



Alcohol & Marijuana Control Office  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

Date: 3-28-17  
Case Number: AB17-0130  
Page 1 of 1 Page

## Notice of Violation

(3AAC 306.805)

Licensee	License Number	Type of License
AlaskaSense, LLC.	10236	Retail Marijuana Store
D.B.A. AlaskaSense, LLC. 521 W. Tudor Road	How Delivered VIA USPS 7013 2250 0000 9617 5194	Law Enforcement Agency Anchorage Police Department
Street or P.O. Box 3600 Oregon Drive	City, State Anchorage, AK	Zip 99517

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.**

After reviewing social media, Face Book, it was observed that Alaskasense, aka Cannabaska was advertising a free \$19.00 marijuana cigarette with every purchase of a \$100.00. Upon reviewing your receipts, you did give out three marijuana cigarettes free. This is a violation.

**Your attention is referred to 3AAC306.310: Acts prohibited at retail marijuana store**

**You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office  
ATTN: Enforcement Unit  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501

### A Response is Required

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 shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By:
Filed By:	Title: Investigator III

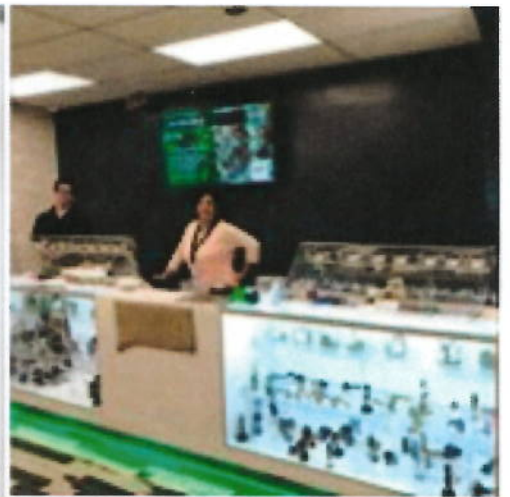


**Cannabaska** added 4 new photos.

30 mins · 🌐

👍 Like Page

Come see us today for our one week anniversary!! If you spend at least 100 \$ worth of product, get a preroll at 19\$ for free or a 20\$ pipe for free!!!



👍❤️ 6

👍 Like

💬 Comment

➦ Share





**Cannabaska**

3 hrs · 🌐

👍 Like Page

Today we are celebrating our ONE WEEK ANNIVERSARY!!!  
Just as a reminder: we will be offering a free pre-roll or glass pipe (up to \$20 value) with any flower purchase of \$100 or more. WHILE SUPPLIES LAST!

As always, we're located @ 521 W. Tudor Rd. Anchorage. Open 10AM-8PM.... See More



4

1 Share



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Alcohol & Marijuana Control Office  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

Date: 3-16-17  
Case Number: 17-0118  
Page 1 of 1 Page

## Notice of Violation

(3AAC 306.805)

Licensee	License Number	Type of License
RCFC, LLC.	10005	Standard Marijuana Cultivation Facility
D.B.A. Rosie Creek Farm 2659 Livingston Loop	How Delivered Certified USPS 7013 2250 0000 9617 5156	Law Enforcement Agency  Alaska State Troopers
Street or P.O. Box P.O. Box 181	City, State Ester, AK	Zip 99725

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.**

On 3-16-17 a review of METRC manifests noted that you allowed Einstein Labs, a product manufacturing lab facility, to pick up product and transport it back to Einstein Labs in Anchorage on 3-12-17. This type of transport is prohibited.

**Your attention is directed to 3AAC306.750: Transportation, specifically (a)(1)**

**You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office  
ATTN: Enforcement Unit  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501

### A Response is Required

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Receipt:	Violation Observed By: FRH0
Filed By: F.R. Hamilton	Title: Investigator III





Jana D. Weltzin  
Licensed in Alaska & Arizona  
3003 Minnesota Blvd., Suite 201  
Anchorage, Alaska 99501  
Phone 630-913-1113  
Main Office 907-231-3750  
JDW, LLC  
jana@jdwcounsel.com

March 29, 2017

*Sent Via Electronic Mail & Hand-Delivered*

RE: Response to RCFC, LLC License No. 10005 NOV dated 3/16/2017 ~ Received by Licensee on 3/20/2017

Dear Marijuana Control Board:

I am writing you on behalf of my client RCFC, LLC, license number 10005 in response to violation case number 17-0118. The brief summary of the situation that prompted the violation is as follows: On March 12, 2017 a licensee of Einstein Labs (license number 10510) came from Anchorage to RCFC, LLC facility and picked up 1726 grams of marijuana trim and transported the same directly back to Einstein Labs' manufacturing licensed premises in Anchorage.

On March 20, 2017, RCFC, LLC designated licensee, Mike Emers, received NOV case number 17-0118 stating the following allegation violated 3 AAC 306.750(a)(1):

On 3-16-2017 a review of METRC manifests noted that you allowed Einstein Labs, a product manufacturing lab facility, to pick up product and transport it back to Einstein Labs in Anchorage on 3-12-2017. This type of transport is prohibited. **Your attention is directed to 3 AAC 306.750: Transportation, specifically (a)(1).**

See NOV dated 3/16/2017 (emphasis in the original). 3 AAC 306.750(a)(1) provides:

3 AAC 306.750. Transportation. (a) a marijuana establishment shall transport marijuana as follows: (1) a marijuana cultivation facility may transport marijuana to another marijuana cultivation facility, a marijuana product manufacturing facility, a marijuana testing facility, or a retail marijuana retail store.

RCFC did not transport marijuana to any entity – the cited regulatory provision only addresses whom a cultivator can transport to. Subsection (a)(1) only states whom a cultivator can transport to, it does not address what type of licensee can pick up from a cultivation licensee. Subsections (b) – (f) of the same provision discusses the responsibilities of the originator of the marijuana (in this specific situation RCFC) and Mr. Emers complied with all the obligation set forth in subsection (b) – (f) – a trip manifest was properly prepared, preparation and packaging met regulation standards, Mr. Emers verified that the person doing transport had a valid handler card, and the transaction was properly recorded in Metrc.





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3003 Minnesota Blvd., Suite 201  
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Phone 630-913-1113  
Main Office 907-231-3750  
JDW, LLC  
jana@jdwcounsel.com

Moreover, the interpretation that a marijuana product manufacturer may not transport the marijuana trim it purchased for its own business operations is faulty in and of itself. The definition of a marijuana product manufacturing facility in the regulations refers to AS 17.38.900(14) to define a manufacturing facility, which states:

(14) “marijuana product manufacturing facility” means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers;

Alaska Stat. Ann. § 17.38.900 (West)(emphasis added). The interpretation by AMCO enforcement is that a registered licensed entity, who is entitled to purchase marijuana trim, may not legally transport the same and requires that a manufacturing company must entrust a third party (who has not had background checks nor may be even employed by the manufacturing company) to handle and transport its property to its facility. At the February, 2017 MCB meeting, the board made clear to the public that it did not agree with this policy and voted to adopt regulations to be put out for public comment that specifically allow for licensee to licensee transport. Mr. Emers listened to the whole MCB meeting as well as many other licensees. It was clearly indicated that licensee to licensee transport should not be prohibited.

Accordingly, we request this NOV case number 17-0118 be dismissed and removed from RCFC’s record entirely.

Sincerely,

Jana D. Weltzin





Alcohol & Marijuana Control Office  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

Date: 3-16-17  
Case Number: 17-0117  
Page 1 of 1 Page

## Notice of Violation

(3AAC 306.805)

Licensee <b>Einstein Enterprises, Inc.</b>	License Number <b>10082</b>	Type of License <b>Marijuana Product Manufacturing Facility</b>
D.B.A. <b>Einstein Labs</b>	How Delivered <b>Certified USPS</b> <b>7013 2250 0000 9617 5149</b>	Law Enforcement Agency <b>Anchorage Police Department</b>
Street or P.O. Box <b>18621 N. Lowrie Loop</b>	City, State <b>Eagle River, AK</b>	Zip <b>99577-2690</b>

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.**

On 3-15-17, Justin Roland of Einstein Labs telephoned AMCO to advise he was going to Rosie Creek Farm on 3-16-17 to purchase product and that there would be a large amount of waste logged in METRC from the way the sale was structured. Roland intended on picking up the product and transporting it back to his facility. This type of transport is not permitted by a marijuana product manufacturing facility. Further review of METRC manifests noted that you completed that same type of unauthorized transport from Rosie Creek Farm on 3-12-15 and Fuzzy Budz on 2-11-17, 2-27-17 and 3-8-17, both cultivation facilities.

**Your attention is directed to 3AAC306.750: Transportation, specifically (a)(2) which reads; a marijuana product manufacturing facility may transport a marijuana product to another marijuana product manufacturing facility, a marijuana test facility, or a marijuana retail store.**

**You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office  
ATTN: Enforcement Unit  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501

### A Response is Required

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Receipt:	Violation Observed By: FRH0
Filed By: F.R. Hamilton	Title: Investigator III





Alcohol & Marijuana Control Office  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

Date: 3-16-17  
Case Number: 17-0119  
Page 1 of 1 Page

## Notice of Violation

(3AAC 306.805)

Licensee <b>ADGLD, LLC</b>	License Number <b>10293</b>	Type of License <b>Standard Marijuana Cultivation Facility</b>
D.B.A. <b>AK Fuzzy Budz</b> <b>2612 Eagle Street</b>	How Delivered <b>Certified USPS</b> <b>7013 2250 0000 9617 5163</b>	Law Enforcement Agency <b>Anchorage Police Department</b>
Street or P.O. Box <b>407 E. Northern Lights Blvd</b>	City, State <b>Anchorage, AK</b>	Zip <b>99503</b>

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.**

On 3-16-17 a review of METRC manifests noted that you allowed Einstein Labs, a product manufacturing lab facility, to pick up product and transport it back to Einstein Labs in Anchorage on 2-11-17, 2-27-17 and 3-8-17. This type of transport is prohibited.

**Your attention is directed to 3AAC306.750: Transportation, specifically (a)(1)**

**You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office  
ATTN: Enforcement Unit  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501

### A Response is Required

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 shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: FRH0
Filed By: F.R. Hamilton	Title: Investigator III

Date: 3/21/17  
Case Number: 17-0119  
License: 10293

**AK FUZZY BUDZ (10293)**

AKGLD, LLC has re-reviewed 3AAC306.750 in regards to which license type can pick up/transport marijuana products to which license and apologize we did not catch that before violating the regulation. We should not have gone off another licensee stating it's allowed and will review the regulations first hand before pursuing similar things with other licensees.

**In Review:**

Our cultivation license can transport marijuana to another marijuana cultivation facility, marijuana product manufacturing facility, a marijuana testing facility, and retail marijuana stores.

A Marijuana product manufacturing facility may transport to another product manufacturing facility, testing facility or retail store, but not a cultivation facility.

Licensee: James Millhouse

Signature: \_\_\_\_\_



Alcoholic & Marijuana Control Office  
550 W. 7<sup>th</sup> AVE, SUITE 1600  
Anchorage, AK 99501

Date: 13-8-17  
Number AB17-00110  
Page 1 of 1

## Notice of Violation

(3AAC 306.805)

Licensee <b>Branden M Roybal</b>	License Number <b>10592</b>	Type of License <b>Standard Marijuana Cultivation</b>
D.B.A. <b>Alaska Cannabis Cultivators</b>	How Delivered [ ] Certified Mail # On-File [ x ] Via Email	Law Enforcement Agency <b>Alaska State Troopers</b>
Street or P.O. Box <b>PO Box 82427</b>	City, State <b>Fairbanks, AK</b>	Zip <b>99708</b>

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.**

**VIOLATION:** According to METRC Manifest records, on February 13, 2017, you provided samples to Mark Malagodi from CannTest Testing Facility License #10009 in order for him to transport them to his facility in Anchorage, AK.

**Your attention is directed to 3 AAC 306.750(a)(1)&(2) Transportation**

**You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a recurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Marijuana License Number in your response.**

Alcohol and Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Ave. Suite 1600  
Anchorage, Alaska 99501

### A Response is Required

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: <b>Amanda Stonecipher</b>
Filed By: Investigator <b>Amanda Stonecipher</b>	Title: <b>Investigator III</b>



March 10, 2017

Branden Roybal  
D.B.A. Alaska Cannabis Cultivators  
P.O. Box 82427  
Fairbanks, AK 99708

Alcohol & Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Avenue Suite 1600  
Anchorage, AK 99501

RE: License # 10592

To whom it may Concern,

On February 13, 2017 Mark Malagodi transported samples from my facility to his. I read through article 306 statutes before the transport and thought we were in compliance. I called Investigator Stonecipher for clarification before the event, she did not answer so I left a voice mail to call me back. I then called Brandon Emmett for help on the matter. Mr. Emmett respectfully declined to answer my questions because of his position on the AMCO board. The Transfer in Violation was my first transfer and I felt I had done my due diligence to be in compliance. Two days after the transfer I was contacted by Investigator Stonecipher regarding my voice mail, she informed me that Mark was not able to make the transfers, gave me a verbal warning not to repeat the offence. The next transfer of samples to CannTest I transported myself as not to repeat the offence. CannTest has now completed an agreement with a separate company, TransCannLogistics to make the transfers. I was in no way deliberate in violating the rules and have corrected my operating plan to be in compliance.



Branden Roybal

Alcoholic & Marijuana Control Office  
550 W. 7<sup>th</sup> AVE, SUITE 1600  
Anchorage, AK 99501

Date: 13-8-17  
Number AB17-00110  
Page 1 of 1

## Notice of Violation

(3AAC 306.805)

Licensee <b>CannTest, LLC</b>	License Number <b>10009</b>	Type of License <b>Marijuana Testing Facility</b>
D.B.A. <b>CannTest, LLC</b>	How Delivered [ ] Certified Mail # On-File [ x ] Via Email	Law Enforcement Agency <b>Alaska State Troopers</b>
Street or P.O. Box <b>620 E Whitney Road Ste. B</b>	City, State <b>Anchorage, AK</b>	Zip <b>99501</b>

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.**

**VIOLATION:** According to METRC Manifest records, on February 13, 2017, you picked up marijuana samples from Branden Roybal at Alaska Cannabis Cultivators, License #10592, in Fairbanks, AK, in order to transport them to your facility in Anchorage, AK.

**Your attention is directed to 3 AAC 306.750(a)(1)&(2) Transportation**

**You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Marijuana License Number in your response.**

Alcohol and Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Ave. Suite 1600  
Anchorage, Alaska 99501

### A Response is Required

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Receipt:	Violation Observed By: <b>Amanda Stonecipher</b>
Filed By: Investigator <b>Amanda Stonecipher</b>	Title: <b>Investigator III</b>



620 E Whitney Road, Suite B  
Anchorage, AK 99501  
Phone: 907-258-6878



March 10, 2017

Sara Chambers, Acting Director  
Alcohol & Marijuana Control Office  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

RE: CannTest Notice of Violation License #: 10009

In response to Notice of Violation AB17=00110 for CannTest #10009, I am very surprised to be receiving this notice. I explained at the AMCO office on 2/21/17 why I believe I acted fully within the regulations when I transported samples from Fairbanks to the CannTest facility on 2/13/17, but I will reiterate my explanation in this response. It had been CannTest's plan from the start to transport samples from cultivators and producers back to the testing lab. This plan was discussed at early Control Board meetings, and my operational plan which included this type of transport was approved by the Board. Therefore when I travelled to Fairbanks on 2/13 I had no idea that this would be considered against regulations. I travelled to the first location, picked up the samples, then travelled to the second location. When I arrived at the second location the owner told me he had been informed by James Hoelscher that this would not be allowed. I tried to call Mr. Hoelscher but was told he was gone for the day. I talked to Joe Hamilton who conferred with Sarah Oates, and he told me that it was not against regulations for me to transport the samples. Since it is my understanding that Sarah Oates was involved in the writing of the regulations I believed her opinion to be valid. The second cultivator did not want to risk the ambiguity of the situation, so he said he would fly down to my facility at a later date. By that time it was after 5:00pm and I had to fly out at 6:00pm so I had little choice but to transport the samples from the first cultivator back to the CannTest facility. The next day I called to arrange a meeting to discuss the conflicting information I received on sample transport. At the meeting on 2/21/17 I was surprised to hear that a ruling had been made that the regulations had been interpreted to prevent a testing facility from transporting from a cultivator to the facility. I still believe this was not the intent of the Board. However given the ruling I have now contracted with a transportation company that is not affiliated with CannTest to transport samples from cultivators and producers to CannTest. If the proposed regulations pass, and I am told that they allow an owner of a testing lab to transport, then I will go back to transporting myself. I hope this clarifies my actions.

Sincerely,  
Mark Malagodi, Ph.D  
CEO, CannTest, LLC





Alcohol & Marijuana Control Office  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

Date: 2-23-17  
Case Number: AB 17-0089  
Page 1 of 1 Page

## Notice of Violation

(3AAC 306.805)

Licensee	License Number	Type of License
John Collette	10489	Limited Marijuana Cultivation
D.B.A.	How Delivered	Law Enforcement Agency
Ester Horticulture & Research	Via email to <a href="mailto:gnordic@acsalaska.net">gnordic@acsalaska.net</a>	Alaska State Troopers
Street or P.O. Box	City, State	Zip
2960 Ester Dome Road	Fairbanks, AK	99709

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.

**VIOLATION:** During your initial inspection on February 15, 2017 it was discovered there were 33 flowering plants approximately 4-5 feet tall in your facility. According to licensing records, you did not receive Fire Marshal Approval until 1-25-17, your Marijuana Handler's Permit until 2-1-17, and credentialed into METRC until 2-2-17. METRC shows once you were credentialed into the system on 2-2-17, you backdated the plants and entered them in flowering stage on 1-18-17; skipping the clone/seed and vegetative stages in the system.

**Your Attention is directed to: 3 AAC 306.400 Marijuana cultivation facility license required; 3 AAC 306.425 Marijuana Handler Permit required; 3 AAC 306.730 Marijuana inventory tracking system.**

**You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office  
ATTN: Enforcement Unit  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501

### A Response is Required

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Receipt:	Violation Observed By: Amanda Stonecipher
Filed By: Amanda Stonecipher	Title: Investigator III

John Collette  
3221 Ester Dome Road  
Fairbanks, AK 99709  
907-479-0706  
[gnordic@acsalaska.net](mailto:gnordic@acsalaska.net)  
Lic. No. 10489

Defense for AMCO violation case number AB17-0089 of Feb. 23, 2017

**This Communication is Confidential and should, under no circumstances be made public. Many of the issues discussed are in litigation in Superior Court.**

Director and Board:

While this is a definitive defense for the alleged acts contained in the Notice of Violation, I first address the recent threat to the emerging Alaska Marijuana industry by the Trump administration's recent announcement of its intent to enforce federal law over those states with recreational marijuana.

Our Alaska Attorney General Jahna Lindemuth publically opined: "The Feds couldn't overturn the state's pot laws." Based on my intimate familiarity with how the Feds do things, Lindemuth is living in a bubble. If AG Sessions choses to move against Alaska's new industry it won't be done with a genteel legal attack on Constitutional grounds.

Fed behavior is to invoke the Supremacy Clause and start hauling people off to jail, while filing civil forfeiture actions against property. If Sessions moves against the new industry, I will be among the first arrested and my property will be, once more, taken by civil forfeiture.

Of the Notice of Violation, I invoke a necessity defense. After having learned on January 5<sup>th</sup> the State Fire Marshal's office had somehow mislaid my application mailed to them on October 12<sup>th</sup>, I was faced with one more interminable delay in getting plants planted.

The plants were the result of over two years of work in selecting strains, learning their growth characteristics and crafting a planting and harvesting schedule. The schedule was of overwhelming importance due to many forced delays and many unexpected costs associated with creating a new growing environment and setting up a business. In case the new Director and the MCB has failed to understand by now, the fundamentals of the new industry, **TIMING IS EVERYTHING!** The grower must grow three generations of plants ahead simultaneously. Getting timing precisely right is the difference between success and failure.





I was faced with having the carefully tended first crop either planted or destroyed. To destroy the plants meant a very long delay to first revenue: Awaiting newly cloned plants to reach a suitable size meant pushing the boundaries of bankruptcy. The delay meant at least another two months to first revenue. This follows the attempt to recover from the doubling, (at least) of the projected cost of the new enterprise. Much of the costs were unforeseeable.

As it turned out, the timing for the crucial piece of the regulatory chain, the necessary Fire Marshal premises review was also unforeseeable.

After numerous phone calls with the Fire Marshal's office, talking with Jessica Reed, and finding that AMCO had provided the Fire Marshal will electronic copies of the pertinent pages of the premises application, Jessica informed me her office does no printing; everything must be submitted on paper. This application package was done over two days work, taken to the post office and sent to the DPS office on Tudor Road. The address included a bold "Attention Jessica Reed."

Jessica was then undergoing a name change from Faulkner to Reed. On Nov. 14<sup>th</sup>, her e-mail name was Faulkner and by January it was Reed.

I talked with Jessica Faulkner/Reed in early late October, and was informed I needed an access review from the local fire station. I contacted the local fire chief and he wrote me an e-mail stating he had no access issues. That was forwarded to Jessica on Nov. 14. See below.



Jessica,

Here is the Access Review by the local fire department to add to my package.

Long expecting a final action from the Fire Marshal, I was more than perplexed to receive her next e-mail of Jan. 9<sup>th</sup>.





**RE: DEC & Fire Notification-Ester Horticulture and Research # 10489**

Reed, Jessica R (DPS)

Sent: Monday, January 9, 2017 at 2:43 PM

To: john.collette

Cc: Parks, Diana C (DPS)

From: "Reed, Jessica R (DPS)" <jessica.reed@alaska.gov>

Date: Thu, 5 Jan 2017 22:09:30 +0000

To: john.collette <gnordic@acsalaska.net>

Cc: "Parks, Diana C (DPS)" <diana.parks@alaska.gov>, "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>

Subject: RE: DEC & Fire Notification-Ester Horticulture and Research # 10489

John -

We have not yet received a submittal from you regarding your proposed marijuana establishment. Please provide an update as to when we should be receiving your submittal.

Take care.

Jessica Reed (Faulkner)

Office Assistant II

Plan Review Bureau

p. 907.269.2004

f. 907.269.0098

This was a bolt out of the blue. My response follows:

**From:** john.collette [mailto:gnordic@acsalaska.net] **Sent:** Sunday, January 08, 2017 1:37 PM **To:** Reed, Jessica R (DPS) **Subject:** Re: DEC & Fire Notification-Ester Horticulture and Research # 10489

Jessica,

I've dredged through my records, mental and electronic, and came up with the following chain of events concerning my application.

Via telephone, in October, you told me I had to file a paper application for plan review. I printed everything forwarded to you from AMCO, filled out the forms, and sent them to your office, to your Tudor Road address. I included on the address "Attention Jessica Reed."

You informed me I needed an access review from the local fire department. The letter is included above in case I failed to forward it to you. (I asked the fire chief to copy you, and don't know whether he did.)

However, I have not received a letter from you assigning a plan review number.

It is pretty late in the game to be put on hold as everything else in this elaborate scheme is painfully coming together. Let me know how to proceed.

Regards,

John Collette

Ester Horticulture and Research

907-479-0706



Jessica next informed me that her department head, Diana Parks, would be in Fairbanks the next morning and I could submit another application to her. I instantly went to work, recreating the thirty-page October effort, met Diana at the DPS office in Fairbanks and personally handed it to her.

In conversation with Parks I learned Jessica had failed to inform me that the application must include much greater detail than originally required. The next six hours were spent at the computer with the added details sent the following day, January 11<sup>th</sup>. On January 20<sup>th</sup> Jessica e-mailed that my review was 9<sup>th</sup> in line for review.

The heart of anything horticulture is always the plant. In this case, my plants were overgrown, root bound, and had been trimmed back from growing too tall at least six times. The plants were at their limit; based on the inescapable fact that marijuana plants with great complexity (due to repeated pruning) leads to a low quality product with vastly increased labor and expense. I finally was forced to plant on January 18<sup>th</sup>. The Fire Marshal review was finally completed January 25<sup>th</sup>. On January 28<sup>th</sup> AMCO moved my license to active status. (At least the AMCO staff was prompt.)

At that stage, the plants had been planted for ten days. To prevent overgrowth, a short day cycle was set only five days after planting. By the time the Investigator saw the plants on February 15<sup>th</sup>, the plants, naturally, were in the flowering cycle.

My timeline for planting was based on two precursors: My timely application for Fire Marshal plan review of Oct. 12<sup>th</sup> and the Board awarding my grow license at their early November meeting. I fully expected to plant with proper METRC registration, on or about the first week of December. That turned out to be a pipe dream.

The long January medical leave of the Fairbanks AMCO investigator added further complication and time. Investigator Amanda Stonecipher was unavailable to issue my handler's license until her return from medical leave on February 1<sup>st</sup>. She informed me she would then be in Anchorage the following week for METRC training, setting back the initial inspection to February 15<sup>th</sup>.

I was forced to delay planting until January 18, 2017, the latest date to expect a quality yield. The plants cannot be put on hold for long: "Sorry girls, you must stop growing for x number of months." Had I waited for the last regulatory issues to be resolved, the Investigator's return, and METRC tags delivered, the earliest planting date would have been pushed to February 7- 10, with more than two months added to the expected schedule.

My central question is: How did the Fire Marshal's office manage to lose a properly addressed mailing of a large envelope with "Attention" to the very person I'd been talking to? And: Why did the Fire Marshal's office fail to inform me of the missing application until January?





The issue of postal performance was a central issue in a civil case brought by me against the Federal government over the forfeiture of everything my family owned. After a long day of testimony from four postal officials about whether I'd been properly noticed in the many forfeitures, the answer was clear. The Court and I were duly impressed with the accuracy of our mail system. We've been delivering mail for a long time.

In all likelihood, my mailed Fire Marshal application made it to its intended place. If it had been undeliverable it would have been returned to me. It wasn't.

The question I've been trained to ask is whether the serious delay imposed on me was innocent or nefarious?

Weighing on the side of innocence is that the Fire Marshal's plan review office is undergoing major changes. Dept. head Diana Parks is facing forced retirement in June, while the staff is undergoing reductions and reassignments, as are many offices in our state government. In such conditions errors are more likely.

I cannot discount the delay being deliberate: It won't be the first time I've been dramatically harmed by simple office procedures. 25 years after a federal marijuana prosecution against my family, unfortunately, my name is still widely remembered. My entry into the new industry has, apparently, provided new opportunities for my opponents to cause harm.

Pushbacks and obstructions can come from any direction. Even simple acts by a lowly official may promulgate disaster; those who handle mail in official offices have great sway over whether the right people get the right things at the right time. No area is more sensitive to getting it right than within the legal system.

### Fighting the Feds

In my civil action against the Feds over taking my property unlawfully, (Case No. 3:00-CV-00254, 9<sup>th</sup> Cir. Case No. 05-36110) after eight years of litigation the government was losing badly. After a simple court filing, the Federal clerk of court informed me that the case had been closed. This was news to me. I was still owed hundreds of thousands of dollars.

In recreating the reason why the Judge, Hon. Ralph Beistline, had issued a final order in the case, bringing my long effort to a premature ending, I was forced to dig deeply.

As it turned out, a copy of the final order had not been provided me. The motion by the government requesting the final order also had not been sent.

I instantly raised hell and the government, of course, came up with a docket entry from the clerk of court showing that I'd been properly served.

However, after computer searches and obtaining a password to a system that had been denied me due to my non-lawyer status before the court, I found a second





official court docket. Two sets of books, the official map to the most sensitive and far-reaching legal issues facing our state.

A two-inch by two-inch screen shot of the second docket entry graphically proved the clerk of court had failed to send me, the Plaintiff, a copy of the Court's final order. The Court quickly reversed itself.

The discovery revealed that the clerk of court maintained duplicate, but not exact court dockets. The clerk of court falsified one docket entry showing I'd been copied, but failed to falsify both. This made a prima facie case of collusion between the United States Department of Justice and the Federal clerk of court. The screen shot of the second docket entry was worth \$50,000 per square inch.

Rather than pursuing felony obstruction of justice charges against the clerk and the Assistant US Attorney in question, after much soul searching, I avoided my civic duty and chose to convert the revelation into cash. (Within the parameters of a lawsuit extortion is perfectly legal.) I received compensation far in excess of what I was legitimately due. I still question that choice-- but my family's safety was paramount.

As result of my long legal effort to right the many wrongs committed in the forfeiture of all that my family owned, many people within the federal government, and the others within the Fed's broad sphere in Alaska, might still wince when my name is mentioned. This became apparent during my first attempt to enter the new industry.

(I include a filing from that Federal case your staff attorney may find amusing.)

My Initial Attempt at Joining the New Industry (Also under the category of, "You can't make this stuff up.")

Given my current circumstances, I regret not following the evidence I gathered against my Federal opponents in their desperate attempt to avoid the headline, "Court Says Feds Must Give Collette Hundreds of Thousands of Dollars." At end of the case when I could have pursued criminal charges against a number of federal officials but I chose to set it aside, due to extreme exhaustion. That was in error.

Our first plan in building a new business around a limited grow was well planned, properly executed, with sufficient funds in hand to cover the high costs. The planting date was to be the end of July 2016. This date would have put me near the front of the industry. The plants grown to meet that date have long since been destroyed.

We rented a large aircraft hanger to build a state-of-the-art growing chamber starting in September 2015. We found building inside was comfortable and quick. As the 24 by 40 foot building was nearing completion in mid April of 2016, and after we had cleared two acres of land by hand earlier in April to receive the building, the landlord of the rented hanger took possession of our building, moved it outdoors





and dumped it in the mud and snow. He claimed we had violated the 9-month lease. The Troopers, as expected, viewed it as a civil action.

The land chosen for the new building was near perfect. It was leased from my long-term girlfriend, my brother lived 100 feet away as a close caretaker, and the parcel was properly zoned. But numerous entreaties to the Superior court made it clear the landlord's drastic action was, at least, temporarily, within the scope of Alaska's archaic landlord/tenant laws and we could not expect the building's return anytime soon.

Alaska is alone in not adopting the Uniform Landlord Tenant Act as it applies to commercial leases; giving Alaskan landlords the same rights afforded the landed gentry in England, circa 1650. Alaskan Common Law allows a landlord to unilaterally proclaim possession over a renter's property if a renter fails to pay the rent. If the rent is not paid, the law allows the landlord to sell the property. This archaic system prevented the Court from ordering the building returned to me, although no claim was made that I had breached the lease contract in any way. My sole option was to sue.

The upshot was this: Late in the winter a friend of the landlord's came by the hanger and learned from an employee that the building project was intended to grow pot. The landlord quickly flew back from vacation in Costa Rica and started a two month long campaign of harassment. We lost control over our workspace and our progress dramatically slowed, with the landlord leaving the building unsecured on six different occasions, while I was contractually bound to guarantee the hanger's good condition.

When finally dragged before a Superior Court judge, the landlord told the court when questioned, "I took the building because Collette was going to grow pot." The Judge replied in astonishment, "Nobody cares about pot anymore." That exchange goes the heart of the societal progress we have been charged with advancing.

A court cannot shorten the process of a lawsuit; the many rules must be tediously followed. Knowing we were unable to use our building designed and built for a particular place, meeting all legal and practical criteria, we were forced to look for a new location. By this time it was early June.

A parcel of land close to my home became available and had the proper zoning. The land was the site of my greenhouse business taken from my family in 1992. By paying double its worth, we started the long process addressing the junkheap it had become. When it was seized by the Feds it had 30,000 sq. ft. of productive greenhouses producing 25 tons of greenhouse tomatoes, 8 tons of cucumbers, and 100,000 long stemmed roses. It provided employment for 10 people.

While the lawsuit to reclaim my new building proceeded, (the building itself was sitting in mud in one of the wettest summers on record,) it became clear the landlord, (hereafter the "defendant") intended to advance a defense based on his moral superiority.





Knowing nothing of law, blissfully unaware the marijuana laws had been radically changed, the defendant relied on the court eventually agreeing with his illegal actions due to the Plaintiff, (me) being an, "ongoing danger to the community." Had the defendant prevailed with this ruse, he firmly believed he would also be awarded the ownership of my building, worth about \$50,000.

Not being the sharpest sandwich at the picnic, he needed some help. He found it from someone currently in the federal government. The defendant was given eleven boxes of raw evidence accumulated in the prosecution of my family and me from 1992. The boxes contained 35,000 pieces of paper, through which he poured and excised the nastiest things gathered against us. He reported to the court in a massive filing, that with every discovery of an alleged illegal act from 25 years ago, he followed up with a trooper report against me. The unnamed federal official providing the documents told the defendant, "Collette has been a thorn in our side."

The defendant's stated attempt was to destroy my reputation before the court, as well as to warn society of my ultimate nefariousness. All this, past and present, civil and criminal, emerged from a federal prosecution over my growing 18 marijuana plants.

The current lawsuit will, most probably, go downhill for the defendant, but the whole exercise has caused me massive expense and has long delayed my entry into the new industry. This is a reminder, (as if we needed more,) that the ignorance and prejudices deeply ingrained in our society from 80 years of marijuana prohibition will not be reversed overnight.

### Conclusion

Whether the above trials and tribulations in getting a new business started justified me in planting a few days early, is entirely up to the judgment of the Board. If the Board finds the industry will benefit from making me an example and imposing a large fine, there is, at least, great joy in facing a civil sanction, rather than criminal. We are blessed.

Whether someone within the Fire Marshal's office had erred, innocently or with malice, will probably never be learned. Although more than curious, I will not pursue the issue. Interrogatories and depositions are costly and time consuming, and would be cruel if the only thing they discovered was some person, recognizing my name as being a potential "danger to the community" decided to take matters into their own hands.

I take great pleasure in knowing that I will probably sleep far better tonight than AG Sessions.

Regards,

John Collette

