# CORRESPONDENCE

THE STATE of ALASKA
GOVERNOR BILL WALKER

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

ALCOHOL & MARIJUANA CONTROL OFFICE
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

October 12, 2018

HS Enterprises LLC
DBA: State of Mind Cannabis Company
Via email: stateofmindcannabis@gmail.com

Re: Retail Marijuana Store Facility #17176

Dear applicant,

The AMCO Office has reviewed the documents submitted for the proposed marijuana establishment license referenced above. This letter is notice under 3 ACC 306.025(e)(2) that your application is incomplete and additional items are needed to complete the application. The additional items that need correction or resubmittal are listed below—please be sure to read the entire letter. **Please note that if the corrections and/or additional documents submitted in response to this letter are not found to be complete, your application will be returned to you in accordance with 3 AAC 306.025(e)(1), and you will need to file a new application and pay a new fee should you wish to continue pursuing licensure.**

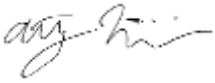
- **Online Application**
  - Erin Webb has been listed as an affiliate, but should be listed as an Entity Official according to the information reported to the Division of Corporations for this entity. No one should be listed as an affiliate.
  - Two liquor licenses (License #2720 DBA Lost Lake Market & Liquor and License #4254 DBA LynDav Waterhole) are located at this address. Because the owners of the existing liquor licenses (David & Lynn Hettick) and the owner of the proposed marijuana establishment (HS Enterprises LLC) are different, it will be necessary to designate a suite or unit number for this establishment.
  - I have rolled your application back to New status so that you can correct your list of officials and designate a unit or suite number to the premises address through MyAlaska.
  - After you resubmit your online application through MyAlaska, a new Public Notice and Advertisement Notice will be generated. Be sure to retain copies of this document for your records and corrections for this application.
  - Note that all forms of the application will need to be updated to include the suite or unit number in the premises address. An updated lease will also be required.
- **MJ-01 Operating Plan**
  - Two copies of Form MJ-01 were submit that name different designated licensees and provide different mailing addresses. Please verify who the designated licensee is and what the correct mailing address for HS Enterprises LLC is.
  - Page 2, Section 3.2:

        - Expand upon your response to include the ratio of visitors to licensees/employees/agents of the licensees when escorting visitors through restricted access areas.
    - Page 4, Section 3.5:
        - The requirements under 3 AAC 306.715 have been updated since your application was submitted. Please review 3 AAC 306.715(e) and expand upon your response to include when AMCO is contacted in the event of an unauthorized breach.
    - Page 11 (Additional Space), Sample Label:
        - The warning statements must be verbatim. The fourth warning statement omits the word "the" from "Keep out of the reach of children", and the fifth statement adds "and/or" from "Marijuana should not be used by women who are pregnant or breast feeding".
- **MJ-02 Premises Diagram**
    - Please number your diagrams according to the list on Page 1 of Form MJ-02.
    - The locations of security cameras should not be depicted in your diagrams.
    - Diagram of the Proposed Premises Only:
        - Please outline and label (in color) the areas that will be designated as the licensed premises.
        - It is difficult to determine the boundaries of the restricted access areas. Within the licensed premises, please clearly outline and label the restricted access areas.
        - The areas to be used for storage must be labeled.
        - No doors are depicted going into the secured area, office area, and surveillance room. How are these areas accessed?
    - Site Plan (Department of Transportation Right of Way Map):
        - Please clearly label the location of the building which the licensed premises will be located in.
    - Google Maps Images:
        - Please clearly label the location of the building which the licensed premises will be located in.
    - 1st Floor Diagram:
        - Using different colors and labels, please distinguish the licensed premises from the unlicensed areas or premises of other licenses within the building. The licensed premises of liquor licenses within the building must also be outlined and labeled.
    - 2nd Floor Diagram:
        - Two sets of stairs are depicted on this diagram, but only one set of stairs is shown on the 1st floor diagram.
- **MJ-03 Retail Supplemental**
    - Page 2, Section 2.1:
        - Include in your response information regarding the intake and flow of marijuana and marijuana product at the premises.
    - Page 3, Section 5.1:
        - A portion of your response in this section was cut off. Please edit your response so that it fits within the box provided or use additional copies of Page 6 as needed.
    - Page 4, Section 6.1 and 6.2:
        - A portion of your response in this section was cut off. Please edit your response so that it fits within the box provided or use additional copies of Page 6 as needed.
    - Page 5, Section 7.1:

        - A portion of your response in this section was cut off. Please edit your response so that it fits within the box provided or use additional copies of Page 6 as needed.
    - Page 6 (Additional Space), Sample Label:
        - The warning statements must be verbatim. The fourth warning statement omits the word "the" from "Keep out of the reach of children", and the fifteen statement includes "and/or" from "Marijuana should not be used by women who are pregnant or breastfeeding".
- **MJ-07 Public Notice Posting Affidavit**
    - Because the list of officials on the Public Notice requires corrections, it will be necessary to post a copy of the Public Notice at the proposed premises and one other location for five days and provide a new MJ-07.
- **MJ-08 Local Government Notice Affidavit**
    - Because the list of officials on the Public Notice requires corrections, it will be necessary to provide the corrected Public Notice to your local government and complete a new MJ-08.
- **Publisher's Affidavit:**
    - It will be necessary to run a corrected advertisement **one time** and provide an affidavit from the publisher. Please be sure to include a copy of the advertisement.
- **Proof of Possession for Proposed Premises**
    - Under 3 AAC 306.020, an applicant must provide the title, lease, or other document showing that the applicant has sole right of possession to the proposed license premises. The lease provided names two tenants, HS Enterprises LLC and State of Mind Cannabis Company, which does not meet this requirement.
    - A lease must contain acknowledgement from the landlord that the premises will be used as a marijuana establishment. However, the lease provided states that the premises will be occupied only by the tenant and tenant's immediate family for residential purposes.
    - Leases must contain a disclaimer that the landlord/lessor will not take possession of or remove marijuana from the premises, and that AMCO will be contacted in the event that this is necessary (typically under the "Default" section of the lease).
    - The Use of Premises section of your lease states that the premises will be occupied only by the tenant and the tenant's immediate family for residential purposes. A commercial lease will be required. If you need assistance with drafting a lease, you are encouraged to seek professional legal counsel.
- **Food Permit Application**
    - Please provide a copy of a Food Safety Permit Application that has been stamped as received by DEC.
- **Miscellaneous**
    - Note that the premises diagrams on file for liquor license #2720 DBA Lost Lake Market and Liquor and license #4254 DBA LynDav Waterhole are inconsistent with the diagrams provided with this application. It may be necessary for you to file Form AB-14: Licensed Premises Diagram Change for these licenses to update the diagrams.

It is very important that you submit the above corrections and/or documents in a timely manner so that AMCO staff has adequate time to review the corrections and/or additional documents which must be found to be complete within 90 days of the date of this letter.

Respectfully,



TJ Zielinski, Occupational Licensing Examiner
For,
Erika McConnell, Director
marijuana.licensing@alaska.gov

| | |
|---|---|
| **From:** | Marijuana Licensing (CED sponsored) |
| **To:** | stateofmindcannabis@gmail.com |
| **Cc:** | Marijuana Licensing (CED sponsored) |
| **Subject:** | Incomplete Application - State of Mind Cannabis Company License #17176 |
| **Date:** | Friday, October 12, 2018 8:18:26 AM |
| **Attachments:** | 17176 Incomplete Notice.pdf<br>image001.png |

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Good morning,

Your application for your marijuana establishment license has been reviewed, and at this time is considered incomplete. See the attached notice regarding corrections, additional documents, and/or resubmittals that need to be addressed in your application.

**Please make sure to read the entire letter. If the submitted corrections are not found to be complete, your application will be returned to you in accordance with 3 AAC 306.025(e)(1), and you will need to file a new application and pay a new fee should you wish to continue pursuing licensure. Essentially, we will accept corrections one time within your 90-day deadline period. Feel free to call or email if you need clarification on any items from the Incomplete Notice.**

Let us know if you require copies of any documents that were submitted.

If you have any questions or concerns, please address them to marijuana.licensing@alaska.gov.

Sincerely,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

| | |
|---|---|
| **From:** | Marijuana Licensing (CED sponsored) |
| **To:** | "Lynn Hettick" |
| **Cc:** | Marijuana Licensing (CED sponsored) |
| **Subject:** | RE: Incomplete Application - State of Mind Cannabis Company License #17176 |
| **Date:** | Friday, October 12, 2018 11:30:00 AM |
| **Attachments:** | image001.png |

Good morning Lynn,

No, you are not starting over. The system will not allow you to make changes to the premises address and list of officials after you first initiate the application through MyAlaska, but I have changed the status of your application so that you can go in and make these corrections. Correcting the information in MyAlaska is the first step before you can address the other needed corrections in the Notice I sent earlier.

Once you have addressed the corrections in your Incomplete Notice and submitted your revisions, I will review your application for completeness a second time. If the corrections submitted at that time are inadequate for the application to be complete, the application would be returned to you and you would need to pay new fees to continue pursuing a license.

The requirement of a suite or unit number would also apply to License #16529, which we will address.

Thank you and let me know if you have any additional questions,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

**From:** Lynn Hettick <stateofmindcannabis@gmail.com>
**Sent:** Friday, October 12, 2018 9:13 AM
**To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** Re: Incomplete Application - State of Mind Cannabis Company License #17176

Ok I have a few questions.
First are you saying that we have to redo the whole application. Like we are starting completely over?

Second in regards to MJ03 responses being cut off it was all done on the electronic forms so we will be submitting extra papers so this doesn't happen again.

Question about address for Good Buds LLC #16529 they also own a liquor store in the same

building. They are using the same address for both business. How are they able to move forward into the complete status in the same situation?

Look forward to hearing back from you thanks Lynn Hettick

On Fri, Oct 12, 2018, 8:18 AM Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

> Good morning,
>
> Your application for your marijuana establishment license has been reviewed, and at this time is considered incomplete. See the attached notice regarding corrections, additional documents, and/or resubmittals that need to be addressed in your application.
>
> **Please make sure to read the entire letter. If the submitted corrections are not found to be complete, your application will be returned to you in accordance with 3 AAC 306.025(e)(1), and you will need to file a new application and pay a new fee should you wish to continue pursuing licensure. Essentially, we will accept corrections one time within your 90-day deadline period. Feel free to call or email if you need clarification on any items from the Incomplete Notice.**
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> Let us know if you require copies of any documents that were submitted.
>
> If you have any questions or concerns, please address them to marijuana.licensing@alaska.gov.
>
> Sincerely,
>
> **TJ Zielinski**
> Occupational Licensing Examiner
> Alcohol & Marijuana Control Office
> 550 West 7th Avenue, Suite 1600
> Anchorage, Alaska 99501

| | |
|---|---|
| **From:** | Marijuana Licensing (CED sponsored) |
| **To:** | Lynn Hettick |
| **Cc:** | Marijuana Licensing (CED sponsored) |
| **Subject:** | RE: Incomplete Application - State of Mind Cannabis Company License #17176 |
| **Date:** | Monday, October 15, 2018 8:39:05 AM |
| **Attachments:** | image001.png |

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Good morning Lynn,

I will forward your concerns to the Examiner who reviewed the application you are referencing, but I am not able to discuss other proposed licensees' applications with you.

The instructions of Form MJ-02: Premises Diagram list the requirements for each of the diagrams on the first and second pages (see an online copy here: https://www.commerce.alaska.gov/web/Portals/9/pub/MCB/MarijuanaApplication/MJ-02.pdf). But yes, Diagram 5 requires a diagram of the entire building which the licensed premises will be located in.

Regarding the warning statements on your label being required to be verbatim, there have been no changes to this requirement. You may be looking at a version of an application that also needed to be corrected.

Sincerely,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

**From:** Lynn Hettick <stateofmindcannabis@gmail.com>
**Sent:** Saturday, October 13, 2018 5:55 PM
**To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** Re: Incomplete Application - State of Mind Cannabis Company License #17176

Hello Mr. Zielinski
I was just going over Good Buds LLC #16529 floor plans and I am wondering why they did not show the second floor of the building they are renting? There are apartments above the retail location that they are leasing. On their floor plans it does not even show the door that access those apartments. The door is to the apartments is in the middle of SAK town liquor and Good Buds LLC retail store. There are several stairs that go up to the second floor. I am wondering if I need to show my whole building or do I just have to show the retail space on the floor plans? Sorry for not getting this to you earlier but I just started looking at their application more closely. I will be following this upcoming meeting to see how these issues are managed. Thanks for your time Lynn Hettick

On Fri, Oct 12, 2018 at 11:30 AM Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

> Good morning Lynn,
>
> No, you are not starting over. The system will not allow you to make changes to the premises address and list of officials after you first initiate the application through MyAlaska, but I have changed the status of your application so that you can go in and make these corrections. Correcting the information in MyAlaska is the first step before you can address the other needed corrections in the Notice I sent earlier.
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> Once you have addressed the corrections in your Incomplete Notice and submitted your revisions, I will review your application for completeness a second time. If the corrections submitted at that time are inadequate for the application to be complete, the application would be returned to you and you would need to pay new fees to continue pursuing a license.
>
> The requirement of a suite or unit number would also apply to License #16529, which we will address.
>
> Thank you and let me know if you have any additional questions,
>
> **TJ Zielinski**
> Occupational Licensing Examiner
> Alcohol & Marijuana Control Office
> 550 West 7th Avenue, Suite 1600
> Anchorage, Alaska 99501
>
> **From:** Lynn Hettick <stateofmindcannabis@gmail.com>
> **Sent:** Friday, October 12, 2018 9:13 AM
> **To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
> **Subject:** Re: Incomplete Application - State of Mind Cannabis Company License #17176
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> Ok I have a few questions.
> First are you saying that we have to redo the whole application. Like we are starting completely over?
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> Second in regards to MJ03 responses being cut off it was all done on the electronic forms so we will be submitting extra papers so this doesn't happen again.
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> Question about address for Good Buds LLC #16529 they also own a liquor store in the same building. They are using the same address for both business. How are they able to move forward into the complete status in the same situation?

Look forward to hearing back from you thanks Lynn Hettick

On Fri, Oct 12, 2018, 8:18 AM Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

> Good morning,
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> Let us know if you require copies of any documents that were submitted.
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> If you have any questions or concerns, please address them to marijuana.licensing@alaska.gov.
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> Sincerely,
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> **TJ Zielinski**
> Occupational Licensing Examiner
> Alcohol & Marijuana Control Office
> 550 West 7th Avenue, Suite 1600
> Anchorage, Alaska 99501

| | |
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| **From:** | Marijuana Licensing (CED sponsored) |
| **To:** | Lynn Hettick |
| **Cc:** | Marijuana Licensing (CED sponsored) |
| **Subject:** | RE: Incomplete Application - State of Mind Cannabis Company License #17176 |
| **Date:** | Monday, October 15, 2018 11:49:38 AM |
| **Attachments:** | image001.png |

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You are very welcome.

It will be necessary to run a corrected advertisement in the newspaper one time. Note that the advertising notice is not the same as the copy of the Public Notice that you post at the premises and one other location for ten days or that you provide to your local government. New copies of both documents will be generated when you resubmit your information in MyAlaska.

Sincerely,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

**From:** Lynn Hettick <stateofmindcannabis@gmail.com>
**Sent:** Monday, October 15, 2018 11:04 AM
**To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** Re: Incomplete Application - State of Mind Cannabis Company License #17176

Thank you for the quick response and the explanation. You are correct about reading others application. Won't make that mistake again.
I forgot to ask you about re running the public notice in the newspaper? How long do we have to rerun the notice for? Lynn Hettick

On Mon, Oct 15, 2018, 8:39 AM Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

> Good morning Lynn,
>
> I will forward your concerns to the Examiner who reviewed the application you are referencing, but I am not able to discuss other proposed licensees' applications with you.
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> The instructions of Form MJ-02: Premises Diagram list the requirements for each of the diagrams on the first and second pages (see an online copy here: https://www.commerce.alaska.gov/web/Portals/9/pub/MCB/MarijuanaApplication/MJ-02.pdf). But yes, Diagram 5 requires a diagram of the entire building which the licensed premises will be located in.

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550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

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**Sent:** Saturday, October 13, 2018 5:55 PM
**To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** Re: Incomplete Application - State of Mind Cannabis Company License #17176

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The requirement of a suite or unit number would also apply to License #16529, which we will address.

Thank you and let me know if you have any additional questions,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

**From:** Lynn Hettick <stateofmindcannabis@gmail.com>
**Sent:** Friday, October 12, 2018 9:13 AM
**To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** Re: Incomplete Application - State of Mind Cannabis Company License #17176

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> **Please make sure to read the entire letter. If the submitted corrections are not found to be complete, your application will be returned to you in accordance with 3 AAC 306.025(e)(1), and you will need to file a new application and pay a new fee should you wish to continue pursuing licensure. Essentially, we will accept corrections one time within your 90-day deadline period. Feel free to call or email if you need clarification on any items from the Incomplete Notice.**

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If you have any questions or concerns, please address them to marijuana.licensing@alaska.gov.

Sincerely,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

| | |
|---|---|
| **From:** | Marijuana Licensing (CED sponsored) |
| **To:** | Lynn Hettick |
| **Cc:** | Marijuana Licensing (CED sponsored) |
| **Subject:** | RE: State of Mind Cannabis Company #17176 |
| **Date:** | Wednesday, November 07, 2018 9:11:06 AM |
| **Attachments:** | image001.png |

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Good morning,

I am confirming receipt of the following emails with attachments:

- 11 emails with application forms attached individually
- 4 emails with 11 attached forms and documents (with the license number in the subject line)
- 1 email to replace the MJ-07 previously provided

Other than the license number being included in the subject line for the set of 4 emails, is there any difference in the files that were attached?

Sincerely,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

**From:** Lynn Hettick <stateofmindcannabis@gmail.com>
**Sent:** Tuesday, November 06, 2018 8:08 PM
**To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** State of Mind Cannabis Company #17176

Hello
I need to replace my MJ 07 Public Notice Posting Affidavit replaced with this one that I am sending in this email. I forgot to attach the newspaper ad that we reran with the unit number on it. Any questions please feel free to contact me thanks David Hettick

| | |
|---|---|
| **From:** | Marijuana Licensing (CED sponsored) |
| **To:** | Lynn Hettick |
| **Cc:** | Marijuana Licensing (CED sponsored) |
| **Subject:** | RE: Incomplete Application - State of Mind Cannabis Company #17176 |
| **Date:** | Wednesday, November 07, 2018 4:00:54 PM |
| **Attachments:** | image001.png |

Good afternoon,

I was able to review your corrections and see that most have been made, but some additional revisions will be required on Form MJ-02: Premises Diagram.

One of the corrections for MJ-02 was for the diagrams to be numbered according to the list of diagrams on Page 1 of Form MJ-02. I see that one diagram is labeled as Diagram #1, but the other documents are labeled Drawing 2 through 10. They do not appear to be in any particular order, and I am not sure which diagrams are intended to meet which requirements. Please label and order your diagrams in the order listed on the first page.

On the diagram labeled Diagram #1, the area designated as the licensed premises must be outlined and labeled in color. Within that licensed premises, indicate which areas will be designated as restricted access areas using a different color and label as appropriate. Marking areas with "RAA" does not clearly indicate where a restricted access areas begin and end. Additionally, room dimensions were not provided on this diagram.

Please follow the instructions on MJ-02 closely to ensure that each diagram meets all requirements, and let me know if there is anything I can clarify.

Sincerely,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

---

**From:** Marijuana Licensing (CED sponsored)
**Sent:** Wednesday, November 07, 2018 9:43 AM
**To:** Lynn Hettick <stateofmindcannabis@gmail.com>
**Cc:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** RE: State of Mind Cannabis Company #17176

Understood, thank you very much for clarifying! I am not certain yet if I will get to review your

corrections today, but I will follow up with you before the end of the week.

Sincerely,

**TJ Zielinski**
Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

**From:** Lynn Hettick <stateofmindcannabis@gmail.com>
**Sent:** Wednesday, November 07, 2018 9:23 AM
**To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** Re: State of Mind Cannabis Company #17176

Good morning
I know that I forgot the license number in the subject line. That is why I sent them again. They only one that I didn't attach was MJ 07 the newspaper legal notice that is why I resent it. Lynn

On Wed, Nov 7, 2018, 9:11 AM Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov wrote:

> Good morning,
>
> I am confirming receipt of the following emails with attachments:
>
> - 11 emails with application forms attached individually
> - 4 emails with 11 attached forms and documents (with the license number in the subject line)
> - 1 email to replace the MJ-07 previously provided
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> Other than the license number being included in the subject line for the set of 4 emails, is there any difference in the files that were attached?
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> **TJ Zielinski**
> Occupational Licensing Examiner
> Alcohol & Marijuana Control Office
> 550 West 7th Avenue, Suite 1600
> Anchorage, Alaska 99501

**From:** Lynn Hettick <stateofmindcannabis@gmail.com>
**Sent:** Tuesday, November 06, 2018 8:08 PM
**To:** Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
**Subject:** State of Mind Cannabis Company #17176

Hello
I need to replace my MJ 07 Public Notice Posting Affidavit replaced with this one that I am sending in this email. I forgot to attach the newspaper ad that we reran with the unit number on it. Any questions please feel free to contact me thanks David Hettick