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Of Counsel
Maryanne Boreen

RECEIVED
AUG 29 2016
ALCOHOL & MARIJUANA CONTROL OFFICE
STATE OF ALASKA

August 26, 2016

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

VIA FIRST CLASS MAIL

Municipality of Anchorage
Clerk's Office/Planning Department
PO Box 196650
Anchorage, AK 99519-6650

Alcohol & Marijuana Control Office
550 West 7th Ave, Suite 1600
Anchorage, AK 99501

Re: Objection to Application for Marijuana Establishment License
License No.: 10509
Location: 2000 E. Dowling Rd., Unit 12, Anchorage, AK 99507
License Type: Retail Marijuana Store
DBA: HOUSE OP, LLC

Dear Sir or Madam:

We represent 2000 Dowling Plaza Condominiums Association, Inc. (the "Association") with regard to its management of the privately owned condominiums located at 2000 Dowling Rd., Anchorage, Alaska 99507 (the "Premises") and the recent Marijuana Establishment License application by House OP, LLC (the "Application"). With this letter, the Association makes a formal objection to the Application.

On or about August 3, 2016, a "Public Notice" was posted on the Premises, noticing the Applicant seeking licensing for a retail marijuana store with a principal place of business located at Unit 12 of the Premises.

All applicants seeking a license to operate a marijuana establishment in the Municipality of Anchorage must comply, inter alia, with Title 21 of the Anchorage Municipal Code ("AMC"). AMC § 21.01.060(B) directs that the title "is not intended to revoke or repeal any easement, covenant, or other private agreement," and that "[n]othing in this title shall modify or repeal any private covenant or deed restriction." Emphasis added.

The Applicant's proposed principal place of business for its retail marijuana store, Unit 12 of the Premises, is subject to certain private restrictive covenants as a member of the Association. Each unit on the Premises is governed by the Association's Declaration Bylaws & Rules, dated August 25, 1984, as amended from time to time, designating certain rules and regulations for the operation, use

and occupancy of the Premises (the "Rules and Regulations"). The Rules and Regulations provide the following:

> 11. No condominium unit on the premises shall be operated as a commercial marijuana facility. No unit or common area shall be used for the commercial cultivation, production, storage or sale of marijuana, and no owner or occupant shall use any unit or common area to engage in the commercial distribution of goods containing marijuana products. Medicinal use excepted, no commercial sale and/or commercial onsite consumption of marijuana products will be permitted on the premises. No owner or occupant shall post or disseminate any advertisements or postings visible in the common areas or outside the premises that would suggest to the public that marijuana and/or marijuana products are being produced, sold or stored on the premises.

Operation of a retail marijuana store on the Premises is explicitly prohibited by the Rules and Regulations. Therefore, the Application is not in compliance with AMC § 21.01.060(B) and should be denied.

The objection is not a waiver of any other remedy available to the Association including, but not limited to, injunctive relief.

Lastly, we request that all notices of hearings or proceedings be provided to this firm and the Association so that an authorized representative of the Association may appear and provide oral testimony pursuant to this matter as discussed herein.

All further communications and notices on this matter should be directed to the undersigned. If you have any questions or wish to discuss this further, please do not hesitate to contact our office.

Sincerely,

CLAYTON & DIEMER, LLC

Peter M. Diemer

PMD:njc

Copy to:

House OP, LLC
c/o Mark Oppegaard, Registered Agent
2861 W. International Airport Rd., #E304
Anchorage, AK 99502

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