



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

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

ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

**MEMORANDUM**

TO: Marijuana Control Board                      DATE: December 20, 2018

FROM: Erika McConnell, Director              RE: Einstein Labs, #10082,  
Product Manufacturing Facility

The application for this license was originally approved by the board in September of 2016. The license was issued in January of 2017 and became effective on February 6, 2017.

The licensed entity, Einstein Enterprises, Inc., is owned by the following individuals:

Justin Roland - 49%  
Kenneth Knight - 47%  
Lucinda Mahoney - 4%

Ms. Mahoney did not apply for a permanent fund dividend for 2017 and submitted an MJ-18 as part of the renewal application for this license. As explained in the attached memo from Investigator Rukes, AMCO has determined that Lucinda Mahoney was not a resident of the state as defined by 3 AAC 306.015(e)(2) in 2017. Ms. Mahoney was present in Alaska only about 63 days in 2017.

Attachments: Report of Investigator Rukes  
Renewal application



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**Department of Commerce, Community,  
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ALCOHOL & MARIJUANA CONTROL OFFICE

550 West Seventh Avenue, Suite 1600  
Anchorage, AK 99501  
Main: 907.269.0350

## MEMORANDUM

TO: Erika McConnell

DATE: Thursday, December 13, 2018

FROM: Inv. Rukes

RE: Lucinda Mahoney

Lucinda Mahoney's residency came into question. Mahoney provided a MJ-18 to AMCO on July 12. After reviewing the MJ-18 I called and spoke to Mahoney. She stated that she had been out of state a lot during the qualifying year of 2017 because she has a business in Nevada but she could not for sure tell me how much she had been absent. I requested a copy of her flights for 2017. Mahoney did not provide a list of her flights until August. After reviewing her flights it looked as though she was only in state for about 63 days. She stated that the reason that she took so long to provide the information is because she had been diagnosed and treated for cancer. PFD does not include running a business in another state as an allowable absence. She stated that she had not taken any other airlines to and from Alaska.

### Allowable Absences

Permanent Fund Dividend laws allow persons to be absent from Alaska for more than 180 days total in a qualifying year if they are absent for one or more of the following reasons. Additional rules may apply to each type of absence. For additional information refer to [PFD Statutes and Regulations](#) (PDF).

1. receiving secondary or post-secondary education on a full-time basis;
2. receiving vocational, professional, or other specific education on a full-time basis for which, as determined by the Alaska Commission on Postsecondary Education, a comparable program is not reasonably available in the state;

3. serving on active duty as a member of the armed forces of the United States or accompanying, as that individual's spouse, minor dependent, or disabled dependent, an individual who is
  1. serving on active duty as a member of the armed forces of the United States; and
  2. eligible for a current year dividend.
4. serving under foreign or coastal articles of employment aboard an oceangoing vessel of the U.S. merchant marine;
5. receiving continuous medical treatment recommended by a licensed physician or convalescing as recommended by the physician who treated the illness if the treatment or convalescence is not based on a need for climatic change;
6. providing care for your parent, spouse, sibling, child, or stepchild with a critical life-threatening illness whose treatment plan as recommended by the attending physician, requires travel outside the state for treatment at a medical specialty complex;
7. providing care for your terminally ill family member;
8. settling the estate of your deceased parent, spouse, sibling, child or stepchild provided the absence does not exceed 220 cumulative days;
9. serving as a member of the United States Congress;
10. serving on the staff of a member from this state of the United States Congress;
11. serving as an employee of the state in a field office or other location;
12. accompanying a minor who is absent under reason (5) above;
13. accompanying another eligible resident who is absent for reasons (1), (2), (5)-(12) as the spouse, minor dependent, or disabled dependent of the eligible resident;
14. serving as a volunteer in the federal peace corps program;
15. training or competing as a member of the United States Olympic Team;
16. participating for educational purposes in a student fellowship sponsored by the United States Department of Education or by the United States Department of State.

Ticket Number	Confirmation	Total Traveler N	Traveler Last N	Traveler First N	Total Segment N	Segment N	Operated	Flight Num	Cabin	Depart	Scheduled Departure	Arrive	Scheduled Arrival	Fare Basis	Status
027 2130574447	MSVVGR	1	1 Mahoney	Lucinda	1	1	Alaska Airli	4287	Coach	Los Angeles- California (LAX)	1/7/2017 11:00	Reno- Nevada (RNO)	1/7/2017 12:34	S0AIZRN1	Used
027 2132042348	GGSPVB	1	1 Mahoney	Lucinda	1	1	Alaska Airli	4359	Coach	Reno- Nevada (RNO)	2/16/2017 9:40	Los Angeles- California (LAX)	2/16/2017 11:26	HVAIZNN1	Used
027 2134394309	LSKXJN	1	1 Mahoney	Lucinda	2	1	Alaska Airli	2442	Coach	Reno- Nevada (RNO)	3/24/2017 10:34	Seattle- Washington (SEA)	3/24/2017 12:35	V21N4	Used
027 2134394309	LSKXJN	1	1 Mahoney	Lucinda	2	2	Alaska Airli	101	Coach	Seattle- Washington (SEA)	3/24/2017 13:40	Anchorage- Alaska (ANC)	3/24/2017 16:14	V21N4	Used
027 2136875603	DJZGMI	1	1 Mahoney	Lucinda	2	1	Alaska Airli	146	Coach	Anchorage- Alaska (ANC)	3/27/2017 0:45	Seattle- Washington (SEA)	3/27/2017 5:11	YASR1	Used
027 2136875603	DJZGMI	1	1 Mahoney	Lucinda	2	2	Alaska Airli	342	Coach	Seattle- Washington (SEA)	3/27/2017 6:00	Oakland- California (OAK)	3/27/2017 8:05	YASR1	Used
027 2140377876	NCGCBT	1	1 Mahoney	Lucinda	1	1	Alaska Airli	175	Coach	Los Angeles- California (LAX)	5/14/2017 23:35	Anchorage- Alaska (ANC)	5/15/2017 4:00	BASN3	Used
027 2142664739	YFFJEF	1	1 Mahoney	Lucinda	2	1	Alaska Airli	2238	Coach	Reno- Nevada (RNO)	6/14/2017 14:45	Seattle- Washington (SEA)	6/14/2017 16:43	B07N3	Used
027 2142664739	YFFJEF	1	1 Mahoney	Lucinda	2	2	Alaska Airli	89	Coach	Seattle- Washington (SEA)	6/14/2017 17:50	Anchorage- Alaska (ANC)	6/14/2017 20:31	B07N3	Used
027 2143060758	RMSFNH	1	1 Mahoney	Lucinda	2	1	Alaska Airli	146	Coach	Anchorage- Alaska (ANC)	6/18/2017 0:35	Seattle- Washington (SEA)	6/18/2017 5:02	R07VN5	Used
027 2143060758	RMSFNH	1	1 Mahoney	Lucinda	2	2	Alaska Airli	2441	Coach	Seattle- Washington (SEA)	6/18/2017 7:25	Reno- Nevada (RNO)	6/18/2017 9:29	BASN3	Used
027 2144198187	XMBAIU	1	1 Mahoney	Lucinda	1	1	Alaska Airli	2250	Coach	Reno- Nevada (RNO)	7/14/2017 6:55	Seattle- Washington (SEA)	7/14/2017 9:02	L14N4	Used
027 2144205258	ZPPDUZ	1	1 Mahoney	Lucinda	2	1	Alaska Airli	92	Coach	Anchorage- Alaska (ANC)	7/24/2017 14:10	Seattle- Washington (SEA)	7/24/2017 18:28	B14N3	Used
027 2144205258	ZPPDUZ	1	1 Mahoney	Lucinda	2	2	Alaska Airli	2229	Coach	Seattle- Washington (SEA)	7/24/2017 19:37	Reno- Nevada (RNO)	7/24/2017 21:33	B14N3	Used
027 2144952231	RKFEDI	1	1 Mahoney	Lucinda	1	1	Alaska Airli	8416	Coach	Reno- Nevada (RNO)	7/2/2017 18:40	Los Angeles- California (LAX)	7/2/2017 20:34	B0AJZNN1	Used
027 2145707496	MVYVHW	2	2 MAHONEY	LUCINDA	1	1	Alaska Airli	125	Coach	Seattle- Washington (SEA)	7/16/2017 20:00	Anchorage- Alaska (ANC)	7/16/2017 22:27	K14VN5	Used
027 2147488103	HSBZXS	1	1 House Mahone	Lucinda	2	1	Alaska Airli	2442	Coach	Reno- Nevada (RNO)	8/25/2017 10:34	Seattle- Washington (SEA)	8/25/2017 12:35	G21JN5	Used
027 2147488103	HSBZXS	1	1 House Mahone	Lucinda	2	2	Alaska Airli	780	Coach	Seattle- Washington (SEA)	8/25/2017 13:45	Minneapolis- Minnesota (MSP)	8/25/2017 19:10	G21JN5	Used
027 2147627330	DHHPVD	1	1 House Mahone	Lucinda	2	1	Alaska Airli	39	Coach	Minneapolis- Minnesota (MSP)	8/29/2017 7:05	Seattle- Washington (SEA)	8/29/2017 9:00	R21JN5	Used
027 2147627330	DHHPVD	1	1 House Mahone	Lucinda	2	2	Alaska Airli	2257	Coach	Seattle- Washington (SEA)	8/29/2017 11:55	Reno- Nevada (RNO)	8/29/2017 13:57	R21JN5	Used
027 2150922152	DWSREV	1	1 House Mahone	Lucinda	2	1	Alaska Airli	2442	Coach	Reno- Nevada (RNO)	12/19/2017 10:32	Seattle- Washington (SEA)	12/19/2017 12:44	V21N4	Used
027 2150922152	DWSREV	1	1 House Mahone	Lucinda	2	2	Alaska Airli	97	Coach	Seattle- Washington (SEA)	12/19/2017 14:05	Anchorage- Alaska (ANC)	12/19/2017 16:50	V21N4	Used
027 2157798801	YNLCCT	1	1 House Mahone	Lucinda	2	1	Alaska Airli	100	Coach	Anchorage- Alaska (ANC)	12/31/2017 15:30	Seattle- Washington (SEA)	12/31/2017 19:57	L21N4	Used
027 2157798801	YNLCCT	1	1 House Mahone	Lucinda	2	2	Alaska Airli	3364	Coach	Seattle- Washington (SEA)	12/31/2017 21:10	Reno- Nevada (RNO)	12/31/2017 23:09	L21N4	Used

This report was  
run on 8/3/18





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:	Einstein Enterprises, Inc.	License Number:	10082		
License Type:	Standard Marijuana Product Manufacturing Facility				
Doing Business As:	Einstein Labs				
Premises Address:	2939 Porcupine Dr. Ste B				
City:	Anchorage	State:	AK	ZIP:	99501

### Section 2 – Individual Information

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

Name:	Justin Roland
Title:	Licensee, Shareholder, President

### 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:

N/A





## 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.

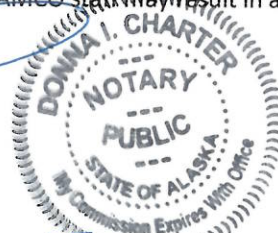


As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide 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

Justin Roland

Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 11-05-2019

Subscribed and sworn to before me this 22<sup>nd</sup> day of June, 2018.



To Whom It May Concern,

I have attached this statement with a written explanation as to why I can not certify the following statement above; "I certify that a notice of violation has not been issued for this license".

Einstein Labs received a Notice of Violation on 3/16/17 regarding a violation of the transportation regulation 3AAC.306.750. The violation indicated that Einstein Labs was not permitted to pick up product from a cultivation facility and had done so on several occasions. Although Einstein Labs had a letter from the current director at the time approving this type of transportation, during the board hearing it was indicated that there was no way to remove a notice once given and so this violation would remain on the licensees record.

Einstein Labs also received several civil violations of AMC ordinances 8.40.040A & 14.70.190D pertaining to APD False Alarms (4/12/17, 10/14/17, 12/18/17, 12/20/17 & 6/5/18. The first 2 violations were due to contractors not shutting off the alarm when accessing non-restricted areas of the building and therefore APD being dispatched. The remaining 3 violations were due to employees not entering in security codes properly and therefore setting off the alarm.





Alcohol and Marijuana Control Office  
550 W 7<sup>th</sup> Avenue, Suite 1600  
Anchorage, AK 99501  
marijuana.licensing@alaska.gov  
<https://www.commerce.alaska.gov/web/amco>  
Phone: 907.269.0350

Alaska Marijuana Control Board

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**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:	Einstein Enterprises, Inc.	License Number:	10082		
License Type:	Standard Marijuana Product Manufacturing Facility				
Doing Business As:	Einstein Labs				
Premises Address:	2939 Porcupine Dr. Ste B				
City:	Anchorage	State:	AK	ZIP:	99501

### Section 2 – Individual Information

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

Name:	Lucinda Mahoney
Title:	Licensee, Shareholder

### 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.

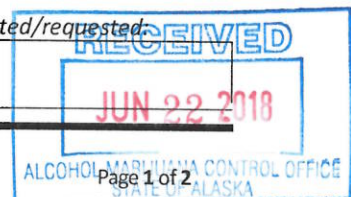


I certify that **a change has been or will be made** to one or more of the items listed above for this establishment, and I understand that an additional form(s) and fee(s) must be submitted to AMCO before any renewal application for this license can be considered complete.



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

N/A







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.

LM

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.

LM

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).

LM

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.

LM

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

LM

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

LM

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

LM

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.

LM

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.

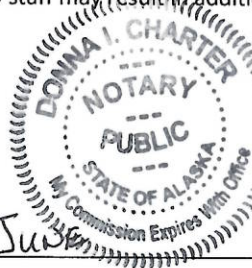
LM

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.

Lucinda Mahoney  
Signature of licensee

**Lucinda Mahoney**  
Printed name of licensee

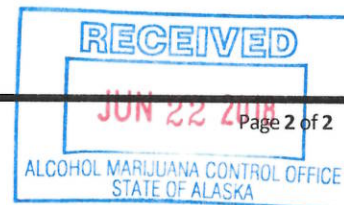
Printed name of licensee



Donna J. Charla  
Notary Public in and for the State of Alaska

My commission expires: 11-05-2019

Subscribed and sworn to before me this 21<sup>ST</sup> day of JUNE, 2018.



To Whom It May Concern,

I have attached this statement with a written explanation as to why I can not certify the following statement above; "I certify that a notice of violation has not been issued for this license".

Einstein Labs received a Notice of Violation on 3/16/17 regarding a violation of the transportation regulation 3AAC.306.750. The violation indicated that Einstein Labs was not permitted to pick up product from a cultivation facility and had done so on several occasions. Although Einstein Labs had a letter from the current director at the time approving this type of transportation, during the board hearing it was indicated that there was no way to remove a notice once given and so this violation would remain on the licensees record.

Einstein Labs also received several civil violations of AMC ordinances 8.40.040A & 14.70.190D pertaining to APD False Alarms (4/12/17, 10/14/17, 12/18/17, 12/20/17 & 6/5/18. The first 2 violations were due to contractors not shutting off the alarm when accessing non-restricted areas of the building and therefore APD being dispatched. The remaining 3 violations were due to employees not entering in security codes properly and therefore setting off the alarm.







Alaska Marijuana Control Board

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

Licensee:	Einstein Enterprises, Inc.	License Number:	10082		
License Type:	Standard Marijuana Product Manufacturing Facility				
Doing Business As:	Einstein Labs				
Premises Address:	2939 Porcupine Dr. Ste B				
City:	Anchorage	State:	AK	ZIP:	99501

### Section 2 – Individual Information

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

Name:	Kenneth Knight
Title:	Licensee, Shareholder

### Section 3 – Changes to Licensed Marijuana Establishment

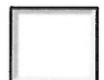
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Initials

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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.



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

N/A







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:

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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.

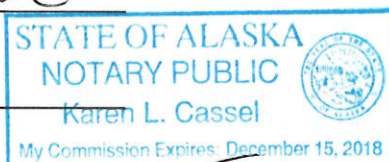


As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide 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

Kenneth Knight

Printed name of licensee



Notary Public in and for the State of Alaska

My commission expires: 12/15/2018

Subscribed and sworn to before me this 21 day of June, 2018.



To Whom It May Concern,

I have attached this statement with a written explanation as to why I can not certify the following statement above; "I certify that a notice of violation has not been issued for this license".

Einstein Labs received a Notice of Violation on 3/16/17 regarding a violation of the transportation regulation 3AAC.306.750. The violation indicated that Einstein Labs was not permitted to pick up product from a cultivation facility and had done so on several occasions. Although Einstein Labs had a letter from the current director at the time approving this type of transportation, during the board hearing it was indicated that there was no way to remove a notice once given and so this violation would remain on the licensees record.

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

Date: 3-16-17  
Case Number: 17-0117  
Page 1 of 1 Page

## Notice of Violation

(3AAC306.805)

Licensee	License Number	Type of License
Einstein Enterprises, Inc.	10082	Marijuana Product Manufacturing Facility
D.B.A.	How Delivered	Law Enforcement Agency
Einstein Labs	Certified USPS 7013 2250 0000 9617 5149	Anchorage Police Department
Street or P.O. Box	City, State	Zip
18621 N. Lowrie Loop	Eagle River, AK	99577-2690

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 3-15-17, Justin Roland of Einstein Labs telephoned AMCO to advise he was going to Rosie Creek Farm on 3-16-17 to purchase product and that there would be a large amount of waste logged in METRC from the way the sale was structured. Roland intended on picking up the product and transporting it back to his facility. This type of transport is not permitted by a marijuana product manufacturing facility. Further review of METRC manifests noted that you completed that same type of unauthorized transport from Rosie Creek Farm on 3-12-15 and Fuzzy Budz on 2-11-17, 2-27-17 and 3-8-17, both cultivation facilities.

Your attention is directed to 3AAC306.750: Transportation, specifically (a)(2) which reads; a marijuana product manufacturing facility may transport a marijuana product to another marijuana product manufacturing facility, a marijuana test facility, or a marijuana retail store.

**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: FRH0
Filed By: F.R. Hamilton	Title: Investigator III



### 3 AAC 306.805. Report or notice of violation

(a) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity, may issue an inspection report, an advisory report, or a notice of violation before taking action to suspend or revoke a marijuana establishment license.

(b) An inspection report documents an investigator's inspection of licensed premises. An inspection report must be prepared on a form the board prescribes and include information prescribed under AS 17.38 or this chapter or that the board requires.

(c) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may issue an advisory notice when an incident occurs or a defect is noted that could result in a violation of a statute, regulation, or municipal ordinance. An advisory notice may result from an inspection report, but is not a basis for administrative action unless the incident or defect continues or is not corrected.

(d) The director, an enforcement agent, an employee of the board, or a peace officer acting in an official capacity may issue a notice of violation if an inspection report or other credible information shows a marijuana establishment is in violation of AS 17.38, this chapter, or other law relating to marijuana. The notice of violation must be delivered to the marijuana establishment at its licensed premises, and to the board. The notice must describe any violation, and cite the applicable statute, regulation, or order of the board. A marijuana establishment that receives a notice of violation may respond to the notice orally or in writing, and may, not later than 10 days after receiving the notice, request an opportunity to appear before the board. A notice of violation may be the basis of a proceeding to suspend or revoke a marijuana establishment's license as provided under 3 AAC 306.810.





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

May 12, 2017

*Sent Via Electronic Mail*

RE: Response to Notice of Violation Dated March 3, 2017 re: Einstein Labs, marijuana product manufacturing facility license no. 10082

Dear Marijuana Control Board:

I am writing on behalf of my client Einstein Labs, a product manufacturing license, number 10082. The brief summary of the situation that prompted the violation is as follows:

On February 11 and 27 of 2017 and on March 8, 2017 a licensee of Einstein Labs went to AK Fuzzy Budz in Anchorage and picked up marijuana and transported it directly back to Einstein Lab's manufacturing facility licensed premises in Anchorage.

On March 12, 2017 a licensee of Einstein Labs came from Anchorage to Rosie Creek Farm's cultivation facility and picked up 1726 grams of marijuana and transported the same directly back to Einstein Lab's manufacturing facility licensed premises in Anchorage.

On March 16, 2017, Einstein Labs designated licensee, Justin Roland, received NOV case number 17-0117 stating the following allegation violated 3 AAC 306.750(a)(2):

On 3-15-17, Justin Roland of Einstein Labs telephoned AMCO to advise he was going to Rosie Creek Farm on 3-16-17 to purchase product and that there would be a large amount of waste logged in METRC from the way the sale was structured. Roland intended on picking up the product and transporting it back to his facility. This type of transport is not permitted by a marijuana product manufacturing facility. Further review of METRC manifests noted that you completed that same type of unauthorized transport from Rosie Creek Farm on 3-12-15 and Fuzzy Budz on 2-11-17, 2-27-17 and 3-8-17, both cultivation facilities.



Around January 17, 2017 Einstein Labs received an email from AMCO stating that license number 10082 was now in the Active status. The email included a PDF attachment titled MJ\_Post\_Approval\_PMFL\_Instructions. The first paragraph reads as follows:

What happens after my product manufacturing facility application is approved by the MCB? The following steps are to be taken after your application for a marijuana product manufacturing facility license has been approved by the board. You may not operate your business until the following requirements have been

met.

The document then lists the steps numbered from one to nine. Step numbers eight and nine read as follows:

8. After the hold in Metrc is removed, you may begin ordering and **transporting marijuana from licensed cultivation facilities into your product manufacturing facility**. AMCO investigators will visit again to take a look at your space with the product manufacturing and marijuana in place.
9. Congratulations, you are now operating a marijuana establishment license in the State of Alaska!

Please see attached instructions (emphasis added). The designated licensee of Einstein Labs, Justin Roland, relied on the information provided to him by the State agency regulating and licensing his marijuana establishment. His actions were in-line with the instructions provided to him by AMCO.

Accordingly, we request this NOV case number 17-0117 be dismissed and removed from Einstein Lab's record entirely or a memo be added to their file indicating that this Licensee acted in accordance with the instructions that were provided by AMCO which incorrectly indicated that a manufacturing licensee may transport product from a cultivator license.

Sincerely,

Jana D. Weltzin







THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOL & MARIJUANA CONTROL OFFICE

550 W 7<sup>th</sup> Ave, STE 1600  
Anchorage, Alaska 99501  
Main: 907.269.0350  
TDD: 907.465.5437  
Fax: 907.334.2285

**Post Approval FAQ**

**Q: What happens after my product manufacturing facility application is approved by the MCB?**

The following steps are to be taken after your application for a marijuana product manufacturing facility license has been approved by the board. You may not operate your business until the following requirements have been met.

1. When all other approvals (Local Government, Fire Marshall, DEC, etc.) have been met, you will be contacted by this office to notify you that your license status has been changed to active in our database. This doesn't mean you can open your doors or start operating your business. The status change is a necessary step so that you may be credentialed into METRC.
2. The licensee will have taken a METRC training class and passed the test.
3. The licensee will place a request to the METRC Support Team to be credentialed into METRC.
4. When you have access to METRC, contact AMCO Investigators to schedule your initial inspection. Don't schedule an initial inspection unless you are within two weeks from being 100% ready to operate your business once the marijuana is transported in. Do not bring any marijuana into the facility before your initial inspection.
5. Set up your facility in METRC and order labels. The labels should take 4-5 days to arrive.
6. When your labels have been ordered, send an email to [AMCO.enforcement@alaska.gov](mailto:AMCO.enforcement@alaska.gov), notifying them that you are ready for your "empty shelf" inspection. AMCO staff will place your account in METRC on an administrative hold until the inspection.
7. On the day of your inspection, the enforcement officer will bring your license. If your facility matches what you've submitted to the board and all requirements are in place, you will receive your license and the administrative hold will be removed from METRC.
8. After the hold in Metrc is removed, you may begin ordering and transporting marijuana from licensed cultivation facilities into your product manufacturing facility. AMCO investigators will visit again to take a look at your space with the product manufacturing and marijuana in place.
9. Congratulations, you are now operating a marijuana establishment license in the State of Alaska!



April 8<sup>th</sup>, 2017

Dear Erika McConnell,

Please see the below response in regards to the notice of violation regarding transportation for Einstein Labs, License #10082, Case # 17-0117.

It is our sincerest apologizes for misunderstanding the transportation regulation which lead to the Notice of Violation. This particular regulation has had a great deal of discussion surrounding it and so we were attempting to use our best judgement and good faith effort to operate within what was outlined in the regulation as well the most up to date info and understanding from the board. As board members have stated in previous meetings, limiting transportation between certain marijuana facilities is an issue and the intent was not to prohibit the type of transportation we were cited for but rather adjust the regulation to ensure a healthier industry. We believed we complied with the spirit of the law in regards to the outlined regulation and so felt that we were meeting expectations with an evolving set of laws & regulations.

Moving forward we hope that the transportation issue will be fixed to allow for transportation between all facilities as it provides a more workable industry model that allows for safer and more efficient industry standards.

Finally, in order to ensure that another violation regarding transportation does not occur, Einstein Labs will only transport its products to other marijuana product manufacturing facilities, marijuana test facilities and marijuana retail stores (as outlined by local and state regulations). Products being received or transported to Einstein Labs will be the sole responsibility of the marijuana cultivation facility.

Furthermore, each employee has been provided training to ensure complete understanding of the above information and overall regulations regarding the process for transportation to and from the facility.

Thank you for your time,  
Justin Roland

