

# Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 9-7-17

License #/Type: #10268, Standard Cultivation Facility

Licensee: James Fejes Jr.

Address: 14.7 Mile McCarthy Rd, Chitina, AK 99566

DBA: Flying High Investments, LLC

AMCO Case #: AB17-0402

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.

METRC indicates Flying High Investments LLC generated two manifests 0000093808 & 000003809 to deliver product to Grass Station 49 and Chena Cannabis on 8-12-17. Investigation by AMCO Enforcement revealed that product was transported to these locations by private aircraft. The aircraft landed at Bradley Sky Ranch in North Pole first. Licensee/Pilot James Fejes Jr. then contacted Sherry Gilbert, Licensee of Chena Cannabis to pick him up and provide him with transportation to her retail store, then onto Grass Station 49 and back to the aircraft. The METRC manifest created by Flying High Investments, LLC on 8/12/17 reflects James Fejes Jr. drove his personal vehicle to Fairbanks from McCarthy Road, Chitina, AK. The manifest does not reflect any of the transportation of marijuana to ever be by air or any of Sherry Gilbert's vehicle information.

Manifest #0000093103 indicates you left Chitina en route to Wasilla on 8-10-17 at 12:08 am arriving at 12:08 pm using vehicle with a license plate of EAN340. The same day manifest 0000093104 indicates you left Chitina on 8-10-17 at 5:26 am arriving Anchorage on 8-9-17 (I believe this is a typo and should read 8-10-17) at 10:26 am using a vehicle with license plate EAN340. These manifests seem to conflict with each other.

On 7-15, 7-17 and 8-4-17, you used a vehicle with expired license plates, GVB348, expiring 6/16. Your Attention is Directed to: 3 AAC 306.435(b) Marijuana Inventory Tracking System, 3 AAC 306.730(a) Marijuana Inventory Tracking System, 3 AAC 306.750 Transportation, and 3 AAC 306.755(a)(9) Business Records.

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. 3 AAC 306.810(3)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation from the director, to correct any defect that is the subject of the notice of violation of AS 17.38 or this chapter, a condition or restriction imposed by the board or other applicable law.

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. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator: A. Stonecipher

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

Article # 7013 2250 0000 9617 5712

**LANCE CHRISTIAN WELLS**  
**LAW OFFICES OF LANCE CHRISTIAN WELLS, LLC.**  
**733 W. Fourth Avenue, Suite 308**  
**Anchorage, Alaska 99501**  
**(907) 274-9696**

e-mail: lwells@gci.net

Fax No. (907) 277-9859

October 16, 2017

**US MAIL & EMAIL DELIVERY**

Inv. A. Stonecipher  
Alcohol & Marijuana Control Office  
Attn: Enforcement  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501

**Re: AMCO Case # AB17-0402**  
**Date of Violation: 9/7/17**  
**Flying High Investments, LLC.**  
**Standard Marijuana Cultivation Facility License No. 10268**  
**Licensee James Fejes, Jr.**

Dear Inv. Stonecipher:

I have been retained by Licensee James Fejes, Jr., d/b/a Flying High Investments, LLC. to respond to the above notice of violation recently received. I will address them in the order they are set forth within the Notice of Violation.

- 1. AMCO Case No. AB17-0402:**  
**Alleged Violation of 3 AAC 306.435(b) Marijuana Inventory Tracking System, 3 AAC 306.730(a) Marijuana Inventory Tracking System, 3 AAC 306.750 Transportation and 3 AAC 306.755(a)(9) Business Records**

A. In response, as to manifest numbers 93808 and 8309, Mr. Fejes originally entered and created the travel manifests within the METRC system in order to deliver marijuana flower to Grass Station 49 and Chena Cannabis. He was scheduled to depart on 8/12/17, at the scheduled time in his personally owned Chevrolet diesel truck. After departing and being en route for approximately an hour, Mr. Fejes encountered unexpected vehicle problems with his truck. The problem was determined to be dirty diesel fuel. It had entered the fuel filter of his truck and clogged it, placing the vehicle in "limp mode." Mr. Fejes turned around to go back to the facility, but his vehicle would not make it as it was getting worse. He instead, went to the airport in Chitina as it was 22 miles closer than his cultivation facility. There, he departed in his airplane once it was loaded for Fairbanks, AK. in order to keep as close as possible to his original and planned schedule of departure and arrival times. While en route, he contacted Sherry with Chena Cannabis and informed her of the issue and the fact he would need a ride once he arrived at Bradley Field. She arrived and transported him along with the product to Chena Cannabis for the scheduled delivery. Once that was completed, he went to Grass Station 49 for the other scheduled delivery.

This change was noted within the "notes" section of the AMCO Marijuana Transportation Manifest which sets forth "details for extenuating circumstances (e.g., road closures, flat tire, etc.) This list is not exhaustive but merely illustrative of types of extenuating circumstances that could be encountered while en route. Reflected in both Mr. Fejes and the retail store's travel manifests this is set forth: "Truck issues switched N766P CXL to Bradley local car." See Ex. 1.

During the investigation phase of this matter, the assigned investigator went to the local retail stores where deliveries had occurred. During this time, not once was there a request to review or copy their travel manifests which clearly documented this extenuating circumstance within the "notes" section. This, despite the fact that both individual retailers indicated what had happened and offered to show them the travel manifest with notes reflecting same. It is believed, had the investigator assigned reviewed this, it would have mitigated any wrong doing on the part of Mr. Fejes. Both of Mr. Fejes's manifests and the retail store manifests indicate the same information. This was not investigated.

Mr. Fejes believed he was doing the correct thing, acting properly and responsibly. Despite being licensed through METRC and having reviewed all the training materials consistent and applicable to his cultivation facility, there is nowhere within the training documentation any information on how to fix and/or correct what occurred with Mr. Fejes during his travels to Fairbanks. The videos are not Alaska specific and made for general application use only. They do not cover all situations and certainly not the type of issue experienced by Mr. Fejes. Cell coverage was not available either at this location at the time of occurrence due to its remote and geographic location.

This issue has arisen based on lack of guidance and training available as to transportation travel manifests dealing with vehicle breakdowns etc. This situation could have been remedied and rectified quickly and responsibly with clear communications from AMCO through its investigator, METRC and the licensee named above.

B. Manifest 93103 is the corrected manifest. On manifest 93104, there are actually two corrections. The first being the time of departure. It should have read 12:26 a.m. instead of 5:26 a.m. The second error should reflect the approximate time of arrival on 8/10/17 as opposed to 8/9/17.

These were accidental input errors on the part of Mr. Fejes as each time one goes back in to METRC to make changes, the times and dates change within the system automatically. Mr. Fejes did not catch this at that time. He has since become aware of this and it will not occur again.

C. Lastly, the vehicle used on 7/15, 7/17, and 8/4/2017 is owned by Mr. Fejes, Sr. Mr. Fejes Jr. was the operator of the vehicle during the times in question. He was unaware it was not currently registered at the time as it had recently expired. However, the vehicle was fully insured and operated by a licensed driver. In reviewing the applicable regulations as cited by the investigating officer, there is no requirement set forth under 3 AAC 306.750 that the vehicle be currently registered. While this was a mere oversight and not the intent of Mr. Fejes, Jr., the vehicle as set forth above was insured and operated by a licensed driver.

Mr. Fejes, Sr, had simply forgotten to register his vehicle once the license registration had expired. This is not a criminal violation, but a mere infraction under Alaska law. The problem has since been rectified. At all times, however, compliance with METRC and travel manifest were made. All information was input as required including license plate information. It does not ask if the registration is current or not.

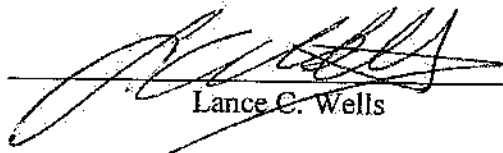
In conclusion, it is respectfully requested, that the above violations, not be found, no fine(s) imposed but utilized as a warning, learning tool and held in abeyance within Mr. Fejes' cultivation file. Mr. Fejes, has not, nor would he do anything willful or intentional, to violate any rules set forth within this marijuana industry by the State of Alaska as codified in 3 AAC 306 or other Alaska statutes.

Lastly, Mr. Fejes requests to appear before the Marijuana Control Board and be heard regarding the above violations.

Thank you for your time and attention to this matter. We look forward to working with you in building this marijuana industry.

Sincerely Yours,

LAW OFFICES OF LANCE C. WELLS, LLC.  
Attorneys for James Fejes, Jr.  
d/b/a Flying High Investments, LLC.



Lance C. Wells

cc: James Fejes, Jr.  
Flying high Investments, LLC.



**ALCOHOL & MARIJUANA CONTROL OFFICE**  
**MARIJUANA TRANSPORTATION MANIFEST**

All sales transactions are to be completed prior to transportation of any MARIJUANA. The receiving entity may reject product delivered, but amount delivered must be limited to amount agreed upon in prior sales transaction

<b>Manifest #:</b>	0000093809	<b>Date Created:</b>	8/12/2017 10:07 AM
<b>Originating Entity:</b>	FLYING HIGH INVESTMENTS LLC	<b>For Agency Use Only</b>	
<b>Originating License Number:</b>	4a-10268		
<b>Address of Originating Entity:</b>	14.7ml mcCarthy rd Chitina, AK		
<b>Phone No. of Originating Entity:</b>	9079470164		
<b>Contact Phone No. for Inquiries:</b>	9079470164		
<b>Destination # 1:</b>	GRASS STATION 49	<b>Destination Phone No.:</b>	9074690398
<b>Destination License Number:</b>	3a-10869	<b>Date and Approximate Time of Departure:</b>	8/12/2017 10:56 AM
<b>Address of Destination:</b>	1326 Cushman St. Fairbanks, AK	<b>Actual Date/Time of Departure:</b>	
		<b>Date and Approximate Time of Arrival:</b>	8/12/2017 3:56 PM
		<b>Actual Date/Time of Arrival:</b>	
		<b>Date/Time Received:</b>	
<b>Route to be Traveled:</b>	<p>Chitina Alaska 99566 Follow AK-10 to AK-4 N 40 min (33.4 mi) Follow AK-4 N and AK-2 W to Airport Way in Fairbanks 4 h 36 min (276 mi) Follow Airport Way to Cushman St 1 min (0.4 mi) 1326 Cushman St Fairbanks, AK 99701</p>		
		<p><b>Notes:</b> details for extenuating circumstances (e.g., road closure, flat tire, etc.)</p> <p>Truck issues Switched to N76,96P CXL to Bradley Local car</p>	
<b>Package Label</b>	<b>Harvest Name</b>	<b>Item Name</b>	<b>Weight/Quantity</b>
1A4020300001EDD000000072	NLBB	Northern Lights X Big Bud (Bud/Flower)	Shp: 454.0000 g
1A4020300001EDD000000073	NLBB	Northern Lights X Big Bud (Bud/Flower)	Shp: 454.0000 g
1A4020300001EDD000000074	NLBB	Northern Lights X Big Bud (Bud/Flower)	Shp: 454.0000 g
1A4020300001EDD000000069	NLBB	Northern Lights Trim (Leaf/Trim)	Shp: 454.0000 g
1A4020300001EDD000000070	NLBB	Northern Lights Trim (Leaf/Trim)	Shp: 319.0000 g
1A4020300001EDD000000071	Rockstar	Rockstar Trim (Leaf/Trim)	Shp: 197.0000 g
<b>PRODUCT REJECTION (if only a portion of shipment is rejected, circle that portion above)</b>			
<b>Name of Person Receiving or Rejecting Product:</b>			
I confirm that the contents of this shipment match weight records entered above, and I agree to take custody of those portions of this shipment not circled above. Those portions circled were returned to the individual delivering this shipment.			
<b>Signature:</b>			<b>Date:</b> 8-12-17
<b>Signature of Individual taking receipt of rejected portion of this shipment:</b>			
<b>Name of Person Transporting:</b>	James Fejes	<b>Handler Permit No. of Driver:</b>	10640
<b>State Driver's License No.:</b>	8544530	<b>Signature of Person Transporting:</b>	
<b>Make, Model, License Plate No.:</b>	Chevy silverado gea910		

EXHIBIT 1



**ALCOHOL & MARIJUANA CONTROL OFFICE  
MARIJUANA TRANSPORTATION MANIFEST**

All sales transactions are to be completed prior to transportation of any MARIJUANA. The receiving entity may reject product delivered, but amount delivered must be limited to amount agreed upon in prior sales transaction

<b>Manifest #:</b>	0000093808	<b>Date Created:</b>	8/12/2017 9:55 AM
<b>Originating Entity:</b>	FLYING HIGH INVESTMENTS LLC	<b>For Agency Use Only</b>	
<b>Originating License Number:</b>	4a-10268		
<b>Address of Originating Entity:</b>	14.7mi mcCarthy rd. Chitina, AK		
<b>Phone No. of Originating Entity:</b>	9079470164		
<b>Contact Phone No. for Inquiries:</b>		9079470164	
<b>Destination # 1:</b>	CHENA CANNABIS	<b>Destination Phone No.:</b>	9076870763
<b>Destination License Number:</b>	3a-11000	<b>Date and Approximate Time of Departure:</b>	8/12/2017 10:33 AM
<b>Address of Destination:</b>	1725 Richardson Highway Suite 101 North Pole, AK	<b>Actual Date/Time of Departure:</b>	
		<b>Date and Approximate Time of Arrival:</b>	8/12/2017 3:33 PM
		<b>Actual Date/Time of Arrival:</b>	
		<b>Date/Time Received:</b>	
<b>Route to be Traveled:</b>		<b>Notes: details for extenuating circumstances (e.g., road closure, flat tire, etc.)</b>	
Chitina Alaska 99566 Follow AK-10 to AK-4 N 40 min (33.4 mi) Follow AK-4 N and AK-2 W to Davison St in Fairbanks North Star 4 h 30 min (270 mi) Take Frontage Rd and El Paso St to your destination 5 min (1.2 mi) 1725 Richardson Hwy North Pole, AK 99705		Truck issues Switched 178960 CXG to Bradley Local court	
<b>Package Label</b>	<b>Harvest Name</b>	<b>Item Name</b>	<b>Weight/Quantity</b>
1A4020300001EDD000000067	Strawberry Kush	Strawberry Kush (Bud/Flower)	Shp: 121.0000 g
1A4020300001EDD000000068	Pineapple EXpress	Pineapple EXpress bud (Bud/Flower)	Shp: 110.0000 g
1A4020300001EDD000000075	Rockstar	Rockstar Flower (Bud/Flower)	Shp: 94.0000 g
<b>PRODUCT REJECTION (if only a portion of shipment is rejected, circle that portion above)</b>			
<b>Name of Person Receiving or Rejecting Product:</b>			
I confirm that the contents of this shipment match weight records entered above, and I agree to take custody of those portions of this shipment <i>not</i> circled above. Those portions circled were returned to the individual delivering this shipment.			
<b>Signature:</b>		<b>Date:</b>	8-12-17
<b>Signature of individual taking receipt of rejected portion of this shipment:</b>			
<b>Name of Person Transporting:</b>	James Fejes	<b>Handler Permit No. of Driver:</b>	10640
<b>State Driver's License No.:</b>	6544530	<b>Signature of Person Transporting:</b>	
<b>Make, Model, License Plate No.:</b>	Chevy silverado gea910		

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EXHIBIT  
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