



MEMORANDUM

TO: Mark Springer, Chair, and
Members of the Board

DATE: June 13, 2018

FROM: Erika McConnell, Director
Marijuana Control Board

RE: AK Slow Burn Cannabis Outlet,
#11731, Retail Store

In an attempt to clean up the hundreds of applications that were started in 2016 and remained in “new” or “initiated” status with no action for many months, AMCO sent an email to over 200 applicants, invoking 3 AAC 306.025(f), which states:

(f) When the director informs an applicant that its application is incomplete as provided in (e) of this section, the applicant must complete the application not later than 90 days after the date of the director's notice. If an applicant fails to complete its application during the 90-day period after the director's notice, the applicant must file a new application and pay a new application fee to obtain a marijuana establishment license.

The email:

From: AMCO Admin (CED sponsored)
Sent: Thursday, October 12, 2017 9:51 AM
Cc: AMCO Admin (CED sponsored) <amco.admin@alaska.gov>
Subject: Marijuana License Applications Initiated in 2016

Dear Applicant,

Sometime in 2016, you initiated an application for a marijuana establishment. Our records indicate that you have not proceeded with this application in some time—your application has remained in “New” or “Initiated” status since 2016 (<https://www.commerce.alaska.gov/web/portals/9/pub/MCB/MJinitiatedapplist.pdf>). (Some of you may have initiated multiple applications and proceeded to licensure with different applications.) In accordance with 3 AAC 306.025(f), I am informing you that your application is incomplete and that you have 90 days to complete your application should you wish to proceed. Please let us know at amco.admin@alaska.gov as soon as possible if you do not intend to complete your application, or if you have questions. If we don't hear from you, we will void your application in 90 days.

Thank you,

AMCO Staff
Alcohol and Marijuana Control Office (AMCO)
550 W 7th Avenue Ste. 1600
Anchorage, AK 99501
<https://www.commerce.alaska.gov/web/amco/>

Only a few applicants were able to submit all application documents by January 10, 2018. The status of the remainder was changed to “failed to complete,” generally in February of 2018.

There were several applicants who had worked on their applications, submitting various forms and payment after receiving the October 2017 email, but not completing the requirements by January 10, 2018, so their applications were changed to “failed to complete.” In March, I was contacted by Jana Weltzin, representing several of the applicants, who pointed out that 3 AAC 306.025(e) states:

(e) If an application for a marijuana establishment license is incomplete, the director shall notify the applicant by electronic mail at the address provided by the applicant and shall either

- (1) return an incomplete application in its entirety; or
- (2) request the applicant to provide additional identified items needed to complete the application.

Ms. Weltzin argued that I had not either returned any incomplete applications or informed the applicants of what additional items were needed to complete the application.

As I had not returned any incomplete applications or identified the specific missing items, and in order to be most fair to those applicants who had been working on their application but had not met the January 10 deadline, I rescinded my determination for several applicants, and sent them new individual emails identifying which application forms they were missing and providing them a new 90 day period in which to provide the missing items.

In early May, I received an email from Ms. Weltzin regarding AK Slow Burn Cannabis Outlet, #11731, requesting that this application, which had been put into “failed to complete status,” also be “revived.”

This application was initiated online in December of 2016. Since then, not a single application form has been submitted.

First Name	Last Name	Suffix	Date of Birth	Alaska Entity Name	Alaska Entity Number	Phone Number	Email Address	
				AK Slow Burn Cannabis Outlet, LLC	10037194	907-205-1705	louweaver@me.com	Details Edit Delete

1 Owner

[Add Licensee](#)

Entity Officials: 1 Entity Official

Affiliates: 0 Affiliates

Events

Item	Added	Received	Completed	Amount Owed	Payment Receipt #	Internal Only	
Online Application	12/16/2016	12/16/2016				No	Documents Edit Delete
Form MJ-00 Application Certifications	12/16/2016					No	Edit Delete
Form MJ-01 Operating Plan	12/16/2016					No	Edit Delete
Form MJ-02 Premises Diagram	12/16/2016					No	Edit Delete
Form MJ-03 Retail Supplemental	12/16/2016					No	Edit Delete
Form MJ-07 Public Notice Posting Affidavit	12/16/2016					No	Edit Delete
Form MJ-08 Local Government Notice Affidavit	12/16/2016					No	Edit Delete
Publishers Affidavit	12/16/2016					No	Edit Delete
Form MJ-09 Statement of Financial Interest	12/16/2016					No	Edit Delete
Proof of Possession for Proposed Premises	12/16/2016					No	Edit Delete
Entity Documents	12/16/2016					No	Edit Delete
Food Safety Permit Application	12/16/2016					No	Edit Delete
Form MJ-15 Operating Plan Change	12/16/2016					No	Edit Delete
Fingerprint Cards	12/16/2016					No	Edit Delete
Fingerprint Fees	12/16/2016					No	Edit Delete
New Application Fee	12/16/2016					No	Edit Delete
Retail Store License Fee	12/16/2016					No	Edit Delete
Change of Business Name Fee	12/16/2016					No	Edit Delete
Change of Operating Plan Fee	12/16/2016					No	Edit Delete
Change of Premises Diagram Fee	12/16/2016					No	Edit Delete

Initial Application Status: Incomplete

The applicant did not respond to the October 2017 email indicating he wished to continue with the application and did not contact AMCO for almost three months after the status of the application was changed to “failed to complete.” The applicant wishes to continue this application due to changes made by the Municipality of Anchorage in how it measures the separation distance from protected land uses.

In my opinion, for applications where ALL required items are missing and NO actual application documents have been submitted, the October 2017 email is sufficient to meet the requirements of 3 AAC 306.025(e) and (f). As there was no application, there was nothing I could return under (e)(1). I denied the request to reinstate this application and the licensee is appealing to the board under 3 AAC 306.845(a).