

# 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: 08/18/2017

License #/Type: 10141 / Limited Cultivation

Licensee: Coyote & Toad's Gardens, LLC

Address: 100 Rio Faux Lobo, Skagway 99840

DBA: Coyote & Toad's Garden

AMCO Case #: AB17000371

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 306.435. Marijuana inventory tracking system

(a) A marijuana cultivation facility shall use a marijuana inventory tracking system in compliance with 3 AAC 306.730 to ensure all marijuana propagated, grown, or cultivated on the marijuana cultivation facility's premises is identified and tracked from the time the marijuana is propagated through transfer to another licensed marijuana establishment or destruction. The marijuana cultivation facility shall assign a tracking number to each plant over eight inches tall. When harvested, bud and flowers, clones or cuttings, or leaves and trim may be combined in harvest batches of distinct strains, not exceeding five pounds. Each harvest batch must be given an inventory tracking number. Clones or cuttings must be limited to 50 or fewer plants and identified by a batch tracking number.

After review of Coyote & Toad's METRC entries it was found there has been numerous errors regarding packages not relating back to a harvest batch. Package # 1A4020300000DAD000000015 showed a package of 2.59 lbs being created from no attributable harvest and then being discontinued two hours later.

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: S. Johnson

Received by:

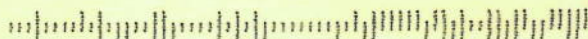
SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

• Sender: Please print your name, address, and ZIP+4® in this box•

Alcohol & Marijuana Control Office  
Attn: Joe Hamilton  
550 West 7th Avenue, Suite 1601  
Anchorage, AK 99501

## 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.

Article Addressed to:

Coyote and Toad's Garden, LLC  
100 Rio Faux Lobo  
Skagway, AK 99840

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

Tiffany Metz

C. Date of Delivery

8/30/17

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail® ☐ Priority Mail Express™  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number

(Transfer from service label)

7012 3460 0000 2166 5113

Please add this and email Erika when complete.

Begin forwarded message:

**From:** "McConnell, Erika B (CED)" <[erika.mcconnell@alaska.gov](mailto:erika.mcconnell@alaska.gov)>  
**Date:** January 24, 2018 at 9:52:10 PM AKST  
**To:** "Hoelscher, James C (CED)" <[james.hoelscher@alaska.gov](mailto:james.hoelscher@alaska.gov)>  
**Subject:** Fwd: Test Samples from Harvest Batches

Hi James,

Can you or Jason look into this?

Thanks,  
Erika

Sent from my iPhone

Begin forwarded message:

**From:** Tiffany Metz <[ynaffitmetz@gmail.com](mailto:ynaffitmetz@gmail.com)>  
**Date:** January 24, 2018 at 9:48:30 PM AKST  
**To:** "McConnell, Erika B (CED)" <[erika.mcconnell@alaska.gov](mailto:erika.mcconnell@alaska.gov)>  
**Subject:** Re: Test Samples from Harvest Batches

Hi Erika,

We looked over the notices of violation for this upcoming meeting, and noticed our response was absent from tab 48. Just making sure you still had it on file and it will be included in the meeting. Thanks,  
Tiffany

On Wed, Nov 22, 2017 at 3:20 PM, McConnell, Erika B (CED) <[erika.mcconnell@alaska.gov](mailto:erika.mcconnell@alaska.gov)> wrote:

Hi Tiffany,

Thank you for the email—you do not need to send a hard copy.

I will provide this to the board at their January meeting. I recommend being present at the January meeting (telephonically or in person) in case the board has any questions.

Thank you,

Erika

*Erika McConnell*

Director

Alcohol & Marijuana Control Office

State of Alaska

**From:** Tiffany Metz [mailto:[ynaffitmetz@gmail.com](mailto:ynaffitmetz@gmail.com)]  
**Sent:** Wednesday, November 22, 2017 2:03 PM  
**To:** McConnell, Erika B (CED) <[erika.mcconnell@alaska.gov](mailto:erika.mcconnell@alaska.gov)>

**Subject:** Fwd: Test Samples from Harvest Batches

Hello,

Here is Coyote and Toads Garden's (license number 10141) response to our recent violation.

Below is an email from my conversation with Metrc regarding packages 069,071,072,074,076. I had made them from the packages tab and not from the harvest batch. Also if you take a look at our manifest #0000043501 we sold a package number 016 to the remedy shoppe of Blue dream A and Blue Dream B. Package 016 was the corrected package 015 that is in question, We made package 015 from the packages tab in Metrc and not from our harvest batch. When we discovered this was the incorrect way to make a package after calling Metrc (the two hour space between creating and destroying package 015) we then made package 016 from our harvest batch and sold that to the Remedy Shoppe.

When discontinuing a package in Metrc there is no option to write a note saying why it is being discontinued. No where does it say that any mistake made in Metrc - and later corrected after talking to the Metrc support team - must be reported to Amco.

Thanks,

Tiffany

Coyote and Toads Garden L.L.C

p.s Do I also need to send a hard letter copy of this response through the mail or is this email enough?

----- Forwarded message -----

From: **Tiffany Metz** <[ynaffitmetz@gmail.com](mailto:ynaffitmetz@gmail.com)>  
Date: Wed, Aug 30, 2017 at 1:51 PM  
Subject: Fwd: Test Samples from Harvest Batches  
To: "CED AMCO Enforcement (CED sponsored)" <[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)>

----- Forwarded message -----

From: **Alaska Metrc** <[support-ak@metrc.com](mailto:support-ak@metrc.com)>  
Date: Wed, Aug 23, 2017 at 8:14 AM  
Subject: Fwd: Test Samples from Harvest Batches  
To: [ynaffitmetz@gmail.com](mailto:ynaffitmetz@gmail.com)

On Wed, May 17 at 10:25 AM , Tina Pilkinton <[tina.pilkinton@franwell.com](mailto:tina.pilkinton@franwell.com)> wrote:

4b-10141

Tiffany Metz

10545

[ynaffitmetz@gmail.com](mailto:ynaffitmetz@gmail.com)

[907.612.0064](tel:907.612.0064)

She made her test packages incorrectly. She will discontinue all tags from her packages tab and shred the tags. Then she will pull her test samples by selecting submit for testing directly from harvest batch to manifest to lab. end of call



# 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: 2/14/18

Licensee: Danish Gardens, LLC

DBA: Danish Gardens

License #/Type: 10310/Standard Cultivation

Address: 2430 Cinnabar Loop, Anchorage, AK 99517

AMCO Case #: AB18-173

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 2-14-18, AMCO Enforcement received a complaint that a strong odor of marijuana was coming from Danish Gardens.

I drove by Danish gardens on 2/14/18 and could smell the odor of marijuana, from the road, on Cinnabar Loop directly in front of Danish Gardens. The wind was coming from the west, from behind the building to the front where I was parked.

This is in violation of:

AAC 306.430 (c)(2). Restricted access area

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:

**From:** Chris Owens  
**To:** [Davies, Jason M \(CED\)](#)  
**Cc:** [DanishGardensAK@gmail.com](#); [Rukes, Jeffrey B \(CED\)](#); [CED AMCO Enforcement \(CED sponsored\)](#); [Jana Weltzin](#)  
**Subject:** Re: Danish Gardens LLC #10310, Notice of Violation AB18-173  
**Date:** Tuesday, February 20, 2018 2:42:43 PM

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Email received. Written response will follow shortly.

Thanks and best regards,

Chris Owens

Chris Owens  
General Manager  
Danish Gardens, LLC  
907.230.7112



On Feb 20, 2018, at 2:36 PM, Davies, Jason M (CED)  
<[jason.davies@alaska.gov](mailto:jason.davies@alaska.gov)> wrote:

To Whom It May Concern,

Attached is your Notice of Violation for 02/14/2018. You may reply to this email with your response.

Regards,

<image001.png>

**Jason M. Davies**  
**Criminal Justice Technician I**  
**AMCO Enforcement**  
**Alcohol & Marijuana Control Office**  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501  
Office (907) 754-3410  
[jason.davies@alaska.gov](mailto:jason.davies@alaska.gov)

<10310-Danish Gardens LLC, NOV AB18-173.pdf>





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 2, 2018

*Sent Via Electronic Mail*

RE: Response to Notice of Violation Dated Feb 14, 2018 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 18-173, dated Feb., 14<sup>th</sup>, 2018, stating the following allegation violated 3 AAC 306.430(c)(2):

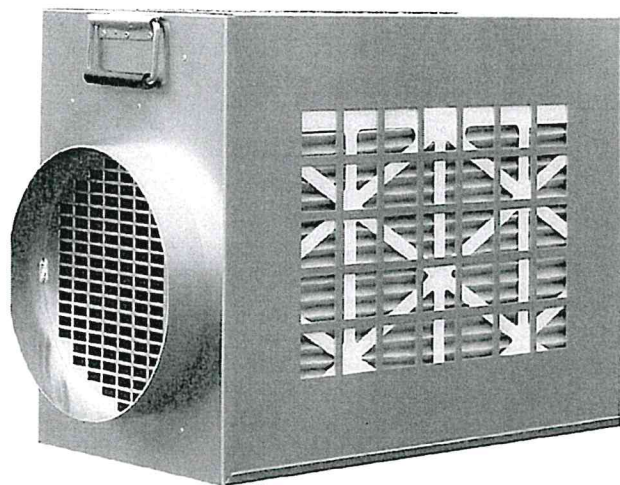
I drove by Danish Gardens on 2/14/18 and could smell the odor of marijuana, from the road, on Cinnabar Loop directly in front of Danish Gardens. The wind was coming from the west, from behind the building to the front where I was parked.

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 been committed to improving the facility's odor mitigation controls since the first NOV was received in August of 2017. The licensee's remediation efforts have progressively increased over the past several months in efforts to comply with state regulations, municipal code and to be respectful neighbors in the community (see previously submitted response from Danish Gardens attached hereto). In line with this commitment to regulatory compliance and community stewardship, Danish Gardens will continue to strive for improved odor controls by consulting industry experts, continuing research and implementing additional/improved odor control systems.

The NOV stated that the wind was coming from the west when the smell was detected – there is another licensed facility to the west of the Danish Garden facility.

Continued remediation efforts include a new ionic oxidation (IO) air purifying system. IO technology has been confirmed by labs and universities to effectively reduce odors and air pollutants in cultivation facilities by generating oxidizing plasma to “seek and destroy” odors, which is one of the company’s latest modification



# agriair

**1000-3 HO Air Purifier**  
with IO technology

**agriairequipment.com**



CONFORMS TO UL STD 507  
CERTIFIED TO CAN/CSA STD  
C22.2 NO. 113-M1984

The licensees of Danish Gardens are confident that through their continued efforts and communications with both AMCO and Municipal enforcement officers that they can implement an odor control system that will be both regulatory compliant and demonstrate their desire to be good neighbors. Danish Garden’s manager Chris Owns has made several attempts to communicate with neighbors to alert the company when neighbors detect smell from the facility. If neighbors did communicate with the company when they noticed smell, Danish Garden’s could close their outtake fans to limit the smell during high periods where the wind or other factors such as cycle in the plant life create more smell. Danish Gardens is attempting to do this on their own, but if they had input from neighbors this approach could be more impactful. Additionally, as shown on the aerial view of the facility, it seems that the facility is located in a low-lying area that has hills/berms around the edge of the industrial center where the facility sits. The company believes the smell gets trapped in a sense in the low-lying area, which adds to the challenging of remediating it fully and it also is impossible to determine where that smell comes from because there is more than one legally (and possibly illegal or home grow operations) licensed cultivation facility in this industrial bowl.

Danish Gardens will continue to work with its staff and engineers to further remedy the situation and will continue to attempt to communicate with the neighbors to get more data on when the smell is most prevalent so that the outtake fans can be adjusted to address the concerns.

Sincerely,

Jana D. Weltzin



CULTIVATED WITH LOVE AND SCIENCE IN ALASKA, BY ALASKANS  
DANISH GARDENS, LLC – 2430 CINNABAR LOOP – ANCHORAGE, AK 99507

To whom it may concern:

Through multiple interactions with Alaska Marijuana Control officers and representatives from the Municipality of Anchorage and subsequent written notices from these entities, Danish Gardens, LLC has become aware of complaints regarding marijuana odor emanating from our premises. As a result, Danish Gardens has committed to a progression of marijuana odor elimination efforts in order to be compliant with regulatory requirements and to be good neighbors. Please find below details of our efforts to remediate marijuana odor.

Please note that our original plans for this facility called for a closed loop air system which would have expelled no odor rich air to the outside of the building. The Municipality of Anchorage required us to change those plans and install fans that purge air to the outside of the building which have been the primary source of the problem.

In order to address the problem, we looked at the building from the perspective of what areas generate the most odor and areas that still move air, but generate less odor.

Those areas are as follow:

- Flower Rooms A, B, and C
  - Flower Rooms A & B are currently active and are the primary generators of odor in the building.
  - Flower Room C is not currently active but receives humidity dumps from A & B during dark cycles so is still an area of concern.
- Vegetation Room, Mother Room, Clone Room, Reservoir Room
  - These areas contain plants, but they are not in flower cycle. While these plants do generate some odor, it is negligible compared to the flower rooms.
  - The reservoir room does not contain plants but has connecting doors (usually closed) to both flower rooms.
- General building hallways, offices, bathrooms, break rooms and future retail area.
  - These areas are all run through the original air handling system of the building consisting of 28 intake vents in offices, hallways, bathrooms, etc. and four rooftop units that intake fresh air and expel inside air. This system only operates when there is a call for cooling. The system brings in fresh air and only expels air when the building is over pressurized. We have inspected the rooftop vents on 12 different occasions and every inspection has revealed outgoing vents sucked shut due to negative pressure in the building.



## **REMEDATION EFFORTS**

### **Flower Rooms A, B & C**

Initial efforts to remediate odor led us to seek advice from experts in the marijuana cultivation industry and experts in the air flow and HVAC industry. After research we determined that Active Air 6" x 16", 400 CFM activated carbon canister filters on each outgoing fan that was required by the Municipality of Anchorage should take care of the problem. We committed to a 90 day replacement schedule although the filters are rated for a year. Over an evaluation period, we discovered that while on most days smell from the building was negligible, on certain days where we had cold, heavy air in the mornings, odor was present. We found that this odor usually dissipated within an hour or two as the day warmed and outdoor air circulation increased.

In an effort to improve on the situation, we then upgraded our filters in Flower Rooms A, B & C as follows:

- Flower A – Active Air 8" x 39", 950 CFM activated carbon filter (300% increase over previous active filter area)
- Flower B - Active Air 8" x 39", 950 CFM activated carbon filter plus an Active Air 6" x 16", 400 CFM activated carbon canister (400% increase over previous active filter area)
- Flower C– Active Air 8" x 39", 950 CFM activated carbon filter (300% increase over previous active filter area)

As of November 8, 2017 we have re-routed the airflow ducting from Flower A & B to the roof with a seven foot stack to a level of 32 feet from ground level in an effort to increase dispersion of remaining odors at a height less detectable to our neighbors. This is an increase in height of 24 feet over the previous installation. Flower C was already vented to the roof.

### **Reservoir Room**

This room does not have active outside ventilation other than an old welding fume vent fan that we do not use. As a precautionary measure we have attached an Active Air 6" x 16", 400 CFM activated carbon canister in case we decide to ever turn the vent fan on.

### **Vegetation Room**

We started this room with a single Active Air 6" x 16", 400 CFM activated carbon canister. We later doubled the capacity with a second Active Air 6" x 16", 400 CFM activated carbon canister.

Mother Room, Clone Room

These rooms do not actively vent to the outside. They do however have the general building ventilation system. Please see remediation efforts below.

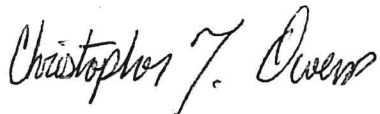
General building hallways, offices, bathrooms, break rooms and future retail area

Due to the complexity of this system, we contracted G & S Services to evaluate the intakes and outputs of the system and pressure test it to determine if there are ventilation leaks. None were identified. As mentioned above, this system only vents to the outside if the building experiences over-pressurization due to inflow of fresh air when cooling is called for. Because we have other cooling systems for our grow areas, this is rarely called for. After a dozen or more physical observations of the rooftop units, we have yet to see any of the four units out-venting. As a precaution, we have placed Air Handler brand 24" x 24" x 2" activated carbon filters on all 28 intake vents in the general building, hallways, future retail area, bathrooms, Mother Room and Clone Room.

Please see photographs and diagrams of filtration placement in the attached appendix.

Please feel free to contact me at any time for questions or clarification.

Thanks and best regards,



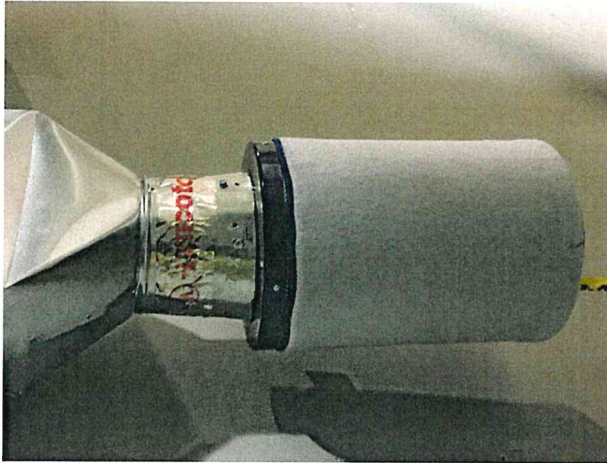
Christopher Owens



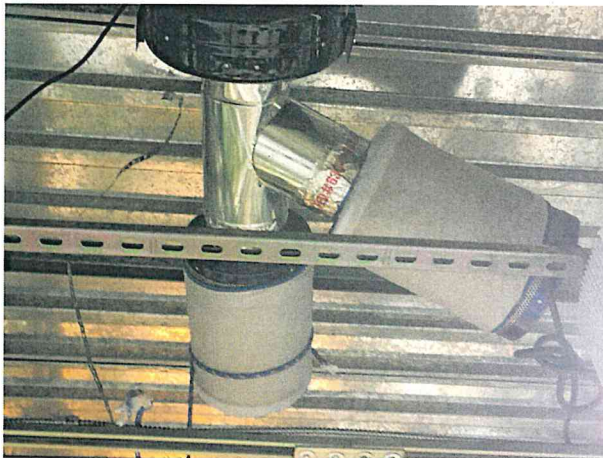
Christopher Owens  
General Manager  
Danish Gardens, LLC  
907-230-7112  
owensneversleeps@mac.com



## APPENDIX



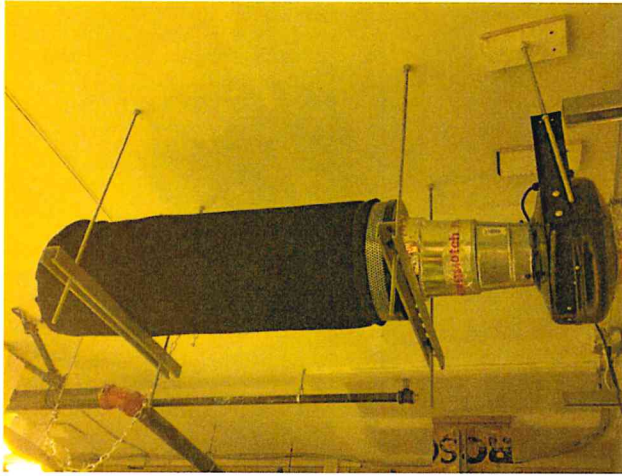
6" x 16", 400 CFM activated carbon canister – Reservoir Room



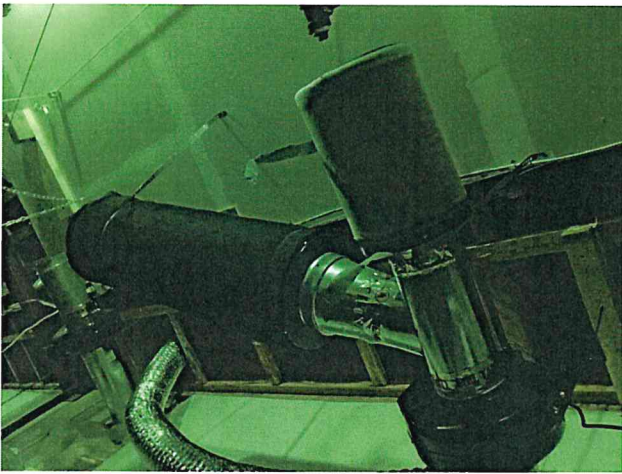
Double 6" x 16", 400 CFM activated carbon canisters – Vegetation Room



Active Air 8" x 39", 950 CFM activated carbon filter – Flower Room C



Active Air 8" x 39", 950 CFM activated carbon filter - Flower Room A

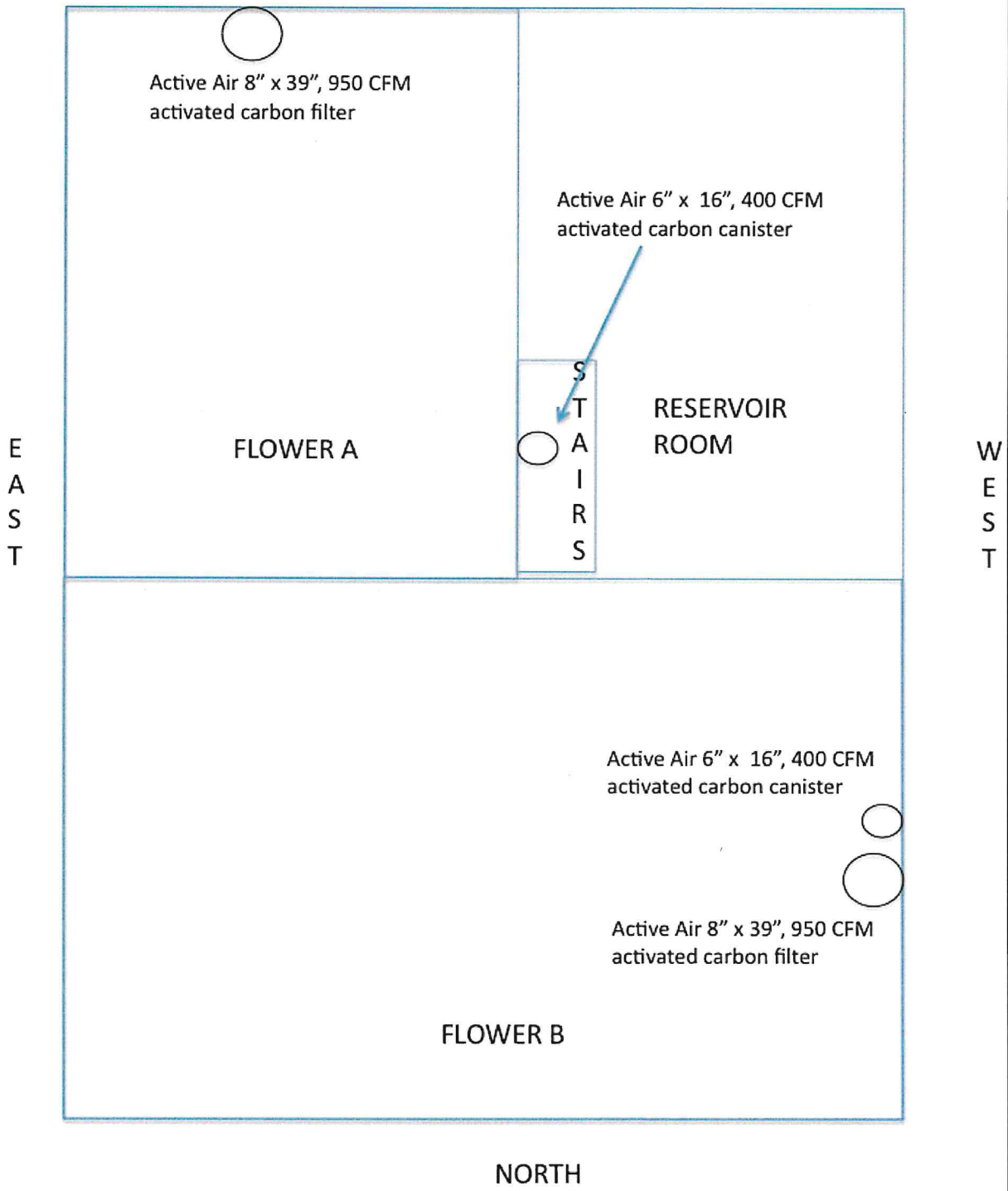


Active Air 8" x 39", 950 CFM activated carbon filter and 6" x 16", 400 CFM activated carbon canister – Flower Room B

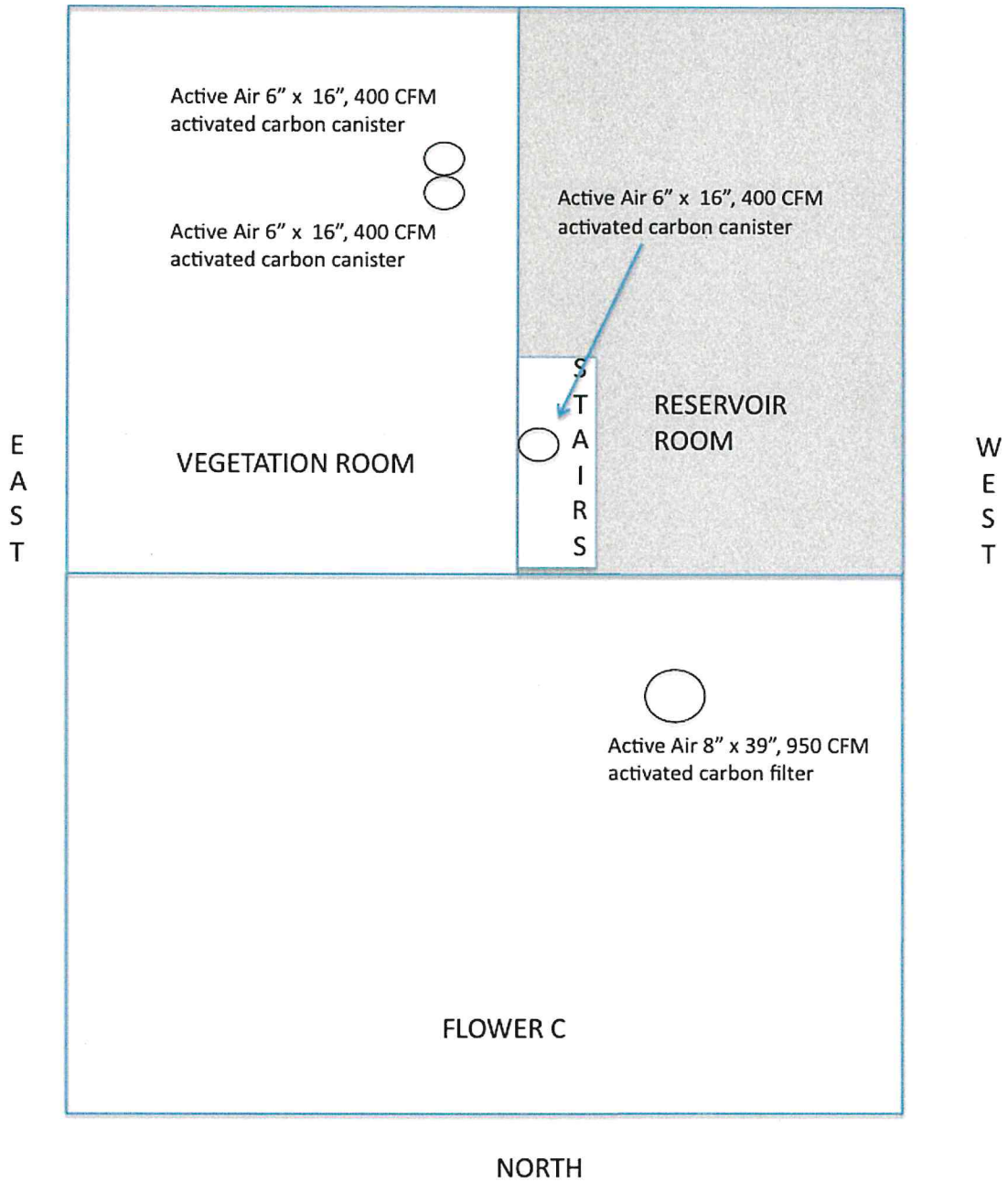


Air Handler brand 24" x 24" x 2" activated carbon filters – All general building intakes.

SOUTH  
FIRST FLOOR



SOUTH  
SECOND FLOOR







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