



**Marijuana Control Board
Meeting Minutes
August 10, 2015
Anchorage, Alaska**

*Meeting minutes are nineteen minutes fast

Board Members Present:

Bruce Schulte, Chair, Industry Member
Mark Springer, Vice Chair, Rural Member
Peter Mlynarik, Public Safety Member
Brandon Emmett, Industry Member
Loren Jones, Public Health Member

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor

Legal Counsel Present:

Harriet Milks, Assistant Attorney General
Virginia Rusch, Contracted Regulations Drafter

Call to Order

[9:19:01 AM](#)

● **ADMINISTRATION**

A. Department of Law: Current Criminal Statutes

[9:20:48 AM](#)

John Skidmore, Director, Criminal Division, Department of Law,
briefs the Board and answers questions

● **TESTIMONY**

A. Testimony Period for Letter Recipients

Testimony received from:

Sarah Backlin, manager of Northern Heights

[9:34:40 AM](#)

Rocky Burns and Larry Stamper, owners of Discreet Deliveries

[9:44:46 AM](#)

Audio from YouTube video played

Theresa Collins, owner of PotLuck Events

[9:57:03 AM](#)

Michael & Nicole Crites, owners of ACDC

[10:05:54 AM](#)

Dottie Edward, owner of Northern Heights

[10:16:49 AM](#)

Corey Rorem and Joshua Bird, owners of Green Rush Events

[10:22:43 AM](#)

● **BREAK**

[10:38:26 AM](#)

● **DRAFT REGULATIONS: SET 1**

A. Public Comment Summary

[11:05:43 AM](#)

B. Discussion

Mark Springer **motions to accept 3 AAC 306.200 as amended**

[11:17:26 AM](#)

Loren Jones **seconds the motion**

Board votes, and motion carries unanimously

[11:57:01 AM](#)

Brandon Emmett **motions to strike 3 AAC 306.200(a)(3)**

[11:37:21 AM](#)

Mark Springer **seconds the motion**

Motion carries (4-1; Loren Jones votes No)

Mark Springer **motions to amend 3 AAC 306.200(e) to strike
"shall" and insert "may"**

[11:50:51 AM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

Mark Springer **motions to strike 3 AAC 306.260 with the
exception of the last sentence in (b) which states, "Nothing in this
section precludes a (local government) from applying to be a
licensee under other provisions of this title."**

[11:57:21 AM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

Mark Springer **motions to insert section (f) under 3 AAC 306.200
to read, "Nothing in this section precludes a local government
from applying to be a licensee under other provisions of this
title."**

[12:01:19 PM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

Mark Springer **motions to strike the remainder of 3 AAC 306.260** [12:03:32 PM](#)
Peter Mlynarik **seconds the motion**
Motion carries unanimously

Loren Jones **motions to accept 3 AAC 306.230** [12:05:39 PM](#)
Peter Mlynarik **seconds the motion**
Motion carries unanimously

Loren Jones **motions to accept 3 AAC 306.210 and 3 AAC 306.220** [12:16:01 PM](#)
Mark Springer **seconds the motion**
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 304.240** [12:19:27 PM](#)
Brandon Emmett **seconds the motion**
Motion carries unanimously

● **LUNCH** [12:25:06 PM](#)

● **DRAFT REGULATIONS: SET 1**

Loren Jones **motions to accept 3 AAC 306.250** [1:31:43 PM](#)
Mark Springer **seconds the motion**
Motion carries (4-1; Brandon Emmett votes No)

Brandon Emmett **motions to strike ten-mile boundary restriction in 3 AAC 306.250** [1:38:48 PM](#)
Mark Springer **seconds the motion**
Motion fails (1-4; Brandon Emmett votes Yes)

Mark Springer **motions to accept 3 AAC 306.270** [2:00:38 PM](#)
Peter Mlynarik **seconds the motion**
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.990** [2:02:43 PM](#)
Brandon Emmett **seconds the motion**
Cynthia Franklin informs the Board that all definitions listed here are in Article 9 of Set 3 and will be removed from Set 1
Motion carries unanimously

● **DRAFT REGULATIONS: SET 3**

A. Reading of Articles 4, 5, and 6 [2:05:13 PM](#)

● **BREAK** [3:20:10 PM](#)

● **DRAFT REGULATIONS: SET 3**

A. Reading of Articles 8 and 9

[3:39:40 PM](#)

Cynthia Franklin informs the Board that the revised definition of “marijuana concentrate” in Set 1 was not copied into 3 AAC 306.990 of Set 3. The draft of Set 3 that goes out for public comment will have the newer definition in it.

Mark Springer **motions to send Articles 4, 5, 6, 8, and 9 out for public comment**

[4:03:04 PM](#)

Brandon Emmett **seconds the motion**

Motion carries unanimously

● **ADJOURN**

[4:42:03 PM](#)

**Marijuana Control Board
Meeting Minutes
August 11, 2015
Anchorage, Alaska**

*Meeting minutes are nineteen minutes fast

Board Members Present:

Bruce Schulte, Chair, Industry Member
Mark Springer, Vice Chair, Rural Member
Peter Mlynarik, Public Safety Member
Brandon Emmett, Industry Member
Loren Jones, Public Health Member

Staff Members Present:

Cynthia Franklin, Director
Sarah Oates, Records & Licensing Supervisor

Legal Counsel Present:

Harriet Milks, Assistant Attorney General
Virginia Rusch, Contracted Regulations Drafter

Call to Order

[9:28:18 AM](#)

Mark Springer **motions to approve the agenda**
Brandon Emmett **seconds the motion**
Motion carries unanimously

Mark Springer requests to add "Board Member Comments" before adjourning. No objection.

Loren Jones, Mark Springer, and Bruce Schulte state potential conflicts for the record and state that they will refrain from voting or making decisions on sections that could potentially be a conflict.

[9:30:52 AM](#)

● **DRAFT REGULATIONS: SET 3**

Mark Springer **motions to accept 3 AAC 306.005**
Brandon Emmett **seconds motion**
Motion carries unanimously

[9:48:07 AM](#)

3 AAC 306.010

Loren Jones **recuses himself from discussion or action on this section**

[10:02:31 AM](#)

Brandon Emmett **motions to accept all of 3 AAC 306.010 as amended** [10:02:51 AM](#)
Mark Springer **seconds motion**
Board votes, and motion carries unanimously [11:45:43 AM](#)

Brandon Emmett **motions to strike “child-centered facility including a school, daycare, or other facility providing services to children” and replace with “school” in 3 AAC 306.010(a).** [10:04:25 AM](#)

Mark Springer **seconds motion**
“Memorandum for all United States Attorneys: Guidance Regarding Marijuana Enforcement” from Deputy Attorney General James M. Cole dated August 29, 2013 (Cole Memo) handed out to Board members.
Discussion regarding the Cole Memo, federal drug-free zoning laws, definition of “school”, distances from a school, AS 11.71.030 and AS 11.71.900(20).
Board votes, and amended motion carries unanimously [11:12:50 AM](#)

Brandon Emmett **motions to amend amendment to read “within 500 feet of a school or a recreation or youth center”, and use the definition of “recreation or youth center” from AS 11.71.900(20).** [10:46:47 AM](#)
Mark Springer **seconds motion**
Motion carries unanimously

BREAK [10:52:14 AM](#)

Discussion of public comments on 3 AAC 306.010 [11:17:02 AM](#)

Mark Springer **motions to strike 3 AAC 306.010(b)** [11:27:58 AM](#)
Brandon Emmett **seconds motion**
Motion carries (3-1, Peter Mlynarik votes No)

Mark Springer **motions to strike “violation of AS 04” from 3 AAC 306.010(d)(2) and replace with “violation of AS 04.16.051, AS 04.16.052, or AS 04.11.010”** [11:42:01 AM](#)
Brandon Emmett **seconds motion**
Motion carries unanimously

Brandon Emmett **motions to accept 3 AAC 306.015** [11:46:25 AM](#)
Peter Mlynarik **seconds motion**
Board votes, and motion carries (3-2, Bruce Schulte and Brandon Emmett “No”) [1:47:52 PM](#)

Brandon Emmett **motions to amend 3 AAC 306.015(a) to strike “direct or indirect financial interest” and replace with “controlling interest”** [11:53:38 AM](#)
Mark Springer **seconds motion**
Brandon Emmett **withdraws motion to amend** [12:19:06 PM](#)
Mark Springer **seconds**
No vote

Brandon Emmett motions to amend 3 AAC 306.015(b) to read: [12:19:15 PM](#)
“The board will not issue a marijuana establishment license to
(1) an individual or a sole proprietorship unless the individual or proprietor is
a resident of the state;
(2) a partnership unless 51% of the partners are residents of the state;
(3) a limited liability company unless the limited liability company is qualified
to do business in the state, and 51% of the members of the limited liability
company are residents of the state; or
(4) a corporation unless the corporation is incorporated or qualified to do
business in the state, and 51% of the shareholders who own the
corporation’s shares are residents of the state.”
No second

Mark Springer motions to amend (a) to read “The board will issue each [12:27:46 PM](#)
marijuana establishment license to a specific individual, to a partnership,
including a limited partnership, to a limited liability company, to a corporation,
or to a local government.”
No second

LUNCH BREAK [12:29:50 PM](#)

Brandon Emmett motions to table Article 1 and move discussion to Article 3 [1:34:39 PM](#)
Mark Springer seconds motion
Brandon Emmett amends motion to move discussion to Article 7 instead of 3
Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

Bruce Schulte proposed Board reconvene on August 31 and [1:42:49 PM](#)
September 1, 2015.

Mark Springer motions to accept 3 AAC 306.020 as amended [1:49:33 PM](#)
Brandon Emmett seconds motion
Board votes, and motion carries unanimously [2:12:08 PM](#)

Mark Springer motions, as a matter of policy, that an applicant’s family [1:54:29 PM](#)
members will not need to submit the information required currently under
3 AAC 304.020(b).
Brandon Emmett seconds motion
Mark Springer amends motion to leave room for Virginia Rusch to adjust
language so that “affiliates” may be required to submit the information and
the term later defined.
Motion carries unanimously

Discussion about 3 AAC 306.020 [2:03:36 PM](#)

Peter Mlynarik **motions to accept 3 AAC 306.025 as amended** [2:12:56 PM](#)
Brandon Emmett **seconds motion**
Board votes, and motion carries unanimously [2:45:42 PM](#)

Peter Mlynarik **motions to amend (b) to include a time limit of seven days.** [2:13:30 PM](#)
Mark Springer **seconds motion**
Peter Mlynarik **withdraws motion to amend**
No vote

Loren Jones **motions to amend 3 AAC 306.025(b)(1) and (3) to strike “true copy of the application” and replace with “copy of the application on a form prescribed by the board”** [2:24:23 PM](#)
Mark Springer **seconds motion**
Motion carries unanimously

Brandon Emmett **motions to strike 3 AAC 306.025(b)(2).** [2:25:41 PM](#)
No second

Mark Springer **motions to accept 3 AAC 306.030** [2:45:51 PM](#)
Brandon Emmett **seconds motion**
Board discussion of public comments
Board votes, and motion carries unanimously [3:09:31 PM](#)

Mark Springer **motions to accept 3 AAC 306.035** [3:10:02 PM](#)
Peter Mlynarik **seconds motion**
Board discussion of public comments
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.040** [3:11:58 PM](#)
Brandon Emmett **seconds motion**
Board discussion of public comments
Board votes, and motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.045** [3:15:31 PM](#)
Brandon Emmett **seconds motion**
Board discussion of public comments
Board votes, and motion carries (4-1, Brandon Emmett votes No) [3:32:56 PM](#)

Brandon Emmett **motions to remove the first sentence of 3 AAC 306.045** [3:31:14 PM](#)
No second

Mark Springer **motions to accept 3 AAC 306.050** [3:33:21 PM](#)
Peter Mlynarik **seconds motion**
Board discussion of public comments
Board votes, and motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.055** [3:35:24 PM](#)
Brandon Emmett **seconds motion**
Loren Jones **recuses himself from discussion or action on this section**
Board discussion of public comments
Board votes, and motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.060 as amended** [3:47:50 PM](#)
Brandon Emmett **seconds motion**
Board discussion of public comments
Board votes, and motion carries unanimously [4:02:08 PM](#)

Mark Springer **motions to amend 3 AAC 306.060 by inserting “and the applicant” after “to the board” in the first sentence, and by removing “at the street address of the licensed premises or proposed premises, or” in the second sentence.** [4:00:05 PM](#)
Brandon Emmett **seconds motion**
Motion carries (4-1, Loren Jones votes No)

Mark Springer **motions to accept 3 AAC 306.065** [4:02:18 PM](#)
Brandon Emmett **seconds motion**
Board discussion of public comments
Board votes, and motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.070** [4:13:48 PM](#)
Peter Mlynarik **seconds motion**
Loren Jones **recuses himself from discussion or action on this section**
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.075** [4:17:15 PM](#)
Brandon Emmett **seconds motion**
Board discussion of public comments
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.080** [4:23:41 PM](#)
Brandon Emmett **seconds motion**
Board discussion of public comments
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.085** [4:27:58 PM](#)
Brandon Emmett **seconds motion**
Motion carries unanimously

Mark Springer **motions to accept 3 AAC 306.090** [4:29:09 PM](#)
Brandon Emmett **seconds motion**
Motion carries unanimously

Mark Springer motions to accept 3 AAC 306.095

[4:38:03 PM](#)

Brandon Emmett seconds motion

Board votes, and motion carries (4-1, Brandon Emmett votes No)

[5:02:58 PM](#)

Brandon Emmett motions to amend 3 AAC 306.095(d)(1), (3), (4), and (6) to change the amount to \$2,500 from \$5,000.

[4:38:30 PM](#)

Mark Springer seconds motion

Motion fails (2-3, Brandon Emmett and Bruce Schulte vote Yes)

Cynthia Franklin states that no section was included for fee for Marijuana Handler's Permit; recommends \$50

[5:01:23 PM](#)

No objection received from the Board; will be added by Virginia

BOARD MEMBER COMMENTS

[5:03:52 PM](#)

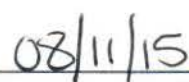
ADJOURN

[5:11:06 PM](#)

Minutes reviewed and approved by:



Cynthia A. Franklin, Director



Date



Sarah D. Oates, Records & Licensing Supervisor



Date