below—please be sure to read the entire letter.

Please note that if the corrections and/or additional documents submitted in response to this letter are not found to be complete, your application will be returned to you in accordance with 3 AAC 306.025(e)(1), and you will need to file a new application and pay a new fee should you wish to continue pursuing licensure.

Instructions:

Modify your procedures to include all points below for each section and sub section for each application that requires corrections; then amend your narrative to include each point.

You must ensure that all answers include all required points from regulation as well as each point.

Do not copy and paste the language from this notice into your application. This is merely a guide.

We do not accept appendices, if you want to demonstrate an example, attach the demonstration to the application in order for review. I am happy to show you how to combine files.

Do not send word or adobe documents that are editable. To fix this, simply print your document to a .pdf and save it. After you do so, make sure your formatting is correct before sending.

27532 Retail Application

- **MJ-01 Operating Plan**
  - 2.1
    - Visitors must show legal ID
      - Must be checked by an employee/verified to be valid

            - In compliance with 3 AAC 306.350
        - Visitors must be signed into a logbook for visitors which includes
            - Name
            - Date
            - Time of Entry
        - Each entrance to a restricted access area must be marked by a sign that reads
            - "Restricted access area"
        - Visitors must be escorted at all times
        - Visitors must wear visitors' badge at all times
            - Must be easily distinguished from employee id
    - 3.2
        - Visitors badges must be worn at all times
        - Visitors must be escorted at all times
    - 3.3
        - The sample badges do not comply with the requirements below.
            - Also, the ones attached are for a cultivation facility.
        - Samples of ID's must be easily distinguished from visitor badges
            - Employee -
                - photo,
                - DBA,
                - employee name
            - Visitor -
                - "Visitor" or something to clearly identify them as such
                - Must be very different from staff/employee ID's
                - Provides samples of licensee-produced identification badges that will be displayed by each licensee, employee, or agent while on the premises and of visitor badges that will be worn by all visitors at all times in restricted access areas.
    - 3.4
        - There must be motion detectors on all doors and windows
            - Indicate where they are
    - 3.6
        - This is a retail facility, you shouldn't be growing, curing, processing, or packaging marijuana here.
    - 4.2
        - All records are available to the Board or AMCO upon request
    - 6.4
        - Food Handling training for retail employees
    - 8.1
        - Anyone transporting or handling the marijuana must have a Current Handlers' permit
    - 9.2
        - There is no logo attached

- **MJ-02 Premises Diagram**
- Onsite Consumption
    - Currently, your diagram is not in compliance with AK Stat § 18.35.301
    - For each license we need to see the licensed premises, restricted areas and overlapping premises.
    - <u>Overlapping Premises</u>
        - <u>Make sure all overlapping premises are in compliance with 3 AAC 306.705(d), 3 AAC 306.710(d)</u>
            - <u>You will have to adjust your restricted area on both licenses to comply with this</u>

        - Attached is a very basic example of what the overlapping areas may look like on an mj-02
            - Use the example as a sample only to give you an idea of the shading and labeling for the overlapping section ONLY.

    - All diagrams must have:
        - License number AND DBA
        - Legend or Key
        - Color Coding
        - Licensed premises area labeled and shaded, or outlined as appropriate
        - Dimensions
        - Labels
        - True north arrow
    - DIAGRAM 1 Must have all of the following:
        - Surveillance room
        - Restricted access areas
        - Storage Areas
        - Entrances
        - Exits
        - Windows- are they screened?
            - How are they secured?
        - Walls
        - Partitions
        - Counters (LABELED)
        - Any other areas that must be labeled for a specific license
            - For Onsite Endorsement
                - Serving areas
                - Employee monitoring areas
                - Vent exhaust points
    - For each license we need to see the licensed premises, restricted areas and overlapping premises.
        - Each diagram needs to have a different outline and must show separation.
    - What is the walk-up service area?
        - Is it a POS area?
        - What kind of divider is between the walk-up area and the outdoor consumption area?
            - How is this area secured?
        - Uncovered pet area
            - Why is this in the restricted area?
                - MCB will inquire
        - Fencing- identify type and height
        - Apartment
            - Not allowed under statute.

- **MJ-03 Retail Supplemental**
    - 2.1
        - Describe in detail how the transaction process is completed, including exit packaging.
    - 5.1
        - Your MJ-02 is incomplete in that the restricted areas and counters are not clearly defined.
            - Make sure that your corrected MJ-02 matches the description written in this section
    - 7.1
        - ID must be checked at the door
    - 8.1

        - Where is the marijuana waste taken for disposal?
            - Dumpster, private pickup, truck to the dump?

- **Entity Documents**
    - Provide a copy of Alaska Vibes, LLC's Operating Agreement

27532 Onsite Consumption

You must spell out in detail in your application how you will mitigate ventilation and all odor issues that may arise.

- **MJ-02 Premises Diagram**
- You must show the separate areas between each license
- This must match your MJ-04 perfectly.
    - Are you allowing sales from the observation area?
    - Are you making sales in the walk-up service area?
        - If you are, why isn't this area restricted?
- Onsite Consumption
    - Currently, your diagram is not in compliance with AK Stat § 18.35.301
        - Revise your diagram, this may require relocation
    - <u>Overlapping Premises</u>
        - <u>Make sure all overlapping premises are in compliance with 3 AAC 306.705(d), 3 AAC 306.710(d)</u>
            - <u>You will have to adjust your restricted area on both licenses to comply with this</u>
        - Attached is a very basic example of what the overlapping areas may look like on an mj-02
            - Use the example as a sample only to give you an idea of the shading and labeling for the overlapping section ONLY.
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        - License number AND DBA
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        - Exits
        - Windows
        - Walls
        - Partitions
        - Counters (LABELED)
        - Any other areas that must be labeled for a specific license
            - For Onsite Endorsement
                - Serving areas
                - Employee monitoring areas
                - Vent exhaust points
    - Show the dividing line between the retail and onsite section and show how it is secured.

- What is the walk-up service area?
  - Is it a POS area?
    - Why isn't this in the restricted area?
      - Is marijuana stored here?
        - How does the customer flow work here?
  - Uncovered pet area
    - Why is this in the restricted area?
      - MCB will inquire
  - Fencing- identify type and height
  - Apartment
    - Not allowed under statute.

- **MJ-28b Onsite Consumption Endorsement Operating Plan**
  - Section 1
    - Douglas is misspelled.
  - 2.2
    - Will you be allowing backpacks or bags in the consumption area?
      - How will you prevent outside marijuana from being brought in and consumed?
  - 2.4
    - Is the entrance to the onsite consumption area inside the retail store, or is there a separate entrance for the consumption area?
      - Clarify your answer, need more detail on the door type and lock, as well as the kind of window being used between the walk-up sales area and the outdoor consumption area
        - Is this window screened?
        - If marijuana is in the walk-up sales area, that area must be restricted.
          - Explain the customer flow for this area of the store.
            - Where are individuals who are coming for consumption only getting asked to provide identification?
    - What will you be doing to ensure customers do not take retail purchased marijuana to the consumption side to be consumed, or marijuana from another location?
      - How will staff be able to differentiate between retail purchased marijuana and marijuana purchased for consumption?
        - What steps will be taken if someone is discovered to be smoking retail purchased marijuana?
  - 2.6
    - What is the height and type of fencing?
    - What is the height and type of metal siding?
    - Explain how you will ventilate the outdoor area to prevent the odor of marijuana from spreading to your neighbors.
      - 1' gap in between the siding and roof will not be sufficient ventilation.
        - Explain in detail the methods and steps that will be taken to mitigate any odors and explain in detail how you will comply with regulations, and statutes to comply with all odor and ventilation requirements.
  - 4.1
    - Remove the sentence "Customers wishing to purchase amounts greater than limits outlined in regulation will have their purchases held in a secure area by staff until they are leaving the licensed premises."
      - No customer should be permitted to purchase amounts greater than allowed by law
        - 1oz or 5600MG of THC

            - If a customer purchases the maximum, they should remove that ounce from the licensed premises before coming back into the licensed premises to purchase up to one gram for consumption

        - Explain the steps that will be taken to prevent individuals from leaving the building in possession of more than the legal limit.
            - How will you prevent individuals from leaving the premises with more than 1oz of flower or 5600mg of THC?
                - Where will the retail marijuana be stored (if they purchased under the limit) while the customer is outside consuming?
                - Are you allowing them to take retail purchased marijuana for consumption, or are you serving off of a menu only?
        - Explain the steps that will be taken to prevent individuals from leaving the building in possession of more than 1oz of marijuana.
    - 6.1
        - Are you allowing individuals who did not purchase marijuana into the consumable area?
        - Are you allowing outside bags?
        - Is this area under video surveillance?

- **MJ-07b: Mailed Notice Affidavit**
    - This form is blank.
        - Complete the form and its requirements, sign, have it notarized and turn back in.

27471 Limited Cultivation Application

- **MJ-01 Operating Plan**
    - 2.1
        - Where are customers being asked for identification?
        - Visitors must show legal ID
            - Must be checked by an employee/verified to be valid
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            - Visitor -
                - "Visitor" or something to clearly identify them as such
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        - There must be motion detectors on all doors and windows
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    - 3.6
        - This is a retail facility, you shouldn't be growing, curing, processing, or packaging marijuana here.
    - 4.2
        - All records are available to the Board or AMCO upon request
    - 6.4
        - Food Handling training for retail employees
    - 8.1
        - Anyone transporting or handling the marijuana must have a Current Handlers' permit
    - 9.1
        - Your sign is too big. The maximum is 4800sq in'
    - 9.2
        - There is no logo attached

- **MJ-02 Premises Diagram**
    - Onsite Consumption
        - Currently, your diagram is not in compliance with AK Stat § 18.35.301
            - Revise your diagram
        - <u>Overlapping Premises</u>
            - <u>Make sure all overlapping premises are in compliance with 3 AAC 306.705(d), 3 AAC 306.710(d)</u>
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            - Exits
            - Windows

            - Walls
            - Partitions
            - Counters (LABELED)
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                - For Onsite Endorsement
                - Serving areas
                - Employee monitoring areas
                - Vent exhaust points
        - What is the walk-up service area?
            - Is it a POS sale area?
                - Why isn't this in the restricted area
                - Is marijuana stored here?
                - How does the customer flow work here?
            - Uncovered pet area
                - Why is this in the restricted area?
                - MCB will inquire
            - Fencing- identify type and height
            - Apartment
                - Not allowed under statute.

- **MJ-04 Cultivation Facility Operating plan**
    - 4.1
        - You indicate that you will be cultivating 500sq ft of space, this is not permitted for a limited cultivation license. You must have 499 or fewer feet under cultivation
            - This must perfectly match your MJ-02
                - List tables and sizes, total canopy space, draw it out on the 02 and describe in detail here.
    - 4.4
        - Metal doors must have commercial locks
    - 4.6
        - Attach either the pesticide list or provide a link to the list
    - 7.3
        - Not sell or transport until all testing completed
        - Prepared signed statement for testing facility and maintain a copy for records
        - Company is Alaska Vibes, LLC not LBS, LLC

It is very important that you submit the above corrections and/or documents in a timely manner so that AMCO staff has adequate time to review the corrections and/or additional documents which must be found to be complete within 90 days of the date of this letter. Your 90 day deadline is July 6, 2021 at 4pm.

Respectfully,

Randi Baker, Occupational Licensing Examiner
For,
Glen Klinkhart, Director
marijuana.licensing@alaska.gov

From:	Marijuana Licensing (CED sponsored)
To:	Always Redeye LLC
Cc:	Marijuana Licensing (CED sponsored)
Subject:	27471, 27532 Alaska Vibes Incomplete Notice
Date:	Wednesday, April 7, 2021 11:47:17 AM
Attachments:	INCOMPLETE MEMO TO LICENSEE 27471, 27532 Alaska Vibes Incomplete New Application Notice 040721 RB.pdf Overlapping Premises Example.pdf

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Good Morning :

Your application has been reviewed, attached is correspondence regarding corrections, additional documents, and/or resubmittals that must be addressed in full before the application can be deemed complete.

Please understand that there is a very high possibility of more corrections after these. I must have appropriate time to review the corrections and give you time to get more corrections if needed. Please understand that the quality of your corrections directly correlate to my ability to get you on the next agenda.

Please make sure to read the entire notice, and make each correction requested.

If the submitted corrections for your application are inadequate to deem your application complete, or your application is still incomplete after ninety (90) days from the date of this notice, your application will be returned to you in accordance with 3 AAC 306.025(e)(1) and 3 AAC 306.025(f). Should you wish to continue pursuing licensure, it would be necessary to file a new application and pay new fees.

Ninety-day Due Date: July 6, 2021

Let us know if you require copies of any submitted documents, and feel free to email if you need clarification on any items in the Incomplete Notice.

Correspondence should be sent to marijuana.licensing@alaska.gov.

Thanks for being patient with this. Let me know if you need anything,

Randi Baker

Occupational Licensing Examiner
Alcohol and Marijuana Control Office
Phone: 907.334.0892
Cell: 907.717.3640
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov

Please consider the environment before printing this e-mail.

Make sure to include your license number and DBA in the subject line of emails

ALCOHOL Deadline and CORRECTION Reminders:

- 5/13/2021 at 4:00pm – **LICENSEE DEADLINE** for June 7, 2021 ABC Meeting.
- ***Final*** corrections must be submitted by 4:00PM.
- **Anything** submitted after that date and time is not guaranteed to make the agenda.
- You must **return all corrections at once.** Piecemealed corrections are NOT accepted.
- Appendices for applications are not accepted.

MARIJUANA Deadline and CORRECTION Reminders:

- 5/14/2021 at 4:00pm – **LICENSEE DEADLINE** for TENATIVELY SCHEDULED, (SUBJECT TO CHANGE)June 8-9, 2021 MCB Meeting.
- ***Final*** corrections must be submitted by 4:00PM.
- **Anything** submitted after that date and time is not guaranteed to make the agenda.
- You must **return all corrections at once**. Piecemealed corrections are NOT accepted.
- Appendices for applications are not accepted.
- Submit your corrections ASAP- multiple rounds of corrections are almost always needed
- Do not wait until the 90 day deadline to submit application corrections- all deadlines are for final corrections.
- If anything is incorrect after the 90 day deadline, your application will be returned and you will have to reapply.

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

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