CORRESPONDENCE

THE STATE of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

October 17, 2019

Top Shelf Herbs of Alaska LLC
DBA: Top Shelf Herbs of Alaska LLC
Via email: Chismleimbach@yahoo.com

Re: Retail Marijuana Store License #22150

Dear applicant,

The AMCO Office has reviewed the documents submitted for the proposed marijuana establishment license referenced above. This letter is notice under 3 AAC 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.**

- **MJ-00 Application Certifications**
  - Page 1, Section 1 – Establishment Information for Chism Leimbach:
    - The License Type field is blank.
  - Section 2 – Individual Information:
    - The ownership interest listed in the Title field is inconsistent with other documents provided with your application, but this form does not need to specify the ownership interest. List only your title in this section.
  - Section 1 – Establishment Information for both:
    - The Doing Business As name must include "LLC" to be consistent with your state business license (#2088101).
- **MJ-01 Operating Plan**
  - All Applicable Pages:
    - Statements that are certified by signing your initials must be signed by hand.
  - Page 1, Section 1 – Establishment & Contact Information:
    - The Doing Business As name must include "LLC".
  - Page 4, Section 3.5:
    - The last sentence in your response states that breaches will be reported to the Marijuana Control Board within twenty-four hours. As a reminder, 3 AAC 306.715(e) requires that the establishment contact the **Alcohol and Marijuana Control Office** within twenty-four hours of an unauthorized breach, and not the Marijuana Control Board.
  - Page 8, Section 8.1:

        - Your response states that after marijuana/marijuana product is packaged and prepared by a licensed manufacturer or cultivator, an employee from your proposed establishment will transport the packaged product back to the retail store. Note that under 3 AAC 306.750(b), the marijuana establishment that originates the transport (in this case, the cultivator or manufacturer) is responsible for securing the product during shipment.
- **MJ-02 Premises Diagram**
    - Diagrams were submitted, but it is also required to complete and submit Form MJ-02 with your application.
    - Diagram 1:
        - In color, please highlight and label the boundary of the licensed premises for this establishment.
        - Using a different color, outline and label the areas of your premises that will be designated as restricted access areas as defined under 3 AAC 306.710, rather than writing the words "Restricted Area" with arrows pointing different directions, as this makes it difficult to see where the restricted areas begin and end.
            - Areas such as restrooms should not be designated as restricted access, as that would require them to be under video surveillance.
            - Note that under 3 AAC 306.325, an area of a retail establishment where marijuana is stocked or dispensed for sale is a restricted access area.
    - Diagram 4:
        - Two very similar diagrams labeled Diagram #4 were submitted with your application. Please resubmit just the copy of Diagram #4 that you want included with your application.
- **MJ-03 Retail Supplemental**
    - All Applicable Pages:
        - Statements that are certified by signing your initials must be signed by hand.
    - Page 1, Section 1 – Establishment Information:
        - The Doing Business As name must include "LLC".
    - Page 2, Section 2.1:
        - The section of your response that a designated employee of Top Shelf Herbs of Alaska LLC will transport marijuana from the establishment that the transfer originated from is not allowed under 3 AAC 306.750(b), unless that employee is also a licensee, employee, or agent of the licensee of the facility that originated the transport.
- **MJ-07 Public Notice Posting Affidavit**
    - Section 1 – Establishment Information:
        - The Doing Business As name must include "LLC".
    - Section 2 – Certification:
        - Include the address of the post office that your Public Notice was posted at.
- **MJ-08 Local Government Notice Affidavit**
    - Section 1 – Establishment Information:
        - The Doing Business As name must include "LLC".
    - Section 2 – Certification:
        - The name and/or title of the Local Government official that you submitted your Public Notice copy to was not provided.
- **MJ-09 Statement of Financial Interest**
    - Page 1, Section 1 – Establishment Information for both:
        - The Licensee must be listed as Top Shelf Herbs of Alaska LLC.
        - The Doing Business As name must be listed as Top Shelf Herbs of Alaska LLC.

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:	chismleimbach@yahoo.com
Cc:	Marijuana Licensing (CED sponsored)
Subject:	RE: Incomplete Application - Top Shelf Herbs of Alaska LLC, License #22150
Date:	Tuesday, October 22, 2019 10:09:24 AM
Attachments:	22150 2nd Incomplete MJ-00.pdf image001.png

Good morning Chism,

Understood, and thank you for verifying. I finished reviewing the corrections you submitted yesterday, and all of the requested revisions have been made. However, there is an error I noticed during my initial review that I did not include in your Incomplete Notice. On Page 3 of Form MJ-00 (attached), you and Mark Fazio should not be able to sign all four boxes on this page, as one of the statements only pertains to applicants for a marijuana testing facility. Please re-review this form and make sure that only applicable statements are signed. If you do not want to have the form notarized again, you can either white out or cross out (and initial) the invalid entry.

Sincerely,

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

From: chismleimbach@yahoo.com [mailto:chismleimbach@yahoo.com]
Sent: Monday, October 21, 2019 10:59 AM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Subject: Re: Incomplete Application - Top Shelf Herbs of Alaska LLC, License #22150

Good morning, we are going to keep it as doing business as Top Shelf Herbs Of Alaska LLC. I am bringing the corrected re notarized paperwork now. I will be there in about 15 minutes. Thank you, Chism Leimbach

Sent from my iPhone

> On Oct 21, 2019, at 8:29 AM, Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:
>
> Good morning Chism,

The new state business license was brought to my desk, but for our records please verify in writing that you are asking me to update the business license on record for your application, and include what the new business license number is. Changing your Doing Business As name on the application will cover some of the revisions that are necessary, but please note that this will mean that there are other corrections that will be needed to include re-advertising for a time. Once I receive confirmation, I will provide you with an amended Incomplete Notice.

In response to your other email from Thursday, you can just submit the corrected pages from application forms. If you resubmit an entire form (such as MJ-01), make sure that all sections are filled out as whatever you submit will replace what is currently on file. So if you were to submit a page that needs to be signed and notarized, the copy that you submit will need to be signed and notarized. If it already is, you don't need to do so again.

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<image001.png>

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From: chismleimbach@yahoo.com <chismleimbach@yahoo.com>
Sent: Thursday, October 17, 2019 3:44 PM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Subject: Re: Incomplete Application - Top Shelf Herbs of Alaska LLC, License #22150

Good afternoon, I bought a new license for Top Shelf Herbs Of Alaska under our entity Top Shelf Herbs Of Alaska LLC. I delivered a copy of the new license to your office today. This should correct the issue with our doing business as section of the paperwork. We now have it matching the paperwork filed. Company name Top Shelf Herbs Of Alaska LLC doing business as Top Shelf Herbs Of Alaska. Does this solve that issue? We are correcting the other paperwork now. Thank you Chism Leimbach

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On Oct 17, 2019, at 11:00 AM, Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

Good morning,

I have reviewed your application for a marijuana establishment, but at this time your application 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 notice. If the submitted corrections for your application are inadequate to deem your application complete, or your application is still incomplete after ninety (90) days from the date of this notice, your application will be returned to you in accordance with 3 AAC 306.025(e)(1) and 3 AAC 306.025(f). Should you wish to continue pursuing licensure, it would be necessary to file a new application and pay new fees.

Ninety-day Due Date: 1/15/2020

Let us know if you require copies of any submitted documents, and feel free to call or email if you need clarification on any items in the Incomplete Notice. Correspondence should be sent to marijuana.licensing@alaska.gov.

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To: "chismleimbach@yahoo.com"
Cc: Marijuana Licensing (CED sponsored)
Subject: RE: Incomplete Application - Top Shelf Herbs of Alaska LLC, License #22150
Date: Tuesday, October 22, 2019 11:43:00 AM
Attachments: image001.png

Thank you, received. I may be a bit rushed myself, as I noticed one more revision that was not yet made – on Mark's MJ-00, please add "LLC" to the Doing Business As name. No additional revisions will be required after that.

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I emailed the correction. Thank you for pointing it out. We were frantically trying to redo it yesterday. Didn't realize we both initialed that section. My apologies. Thank you again

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