

# Alcohol & Marijuana Control Office

Initiating License Application

6/18/2018 1:53:15 PM

**License Number:** 10489

**License Status:** Active-Operating

**License Type:** Limited Marijuana Cultivation Facility

**Doing Business As:** ESTER HORTICULTURE AND RESEARCH

**Business License Number:** 1034113

**Designated Licensee:** JOHN COLLETTE

**Email Address:** gnordic@acsalaska.net

**Local Government:** Fairbanks North Star Borough

**Community Council:**

**Latitude, Longitude:** 64.892030, -147.946597

**Physical Address:** 2960 Ester Dome Road  
Fairbanks, AK 99709  
UNITED STATES

## Licensee #1

**Type:** Individual

**Name:** JOHN COLLETTE

[REDACTED]

[REDACTED]

**Phone Number:** 907-479-0706

**Email Address:** gnordic@acsalaska.net

**Mailing Address:** 3221 Ester Dome Road  
Fairbanks, AK 99709  
UNITED STATES

**Note:** No entity officials entered for this license.

**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:	John Collette	License Number:	10489		
License Type:	Limited Cultivation				
Doing Business As:	Ester Horticulture and Research				
Premises Address:	2960 Ester Dome Road				
City:	Fairbanks	State:	AK	ZIP:	99709

### Section 2 – Individual Information

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

Name:	John Collette
Title:	owner/licensee

### 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.

JC
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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.

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

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# 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.

sc

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.

sc

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).

sc

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.

sc

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

sc

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

sc

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

sc

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.

sc

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.

sc

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

John Collette

Printed name of licensee

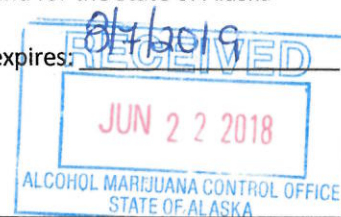
State of Alaska  
NOTARY PUBLIC

J. Poehls

My Commission Expires Aug 7, 2019

Notary Public in and for the State of Alaska

My commission expires:



Subscribed and sworn to before me this 18<sup>th</sup> day of June, 2018.

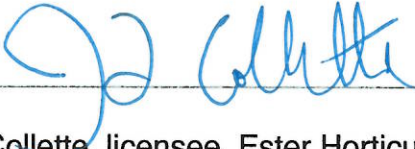


Written Explanation for form MJ20

The Notice of Violation was issued to the business on April 5, 2018k for an alleged violation of discrepancies in a transport manifest.

This was heard by the board at their last meeting.  
No decision was announced then, or since, as of this date  
June 18, 2018

NOV AMCO case AB17-0000445



John Collette, licensee, Ester Horticulture and Research



Written Explanation for Notice of Violation AB17-0089  
Against Ester Horticulture and Research  
June 27, 2018

This NOV was for a problem discovered on the initial inspection by Amanda Stonecipher. She determined that a NOV was justified due to the plants being more advanced, i.e. were showing signs of flowering. She determined this was outside the scope of regulations.

The MCB heard the case and found Ester Horticulture in non-compliance and deemed the first crop was to be seized and destroyed.

On appeal, under sworn testimony, it was established that the Director and MCB had failed in providing the new industry with a lawful means to populate the new growing establishments with plants. Every new grower with more than 12 plants in their possession at time of initial inspection was, and is, in noncompliance with existing regulation and statute.

In order to enter the marijuana industry growers were, and are, faced with breaking the law, due to the lack of a legal means to provide for the initial plants needed. Ester Horticulture, as are all other growers, was caught in this conundrum.

On appeal the Administrative law judge ruled against Ester Horticulture on the grounds that it was against statute and regulation to have more plants than allowed under existing rules. The fact that the Director and MCB had utterly failed to provide for a legal means to populate new marijuana grows with more than 12 plants upon initial inspection was outside the appeal's scope of review.

Although Ester Horticulture had the right to appeal to the Superior Court, exposing that the Director and MCB had, as testimony established, through fear of Federal action against them individually, had failed to follow a logical regulatory path to creating a new industry, was sufficient at the time.

The MCB has promised to address this regulatory failing, but has failed to do so, leaving all new growers exposed to the whims of the Director, the MCB and the enforcement division. The penalties are felony level for possessing more than 12 plants at the time of initial inspection, but there exists no legal protection for new growers.





Alcohol & Marijuana Control Office  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

Date: 2-23-17  
Case Number: AB 17-0089  
Page 1 of 1 Page

## Notice of Violation

(3AAC 306.805)

Licensee	License Number	Type of License
John Collette	10489	Limited Marijuana Cultivation
D.B.A.	How Delivered	Law Enforcement Agency
Ester Horticulture & Research	Via email to <a href="mailto:gnordic@acsalaska.net">gnordic@acsalaska.net</a>	Alaska State Troopers
Street or P.O. Box	City, State	Zip
2960 Ester Dome Road	Fairbanks, AK	99709

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.

**VIOLATION:** During your initial inspection on February 15, 2017 it was discovered there were 33 flowering plants approximately 4-5 feet tall in your facility. According to licensing records, you did not receive Fire Marshal Approval until 1-25-17, your Marijuana Handler's Permit until 2-1-17, and credentialed into METRC until 2-2-17. METRC shows once you were credentialed into the system on 2-2-17, you backdated the plants and entered them in flowering stage on 1-18-17; skipping the clone/seed and vegetative stages in the system.

**Your Attention is directed to: 3 AAC 306.400 Marijuana cultivation facility license required; 3 AAC 306.425 Marijuana Handler Permit required; 3 AAC 306.730 Marijuana inventory tracking system.**

**You are directed to respond to the Director of the Marijuana Control Board in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a reoccurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE MARIJUANA CONTROL BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please include your Marijuana Establishment License Number in your response.**

Alcohol & Marijuana Control Office  
ATTN: Enforcement Unit  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501

### A Response is Required

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 shall respond, either orally or in writing, to the Notice.

Receipt:	Violation Observed By: Amanda Stonecipher
Filed By: Amanda Stonecipher	Title: Investigator III



# 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: 04-05-18

License #/Type: #10489 Limited Cultivation

Licensee: John Collette

Address: 2960 Ester Dome Road, Fairbanks, AK

DBA: Ester Horticulture and Research

AMCO Case #: AB17-0000445

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 discovered two METRC Transport Manifests dated 08-21-17 from two facilities conflicted each other. The first manifest, #96523 was from RCFC, LLC, License #10005. The manifest stated Handler Devron Hellings would be the transporting party. The route to be traveled noted a Nissan Versa would be used to drive from RCFC's facility to the Fairbanks International Airport with specific directions, then via a specific flight, and lastly to Canntest Lab in Anchorage via a Honda Civic, again with specific directions. The departure time was to be 11 am and arrival time 3 pm. The actual time received at Canntest is indicated as 5:03 pm.

The conflicting manifest, #96401, originated from Ester Horticulture and Research, License #10489. The transporting party was indicated to be Devron Hellings as well. The vehicle used to transport the product to Rosie Creek Farm is not documented. In their manifest, the route is indicated to be from their facility to RCFC, LLC's facility. The exact route is not written. The route then goes to a Fred Meyer's gas station. The route from Rosie Creek Farm's facility to the gas station did not contain specific directions either. From the gas station the Fairbanks International Airport were then documented in detail as required. The route continued to document a specific flight; the same flight indicated on RCFC, LLC's manifest. The route ended with the arrival in Anchorage. It did not outline the route to be traveled to Canntest. The time of departure was 10:30 am and arrival time 3 pm. The actual time received was 3:51 pm.

Based on the conflicting information, it is unclear which vehicle(s) and transporter(s) were actually used to transport the products from the two facilities to the airport and on to Anchorage. It is unclear as to why the products were not received at Canntest at the same time since both manifests indicate the products were transported by Devron Hellings. RCFC, LLC's manifest is missing at least one stop, the Fred Meyer's gas station.

This is a violation of: 3 AAC 306.435 (b) Marijuana Inventory Tracking System, 3 AAC 306.730 Marijuana Inventory Tracking System, and 3 AAC 306.750 Transportation.

**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: A. Stonecipher

Received by: John Collette

SIGNATURE:



SIGNATURE:



Delivered VIA: Email

Date:

4/5/18

Article #