Notice of Violation

Email

(3AAC 306.805)
This form, all information provided and responses are public documents per Alaska Public Records Act AS 40.25

Date: 11/25/22

License #/Type: 10657 Standard Cultivation

Designated Licensee: Eric Riemer

AMCO Case#: AM 22-2121

DBA: Stoney Moose Farms

Premises Address: 3000 West Tongass Narrows Ketchikan, AK 99901

Mailing Address: 420 Front Street Ketchikan, AK 99901

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.

As of 11/22/2022, Stoney Moose Farms, 10657, Standard Cultivation you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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.

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. Hoelscher

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Email

Date:

Davies, Jason M (CED)

From: Eric Riemer <torsch2@gmail.com>
Sent: Wednesday, November 30, 2022 1:26 PM
To: Davies, Jason M (CED)
Subject: Re: NOV Delinquency in Tax 10657
Attachments: Keybank.pdf

Categories:

Good afternoon -

I was surprised to receive this NOV - I sent our payment to the for August and September in to the department of revenue back on Oct 28. I did go down to the bank yesterday to inquire about the check status - it was indeed not cashed. I presume the Dept of Revenue never received the payment, that somehow it was misplaced or lost in the mail.

As of yesterday I have had the last check canceled and a new one issued. I understand this is immaterial in that our bill has still not been paid, but I do want to assure you we are acting in good faith to fulfill our tax burden. I am attaching a letter from the bank demonstrating the veracity of my statement and to provide documentation for our records that this matter is acknowledged and moving forward.

Thank you for your patience; by the time of the AMCO meeting on Dec 13 this issue will be resolved.

Eric Riemer
The Stoney Moose, CEO
907-617-7669

On Fri, Nov 25, 2022 at 9:28 AM Davies, Jason M (CED) <jason.davies@alaska.gov> wrote:

> Hello-
>
> Attached to this email is a notice of violation(s). You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board. **AMCO Enforcement must receive a notification from the Department of Revenue to rescind this notice of violation.**
>
> **NOTE: You must provide proof that,**
>
> 1. **You are in a payment plan with the Department of Revenue regarding your most current violation.**
>
> **OR**

KeyBank

Declaration of Loss For Monetary Instruments

THIS INDEMNITY AGREEMENT, made this 29th day of November, 2022, by and between KeyBank (hereinafter referred to as "Bank") and ERIC C RIEMER (hereinafter referred to as "undersigned"),

The undersigned hereby represents and warrants under penalty of perjury that:

he/she is the purchaser of Bank's Official Bank Check Number [redacted]

dated October 28, 2022, in the issued amount of $ 9,260.00 drawn by KeyBank payable to the order of STATE OF ALASKA and is entitled to the proceeds of said instrument which has been Lost; that the loss of possession was not the result of a transfer by the undersigned or a lawful seizure; that the undersigned cannot reasonably obtain possession of the check because the check was lost or destroyed, and its whereabouts cannot be determined.

The undersigned hereby requests Bank to: furnish to the undersigned a replacement instrument.

In consideration of Bank's reliance upon the foregoing representations and warranties and in further consideration of Bank's compliance with the foregoing request, the undersigned does hereby agree to indemnify and hold Bank harmless from and against any and all claims, demands, losses, damages, actions and causes of action, including expenses, costs, and reasonable attorneys' fees which Bank at any time may sustain or incur by reason of Bank's having relied upon the foregoing representations and warranties and/or complied with the foregoing request of the undersigned. The liability of the undersigned to Bank shall accrue immediately upon the presentation for payment of the original instrument or the assertion by any party whatsoever of any claim under or on account of the said Instrument irrespective of the manner or procedure in or by which the said presentation or assertion was made. The undersigned hereby agrees to deliver to Bank for cancellation the original Instrument if the same shall ever be found.

ERIC C RIEMER
(Name of Undersigned)

(Signature)

Prepared by: BRIGHCA Branch #: 00046 State: AK