



MEMORANDUM

TO: Peter Mlynarik, Chair, and Members of the
Marijuana Control Board

DATE: September 14, 2017

FROM: Erika McConnell, Director

RE: Notices of Violation

Between the July board meeting and this one, five NOVs have been issued as summarized below:

- AB17-0349 to Danish Gardens (#10310), a standard cultivation license, for violation of restrictions on odor emissions (3 AAC 306.430(c)(2))

The licensee's lawyer makes unfounded accusations regarding the actions of the Enforcement staff and generally takes a combative tone without a full understanding of the situation. Enforcement staff personally verified the odor emissions multiple times, noting other licenses in the area and wind direction each time they were at the licensed premises. A verbal warning was given to the licensee before an NOV was later issued. Contrast with the response of Great Northern Cannabis.

- AB17-0350 to Great Northern Cannabis (#10747), a standard cultivation license, for violation of restrictions on odor emissions. (3 AAC 306.430(c)(2))
- AB17-0369 to Parallel 64 (#), a standard cultivation license, for failing to tag plants greater than eight inches tall. (3 AAC 306.435(a))
- AB17-0348 to The Stoney Moose (#10873), retail license, for advertising medical benefits for 13 items (3 AAC 306.360(b)(3)).
- AB17-0345 to Weed Dudes (#10220), a retail license, for a sign violation. (3 AAC 306.360(a)).

The licensee ignored the advisory sent to them regarding their sign violation and only fixed the violation once they received an NOV.

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: 8/10/17

License #/Type: 10310/Standard Cultivation

Designated Licensee: Dane Wyrick

AMCO Case#: AB17-0349

DBA: Danish Gardens, LLC

Premises Address: 2430 Cinnabar Loop Anchorage, AK 99517

Mailing Address: 2430 Cinnabar Loop Anchorage, AK 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.

Over the past 30 days AMCO enforcement has responded to at least 3 complaints of the detectable odor of marijuana outside of your premises. Our response confirmed that the odor of marijuana was detectable from outside of your premises.

This is a violation of 3 AAC 306.430(c)(2) Restricted Access Area: "Does not emit an odor that is detectable by the public from outside the marijuana cultivation facility except as allowed by a local government conditional use permit process."

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.

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. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Bankowski

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Email

Date:



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@jdw counsel.com

August 21, 2017

Sent Via Electronic Mail

RE: Response to Notice of Violation Dated August 10, 2017 re: Danish Gardens, Standard
Marijuana Cultivation Facility License No. 10310

Dear AMCO Enforcement:

I am writing on behalf of my client Danish Gardens, a standard cultivation license, number 10310.

Danish Garden's designated licensee, Dane Wyrick, received an NOV case number 17-0349, dated August 10th, 2017, stating the following allegation violated 3 AAC 306.430(c)(2):

Over the past 30 days AMCO enforcement has responded to at least 3 complaints of the detectable odor of marijuana outside of your premises. Our response confirmed that the odor of marijuana was detectable from outside of your premises.

This is a violation of 3 AAC 306.430(c)(2) Restricted Access Area:
"Does not emit an odor that is detectable by the public from outside the marijuana cultivation facility except as allowed by a local government conditional use permit process."

Danish Gardens has implemented a robust odor control system within their cultivation facility which includes commercial grade air intakes, exhaust fans, carbon filtration systems, air scrubber systems and de-ionization systems. The licensees have made every effort to mitigate and prevent marijuana odors from being detectable from outside the cultivation building.

But regardless, this NOV indicates that the smell is detectable outside the license premises. Section 3 AAC 306.430(c)(2) provides that the smell may be allowed to the extent allowed by a local government's conditional use permit. Danish Garden has obtained a Special Land Use Permit from the municipality which provides as a condition to the permit that the smell may not seep over the facility's property line. There seems to be no basis of a violation based on unidentified complaints by unknown persons who do not specify where they noticed the smell – this is a large parcel of property. We do not see anywhere in the NOV that alleges the persons who made the complaints were outside the lines of the property. Enforcement's "response" that confirmed the detectable odor of marijuana also makes clear that the detection seemed to be just outside the facility and not outside the property lines, which is the requirement this particular Anchorage licensee is bound.

Additionally, doesn't a licensee get to face its accuser? When a person makes a complaint that

results in a NOV, that means a threat to the licensee's ability to do business – the complaint is reported to the local assembly, who is then likely to take issue with the NOV at time of renewal, and the control board pulls the license at the time of renewal too. All due to an unnamed person who makes a targeted complaint about smell, who doesn't identify whether they were outside the property lines when they noticed the smell, nor takes into consideration the known black market grow nearby or the licensed grow that is within 100 feet from Danish Gardens? Seems pretty easy to cause real problems real quick for licensees.

At least one other licensed cultivation facility exists in close proximity to Danish Gardens. It has also come to our attention that there may be an *unlicensed* marijuana grow in very close proximity to my client's facility which would, as you know, not be bound by the odor mitigation protocols set forth in 3 AAC 306.430(c)(2) or the municipality's ordinances. How is AMCO Enforcement confident that any detectable marijuana odors are coming from Danish Gardens and not one of the other two aforementioned cultivation facilities?

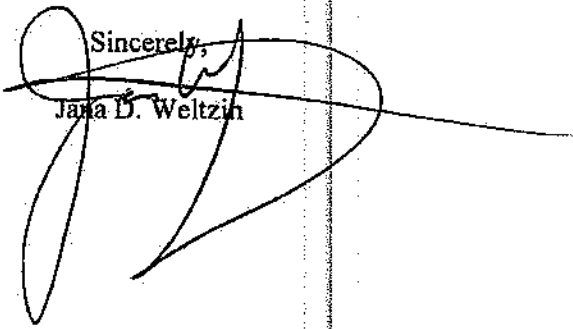
Had my client been notified of the first complaint that is mentioned in the Notice of Violation, perhaps by an Advisory Notice, he could have possibly prevented the issuance of the NOV by determining exactly where the odors were coming from and notifying AMCO Enforcement or taking appropriate measures at his own facility if necessary. This method of notification would be more effective and more efficient for the licensee and the use of the limited resources of the AMCO enforcement team.

My client has no problem taking commercially reasonable corrective actions necessary to further prevent odors from being detectable from outside of their cultivation facility's property lines as required by the municipality of Anchorage. However, we do not believe that AMCO Enforcement did their due diligence in determining just where these odors in question were coming from and we do not agree that unknown and unnamed accusers can willy nilly cause substantial stress and damages to licensees of this new industry. Persons making complaints should be required to give their name and contact information so that Enforcement and the licensees know that a person making a complaint is making a real complaint and not a complaint on the basis that they "just don't think weed should be legal."

In addition to the forgoing, I have attached my client's personal response for your review and consideration.

Sincerely,

Jana D. Weltzin



Jana Weltzin

From: Jana Weltzin
Sent: Monday, August 21, 2017 5:18 PM
To: Jana Weltzin
Subject: FW: AMCO Violation response

From: Dane Wyrick [mailto:mrdane_ak@yahoo.com]
Sent: Monday, August 14, 2017 4:35 PM
To: Jana Weltzin <jana@jdwounsel.com>
Subject: Re: AMCO Violation response

Danish Gardens submitted and had approved by both the State of Alaska Marijuana Control board as well as the Anchorage Assembly a closed loop cultivation system which included an odor remediation plan that spelled out such parameters aimed at reducing and managing the smell of commercial marijuana cultivation.

The air conditioning systems in our facility does not exchange raw air but rather removes heat in a process of removing heat from a refrigerant sealed in its system through a heat exchange unit. These systems do not exchange air nor pathogens containing odor.

After Danish Gardens began cultivating the approved cultivation process, and long after the MOA had approved its odor control plan and submitted plans for mechanical and all other system requirements, the building department decided to revisit the building design plans and thus required further ventilation systems that previously were not required and distributed the closed loop set up of the cultivation facility. These additional systems included air exchange requiring intake and exhaust air into the cultivation areas. The prescribed specification did not require air purification nor carbon filter systems for odor remediation, However Danish Gardens took it upon itself to add commercial grade Carbon Filtration systems to stem any odor escape from the facility.

Danish Gardens installed Five (5) @ 8" air intakes and Five (5) @ 8" air exhaust fan and Carbon Filtration systems, far exceeding the requirements set for by MOA Mechanical Engineering. The cost to purchase and install these systems exceeded \$ 2400.00 Further Danish Gardens installed a 2000 CFM air scrubber systems at a cost of \$ 1900.00 which circulates all of the facility air every 180 minutes and more particularly, the facility odor effected areas every 90 minutes.

Additionally, Danish Gardens installed TWO (2) Agro Air De-ionization systems which remove any and all air born pathogens to include odor. Each of these systems handle approximately 25,000 Cu.Ft of air exchange. The combined cost for these TWO air exchange systems is \$ 7,200.00.

The combined total cost of air filtration systems designed to control odor is \$ 11,500.00.

Within 50 feet of our property line exists at least TWO other Marijuana Cultivation facilities and to my knowledge only one of which is a State AMCO Licensed Facility. I have personally smelled the odor of marijuana at other locations in close proximity to my facility that did not originate from my facility. The Notice of Violation indicated that there had been smell complaints over the past thirty days - why was I not informed sooner? Additionally, I also have knowledge that another nearby (within 50 feet) commercial cultivation facility received numerous smell complaints, on or about Aug 5th - are these complaints grouped into the complaints referenced in the Notice of Violation we just received?

Further, everyday I am able to smell the distinct odor of Hopps permeating from the Midnight Sun Brewing company located 6 blocks from my facility, The distinct smell of Coffee from Kaldi Bros Brewery located approx 1/2 mile from my facility. I can as well smell the distinct odor of human feces permeating from the Recreational Rental Facility directly behind my facility, as they presumably clean there motor home septic systems. I can smell every day the foul odor of welding vapors permeating from at least THREE equipment shops within 1 block of my facility, the smell of baked goods permeating from Carrs Bakery located approx 1/4 miles to my south/west, Chicken from a nearby Kentucky fried chicken location, the foul smell of Fiberglass resin and auto paint from TWO Body Shops within 100' of my property. line. These are only a few examples of odors permeating from businesses in my direct are and are a fraction of the businesses in the anchorage and or State of Alaska that emit odors on a daily based, Unchecked and or seemingly Unregulated in direct defiance of state clean air act. Danish Gardens has taken every effort to remediate odors that may permeate from our facility and will continue to exhaust efforts to further our odor remediation plan.
please advise.

Sincerely Dane A Wyrick
Danish Gardens LLC

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: 8/10/17

License #/Type: 10747/Standard Cultivation

Designated Licensee: Stephen Brashear

AMCO Case#: AB17-0350

DBA: Great Northern Cannabis, Inc

Premises Address: 2341 Cinnabar Loop Anchorage, AK 99507

Mailing Address: 2430 Cinnabar Loop Anchorage, AK 99507

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.

Over the past 30 days AMCO enforcement has responded to at least 3 complaints of the detectable odor of marijuana outside of your premises. Our response confirmed that the odor of marijuana was detectable from outside of your premises.

This is a violation of 3 AAC 306.430(c)(2) Restricted Access Area: "Does not emit an odor that is detectable by the public from outside the marijuana cultivation facility except as allowed by a local government conditional use permit process."

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.

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. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Bankowski

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Email

Date:



Birch Horton Bittner & Cherot

a professional corporation

Jason Brandeis

Respond to Anchorage Office
T 907.276.1550 • F 907.276.3680
jbrandeis@bhb.com

August 14, 2017

Via Electronic Delivery and U.S. Mail

Alcohol & Marijuana Control Office
Attn: Enforcement
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

RE: Great Northern Cannabis, Inc.
Response to Notice of Violation for Great Northern Cannabis (License # 10747) -
AMCO Case # AB17-0350
Our File No.: 507,568.1

Dear Sir/Madam:

This office represents Great Northern Cannabis, Inc. (GNCI), a marijuana cultivation facility licensed by both the Municipality of Anchorage (License #: M10747) and the State of Alaska (License #: 10747). We are writing in response to a Notice of Violation received from AMCO dated August 10, 2017 (Case # AB17-0350).

The Notice of Violation states that "Over the past 30 days AMCO enforcement has responded to at least 3 complaints of the detectable odor of marijuana outside of your premises. Our response confirmed that the odor of marijuana was detectable from outside your premises." We thank you for bringing this matter to our attention. GNCI takes regulatory compliance very seriously, and prides itself on being a good neighbor. Therefore, GNCI was disappointed to learn of a complaint alleging marijuana odor near its facility. Pursuant to 3 AAC 306.430(c)(2), which specifies that the odor detection standards of a local government control, and AMC 21.05.055(A)(6), the applicable municipal ordinance, GNCI has taken steps to ensure that no marijuana odor can be detected from any lot line of its property. GNCI has responded promptly to this complaint and believes it has remedied the alleged problem.

After being notified that marijuana odor was detected at the lot line of the property, GNCI management conducted a thorough review of the facility's HVAC system. GNCI management believes it identified the source of the odor as a vent on the east side of the building. The placement of this vent was such that air was directed outside of the facility and down towards the pathway next to the building. Though this was within the lot line of the property, the vented air was forced to ground level, where the wind could carry it beyond the lot line.

GNCI responded promptly to the Notice of Violation, first by conducting an internal review, then by hiring contractors to investigate and propose a mitigation plan, and finally by commissioning work intended to ameliorate the problem. Since receiving the Notice of Violation, the following corrective measures, which GNCI believes have resolved this matter, were taken:

1. On August 11, 2017 the vent that was likely the source of the odor was sealed off. Air is no longer routed to this vent. Instead, the internal duct work was rerouted so that air from inside the facility will exit the building through a stack on the roof. Directing the air upwards and allowing exit through a roof vent will provide for quicker and greater dissipation and will prevent marijuana odor from being detectable at the lot line.

2. To enhance the performance of the roof vent and further reduce the possibility of marijuana odor detection outside the facility, a second 100% carbon air filter box was added in the duct leading to the roof vent. Air from inside the facility will now pass through multiple filter boxes on its path towards the roof stack vent. Doubling the number of filters associated with this vent should further reduce the detectable marijuana odor in the air that is being released outside the facility.

Subsequent to the completion of this work, GNCI management inspected the area outside the facility and believes these steps have eliminated the detection of any marijuana odor at any lot line of the property. However, GNCI has taken the additional step of purchasing two dozen new carbon air filters to use throughout the facility. GNCI's current filters are 50% carbon; the new filters are 100% carbon and use the best available filter technology. GNCI believes that such an investment will further improve its overall ability to eliminate marijuana odor and will prevent any future complaints regarding odor detection at the lot line. GNCI expects the new filters to arrive and be installed within two weeks of the date of this letter.

GNCI would like to resolve this complaint with as little impact on its neighbors and on AMCO Enforcement as possible. GNCI believes it has taken appropriate steps in response to the complaint and that marijuana odor can no longer be detected from the lot line of the property. GNCI encourages AMCO to re-inspect the premises and to share their findings with the company. If AMCO finds evidence of marijuana odor at the lot line, we request that you let GNCI know immediately so we can re-assess the situation and take additional corrective measures. However, GNCI believes odor is no longer an issue, and in that case requests that no further action be taken with respect to this Notice of Violation.

Thank you for your time and attention. Please do not hesitate to contact this office if you have any questions or if you need any additional information.

Sincerely,

BIRCH HORTON BITTNER & CHEROT



Jason Brandeis

JMB:dsg

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: 8/17/17

License #/Type: Standard Cultivation

Licensee: Parallel 64 LLC

Address: 2128 N Post Rd

DBA: Parallel 64

AMCO Case #: AB17-369

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 8/17/17 It was observed that Parallel 64 failed to tag marijuana plants that were taller than 8 inches.

This is in violation of 3 AAC 306.435(a) Marijuana Inventory Tracking System.

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. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Rukes

Received by:

SIGNATURE: 

SIGNATURE:

Delivered VIA: Mail

Date:



PARALLEL 64

ALASKA'S PREMIER PERMAFROST

2128 NORTH POST ROAD
ANCHORAGE, AK 99504

August 25, 2017

This letter is in response to the email dated 8-18-17 from the Alcohol and Marijuana Control Office in regards to a violation of 3 AAC 306.435(a) Marijuana Inventory Tracking System. It was observed that plants over 8" were not tagged.

While in no form was Parallel 64 trying to purposely operate with intentional disregard of regulations, there was an internal misunderstanding/miscommunication of the tagging process. Parallel 64 had come to a misunderstanding that we were allowed to tag plants as they were being transplanted to a pot from an early vegetative cycle since they were still in the METRC system under a batch number. This would allow us to move an entire clone batch all at once and assign individual plant tag numbers however, with different growth rates for different plants, this obviously is not feasible to accomplish and still stay within compliance. To be clear, this entire process was still within the vegetative cycle and I do not want to confuse this process with the transfer of plants to flowering. I also want to be clear while there were plants taller than 8" untagged, the majority of all plants within our entire vegetative room were properly tagged.

Upon a visit from another state agency a day prior, who while not enforcing this particular requirement, did call upon its attention. A discussion took place in where we later went and reviewed the requirements more carefully. Upon further review and discussion, we agreed that we were in violation and there was a clear misunderstanding and/or miscommunication. I would like to point out that we took immediate action the following morning and were already tagging and entering plants into METRC when AMCO arrived on the premises.

We have since changed our protocol and educated all employees and ownership of the regulations and compliance. I personally talked to the AMCO officers while I was onsite that day and assured them that as President of the company, we will make the proper changes to ensure this incident from occurring in the future.

We hope this incident does not paint a poor reflection on Parallel 64 in the way we operate or wish to be viewed. Please feel free to contact me if you have any further questions.

Thank You,

Anwar Amar-Rogers

President

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: Monday, August 7, 2017

License #/Type: #10873 - Retail Marijuana Store

Licensee: E & M Holdings, LLC

Address: 1027 Millar St. Ketchikan, AK 99901

DBA: The Stoney Moose

AMCO Case #: AB17-0348

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 Monday, August 7th, 2017, Investigators from the State of Alaska Alcohol & Marijuana Control Enforcement reviewed The Stoney Moose website and found advertisements for 13 items of marijuana and marijuana products that are being advertised as having medical benefits.

Items advertised: Blueberry Muffin Shatter .5g & 1g., Blueberry preroll, Blueberry Muffin, Pineapple Express, Gargamel, Critical Plus, Lucky#Slevin, 818 Headband, Blueberry Muffin Preroll, Cinderella 99 Preroll, Blue Moon Rocks Preroll, Sherbert Preroll.

This is a violation of:

3 AAC 306.360 (b)(3) Restriction on advertising of marijuana and marijuana products.

(b) An advertisement for marijuana or a marijuana product may not contain a statement or illustration that

(3) represents that the use of marijuana has curative or therapeutic effects;

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. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: K. Whiteman

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

7013 2250 0000 9617 5903

E & M Holdings, LLC
dba The Stone Moose
AK Lic.# 10873
1027 Millar St.
Ketchikan, AK 99901
907-617-8246

Thursday, August 17, 2017

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

Dear Enforcement Office,

This letter is in regards to a Notice of Violation (AMCO Case # AB17-0348) regarding 3 AAC 306.360 (b)(3): Restriction of advertising of marijuana...representing curative or therapeutic effects.

First off, let me apologize to the AMCO Board and the Enforcement Division for having to write this notice. Our goal at The Stoney Moose is to be 100% compliant at all times, so to receive this notice is not only an embarrassment for our business but also a notice for us that we need to work that much harder to make sure we are AMCO regulation compliant. With that, let me outline what has happened since I received the certified letter from AMCO in the mail at 3:45pm on Friday, August 11, 2017.

1. I immediately went to our webpage, contacted our web developer, and told him that he needed to alter the mentioned items in the notice so that we were compliant. This task was completed by 5pm on Friday, August 11th (including altering the 5 AMCO warning statements that we received in an Advisory Notice from AMCO).
2. I did further investigation into how those statements made their way onto our webpage. It turns out our web developer was working with Leafly, a subscription based mobile phone app that shows potential customers the location of our store (this app is very popular in Washington, Oregon, and Colorado). Leafly has pre-written wording/link regarding popular cannabis strains, and when we had a strain for sale in our store that was in their database, their wording auto-populated to our website and then linked to their app. Well, unbeknownst to me, that wording contained "Medical Benefits". Once I found out about this happening, I told my web developer to unlink these so that we can only write the product descriptions - this was completed by 5pm on Friday the 11th.
3. I met with our entire staff on Saturday, August 12th, and informed them of the violation. We reviewed the policy together, and then conducted a walk-through as a staff, looking at all advertisements, signs, and product descriptions. All suggestions for changes were discussed, as well as making the necessary changes (these were documented in the Daily Security Journal for Saturday, August 12, 2017).

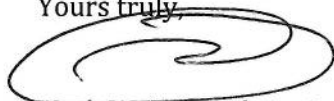


4. I contacted AMCO Enforcement in an email at 7pm on Sunday, August 13th, detailing the fact that I had received the notice via mail, and that we were already trying to remedy the problems.
5. I emailed AMCO Enforcement Officer Johnson at 7pm on Sunday, August 13th, to see if our alterations on the webpage were now compliant; as of this letter I have not heard back.
6. On Wednesday, August 16, I went on my phone's Leafly app and located my store. It was at this time that I realized the Leafly app was still posting these popular cannabis strain links on our store's Menu within Leafly (which includes a subsection detailing medical benefits). I immediately contacted AMCO Enforcement by phone and self-reported the problem so that they knew I was trying to fix this issue. We have contacted Leafly and told them they need to un-link the strains so that our web developer can use his language only, which is 100% AMCO compliant; I've been told by my web developer that if Leafly is unable or unwilling to do this, we will deactivate our menu on their site.
7. We have created a new roll of AMCO Compliance Officer at The Stoney Moose, which includes conducting and enforcing the following changes:
 - a. A new policy for our web developer, in that any and all-future product description needs prior approval before posting on the web.
 - b. Daily compliance-walk through at the store that is documented in the Daily Security Journal.
 - c. Weekly online audits to determine if there are any AMCO violations.

Again, I sincerely apologize for our store being non-compliant on our advertising. As I stated previously, we strive for perfection when it comes to compliance, and we certainly found out the hard way that we need to be twice as diligent as we were prior. As the newly created AMCO Compliance Officer for E & M Holdings, LLC, you have my word that I will ensure that the diligence needed will be met.

Please contact me with how we proceed from here. We are not challenging the notice, as our site did have the wording that Investigator Whiteman detailed. I just hope that you see we immediately realized our error when it was pointed out to us, and we had the website fixed within an hour and a-half of receiving the notice. The wording was not our doing, but the wording of Leafly, a mobile phone app we utilize. Nonetheless, it was my responsibility for that oversight, and I failed in that capacity. It's my goal to ensure this never happens again, and I ask for the AMCO Board's forgiveness in this matter.

Yours truly,



Mark Woodward, Co-Owner
The Stoney Moose



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: 08/02/2017

License #/Type: 10220 / Retail Marijuana Store

Licensee: Weed Dudes

Address: 1321 Sawmill Creek Road Ste. J, Sitka, 998

DBA: Weed Dudes

AMCO Case #: AB17000345

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.

3 AAC 306.360. Restriction on advertising of marijuana and marijuana products

(a) A retail marijuana store may have not more than three signs, visible to the general public from the public right-of-way, that identify the retail marijuana store by its business name. A sign may be placed in the retail marijuana store's window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 square inches.

The sign at the corner of Sawmill creek Rd. and Price Street has your business name on it. This sign is in public right of way and is not attached to your building or store front window.

Weed Dudes was issued an Advisory Notice on 05/31/2017 and advised the following on 06/06/2017: "Thank you for pointing this oversight out to me. I would like to point out that this sign abuts to the concrete pad that is attached to my building. It is a sign that advertises all occupants of the mall. If an abutment is not sufficient enough for the law, I would be happy to attach a permanent leader between the sign and the building, so the technical definition would be met. The board approved my sign and its location at last September's meeting."

I have been informed as of 07/31/2017 the sign is still in the same location.

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. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: S. Johnson

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

CED AMCO Enforcement (CED sponsored)

From: Anna Michelle Cleaver <weeddudessitka@gmail.com>
Sent: Thursday, August 17, 2017 11:01 AM
To: CED AMCO Enforcement (CED sponsored)
Subject: Weed Dudes #10220

Dear Investigator Johnson,

I received your notice of violation AMCO Case #AB17000345 on August 5, 2017 regarding the sign at 1321 Sawmill Creek Road. The sign was removed August 6, 2017.

Sincerely,

Michelle Cleaver
Weed Dudes
(907)623-0605 shop
(907)738-6423 cell