Notice(s) of Violation

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

Date: 10/26/16
Number AB16-0636

Notice of Violation

(3AAC 306.805)

Licensee	License Number	Type of License
Bryant Thorp	10035	Standard Marijuana Cultivation Facility
D.B.A.	**How Delivered**	**Law Enforcement Agency**
Arctic Herbery	Certified Mail	Anchorage Police Department
Street or P.O. Box	**City, State**	**Zip**
7107 Arctic Blvd	Anchorage, AK	99518

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 received an Accusation and Notice of your right to an Administrative Hearing.
Note: This is not an accusation or a criminal complaint.

VIOLATION: On Oct 21, 2016 KTUU published a story titled "Even without marijuana for sale, Anchorage's first retail pot shop opens its doors" in reference to Arctic Herbery. The story stated that the owner and licensee, Bryant Thorp, was giving away "free samples" of marijuana to customers. Thorp was quoted as saying "When you hand someone a joint or a nug, they kind of get excited about it."

Thorp has two active marijuana establishment licenses with AMCO; Standard marijuana cultivation facility as of 08/18/16 and retail marijuana store as of 10/20/16. AMCO Investigators have yet to conduct final inspections of either license.

Thorp confirmed that he did in fact introduce marijuana into the licensed premises for the purpose of providing free samples.

The marijuana provided by Thorp was never part of the regulated market as it was not tracked in the marijuana inventory tracking system (metrc), was not subject to required testing and was not packaged and labeled as required.

Your attention is directed to 3 AAC 306.405 Standard marijuana cultivation facility; privileges and prohibited acts, 3 AAC 306.435 Marijuana inventory tracking system, 3 AAC 306.455 Required laboratory testing, 3 AAC 306.470 Packaging of marijuana and 3 AAC 306.475 Labeling of marijuana and 3 AAC 306.480 Marijuana tax to be paid.

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 APPREARANCE, 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.**

Cynthia Franklin, Director
Alcohol & Marijuana Control Office
550 W. 7th 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 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: J. Bankowski
Filed By:	Title: Investigator III

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

Bryant Thorp
7107 Arctic Blvd
Anchorage, AK 99518

9590 9402 1211 5246 2917 16

2. Article Number *(Transfer from service label)*

7015 1520 0001 7802 2061

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)* Bryant Thorp

C. Date of Delivery 10/29/16

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

RECEIVED
OCT 3 1 2016
ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

From: Franklin, Cynthia A (CED)
To: Hoelscher, James C (CED); Oates, Sarah D (CED)
Cc: Dinegar, Harriet C (LAW)
Subject: FW: Arctic Herbery License #10037
Date: Wednesday, November 02, 2016 3:18:01 PM

Here is the response I received yesterday. I have done absolutely nothing with it yet.

Cynthia Franklin, Director
Alcohol & Marijuana Control Office
907-269-0351

From: Bryant Thorp [mailto:bryant@gci.net]
Sent: Tuesday, November 01, 2016 11:19 AM
To: Franklin, Cynthia A (CED)
Subject: Arctic Herbery License #10037

Cynthia,
I received your two notices of violation dated 10/26/2016 both numbered AB16-0636. It seems that there is a notice of violation regarding both of my license numbers, one for each my retail and cultivation facility. I agree that there is a level of merit to these violations, however; I disagree that the cultivation license #10035 should be listed in these violations as the violations in question were not in any way a part of the cultivation facility.
I'd like to address the violation pertaining to my retail license in the following way:

After receiving my Certificate of Occupancy from the Muni for my location I did some soft openings to get a feel for the store and invite the public to do the same. This was done without product of any kind. I had glass and papers for sale and I had a jar of a sample that had been left from a cultivator that I had been using as a prop. The media got wind of my openings and blew things way out of proportion. It was never my intent to provide free samples as the violation suggests. I closed the doors for the following week and shut down the rumor that I was giving away "free samples" immediately. All of the props were all removed from the store as well.

The media has been very good to me in most ways so I have continued to talk to them, in this case they pushed a story that was misleading at best and somewhat damaging to the industry and myself. For my part in this I have to apologize and insist that my interests are inline with those of the new and fledging industry and making it as non-controversial as possible. It is my intent to run this business in the most professional way possible and to be a light on the industry. It seems that I have failed that in ways but I am committed to staying the course. Please let me know if there is another way that you would like me to address these violations. If you continue to feel that the violations against my cultivation facility have merit, please accept this as my response to that notice as well.

Bryant Thorp
Arctic Herbery