Notice(s) of Violation

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

Notice of Violation

(3AAC 304.525)

Licensee	License Number	Type of License
Mark Malagodi	10009	Marijuana Testing Facility
D.B.A.	How Delivered	Law Enforcement Agency
Canntest, LLC	Via e-mail receipt to	Anchorage Police Department
Street or P.O. Box	City, State	Zip
620 E. Whitney Road	Anchorage, AK	99501

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage 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 received an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

VIOLATION:

Canntest, LLC – License #10009 retested marijuana numerous batches without Marijuana Board approval. Reference METRC Packages: 1A40203000000C9000000042, 1A40203000000C9000000060, 1A40203000000C9000000063, 1A40203000000C9000000083

On 1/6//17 during a conversation in your facility Canntest, LLC it was mentioned that you did approximately two retests for Pakalolo Company Inc. and the retesting had the Marijuana Board's approval. The Marijuana Board advised there was no petition or record of consideration to retest the above samples. AMCO also did not receive any requests for a retest of prior failed marijuana tests.

Your attention is directed to

3 AAC 306.660. Failed materials; retests (a) If a sample tested by a marijuana testing facility does not pass the required tests based on the standards set out in 3 AAC 306.645, the marijuana establishment that provided the sample shall (1) dispose of the entire harvest batch or production lot from which the sample was taken; and (2) document the disposal of the sample using the marijuana establishment's marijuana inventory tracking system. (b) If a sample of marijuana fails a required test, any marijuana plant trim, leaf, and other usable material from the same plants automatically fail the required test. The board may approve a request to allow a batch of marijuana that fails a required test to be used to make a carbon dioxide- or solvent-based extract. After processing, the carbon dioxide- or solvent-based extract must pass all required tests. (c) If a marijuana cultivation facility or a marijuana product manufacturing facility petitions for a retest of marijuana or a marijuana product that failed a required test, the board may authorize a retest to validate the test results. The marijuana cultivation facility or a marijuana product manufacturing facility shall pay all costs of a retest.

Number: AB17-0051

You are directed to respond to the Director of the Alcohol & Marijuana Control Office 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 APPREARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD OF DIRECTORS AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.

***Please include your Alcohol License Number in your response.**

Sara Chambers, Acting Director
Alcohol & Marijuana Control Office
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501

A Response is Required

3 AAC 304.525 (B) 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 an 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: Kendrick Whiteman
Filed By: Kendrick Whiteman	Title: Investigator III

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CannTest, LLC
620 E Whitney Road
Suite B
Anchorage, AK 99501

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)* Mark Mulcahy

C. Date of Delivery 2/6/17

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
FEB 08 2017
ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

FEB 7 2017

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7013 2250 0000 9617 6771

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540