



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

ALCOHOL AND MARIJUANA CONTROL OFFICE

550 West 7th Ave, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

MEMORANDUM

TO: Chair Springer and Members of the
Marijuana Control Board

DATE: April 4, 2018

FROM: Erika McConnell, Director

RE: Alaska Fireweed #10307
Retail Store

At the January meeting, the board discussed an NOV issued to this licensee. The board requested that the matter be placed on the next agenda, as the licensee was not present in January to answer questions from the board.

Attachments: NOV AB18-0006
Enforcement memo



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: 1-2-18

License #/Type: Retail Marijuana Store

Licensee: SEU LLC

Address: 715 W. 4th Ave, Anchorage, AK

DBA: Alaska Fireweed

AMCO Case #: AB18-0006

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.

AMCO Investigators received information that Jean Pellet was selling marijuana without a marijuana handlers permit and that under 21 persons had been on the licensed premises. Photos were also provided anonymously. Licensee Susan Nowland was contacted and shown the photos. Nowland denies Pellet was selling marijuana but admits he was in a restricted area. When asked about the visitors log, Nowland admits Pellet is not being signed into the visitor log 100% of the time. Pellet works for NM Enterprise, Inc. and is responsible for selling t-shirts. Pellet has periodically checked ID's at the entrance to the establishment but does not have a handlers permit. Regarding the children on the premises, Nowland stated they were her children and grandchildren. She took them through the restricted access area to gain access to the roof to watch Fur Rondy 2017 fireworks.

Your attention is directed to 3AAC306.710: Restricted access areas, 3AAC306.700: Marijuana handler permit required and 3AAC306.755: Business records

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. Hamilton

Received by:

SIGNATURE: *J. Hamilton*

SIGNATURE:

Delivered VIA: Mail

Date:

7013 2250 0000 9617 6580



Tony Ak Fireweed

PICTURES

Wednesday, December 27, 20...



Save



Share



Tony Ak Fireweed

PICTURES

Wednesday, December 27, 20...



Save



Share



Tony Ak Fireweed

PICTURES

Wednesday, December 27, 20...



Save



Share



Camera 03



10

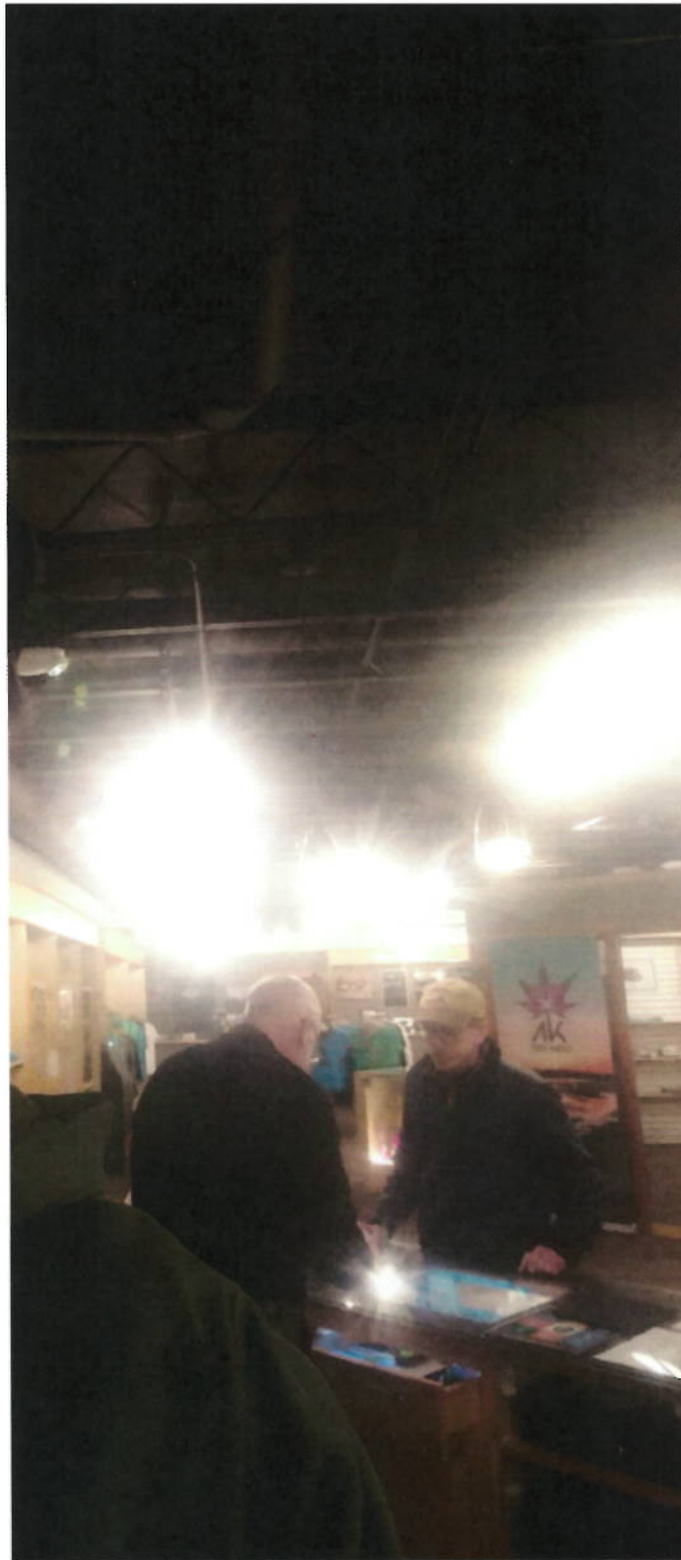
1P

1R



Model FE8181

RELATED IMAGES



Edit



Delete

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.
SEU LLC
dba Alaska Fireweed
715 W. 4th Avenue
Anchorage, AK 99501

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes2. Article Number
(Transfer from service label)

7013 2250 0000 9617 6580

PS Form 3811, July 2013

Domestic Return Receipt

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

AMCO
550 W. 7th Avenue, Suite 1600
Anchorage, AK 99501

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

UNITED STATES POSTAL SERVICE



MEMORANDUM

Date: 3-30-18

From: Joe Hamilton
Special Investigator 1

To: Erika McConnell
AMCO Director

I have been asked by the Marijuana Board to follow up on questions regarding AB18-0006, Alaska Fireweed, under 21 person on a licensed premises and handler card issues.

I have read a memo prepared by Ms. Weltzin on behalf of Alaska Fireweed, dated March 30. I believe the response letter addresses all but one issue that was investigated regarding the incident. That incident being that "JP" failed to be signed into and out of a restricted area on the licensed premises.

In speaking with "JP" on 3-30-18, he admits that the issue has been corrected by him diligently signing himself in out of the restricted area and that the purpose is to use the restroom, which is located only in the restricted area. He does admit that on occasion he did check identification cards but at no time did he sell or handle marijuana products.

I spoke with Anthony Mann on 3-30-18. His recollection of how the video system records and retains video is as follows: The video runs on a continuous loop and when it reaches capacity, it drops older video from the loop so that it can retain newer video. Thus, to his knowledge, there is no remaining video of the night in question which was February 17, 2017. This was also verified by Ms. Nowland as her recollection of how the video system works.

Mr. Mann also recalls closing the store with Mark Pierce at the time of the incident. He recalls Ms. Nowland coming into the establishment with her children and two smaller children. Mr. Mann recalls that Ms. Nowland asked him to open the roof access as it was locked and he knew the combination. When he saw the snow, he shoveled an area for her family to stand while they watched the fireworks. Once the fireworks were finished, all of them departed the establishment. Mr. Mann stated there was no marijuana product on display or visible while the children were present, as they were in the process of closing for the night. He did not mention or report the incident to AMCO because of their partnership and she was the dominant partner. Regarding "JP" selling marijuana products, Mr. Mann states that the photo he saw shows "JP" at a location where no marijuana was kept or sold.

Ms. Weltzin's explanation provided to her by Ms. Nowland does not rise to any level of "exigent circumstances" to warrant violating the regulations. Even if needing to use the restroom did, it certainly did not justify Ms. Nowland using the opportunity to have her family view the fireworks display.

As to the reason Mr. Mann did not report the incident until later, if Ms. Weltzin and Ms. Nowland are correct that if he was the reporter, it makes no difference to timing. Even if Mr. Mann did report it himself months later, as a co-owner at the time of the violation, I believe he would be equally responsible for any fine the board may assess.

cc James Hoelscher, Enforcement Supervisor
License file