

Alcohol & Marijuana Control Office

Initiating License Application

5/2/2018 9:22:19 AM

License Number: 10310**License Status:** Active-Operating**License Type:** Standard Marijuana Cultivation Facility**Doing Business As:** DANISH GARDENS, LLC**Business License Number:** 1032803**Designated Licensee:** Dane Wyrick**Email Address:** DanishGardensAK@gmail.com**Local Government:** Anchorage (Municipality of)**Community Council:** Abbott Loop**Latitude, Longitude:** 61.147158, -149.838010**Physical Address:** 2430 Cinnabar Loop
Anchorage, AK 99507-3138
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10035830**Alaska Entity Name:** DANISH GARDENS, LLC**Phone Number:** 907-250-9790**Email Address:** mrdane_ak@yahoo.com**Mailing Address:** 6936 whitehall Street
Anchorage, AK 99502
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Dane Wyrick
[REDACTED]
[REDACTED]**Phone Number:** 907-250-9790**Email Address:** mrdane_ak@yahoo.com**Mailing Address:** 6936 whitehall Street
Anchorage, AK 99502
UNITED STATES**Entity Official #2****Type:** Individual**Name:** Mark Wyrick
[REDACTED]
[REDACTED]**Phone Number:** 907-250-9793**Email Address:** northlandconcrete@alaska.net**Mailing Address:** 5925 Austria Dr.
Anchorage, AK 99516
UNITED STATES**Note:** No affiliates entered for this license.



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Danish Gardens, LLC	License Number:	10310		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Danish Gardens, LLC				
Premises Address:	2430 Cinnabar Loop				
City:	Anchorage	State:	AK	ZIP:	99507

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Dane Wyrick
Title:	Member

Section 3 – Changes to Licensed Marijuana Establishment

Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

I certify that no changes have been made, except for those that have been previously reported or requested on a form prescribed by the Board, to this licensed establishment's business name, ownership, licensed premises diagram, or operating plan, and (for marijuana product manufacturers) that I do not wish to request Board approval for production of any new proposed marijuana products.

I certify that a change has been or will be made to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.

If you have selected the second certification, please list any and all of the types of changes that need to be reported/requested:

--

**Form MJ-20: Renewal Application Certifications****Section 4 – Certifications****Read each line below, and then sign your initials in the box to the right of any applicable statements:**

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.I certify that a notice of violation has **not** been issued for this license.**Sign your initials to the following statement only if you are unable to certify one or more of the above statements:**

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

**Read each line below, and then sign your initials in the box to the right of each statement:**

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.



I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the 2018 calendar year.



I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.



I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.



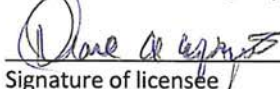
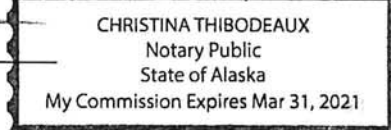
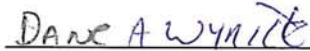
I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.



I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.



As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.


Signature of licensee
Notary Public in and for the State of Alaska
Printed name of licenseeMy commission expires: March 31, 2021Subscribed and sworn to before me this 11th day of June, 2018.



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Danish Gardens, LLC	License Number:	10310		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Danish Gardens, LLC				
Premises Address:	2430 Cinnabar Loop				
City:	Anchorage	State:	AK	ZIP:	99507

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Mark Wyrick
Title:	Member

Section 3 – Changes to Licensed Marijuana Establishment

Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

I certify that no changes have been made, except for those that have been previously reported or requested on a form prescribed by the Board, to this licensed establishment's business name, ownership, licensed premises diagram, or operating plan, and (for marijuana product manufacturers) that I do not wish to request Board approval for production of any new proposed marijuana products.



I certify that a change has been or will be made to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.



If you have selected the second certification, please list any and all of the types of changes that need to be reported/requested:

--



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.



I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.



I certify that a notice of violation has **not** been issued for this license.



Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.



I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the 2018 calendar year.



I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.



I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.



I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.



I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.



As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Printed name of licensee

Subscribed and sworn to before me this 11th day of June, 2018.

CHRISTINA THIBODEAUX
Notary Public
State of Alaska
My Commission Expires Mar 31, 2021

Notary Public in and for the State of Alaska

My commission expires: March 31, 2021

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: 8/10/17

License #/Type: 10310/Standard Cultivation

Designated Licensee: Dane Wyrick

AMCO Case#: AB17-0349

DBA: Danish Gardens, LLC

Premises Address: 2430 Cinnabar Loop Anchorage, AK 99517

Mailing Address: 2430 Cinnabar Loop Anchorage, AK 99517

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.

Over the past 30 days AMCO enforcement has responded to at least 3 complaints of the detectable odor of marijuana outside of your premises. Our response confirmed that the odor of marijuana was detectable from outside of your premises.

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."

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.

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. Bankowski

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Email

Date:

AMCO Received 6/12/2018



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

August 21, 2017

Sent Via Electronic Mail

RE: Response to Notice of Violation Dated August 10, 2017 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 17-0349, dated August 10th, 2017, stating the following allegation violated 3 AAC 306.430(c)(2):

Over the past 30 days AMCO enforcement has responded to at least 3 complaints of the detectable odor of marijuana outside of your premises. Our response confirmed that the odor of marijuana was detectable from outside of your premises.

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 implemented a robust odor control system within their cultivation facility which includes commercial grade air intakes, exhaust fans, carbon filtration systems, air scrubber systems and de-ionization systems. The licensees have made every effort to mitigate and prevent marijuana odors from being detectable from outside the cultivation building.

But regardless, this NOV indicates that the smell is detectable outside the license premises. Section 3 AAC 306.430(c)(2) provides that the smell may be allowed to the extent allowed by a local government's conditional use permit. Danish Garden has obtained a Special Land Use Permit from the municipality which provides as a condition to the permit that the smell may not seep over the facility's property line. There seems to be no basis of a violation based on unidentified complaints by unknown persons who do not specify where they noticed the smell – this is a large parcel of property. We do not see anywhere in the NOV that alleges the persons who made the complaints were outside the lines of the property.

Additionally, doesn't a licensee get to face its accuser? When a person makes a complaint that results in a NOV, that means a threat to the licensees ability to do business – the complaint is reported to the local assembly, who is then likely to take issue with the NOV at time of renewal,

and the control board pulls the license at the time of renewal too. All due to an unnamed person who makes a targeted complaint about smell, who doesn't identify whether they were outside the property lines when they noticed the smell, nor takes into consideration the known black market grow nearby or the licensed grow that is within 100 feet from Danish Gardens? Seems pretty easy to cause real problems real easy for licensees.

At least one other licensed cultivation facility exists in close proximity to Danish Gardens. It has also come to our attention that there may be an *unlicensed* marijuana grow in very close proximity to my client's facility which would, as you know, not be bound by the odor mitigation protocols set forth in 3 AAC 306.430(c)(2) or the municipality's ordinances. How is AMCO Enforcement confident that any detectable marijuana odors are coming from Danish Gardens and not one of the other two aforementioned cultivation facilities?

Had my client been notified of the first complaint that is mentioned in the Notice of Violation, perhaps by an Advisory Notice, he could have possibly prevented the issuance of the NOV by determining exactly where the odors were coming from and notifying AMCO Enforcement or taking appropriate measures at his own facility if necessary. This method of notification would be more effective and more efficient for the licensee and the use of the limited resources of the AMCO enforcement team.

My client has no problem taking commercially reasonable corrective actions necessary to further prevent odors from being detectable from outside of their cultivation facility's property lines as required by the municipality of Anchorage. However, we do not believe that AMCO Enforcement did their due diligence in determining just where these odors in question were coming from and we do not agree that unknown and unnamed accusers can willy nilly cause substantial stress and damages to licensees of this new industry.

In addition to the foregoing, I have attached my client's personal response for your review and consideration.

Sincerely,

Jana D. Weltzin

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: Friday, October 20, 2017

License #/Type: #10310, Marijuana Cultivation

Licensee: Dane Wyrick

Address: 2430 Cinnabar Loop, Anchorage, AK

DBA: Danish Gardens, LLC

AMCO Case #: AB17-0483

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 October 20th, 2017 numerous complaints of marijuana odor emitting from Danish Gardens, LLC were reported to the State of Alaska Alcohol & Marijuana Control Enforcement Office. The odor was detected in the early evening hours on several occasions prior to October 20th, 2017.

On Friday, October 20th 2017 at approximately 10:00 AM, Enforcement Supervisor James Hoelscher and I went to the Cinnabar loop area where Danish Gardens, LLC is located. The wind was gusting to the west of Danish Gardens, LLC. Supervisor Hoelscher and I parked approximately one block away to the west of the cultivation facility, The wind was gusting in our direction and there we could detect a strong odor of marijuana coming from the marijuana cultivation Danish Gardens, LLC. The odor increased as we did approach the cultivation facility to speak with the manager Christopher Owens. After speaking with Mr. Owens, he did state that Danish Gardens, LLC did have issues with the ventilation system and the filters that were used to cover the outside vents.

This is a violation of:

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

(c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility (2) does not emit an odor that is detectable by the public from outside the cultivation facility except as allowed by a local government conditional use permit process.

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: K. Whiteman

SIGNATURE: 

Delivered VIA: Mail

Received by: Christopher Owens

SIGNATURE: 

Date: November 13, 2017

Article # 7013 2250 0000 9617 5897

AMCO Received 6/12/2018



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

November 20, 2017

Sent Via Electronic Mail

Re: Response to Notice of Violation Dated October 20, 2017 Re: Danish Gardens Marijuana
Cultivation Facility License No. 10310

Dear AMCO Enforcement:

Please see the attached response to NOV case number AB17-0483 on behalf of my client Danish
Gardens, a Marijuana Cultivation Facility, license number 10310.

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,

Dane Wyrick

Dane Wyrick



Dane Wyrick

Owner

Danish Gardens, LLC

907-250-9790

mrdane_ak@yahoo.com

APPENDIX



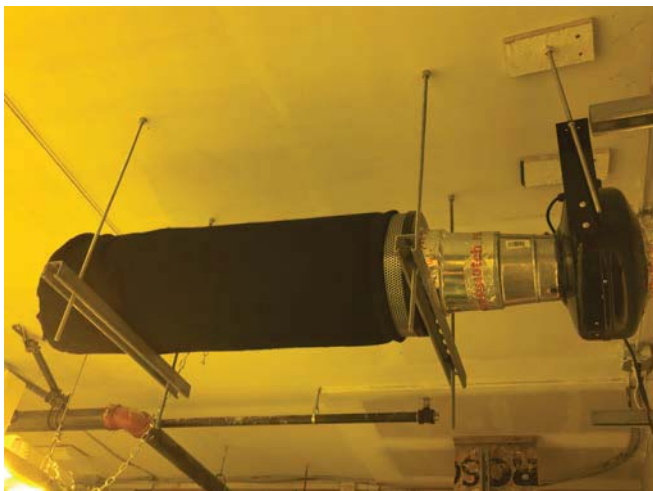
6" x 16", 400 CFM activated carbon canister – Reservoir Room



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.

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. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Rukes

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

AMCO Received 6/12/2018



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.

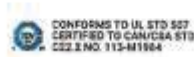
Danish Garden's designated licensee, Dane Wyrick, received an NOV case number 18-173, dated Feb., 14th, 2018, stating the following allegation violated 3 AAC 306.430(c)(2):

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.

Current 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

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 lining 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 lining area, which adds to the challenging of remediating it fully.

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