

## October 28, 2016 MARIJUANA CONTROL BOARD MEETING RAW MINUTES

**\*Meeting minutes are 43 minutes fast (actual start time is 9:15am)**

### **Call to Order**

**9:58:01 AM**

Brandon Emmett  
Mark Springer  
Nick Miller  
Peter Mlynarik  
Loren Jones  
Cynthia Franklin  
Harriet Milks  
Sarah Oates

Peter Mlynarik says that he wants to move all items on the agenda, **9:58:58 AM**  
Other than the licensing update and public testimony, to the end of the day if there's still time after review of all license applications.

None opposed to amendment of the agenda.  
None opposed to approval of the agenda as amended.

### **Licensing Update**

**10:00:03 AM**

Sarah Oates provides an update on license application numbers,

### **Public Testimony**

**10:04:56 AM**

Jana Weltzin provides testimony regarding retail marijuana stores transporting marijuana and red-striped IDs.

Rick Euscher asks a question about clones and a cultivation facility.

Kerby Coman, Green Degree, requests that the board add to the agenda a discussion about using an incinerator as a means of waste disposal.

Jeremiah Emmerson provides testimony regarding MCB finances and revenue and makes an argument for more staff for the board.

## **Tabled Applications**

### **10004 Talkeetna Herb Company**

**[10:09:56 AM](#)**

Mark Springer motions to approve license 10004 with delegation.  
Brandon Emmett seconds the motion.

Krystal Dietrich identifies herself for the record and answers board questions.

Loren Jones comments that Ms. Dietrich will have to use the horse manure as her means of waste disposal, as the board has not approved of incineration.

Motion to approve with delegation carries unanimously.

### **10014 The Naked Herbalist**

**[10:16:28 AM](#)**

Miles France identifies himself for the record and answers board questions.

Mark Springer motions to approve license 10014 with delegation.  
Brandon Emmett seconds the motion.

Loren Jones comments that Mr. French will have to use the grinding method as his means of waste disposal, as the board has not approved of incineration.

Motion to approve with delegation carries unanimously.

### **10170 Green Degree**

**[10:33:16 AM](#)**

Mark Springer motions to approve license 10170 with delegation.  
Brandon Emmett seconds the motion.

Kerby Coman identifies himself for the record and answer board questions.

Nick Miller comments that Mr. Coman will need to use the approved method of waste disposal and not incineration.

## **Tabled Proposed Products**

### **10012 Frozen Budz**

**[10:36:43 AM](#)**

Destiny Neade identifies herself for the record.

Brandon Emmett motions to approve Product 27 Canna-Crinkle Cookies.  
Mark Springer seconds the motion.

Cynthia Franklin suggests that the board make a motion to approve all products and pull out any specific ones that they have questions about in order to expedite the process.

Brandon Emmett withdraws his motion.

Peter Mlynarik requests a motion to approve all products.

Brandon Emmett motions to approve Products 27, 28, 32-35, 37-39, and 41-47.

Mark Springer seconds the motion.

Destiny Neade answers board questions about her proposed products.

Loren Jones adds a delegation that if the licensee is changing packaging on any of the products, particularly changing the squeeze bottles and jars to single servings, that the staff approve the changes at the inspection before they put the product on the shelves.

The board agrees to require that Ms. Neade update her paperwork with staff if she intends to change any of the packaging before having her inspection. The board additionally clarifies that they are not requiring her to change her packaging to single servings.

Mark Springer comments that Products 35, 45, 46, and 47 take previously prepared ingredients and add them with other items.

Ms. Neade states that she would be willing to rescind Product 35.

Peter Mlynarik voices adulteration and familiar commercial product concerns about Products 44 and 45.

Brandon Emmett requests that Ms. Neade provide clarification about the source of the Dijon mustard that she intends to use as an ingredient.

Mark Springer motions to remove Products 44 and 45 from the motion to approve all products.

Loren Jones seconds the motion.

Brandon Emmett voices opposition to removing Product 44 and requests that they add a delegation to have it not look like a child's Lemon Drop.

Mark Springer clarifies his motion – that it's to vote separately on the two items.

Motion carries, 3-2 (Brandon Emmett and Nick Miller vote No).

Loren Jones asks Ms. Neade if she's had any issues with obtaining insurance to cover this type of a business.

Destiny Neade says that she has not, because her product will have been tested three times by the time it gets to the retail shelf, and she's been working very closely with DEC.

Motion to approve the remaining products carries unanimously.

Brandon Emmett motions to approve Product 44.  
Nick Miller seconds the motion.  
Motion fails, 2-3 (Brandon Emmett and Nick Miller vote Yes).

Brandon Emmett motions to approve Product 45.  
Nick Miller seconds the motion.  
Motion carries, 3-2 (Loren Jones and Peter Mlynarik vote No).

**BREAK**

[11:06:22 AM](#)

**10082 Einstein Labs**

[11:18:26 AM](#)

Brandon Emmett motions to approve products Capsule (RSO or THC/CBD), Tincture, Chocolate Chip Cookie Bites, Einstein Melts – Milk Chocolate, and Canna Rocks.  
Mark Springer seconds the motion.

Justin Roland, licensee, and Jana Weltzin, legal counsel, identify themselves for the record, clarify that the capsules are just for ingesting and not for inhaling, and answer board questions.

Motion to approve all products carries unanimously.

**Operating Plan Changes**

**10043 Alaskan Greenery**

[11:26:31 AM](#)

Cynthia Franklin brings up the option of the board being able to delegate temporary approval to the director of operating plan changes.

Michael Liljedahl identifies himself for the record and answers board questions.

Mark Springer motions to approve the operating plan changes for license 10043.  
Brandon Emmett seconds the motion.  
Motion carries unanimously.

Brandon Emmett motions to delegate to the director, as statutorily authorized, the ability to temporarily approve or deny MJ-15s until they are brought to a board meeting for the board to make a final decision.  
Mark Springer seconds the motion.  
Motion carries – none opposed.

## **New Marijuana Testing Facility Applications**

### **10512 Southeast Alaska Laboratories, LLC**

**11:35:03 AM**

Mark Springer motions to approve license 10512 with delegation.  
Brandon Emmett seconds the motion.

Jessica Dreibelbis identifies herself for the record and answers board questions.

Motion to approve with delegation carries unanimously.

## **New Standard Marijuana Cultivation Facility Applications**

### **10605 Wild Flowers Holdings**

**11:40:00 AM**

Andrea Gribbin identifies herself for the record and answers board questions.

Loren Jones asks Ms. Gribbin about HappieDaze, LLC, the indicated consultant.

Cynthia Franklin informs the board that there has been a lot of struggle with this applicant and her lack of knowing anything about the rules or her application.

Sarah Oates points out that there's an objection to the application.

Harriet Milks informs the board that the Administrative Procedure Act does not require that an objection be signed.

Loren Jones motions to approve Wild Flowers Holdings, license 10605, with delegation, and would encourage the board to vote No.

Peter Mlynarik seconds the motion.

Mark Springer voices concern about the application for multiple reasons, including the business relationship with HappieDaze and the fact that HappieDaze, LLC is not an Alaska entity.

Brandon Emmett also voices concern about the applicant.

The board voices concerns about many pieces of the application, including the fact that there are places throughout the application that cite Arizona laws instead of Alaska, and the fact that part of the operating plan mentions another licensee.

Andrea Gribbin states that she would rather copy ideas than reinvent the wheel.

Sarah Oates informs the board of staff struggles with trying to communicate with Ms. Gribbin and that all communication, with the exception of one confrontational meeting and

one phone call, was with a person who is not an approved point of contact on the application.

Motion to approve the license with delegation fails unanimously.

**10657 JWS Enterprises**

[12:02:10 PM](#)

Jim Strassburg identifies himself for the record.

Mark Springer motions to approve license 10657 with delegation.  
Brandon Emmett seconds the motion.

Mr. Strassburg answers board questions.

Motion to approve with delegation carries unanimously.

**10671 Alaska Cannabis Exchange, LLC**

[12:09:39 PM](#)

Mark Springer motions to approve license 10671 with delegation.  
Brandon Emmett seconds the motion.

Aaron Ralph identifies himself for the record and answers board questions.

Motion to approve with delegation carries unanimously.

**10687 Dank Research**

[12:19:36 PM](#)

Mark Springer motions to approve license 10687 with delegation.  
Brandon Emmett seconds the motion.

Ronald Pickett identifies himself for the record and answers board questions.

Motion to approve with delegation carries unanimously.

**10799 Calm N Collective**

[12:29:43 PM](#)

Ron Bass, applicant, and Jana Weltzin, legal counsel, identify themselves for the record.

Mark Springer motions to approve license 10799 with delegation.  
Brandon Emmett seconds the motion.

Jana Weltzin informs the board that there's a discrepancy on the application – video surveillance records will be stored on-site, not off-site, as indicated on Page 7 of MJ-01.

Cynthia Franklin points out that the City has filed an approval with conditions. Ron Bass says that the two conditions are building a fence, which is already done, and then planting vegetation, which he will do in the spring.

Peter Mlynarik clarifies for the record that the delegation will include that the applicant meet the conditions from the City of Houston.

### **New Limited Marijuana Cultivation Facility Applications**

#### **10040 Alaska Precision**

**12:35:37 PM**

David Straub identifies himself for the record.

Mark Springer motions to approve license 10040 with delegation.  
Brandon Emmett seconds the motion.

Loren Jones asks Mr. Straub about the staff's question regarding the signature on the original lease not matching the lease addendum, and whether or not anyone has a legal power of attorney.

David Straub says that he has a stack of medical records for his father and that he wasn't going to burden his father with a little bump in the road. He additionally states that when his father passes, that he will inherit the property.

Brandon Emmett asks if Mr. Straub would be able to get power of attorney for his father.

David Straub states that his brother might be listening from down south, and that his father is 87 with dementia.

David Straub states that his father did sign the addendum.

Mark Springer requests that Mr. Straub identify to the staff who the power of attorney is for his father.

David Straub states that the property is in the process of being transferred into his name.

Motion carries, 3-2 (Loren Jones and Peter Mlynarik vote No).

#### **LUNCH**

**12:48:38 PM**

#### **10086 Terra House, LLC**

**1:50:10 PM**

Michael Lowry identifies himself for the record and answers board questions.

Mark Springer motions to approve license 10086 with delegation.  
Brandon Emmett seconds the motion.

Motion to approve with delegation carries, 4-1 (Peter Mlynarik votes No).

Peter Mlynarik clarifies that the delegation with approval includes the Kenai Peninsula Borough's conditions.

**10176 Alpha Kilo, LLC**

[2:01:30 PM](#)

Mark Springer motions to approve license 10176 with delegation.  
Brandon Emmett seconds the motion.

Andrew Schaffer identifies himself for the record and answers board questions.

Mark Springer requests that Mr. Schaffer amend his licensed premises so that the driveway is not included, as there is a child who lives in the home.

Motion to approve with delegation, including the conditions set forth by the Kenai Peninsula Borough, carries unanimously.

**10489 Ester Horticulture and Research**

[2:11:08 PM](#)

Mark Springer motions to approve license 10489 with delegation.  
Brandon Emmett seconds the motion.

John Collette, applicant, and Garrison Collette identify themselves for the record and answer board questions.

The board discusses the fact that the applicant does not have internet at the premises. Garrison Collette informs the board that they have 4G data on their smart phones at the house, and the they have applied with ACS to get internet service at their location.

John Collette informs the board that there will be video surveillance inside the building, in addition to outside.

Loren Jones requests that the delegation include that the owner take some on-ground photographs and send them to staff rather than an aerial photograph that's out-of-date, so that it shows a little better picture of what's actually there.

Motion to approve with delegation carries unanimously.



**10650 Alaska Bud Brothers Aerogardens, LLC**

[2:26:59 PM](#)

Mark Springer motions to approve license 10650 with delegation and the Kenai Peninsula Borough conditions.

Brandon Emmett seconds the motion.

Jim Gossman identifies himself for the record.

Motion to approve with delegation and conditions carries unanimously.

**New Marijuana Concentrate Manufacturing Facility Applications**

**10301 R.C. Tinderbox, LLC**

[2:30:21 PM](#)

Nick Miller recuses himself from discussion and voting.

Mark Springer motions to approve license 10301 with delegation.

Brandon Emmett seconds the motion.

Mark Springer clarifies that the motion includes approval of the proposed products.

Christina Euscher and Rick Euscher, applicants, and Jana Weltzin, legal counsel, identify themselves for the record and answer board questions.

Loren Jones voices concerns about the labeling of the concentrates.

Peter Mlynarik motions to amend the original motion to be to approve the license and table the products until the next meeting.

Brandon Emmett voices opposition to Mr. Mlynarik's request.

Loren Jones supports the request.

Motion carries, 3-1 (Brandon Emmett votes No).

Motion to approve the license but table the products until the next meeting carries unanimously.

**New Retail Marijuana Store Applications**

**10056 Red Run Cannabis Company, LLC**

[2:50:23 PM](#)

Nick Miller rejoins the meeting.

Eric Derleth and Marc Theiler identify themselves for the record and answer board questions.

Mark Springer motions to approve license 10056 with delegation.

Brandon Emmett seconds the motion.

Loren Jones asks why their cultivation facility would be purchasing marijuana from other cultivation facilities, rather than the retail store.

Mr. Derleth and Mr. Theiler cite tax reasons and the fact that their cultivation facility is already licensed, but the retail store is not yet ready.

Peter Mlynarik pointed out that all three licensees initialed both certifications on Page 3 of MJ-00, and it needs to be fixed.

Peter Mlynarik commented that the licensees would have to mix waste material before adding the Bokashi, and that the retail store would have to have its own waste disposal rather than sending it back to the cultivation facility.

Motion to approve with delegation carries unanimously.

**10245 AK Slow Burn Cannabis Outlet**

**[3:08:50 PM](#)**

Lou Weaver, applicant, Jana Weltzin, legal counsel, and Rob Burkes, general manager, identify themselves for the record and answer board questions.

Mark Springer motions to approve license 10245 with delegation.

Brandon Emmett seconds the motion.

Motion carries unanimously.

**10278 GoodSinse, LLC**

**[3:16:37 PM](#)**

Daniel Peters identifies himself for the record and answers board questions.

Mark Springer motions to approve license 10278 with delegation.

Brandon Emmett seconds the motion.

Peter Mlynarik states that the delegation includes that there is not a sign on the gate; only on the building.

**BREAK**

**[3:26:47 PM](#)**

**10302 The House of Green**

**[3:42:23 PM](#)**

Mark Springer motions to approve license 10302 with delegation.

Brandon Emmett seconds the motion.

Mike Dillard, applicant, and Jana Weltzin, legal counsel, identify themselves for the record and answer board questions.

Motion to approve with delegation carries unanimously.

**10590 Cannabis Corner**

[3:47:04 PM](#)

Mark Springer motions to approve license 10590 with delegation.  
Brandon Emmett seconds the motion.

Kanoe Zantua and Ayme Zantua identify themselves for the record and answer board questions.

Loren Jones states that the delegation should include an as-built drawing once the construction is complete.

Motion to approve with delegation carries unanimously.

**10648 Uncle Herb's**

[4:00:24 PM](#)

Mark Springer motions to approve license 10648 with delegation.  
Brandon Emmett seconds the motion.

Lloyd Stiassny, applicant, and Jana Weltin, legal counsel, identify themselves for the record.

Peter Mlynarik requests that the labels include the amount of THC.

Motion to approve with delegation carries unanimously.

**10800 The Fireweed Factory, LLC**

[4:03:10 PM](#)

Loren Jones recuses himself from discussion and voting.

Mark Springer motions to approve license 10800 with delegation.  
Brandon Emmett seconds the motion.

Paul Disdier identifies himself for the record and answers board questions.

Nick Miller comments that the applicant will have to destroy its own waste and cannot transfer it back to the cultivation facility.

Motion to approve with delegation carries unanimously.

Loren Jones rejoins the meeting.

### **Director's Report**

[4:10:57 PM](#)

Cynthia Franklin tells the board that they have a written copy of her report, so she doesn't need to read it for them.

### **Regulations Update**

[4:11:44 PM](#)

Cynthia Franklin informs the board that after the staff forwarded the complete regulations packets for the Testing Requirements project and the Retail Marijuana Store Notice Requirements to the Department of Law for adoption, they were informed that the public notice advertisements were never published. The board will have to go through the entire process again to meet the public notice requirements of the APA.

Peter Mlynarik asks if there's any opposition to putting those two projects back out for public comment.

None opposed.

### **Enforcement Update**

[4:15:27 PM](#)

Cynthia Franklin informs the board that James Hoelscher gave a hard copy of the enforcement update to the Chair, and she'll make sure that the rest of the board members get a copy.

### **Regulations**

#### **Marijuana Handler Permits**

[4:15:51 PM](#)

The board considers the public comments received.

Brandon Emmett motions to strike 3 AAC 306.700(f)-(g) through the language.

Mark Springer seconds the motion.

Motion carries, 3-2 (Loren Jones and Peter Mlynarik vote No).

Brandon Emmett motions to strike 3 AAC 306.381.

Mark Springer seconds the motion.

Motion carries, 3-2 (Loren Jones and Peter Mlynarik vote No).

#### **On-site Consumption Endorsement**

[4:31:59 PM](#)

Cynthia Franklin informs the board that after the last meeting, some board members were inundated with letters and emails from the public about this draft, but that the draft was not back out for public comment at the time. Those comments cannot be considered.

The board reviews and considers public comments received.

Loren Jones motions to amend 3 AAC 306.365(b)(2)(2) to add, "*Ventilation plans for consumption that includes inhaling must be signed and approved by a licensed mechanical engineer.*"

Mark Springer seconds the motion.

Motion carries, 3-2 (Nick Miller and Brandon Emmett vote No).

Loren Jones motions to amend 3 AAC 306.365(e)(2) to add at the end, "*the effects of and sufficient to protect employees from second-hand smoke*".

Mark Springer seconds the motion.

Harriett Milks states that she predicts that this will not be approved by the Department of Law.

Motion fails, 2-3 (Loren Jones and Peter Mlynarik vote Yes).

Loren Jones motions to amend 3 AAC 306.365(b)(2) by adding a subsection (6) that reads, "*indicating that the building housing the retail marijuana store is a stand-alone building not sharing any walls or ventilation systems with any other building*".

Peter Mlynarik seconds the motion.

Motion fails, 1-4 (Loren Jones votes Yes).

Loren Jones motions to amend 3 AAC 306.365(b)(2) by adding a subsection (6) that reads, "*indication that any liability for on-site consumption is covered under the insurance carried by the business.*"

Peter Mlynarik seconds the motion.

Motion fails, 2-3 (Loren Jones and Peter Mlynarik vote No).

Loren Jones motions to add a new section to 3 AAC 306.365(b) that says, "*An application for a new on-site consumption endorsement must meet the requirements of 3 AAC 306.025(b) and include in that notice the license number of the retail marijuana establishment requesting the endorsement.*"

Mark Springer seconds the motion.

Motion carries, 4-1 (Brandon Emmett votes No).

Loren Jones motions to amend 3 AAC 306.365(g) by striking the end of the sentence that reads, "*provided packaging is resealed for removal from the premises by the consumer.*"

Peter Mlynarik seconds the motion.

Motion fails, 2-3 (Loren Jones and Peter Mlynarik vote No).

Brandon Emmett motions to put the regulation back out for public comment.

[5:34:23 PM](#)

Mark Springer seconds the motion.

None opposed.

**Next MCB Meeting**[5:32:28 PM](#)

Cynthia Franklin states that the reason the meeting for October 27 was scheduled in Nome is because of the statutory requirement that the board meet in each judicial district at least once per year. She recommends that the board try to meet on November 10, 2016, and that the Chair would fly out to Nome to meet the requirement of the second judicial district.

**Adjourn**[5:35:06 PM](#)

Brandon Emmett motions to adjourn.  
None opposed.