CORRESPONDENCE

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

December 5, 2018

Tundra Herb Company, LLC
DBA: Tundra Herb Company, LLC
Via email: tundraherbcompany@gmail.com

Re: Retail Marijuana Store Facility #17480

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.**

- **Online Application**
  - Tundra Herb Company, LLC was listed as an entity official of Tundra Herb Company, LLC on the application through MyAlaska, which is inconsistent with the information provided for this entity with the Division of Corporations, Business and Professional Licensing (CBPL). I have rolled your application back to "New" status so that you can correct the list of officials through MyAlaska.
  - Once you resubmit your online application, a new Public Notice and Advertisement Notice will be generated. Be sure to retain copies of these documents for your records.
- **MJ-00 Application Certifications**
  - Page 1, Section 1 – Establishment Information for Tyler Russell:
    - The Licensee must be listed as Tundra Herb Company, LLC.
    - The Doing Business As name must be listed as Tundra Herb Company, LLC to be consistent with your state business license.
  - John Youse must complete and submit Form MJ-00.
- **MJ-01 Operating Plan**
  - Page 1, Section 1 – Establishment & Contact Information:
    - The Licensee must be listed as Tundra Herb Company, LLC.
    - The Doing Business As name must be listed as Tundra Herb Company, LLC to be consistent with your state business license.
  - All Responses:
    - This form documents how you will operate to meet the requirements of Title 17.38 of Alaska Statutes and Chapter 306 of the Alaska Administrative Code, but

the responses you provided are too brief to adequately describe how these requirements will be met. Please include more details in your responses.

- Page 2, Section 2.1:
  - Expand on your response to describe what signage will be posted. Will any other methods be used to prevent persons under the age of twenty-one from accessing the licensed premises and marijuana items?
- Page 2, Section 3.2:
  - Please re-review 3 AAC 306.710 and expand upon your description of procedures for admitting visitors. Include specific information such as the data recorded in the visitor's log, at what point a visitor's badge is issued, and the ratio of visitors to escorts (licensees, employees, or agents of the licensees).
- Page 3, Section 3.3:
  - The sample employee badge must depict a section for an individual's picture.
- Page 4, Section 3.5:
  - Include in your response at what point AMCO is contacted after an unauthorized breach, as required under 3 AAC 306.715(e).
- Page 9, Section 9.1:
  - It appears that the dimensions of the signs will be three feet by twenty feet, which exceeds the 4,800 square feet limitation required under 3 AAC 306.770(b).
  - Your response references drawings, but no drawings were attached.

- **MJ-02 Premises Diagram**
  - Page 1, Section 1 – Establishment Information:
    - The Licensee must be listed as Tundra Herb Company, LLC.
    - The Doing Business As name must be listed as Tundra Herb Company, LLC to be consistent with your state business license.
  - Premises Diagram:
    - Please label this diagram according to the list on Page 1 of Form MJ-02. Which diagram is it intended to meet the requirements of?
    - Is the "Retail Area" where marijuana and marijuana products will be displayed and where customers will be accessing? If so, the entire area should not be designated as Restricted Access. Please re-review 3 AAC 306.325(c) regarding restricted access areas in retail marijuana stores.
  - D1 & D2:
    - In color, please outline and label the boundary of the Licensed Premises. Within that boundary and using a different color, please outline and label the restricted access areas. Note that restrooms should not be designated as restricted access areas.
    - The location of the surveillance room is unclear.
  - D3 & D5:
    - An "unlicensed premises" has been depicted, but you have not provided the addresses and/or suite numbers of other businesses within the building as required for Diagram 5.
  - D4:
    - The black outline around your licensed premises is difficult to see against the color aerial photo. Please outline the licensed premises in a brighter color that contrasts more with the background.
- **MJ-03 Retail Supplemental**
  - Page 1, Section 1 – Establishment Information:
    - The Licensee must be listed as Tundra Herb Company, LLC.

        - The Doing Business As name must be listed as Tundra Herb Company, LLC to be consistent with your state business license.
    - Page 3, Section 5.1:
        - Provide more details regarding how marijuana and marijuana products will be displayed and sold.
    - Page 4, Section 6.1:
        - Expand upon your response in this section.
    - Page 4, Section 6.2:
        - The sample label provided does not contain a section to list the net weight of marijuana in the package.
        - The warning statements must be listed verbatim on your sample label.
    - Page 5, Section 7.1:
        - Your response does not describe procedures for ensuring that photo ID is valid.
    - Page 5, Section 8.1:
        - Include the ratio of non-marijuana materials that will be mixed to render marijuana waste unusable.
- **MJ-07 Public Notice Posting Affidavit**
    - Section 1 – Establishment Information:
        - The Licensee must be listed as Tundra Herb Company, LLC.
        - The Doing Business As name must be listed as Tundra Herb Company, LLC to be consistent with your state business license.
- **MJ-08 Local Government Notice Affidavit**
    - Section 1 – Establishment Information:
        - The Licensee must be listed as Tundra Herb Company, LLC.
        - The Doing Business As name must be listed as Tundra Herb Company, LLC to be consistent with your state business license.
    - Section 2 – Certifications:
        - List the name of your Community Council in the Community Council section.
- **MJ-09 Statement of Financial Interest**
    - Page 1, Section 1 – Establishment Information for both:
        - The Licensee must be listed as Tundra Herb Company, LLC.
        - The Doing Business As name must be listed as Tundra Herb Company, LLC to be consistent with your state business license.
- **Proof of Possession for Proposed Premises**
    - The lease provided lists the premises address as 520 W 6th Avenue and not 524 W 6th Avenue.
    - A lease 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).
- **Entity Documents**
    - A list of the LLC Members and their ownership percentage was not provided.
- **Food Permit Application**
    - The application is faded and difficult to read, but it appears that the Site Address listed is 520 W 6th Ave and not the proposed premises address for this establishment.
    - Please provide a legible copy of a Food Safety Permit Application that has been stamped received by the Department of Health and Human Services.

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:	tundraherbcompany@gmail.com
Cc:	Marijuana Licensing (CED sponsored)
Subject:	Incomplete Application - Tundra Herb Company, LLC License #17480
Date:	Wednesday, December 05, 2018 2:58:04 PM
Attachments:	17480 Incomplete Notice.pdf image001.png

Good afternoon,

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:	tundraherbcompany@gmail.com
Cc:	Marijuana Licensing (CED sponsored)
Subject:	Incomplete Application - Tundra Herb Company, LLC License #17480
Date:	Wednesday, January 02, 2019 11:40:08 AM
Attachments:	image001.png

Good morning,

I have finished my review of the documents you submitted for your marijuana establishment and see that many of the corrections have been made, but at this time there are some additional revisions required.

Form MJ-00: Application Certifications

Corrections are required on Page 1 of this form for Tyler Russell, but a revised form was not provided.

Form MJ-02: Premises Diagram

On "D1 & D2", please label the main sales counter.

Form MJ-03: Retail Supplemental

On Page 4, Section 6.2, there is a word missing from one of the warning statements. The sentence reads "Keep out of reach of children", but must be written as "Keep out of **the** reach of children".

Publisher's Affidavit

When the application was originally initiated, the premises address was 524 West 6th Ave, but I see that it has been updated to 520 West 6th Ave, Suite A. Due to this change, it will be necessary to re-advertise in the newspaper **one** additional time and provide a new affidavit from the publisher. Also include a copy of the corrected advertisement.

Proof of Possession for Proposed Premises

The lease provided specifies the premises address as 520 W. 6th Avenue, but does not reference the Suite A designation. Additional documentation will be required that specifies the suite number.

Additionally, the disclaimer from the landlord regarding the removal of marijuana or marijuana products will not be adequate. The disclaimer states that if the landlord removes products then the tenants will report the matter, but it will need to be the landlord who contacts AMCO to remove marijuana or marijuana products from the premises if necessary, such as in the event of a default.

Let me know if you have any questions or need copies of any documents,

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

From:	Marijuana Licensing (CED sponsored)
To:	Tyler Russell
Cc:	Marijuana Licensing (CED sponsored)
Subject:	RE: Incomplete Application - Tundra Herb Company, LLC License #17480
Date:	Thursday, January 03, 2019 8:33:25 AM
Attachments:	17480 MJ-03 Page 4 12_31_2018.pdf image001.png

Good morning Tyler,

Please see attached for Page 4 of Form MJ-03, as requested in your follow-up email. Once corrections have been made, you can just resubmit this one page instead of the entire form.

For the **Publisher's Affidavit**, it will not be necessary to post once a week for three consecutive weeks. Running one corrected advertisement and providing a new affidavit from the publisher with a copy of the ad will be adequate.

For your lease, a lease amendment to specify the suite number will suffice.

Sincerely,

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

From: Tyler Russell <tundraherbcompany@gmail.com>
Sent: Wednesday, January 02, 2019 9:19 PM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Subject: Re: Incomplete Application - Tundra Herb Company, LLC License #17480

TJ,
Thank you for such prompt review! It's much appreciated on our end. I do have a few questions on clarification.

1) MJ-03 page 4 section 6.2
May I just resubmit the single page or does all of MJ-03 need to be re-submitted?

2) publishers affidavit
First does this need to run the required length of the add before you accept it and deam our application complete?

Secondly I understand the 524 vs 520 address issue. But both street addresses bring up the exact same location on google maps/earth. I do not know why the land lord specified on the lease that the address is 520 w 6th Avenue while the buisness we are leasing the space from is

listed as 524 w 6th Avenue. The proposed license premises has not changed at all. We are just trying to avoid any further delay in the process of approval. I am fully open to explaining this issue further if necessary but if I must run the add I will.

3) proof of possession of proposed premises
As far as further documentation to specify the suite number would an additional amendment to the lease agreement specifying 520 w 6th Avenue suite A suffice?
Thank you,
Tyler

On Wed, Jan 2, 2019 at 11:40 AM Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

> Good morning,
>
> I have finished my review of the documents you submitted for your marijuana establishment and see that many of the corrections have been made, but at this time there are some additional revisions required.
>
> **Form MJ-00: Application Certifications**
> Corrections are required on Page 1 of this form for Tyler Russell, but a revised form was not provided.
>
> **Form MJ-02: Premises Diagram**
> On "D1 & D2", please label the main sales counter.
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> **Form MJ-03: Retail Supplemental**
> On Page 4, Section 6.2, there is a word missing from one of the warning statements. The sentence reads "Keep out of reach of children", but must be written as "Keep out of **the** reach of children".
>
> **Publisher's Affidavit**
> When the application was originally initiated, the premises address was 524 West 6th Ave, but I see that it has been updated to 520 West 6th Ave, Suite A. Due to this change, it will be necessary to re-advertise in the newspaper **one** additional time and provide a new affidavit from the publisher. Also include a copy of the corrected advertisement.
>
> **Proof of Possession for Proposed Premises**
> The lease provided specifies the premises address as 520 W. 6th Avenue, but does not reference the Suite A designation. Additional documentation will be required that specifies the suite number.
>
> Additionally, the disclaimer from the landlord regarding the removal of marijuana or marijuana products will not be adequate. The disclaimer states that if the landlord removes products then the tenants will report the matter, but it will need to be the landlord who contacts AMCO to remove marijuana or marijuana products from the premises if necessary, such as in the event of a default.
>
> Let me know if you have any questions or need copies of any documents,

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

From:	Marijuana Licensing (CED sponsored)
To:	Tyler Russell
Cc:	Marijuana Licensing (CED sponsored)
Subject:	Incomplete Application - Tundra Herb Company, LLC License #17480
Date:	Friday, January 04, 2019 3:14:27 PM
Attachments:	MJ-03 Page 4.pdf image001.png

Good afternoon,

I have finished reviewing the corrections that you submitted, but there is a document missing and an additional revision required on Form MJ-03. Note that if subsequent revisions for this application are still inadequate to deem the application complete, the application will be returned to you in accordance with 3 AAC 306.025(e)(1).

Form MJ-03 – Page 4, Section 6.2
The required warning statements are included on your label but they must be listed verbatim, and there are some typos present (such as "habit", "impairs", and "operate"). Please reference 3 AAC 306.345(b)(3) for the required warning statements. If you would like, there are fillable versions of application forms available online at https://www.commerce.alaska.gov/web/amco/MarijuanaLicenseApplication.aspx instead of filling them out by hand.

A copy of this page is attached.

Publisher's Affidavit
I received a new copy of the advertisement which cites the correct information, but an affidavit from the publisher is also required.

Sincerely,

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