



## MEMORANDUM

TO: Marijuana Control Board                      DATE: January 24, 2018

FROM: Erika McConnell, Director              RE: Fat Tops, LLC #11140  
Retail Marijuana Store

Between the September and November board meetings, Fat Tops, LLC (#11140), a retail marijuana store, received three notices of violation, and Fat Tops, LLC (#11138), a standard cultivation facility, received one notice of violation.

1. AB17-0384 to Fat Tops, LLC (#11140), a retail store in Soldotna, for employees who were not properly credentialed, in violation of 3 AAC 306.320 and 3 AAC 306.710.
2. AB17-0387 to Fat Tops, LLC (#11138), a standard cultivation facility in Soldotna, for inventory violations, where the number of clones in the facility did not match the number shown in Metrc, violating 3 AAC 306.405, 3 AAC 306.435, and 3 AAC 306.730.
3. AB17-0395 to Fat Tops, LLC (#11140), a retail store in Soldotna, for an advertising violation (3 AAC 306.360).
4. AB17-0436 to Fat Tops, LLC (#11140), a retail store in Soldotna, for inventory violations (unable to account for about 35 grams of marijuana) and storing marijuana off the licensed premises, which are violations of 3 AAC 306.330 and 3 AAC 306.305.

The licensee who holds both licenses responded to violations 1-3 in the list above, and requested to be heard before the board, but did not respond to the fourth violation listed above.

The licensee was heard by the board at the November 14, 2017, meeting. The board discussed the first three NOV's with the licensee, but tabled consideration of the fourth NOV to the next meeting and asked the licensee to respond to that fourth NOV. The NOV and licensee response is attached.

# Notice of Violation

(3AAC 306.805)

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

Date: 9/28/17

License #/Type: 11140/Retail

Licensee: Fat Tops, LLC

Address: 36380 Murray Lane Soldotna, AK 99669

DBA: Fat Tops

AMCO Case #: AB17000436

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 9/28/17 AMCO observed that Fat Tops retail inventory did not match the inventory in METRC. METRC showed 22.3g of White Widow in Fat Top's inventory while there was no White Widow present. Further METRC showed that there was 116g of Blue Kush in the store's inventory while there was only 103g.

It was also observed that a large portion of the Fat Tops retail store's inventory was being kept in License # 11138, Fat Tops standard Cultivation's safe.

This is in violations of:

3AAC 306.330 Marijuana Inventory Tracking System

3AAC 306.305(a)(3) Retail Marijuana Store Privileges

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice. A licensee may respond, either orally or in writing, to the Notice. 3 AAC 306.810(3)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation from the director, to correct any defect that is the subject of the notice of violation of AS 17.38 or this chapter, a condition or restriction imposed by the board or other applicable law.

**IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.**

**\*Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator: J. Rukes

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

Description	Employee	Date	Reported	Sources	External App
Sold 3.5 Grams from Package on Receipt 0000144149 on 9/25/2017	Michelle Williams (14275)	09/25/2017	09/26/2017 12:09 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000144161 on 9/25/2017	Michelle Williams (14275)	09/25/2017	09/26/2017 12:09 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000144169 on 9/25/2017	Michelle Williams (14275)	09/25/2017	09/26/2017 12:09 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000144180 on 9/25/2017	Michelle Williams (14275)	09/25/2017	09/26/2017 12:09 pm	API	Flowhub Grow/POS
Sold 3.5 Grams from Package on Receipt 0000152802 on 9/26/2017	Michelle Williams (14275)	09/26/2017	09/26/2017 02:21 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152810 on 9/26/2017	Michelle Williams (14275)	09/26/2017	09/26/2017 02:21 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152826 on 9/26/2017	Michelle Williams (14275)	09/26/2017	09/26/2017 02:21 pm	API	Flowhub Grow/POS
Sold 3.5 Grams from Package on Receipt 0000152827 on 9/26/2017	Michelle Williams (14275)	09/26/2017	09/26/2017 02:21 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152828 on 9/26/2017	Michelle Williams (14275)	09/26/2017	09/26/2017 02:21 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152830 on 9/26/2017	Michelle Williams (14275)	09/26/2017	09/26/2017 02:21 pm	API	Flowhub Grow/POS
Sold 0.5 Grams from Package on Receipt 0000152835 on 9/26/2017	Michelle Williams (14275)	09/26/2017	09/26/2017 02:21 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152841 on 9/26/2017	Michelle Williams (14275)	09/26/2017	09/26/2017 02:21 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152856 on 9/27/2017	Michelle Williams (14275)	09/27/2017	09/26/2017 02:22 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152857 on 9/27/2017	Michelle Williams (14275)	09/27/2017	09/26/2017 02:22 pm	API	Flowhub Grow/POS
Sold 0.5 Grams from Package on Receipt 0000152860 on 9/27/2017	Michelle Williams (14275)	09/27/2017	09/26/2017 02:22 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152861 on 9/27/2017	Michelle Williams (14275)	09/27/2017	09/26/2017 02:22 pm	API	Flowhub Grow/POS
Sold 1 Grams from Package on Receipt 0000152866 on 9/27/2017	Michelle Williams (14275)	09/27/2017	09/26/2017 02:22 pm	API	Flowhub Grow/POS
Removed Sales of 2 Grams from Receipt 0000117569 on 9/18/2017	Michelle Williams (14275)	09/18/2017	09/26/2017 03:26 pm	User	Flowhub Grow/POS
Package adjusted by -2 Grams	Trenton Buning (15217)	11/22/2017	11/22/2017 11:09 am	User	
- Reason: Waste	Trenton Buning (15217)	11/22/2017	11/22/2017 11:09 am	User	





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

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Fax No. (907) 277-9859

November 30, 2017

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

**Re: AMCO Case # AB17-000436; Date of Violation: 9/28/17**  
**Licensee: Fat Tops, LLC.**  
**Retail Marijuana Store License # 11140**

Dear Investigator Rukes:

I have been retained by Fat Tops, LLC. to respond to the above two notices of violation recently received. I will address them in the order of their occurrence as follows.

On September 28, 2017, it is alleged that AMCO investigator observed that Fat Tops retail inventory did not match the inventory in METRC. METRC showed 22.3 grams of White Widow in Fat Tops inventory while there was no White Widow present.

In response, the White Widow was among other bags of product on top of it within the safe, and the inspector discontinued searching for it as he wanted to move on and disallowed staff of Fat Tops to continue same. It was subsequently located upon his departure from the premises. The inspector was in a hurry, and did not want to take the time to allow a thorough search for the White Widow to occur. No product was missing it was accounted for.

As to the allegation that METRC showed that there was 116 grams of Blue Kush in the store's inventory while there was only 103 grams, is also incorrect.

In response, the remaining 13 grams were in the store's safe, as these remaining 13 grams were considered to be non-useable/non-retainable waste material, and was being held until such time as a decision could be made with what to do with it, AMCO notified, and its ultimate destruction.

Lastly, it is also alleged that a large portion of the Fat Tops retail store's inventory was being kept in license # 11138, Fat Tops Standard Cultivation's safe.



In response, at the time of the initial inspection and licensing of Fat Tops retail and cultivation, there was only one safe located inside the cultivation area that they used to hold their products for retail as the cultivation side had not yet produced any product. At the time of the initial inspection, the inspector had no problem with products for retail being stored there until the last inspection by Officer Rukes, who stated that retail-owned products must be kept in the retail area. The situation was remedied shortly following the inspection and all products that are owned by the retail store are now kept in the retail vault/safe. Furthermore, this alleged violation of 3AAC 306.305(a)(3) Retail Marijuana Store Privileges, "store marijuana and marijuana products on the licensed premises in a manner consistent with 3AAC 306.710-3AAC 306.720". Upon review of these headings and sub-sections, there appears to be no violation.

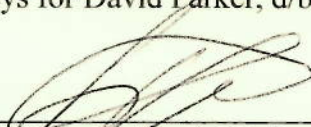
It is respectfully requested, that the alleged violations against Fat Tops, LLC Retail be dismissed. There is no basis in form, fact, or statutory authority to find a violation. Mr. Parker has not, nor would he do anything willful or intentional, to violate any rules set forth within this marijuana industry, by the State of Alaska, as codified in 3AAC 306 or other Alaska statutes.

Lastly, Mr. Parker requests to appear before the marijuana control board and be heard regarding the above violations.

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

Sincerely Yours,

LAW OFFICES OF LANCE C. WELLS, LLC  
Attorneys for David Parker, d/b/a Fat Tops, LLC.



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Lance C. Wells

LCW/ejr

cc: David Parker, Fat Tops, LLC.

*Why should we believe it was "Found" After the inspection.  
We were never notified they "found" it. FLH*