OBJECTIONS

First CME
Community Development
Steps 2 Success
EDUCATION and
RESOURCE Center
3600 Macinnes Street • Anchorage, Alaska 99508
907 563-7044

April 7, 2019

To Whom it May Concern

I understand there is plans and approval of "The Tree House Alaska", a marijuana retail business in Northeast Anchorage. Oh no you don't! Why Northeast Anchorage especially near residential areas, schools and JBER. Marijuana is still illegal under federal law so making the drug easily assessible to our soldiers and their families. East Anchorage is a very diverse community economically as well as racially. We already have enough liquor stores, drug addiction and criminal matters so needless to say we do not need a marijuana retail store in our area. The proposed location is also very assessible to Mountain View where there is no lack of drug addiction, thefts, criminal behavior and liquor stores.

I am still very much amazed how many decisions effecting so many of our citizens are done in the dark. Why not South Anchorage? How many Marijuana retail businesses are in that area? Because I have lived in East Anchorage for over 40 years, and care very much for the residence in this area I will do what I can to prevent the opening of such a retail business in Northeast Anchorage. I have already shared the information with Anchorage School District and other community organizations and residence of Northeast Anchorage.

I would like to know who approved for this marijuana business to open in Northeast Anchorage. This is not the proper location for this retail business. Deadline on a Sunday, April 7, 2019? How convenient!

Sincerely

Vonnie Gaither
Steps 2 Success Executive Director

AMCO Received 4/7/2019

Steps2successerc@gmail.com

AMCO Received 4/7/2019

From: Marc Grober
To: Marijuana Licensing (CED sponsored)
Subject: Retail Marijuana Application 15019
Date: Friday, April 05, 2019 6:33:29 PM

The communication below and any files transmitted with it
may contain privileged or confidential information. It is
solely for use by the individual for whom it is intended,
even if addressed incorrectly. If you received this e-mail
in error, please notify the sender; do not disclose, copy,
distribute, or take any action in reliance on the contents
of this information; and delete it from your system.

Thank you for your cooperation.

To Whom This May Concern,

I am an attorney, an educator, and a member of the Northeast Community Council (NECC). I am also a Board member of the NECC, but am writing to you in my personal capacity.

I am very concerned about application 15019, and feel that I have to oppose the application at this time.

The Applicant did NOT submit their application to the local community council (Northeast Community Council - NECC). The Council received a one page notice prior to application completion from Applicant's counsel dated February 18. In fact the Applicant (persons who don;t even reside in the Municipality) never arranged to attend the Council to talk to the Council about their intent until after the application was apparently filed. Indeed, on March 7 the Council felt it should take the initiative and invited the Applicant to appear before the Council to explain the notice and discuss their application at the March 21st meeting (the NECC meets the third Thursday of each month). The Council then received an e-mail from the Applicant's Counsel (March 13th) requesting the opportunity to appear at the April meeting (April 18th). And on March 14th the Applicant noted that it would not make a presentation at the March meeting, advising the Council that, "in order to satisfy our state requirements to notify the community we will need to present at the April meeting".

Of course, the April meeting would place any response by the Community Council outside the comment period. I don't know who is confused in this situation, but someone has their wires seriously crossed if the State actually requires that the Applicant may not present to an impacted community council until after any comment period has closed! Personally,

AMCO Received 4/5/2019

I would like to see my questions answered immediately, so the community understands just what the process is supposed to be, where it went astray, and what can be done about the current mess.

Practically speaking, though I had looked forward to supporting a retail establishment within the NECC's boundaries, I have to advise the Board that as far as I am concerned the Applicant has not demonstrated a willingness to communicate and work with the community (I even wrote to the Applicant personally and never received the courtesy of a response), and if the Applicant can't manage even the application process appropriately, I sure don't want them engaged in selling marijuana in a community where the local council has already adopted standards of behavior that I believe the Applicant has failed to comply with.

Marc

Marc Grober, Esq.
5610 Radcliff Dr.
Anchorage Alaska 99504
email: marc@interak.com
cell: (907)2272417

AMCO Received 4/5/2019

From: Selina Duncan-Metoyer
To: b2hllc.thetreehouseak@gmail.com; Josh Boots
Cc: Marijuana Licensing (CED sponsored); Kevin Smestad; Rachel young rlyoung07@gmail. com; Stuart Grenier; pattymac23@rocketmail.com; Marc Grober; England Charles; tshallabaker@outlook.com
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date: Monday, April 08, 2019 11:57:52 PM

Mr. Boots,

For your information.

Selina Metoyer
NEC President

Sent from Mail for Windows 10

From: Rachel Young <rlyoung07@gmail.com>
Sent: Monday, April 8, 2019 6:34:51 AM
To: Selina Duncan-Metoyer
Cc: Marijuana Licensing (CED sponsored); Kevin Smestad; Stuart Grenier; David Ulmer; pattymac23@rocketmail.com; Marc Grober; England Charles; tshallabaker@outlook.com
Subject: Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

I will clarify they did not ask to be on the agenda in March, we reached out to them and invited them to come.

Rachel B.

On Apr 7, 2019, at 11:09 PM, Selina Duncan-Metoyer <selinalily@hotmail.com> wrote:

> Josh Boots and et al, had asked to be on the March 21 agenda, then we were asked to cancel and add them to the April 18th agenda. This placement means the general membership would not hear the presentation until after the public comment period. This is disservice to our community.
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> Because of the time constraints the NECC board has passed the following motion on behalf of general membership:
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>
> I am submitting this on behalf of our community.

AMCO Received 4/7/2019

Selina Metoyer,
NECC President

Sent from Mail for Windows 10

From: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Sent: Friday, March 8, 2019 8:40:33 AM
To: selinalily@hotmail.com
Cc: Marijuana Licensing (CED sponsored); Federation of Community Councils
Subject: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Dear community council,

Attached is correspondence regarding an application for a marijuana establishment license in your jurisdiction, and please let us know if you would like a copy of the entire application.

Any correspondence should be directed to marijuana.licensing@alaska.gov.

Sincerely,

<image001.png>

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

AMCO Received 4/7/2019

From:	Ginterak
To:	Marijuana Licensing (CED sponsored)
Cc:	Selina Duncan-Metoyer; Kevin Smestad; Rachel young rlyoung07@gmail. com; Stuart Grenier; David Ulmer; pattymac23@rocketmail.com; England Charles; tshallabaker@outlook.com
Subject:	Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date:	Monday, April 08, 2019 9:25:11 AM
Attachments:	image1.png

Form MJ-08 , paraphrases the pertinent regulation, which states in pertinent part:

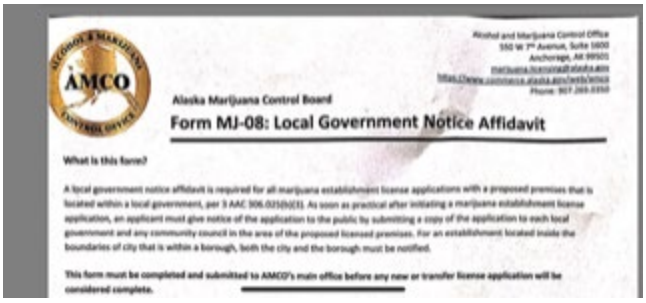
(b) After initiating a new marijuana license application, the applicant must give notice of the application to the public by
* * *
(3) submitting a copy of the application on the form the board prescribes to
(A) each local government with jurisdiction over the licensed premises; and
(B) any community council in the area of the proposed licensed premises.

That IS NOT the same as publishing an announcement, as there is no possible way service of the full application can be substituted by publication of announcement.

Specifically, whatever your "practice" , the regulations state specifically that the applicant must serve a copy of the APPLICATION on the community council. The Applicant DID NOT do so, and then filed a false affidavit.

More importantly, the Applicant apparently intentionally misrepresented its legal obligations, claiming it could only appear before the council AFTER the comment period ended.

I don't really care who is to blame for this mess, but are you really interested in inviting litigation over issuance of a license in violation of your own regulations?



Alaska Marijuana Control Board

Form MJ-08: Local Government Notice Affidavit

What is this form?

A local government notice affidavit is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

This form must be completed and submitted to AMCO's main office before any new or transfer license application will be considered complete.

On Apr 8, 2019, at 8:53 AM, Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

> Good morning,
>
> Thank you, your response has been received. When the application was deemed complete on March 8, 2019, a notice of the complete application was sent to you along with a copy of the Public Notice for the application and their submitted premises diagrams. The complete application is not normally sent unless specifically requested, and the period for public comment ends thirty (30) days after the application is

deemed complete – in this case, this was on April 7, 2019.

Was a copy of your message also sent to the applicant of this marijuana establishment? If so, please forward a copy to marijuana.licensing@alaska.gov for our records.

Sincerely,

<image001.png>

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

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Sunday, April 07, 2019 11:09 PM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Cc: Kevin Smestad <kevinsmestad@outlook.com>; Rachel young rlyoung07@gmail.com <rlyoung07@gmail.com>; Stuart Grenier <stugrenier@gmail.com>; David Ulmer <deu@acsalaska.net>; pattymac23@rocketmail.com; Marc Grober <marc@interak.com>; England Charles <cengland@gci.net>; tshallabaker@outlook.com
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Josh Boots and et al, had asked to be on the March 21 agenda, then we were asked to cancel and add them to the April 18th agenda. This placement means the general membership would not hear the presentation until after the public comment period. This is disservice to our community.

Because of the time constraints the NECC board has passed the following motion on behalf of general membership:

The Northeast Community Council (NECC) does not support The Tree House Marijuana business in our area as they did not come in due diligence to the NECC to announce their intentions to open a shop within our council boundaries and give the people of NECC a chance to ask any questions. The NECC requires all marijuana shops to come and discuss what their plan is for their shop and how they will be a successful business in the NECC. Therefore, the NECC does not support The Tree House within our Community Council boundaries.

I am submitting this on behalf of our community.

Selina Metoyer,

NECC President

Sent from Mail for Windows 10

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Sent: Friday, March 8, 2019 8:40:33 AM
To: selinalily@hotmail.com
Cc: Marijuana Licensing (CED sponsored); Federation of Community Councils
Subject: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

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Any correspondence should be directed to marijuana.licensing@alaska.gov.

Sincerely,

<image001.png>

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

From:	Jana Weltzin
To:	selinalily@hotmail.com; Josh Boots; Marijuana Licensing (CED sponsored); kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc:	Valerie Mastolier; Jana Weltzin; Brenda Mills
Subject:	FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date:	Tuesday, April 09, 2019 10:53:39 AM
Attachments:	FW B2H LLC Request for Agenda Item.msg RE B2H LLC Request for Agenda Item.msg 15019 Complete Application Notice.pdf

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Hello Selina et al – I am the attorney that represents the applicant and I am a bit confused by your description of the facts below. You indicated that Mr. Boots requested to be on the March agenda to present to the community council – this is an incorrect statement. My office specifically requested a slot for Josh and his partner Nick to present at the April 18th community council meeting to present on this proposed retail store. Please see attached email titled FW: B2H, LLC Request for Agenda Item – in which my staff contacted you directly and asked for a slot to present on the April 18th community council agenda. On March 14th you responded to the email and stated "Josh Boots for The Tree House is presenting at our March 21 Northeast Community Council" – to which my staff responded to you on March 15th (attached and titled RE: B2H, LLC Request for Agenda Item) and explained that due to the title 21 municipality requirements we could not meet the requirements of a required community council meeting with only 7 days' notice as we needed to mail invites to property owners and surrounding businesses 21 days in advance to the community council meeting and that scheduling us for March did not allow enough time for us to meet those requirements.

As we did not ask to be on the March 21st agenda, and we never canceled being on the March 21 agenda because the applicant was never on the March 21 agenda, your statements below are incorrect. Additionally, in the email attached dated March 15, my staff also explained why the April 18th meeting would allow us time to send out invites to ensure surrounding businesses, residents, and property owners had proper notice of the meeting and the presentation by the applicant – the applicant followed the rules and did not provide fail to comply with any notice requirements.

We are a bit taken aback by the comment below stating the applicant took actions that amounted to a disservice of to the community. We are following the proper protocol under the state regulations and the muni – so I am unsure if there was a misunderstanding or miscommunication – additionally we normally do not have the community council meeting until the application has been deemed completed by AMCO staff. By Completed Application I mean the AMCO staff has reviewed the application material, noted items needed to be corrected to meet regulatory requirements, and the applicant makes those corrections, and then the application, once confirmed by staff that it meets the bare minimum regulatory requirements, the AMCO staff determines the Application Complete and scheduled it for a MCB meeting and sends notices to local government and the community council. Once in completed application form, the application is in the formal & final application form that the MCB would review. Its good to wait till you have your application deemed complete because then the application material we present to the community council is the same information as we present to the MCB – this is important because it gives assurance to the community council that the applicant will essential do as it says they will do and can hold the applicant accountable for not following through on what they have presented to the community council. Using the

information formalized in the completed application provides a much more completed picture of the proposed business for the community council to consider and for community members to ask questions about and provide helpful feedback. Such as cameras, exterior lighting, surveillance and anti-loitering policies are more flushed out by the applicant and not so theoretical (as plans are at the beginning of business plan development) so that the community members have a better idea of what the proposed store would actually look like and the security safe guard's in place so that the community council can have an educated vote on whether to support the proposed application, instead of having the meeting before the application is deemed completed and those types of security plans and lighting have been fully thought out and planned out by the applicant– hence why we contacted the community council after we received the completed application notice.

The way the muni regulations and state regulations interact basically requires us to set up community council meetings in this manner – we cannot submit the special land use permit (SLUP) application to the municipality until we have a completed application letter from AMCO (attached and received March 8th), we cannot submit the SLUP until we meet with the community council and ensure that there is 21 days' notice via mailer invites to surrounding business owners, residents and property owners so that they are aware and have proper notice of the meeting – as you will see, the interplay of state and muni regulatory framework only leaves the applicants in Anchorage with a 7 day window of giving the requirement mailing notice and having a community council meeting before the end 30 day public notice period– this was in no way a strategic avoidance of the public comment period, its just a reality of the interplay between muni and state regulations. A FIX to this timing problem would be to change the public comment objection window to 30 days after the MCB approves the license – or alternative increasing the public objection period from 30 days to 60 days. But, given the muni's regulatory system and public hearings, you may find that you have plenty of opportunity to voice concerns within the municipality's licensing process.

There will be **two public hearings** that community members can voice their concerns at the muni level – one will be at the Econ Dev Committee, which a date has not been set yet as we have not turned in our SLUP application because we have not meet with the community council yet; and second public hearing will be in front of the assembly, the following week after the Econ Development Committee hearing, for a public hearing in front of the assembly and then the assembly eventually votes on the proposed license. Again, neither the Econ Dev Committee hearing or the Assembly hearing dates have been set for this application because we have not made application to the municipality yet, as we are waiting to have the April 18th community council meeting. There are several public comment opportunities still available for community input – the local municipality process is just starting.

Josh and his partner Nick are really looking forward to being a part of this community council and were pretty shocked and very concerned by the statements below. Given the attached communication, it seems a bit unreasonable to have voted on whether to support the retail store when Josh and Nick haven't even had a chance to present to the community council and are scheduled to present April 18th.

We are happy to help explain the licensing process further, as it seems that may be helpful and resolve a lot of confusion and unnecessary negative assumptions that an applicant is attempting to

run out the public comment clock – that is not the intention at all – it is the intention of the applicants to provide a full, throughout, complete presentation of their plan to operate the retail store in your community and they hope the community members will generously share their insights, experiences, and constructive criticism with the applicants to help them strengthen their business plan while addressing and mitigating community concerns. I am happy to jump on a call or respond to more email questions from any one that would like more information about the process – additionally, while the muni staff will give your community council notice for when the two public hearings eventually get scheduled, I will also commit to emailing the community council directly to ensure the community council knows when those hearings are so that there is ample opportunity for community input.

Again, Josh and Nick really look forward to meeting and presenting to the community council on April 18th and I understand and echo your concerns that community input is vital to this process and we look forward to working with you,

Jana D. Weltzin, Esq.
JDW, LLC
Principal Owner
3003 Minnesota Drive Suite 201
ANC, AK
jana@jdwcounsel.com
630-913-1113
*Licensed in Alaska and Arizona

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Thank you.

Think green, please don't print unnecessarily

From: Josh Boots <joshbootsak@gmail.com>
Sent: Tuesday, April 9, 2019 9:30 AM
To: Valerie Mastolier <valerie@jdwcounsel.com>; guitar1nick@yahoo.com; Jana Weltzin <jana@jdwcounsel.com>
Subject: Fwd: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Sent from my iPhone

Begin forwarded message:

From: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
Date: April 9, 2019 at 8:34:06 AM AKDT
To: Selina Duncan-Metoyer <selinalily@hotmail.com>, "b2hllc.thetreehouseak@gmail.com" <b2hllc.thetreehouseak@gmail.com>, Josh Boots <joshbootsak@gmail.com>
Cc: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>, Kevin Smestad <kevinsmestad@outlook.com>, "Rachel young rlyoung07@gmail. com" <rlyoung07@gmail.com>, Stuart Grenier <stugrenier@gmail.com>, "pattymac23@rocketmail.com" <pattymac23@rocketmail.com>, Marc Grober <marc@interak.com>, England Charles <cengland@gci.net>, "tshallabaker@outlook.com" <tshallabaker@outlook.com>
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Hello,

I have received your objection to Marijuana License #15019.

At this time, the application document that is submitted by the applicant to Local Government and the Community Council is the Public Notice generated by the Marijuana Licensing system after the initial application is filled out online. The remainder of the application documents are available once AMCO deems them complete and sends notice to the necessary entities. This prevents an incorrect or incomplete document from being submitted to the Local Government or Community Council.

AMCO has received the below emails and additional communication from Mr. Grober stating that the applicant did not appropriately notice or participate in the Community Council discussions regarding their establishment.

What document was submitted to the Community Council? If this was not the Public Notice, AMCO can take appropriate action regarding this application. If this was the Public Notice, the notification requirements were met at this time.

If the Community Council was noticed using the Public Notice, the next matter is the Objection that the Community Council is bringing against this application. In order to be considered an objection under 3 AAC 306.065, the objection must have been sent to the applicant. It appears that the applicant was not noticed until after the public comment period closed. If the applicant was noticed before April 8, 2019 Please provide evidence no later than Friday, April 12, that this was done. If it was not done, we will still provide your email to the board as a public comment.

At the time of consideration by the Marijuana Control Board, if an objection or public

comment is lodged, we suggest that a representative be available either in person or via phone to discuss the objection.

We take the opinion of Community Councils and the public very seriously, if you have any further questions regarding this matter, please don't hesitate to contact us at marijuana.licensing@alaska.gov.

Thank You,

Mikal Milton
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov

Please consider the environment before printing this e-mail.

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to whom it is addressed, is covered by the Electronic Communications Privacy Act (18 USC § 2510-2521), and may contain Confidential Official Use Only Information that may be exempt from public release under the Freedom of Information Act (5 USC § 552). If you are not the intended recipient, you are prohibited from disseminating, distributing, or copying any information contained in this communication.

The State of Alaska cannot guarantee the security of e-mails sent to or from a state employee outside the state e-mail system. If you are not the intended recipient or receive this communication in error, please notify the sender by reply e-mail and delete the original message and all copies from your computer.

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Monday, April 08, 2019 11:58 PM
To: b2hllc.thetreehouseak@gmail.com; Josh Boots <joshbootsak@gmail.com>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Kevin Smestad <kevinsmestad@outlook.com>; Rachel young rlyoung07@gmail. com <rlyoung07@gmail.com>; Stuart Grenier <stugrenier@gmail.com>; pattymac23@rocketmail.com; Marc Grober <marc@interak.com>; England Charles <cengland@gci.net>; tshallabaker@outlook.com
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Occupational Licensing Examiner
Alcohol & Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, Alaska 99501

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To:	Jana Weltzin; selinalily@hotmail.com; Josh Boots; Marijuana Licensing (CED sponsored); kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; england@gci.net; tshallabaker@outlook.com
Cc:	Valerie Mastolier; Brenda Mills
Subject:	Re: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date:	Tuesday, April 09, 2019 11:30:08 AM

Dear Jana (et el.),

Maybe you should talk to your client, who was communicating directly with the NECC, before suggesting that parties you claim to want to work with, the NECC, is making false statements?

As I stated in my personal Opposition, Josh was invited to speak at the March meeting in response to the undated Public Notice sent to the Council, which would have allowed the Council to present its position within the 30 days allowed. Josh declined, stating "in order to satisfy our state requirements to notify the community we will need to present at the April meeting".

It is not the NECC's problem that you don't like the current process. The Board allows the Council thirty days to respond, and your client chose not to appear in a manner that would afford the Council an opportunity to discuss the application with him in advance of the closing of that window. Your client also chose not to specifically address the existing resolution of the Council with respect to Marijuana Applications generally. In fact there was NOTHING barring your client from appearing and presenting at our March meeting, save, apparently, that this meant he might have to do that twice. How unfortunate.

Additionally, your client swore that they served the council with a copy of the application, and your client did not serve the council with a copy of the affidavit.

I don't see that as confusing at all.

Marc Grober

On 4/9/19 10:50 AM, Jana Weltzin wrote:

> Hello Selina et al – I am the attorney that represents the applicant and I am a bit confused by your description of the facts below. You indicated that Mr. Boots requested to be on the March agenda to present to the community council – this is an incorrect statement. My office specifically requested a slot for Josh and his partner Nick to present at the April 18th community council meeting to present on this proposed retail store. Please see attached email titled FW: B2H, LLC Request for Agenda Item – in which my staff contacted you directly and asked for a slot to present on the April 18th community council agenda. On March 14th you responded to the email and stated "Josh Boots for The Tree House is presenting at our March 21 Northeast Community Council" – to which my staff responded to you on March 15th (attached and titled RE: B2H, LLC Request for Agenda Item) and explained that due to the title 21 municipality requirements we could not meet the requirements of a required community council

meeting with only 7 days' notice as we needed to mail invites to property owners and surrounding businesses 21 days in advance to the community council meeting and that scheduling us for March did not allow enough time for us to meet those requirements.

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permit (SLUP) application to the municipality until we have a completed application letter from AMCO (attached and received March 8th), we cannot submit the SLUP until we meet with the community council and ensure that there is 21 days' notice via mailer invites to surrounding business owners, residents and property owners so that they are aware and have proper notice of the meeting – as you will see, the interplay of state and muni regulatory framework only leaves the applicants in Anchorage with a 7 day window of giving the requirement mailing notice and having a community council meeting before the end 30 day public notice period– this was in no way a strategic avoidance of the public comment period, its just a reality of the interplay between muni and state regulations. A FIX to this timing problem would be to change the public comment objection window to 30 days after the MCB approves the license – or alternative increasing the public objection period from 30 days to 60 days. But, given the muni's regulatory system and public hearings, you may find that you have plenty of opportunity to voice concerns within the municipality's licensing process.

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those hearings are so that there is ample opportunity for community input.

Again, Josh and Nick really look forward to meeting and presenting to the community council on April 18th and I understand and echo your concerns that community input is vital to this process and we look forward to working with you,

Jana D. Weltzin, Esq.
JDW, LLC
Principal Owner
3003 Minnesota Drive Suite 201
ANC, AK
jana@jdwcounsel.com
630-913-1113
*Licensed in Alaska and Arizona

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Thank you.

Think green, please don't print unnecessarily

From: Josh Boots <joshbootsak@gmail.com>
Sent: Tuesday, April 9, 2019 9:30 AM
To: Valerie Mastolier <valerie@jdwcounsel.com>; guitar1nick@yahoo.com; Jana Weltzin <jana@jdwcounsel.com>
Subject: Fwd: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Sent from my iPhone

Begin forwarded message:

> **From:** "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
> **Date:** April 9, 2019 at 8:34:06 AM AKDT

To: Selina Duncan-Metoyer <selinalily@hotmail.com>, "b2hllc.thetreehouseak@gmail.com" <b2hllc.thetreehouseak@gmail.com>, Josh Boots <joshbootsak@gmail.com>
Cc: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>, Kevin Smestad <kevinsmestad@outlook.com>, "Rachel young rlyoung07@gmail. com" <rlyoung07@gmail.com>, Stuart Grenier <stugrenier@gmail.com>, "pattymac23@rocketmail.com" <pattymac23@rocketmail.com>, Marc Grober <marc@interak.com>, England Charles <cengland@gci.net>, "tshallabaker@outlook.com" <tshallabaker@outlook.com>
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Hello,

I have received your objection to Marijuana License #15019.

At this time, the application document that is submitted by the applicant to Local Government and the Community Council is the Public Notice generated by the Marijuana Licensing system after the initial application is filled out online. The remainder of the application documents are available once AMCO deems them complete and sends notice to the necessary entities. This prevents an incorrect or incomplete document from being submitted to the Local Government or Community Council.

AMCO has received the below emails and additional communication from Mr. Grober stating that the applicant did not appropriately notice or participate in the Community Council discussions regarding their establishment.

What document was submitted to the Community Council? If this was not the Public Notice, AMCO can take appropriate action regarding this application. If this was the Public Notice, the notification requirements were met at this time.

If the Community Council was noticed using the Public Notice, the next matter is the Objection that the Community Council is bringing against this application. In order to be considered an objection under 3 AAC 306.065, the objection must have been sent to the applicant. It appears that the applicant was not noticed until after the public comment period closed. If the applicant was noticed before April 8, 2019 Please provide evidence no later than Friday, April 12, that this was done. If it was not done, we will still provide your email to the board as a public comment.

At the time of consideration by the Marijuana Control Board, if an objection or public comment is lodged, we suggest that a representative be available either in person or via phone to discuss the objection.

We take the opinion of Community Councils and the public very seriously, if you have any further questions regarding this matter, please don't hesitate to contact us at marijuana.licensing@alaska.gov.

Thank You,

Mikal Milton
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov

Please consider the environment before printing this e-mail.

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

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The State of Alaska cannot guarantee the security of e-mails sent to or from a state employee outside the state e-mail system. If you are not the intended recipient or receive this communication in error, please notify the sender by reply e-mail and delete the original message and all copies from your computer.

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Monday, April 08, 2019 11:58 PM
To: b2hllc.thetreehouseak@gmail.com; Josh Boots <joshbootsak@gmail.com>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Kevin Smestad <kevinsmestad@outlook.com>; Rachel young rlyoung07@gmail. com <rlyoung07@gmail.com>; Stuart Grenier <stugrenier@gmail.com>; pattymac23@rocketmail.com; Marc Grober <marc@interak.com>; England Charles <cengland@gci.net>; tshallabaker@outlook.com
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Mr. Boots,

For your information.

Selina Metoyer

NEC President

Sent from Mail for Windows 10

From: Rachel Young <rlyoung07@gmail.com>
Sent: Monday, April 8, 2019 6:34:51 AM
To: Selina Duncan-Metoyer
Cc: Marijuana Licensing (CED sponsored); Kevin Smestad; Stuart Grenier; David Ulmer; pattymac23@rocketmail.com; Marc Grober; England Charles; tshallabaker@outlook.com
Subject: Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

I will clarify they did not ask to be on the agenda in March, we reached out to them and invited them to come.

Rachel B.

On Apr 7, 2019, at 11:09 PM, Selina Duncan-Metoyer <selinalily@hotmail.com> wrote:

> Josh Boots and et al, had asked to be on the March 21 agenda, then we were asked to cancel and add them to the April 18th agenda. This placement means the general membership would not hear the presentation until after the public comment period. This is disservice to our community.
>
> Because of the time constraints the NECC board has passed the following motion on behalf of general membership:
>
> The Northeast Community Council (NECC) does not support The Tree House Marijuana business in our area as they did not come in due diligence to the NECC to announce their intentions to open a shop within our council boundaries and give the people of NECC a chance to ask any questions. The NECC requires all marijuana shops to come and discuss what their plan is for their shop and how they will be a successful business in the NECC. Therefore, the NECC does not support The Tree House within our Community Council boundaries.
>
> I am submitting this on behalf of our community.
>
> Selina Metoyer,
> NECC President
>
> Sent from Mail for Windows 10

From: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Sent: Friday, March 8, 2019 8:40:33 AM
To: selinalily@hotmail.com
Cc: Marijuana Licensing (CED sponsored); Federation of Community Councils
Subject: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Dear community council,

Attached is correspondence regarding an application for a marijuana establishment license in your jurisdiction, and please let us know if you would like a copy of the entire application.

Any correspondence should be directed to marijuana.licensing@alaska.gov.

Sincerely,

<image001.png>

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

--
"There are more things in heaven and earth, Horatio,
Than are dreamt of in your philosophy. "

From:	Jana Weltzin
To:	marc@interak.com; selinalily@hotmail.com; Josh Boots; Marijuana Licensing (CED sponsored); kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; england@gci.net; tshallabaker@outlook.com
Cc:	Valerie Mastolier; Brenda Mills; Jana Weltzin
Subject:	RE: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date:	Tuesday, April 09, 2019 4:20:56 PM
Attachments:	Public Notice.pdf

Hi Marc – perhaps it would be more helpful if we jumped on a call so that I could better convey what I am trying to explain as to why we requested to be heard in April. I guess I'll just respond to your items below and try to clarify best I can (but again feel free to call me on my cell 630-913-1113) if you would like to chat about the process more:

Regarding the statement that Josh declined to present at the March meeting based on fulfilling state regulations – if Josh said state regulations he was incorrect, the requirement to meet & present to the community council and send mailers out 21 days in advance of the community council meeting is a muni requirement, not a state requirement. The state requirement is for us to send the community council notice of the application (attached is the **only** document the licensee is required to send to the community council under the state regulations). The reason the public posting document we sent your community council is not dated under "posting date" is because this document serves two purposes under the regulations – one its used for local government and community council notice and its second function is that its actual a public notice poster (much like a zoning permit notice of action public posting) – the public notice document has to be posted at the facility and one other public conspicuous place for ten days – when the applicant posts the document at the facility and a public conspicuous location they write on it when they actually tack it up the date so they can keep track of the time frame that they leave it up. Does that make sense? To clarify again, the public notice document we sent the community council is not required to be dated as its not being used as public poster document its being used as public notice to your community council– so there is no date to fill in under "posting date_____".

Next, you state there was nothing baring Josh from showing up to the March meeting and presenting – if my client presented at the March meeting he would have had to return the immediate following month (aka April's meeting) and present all over again because there wasn't enough time to provide proper notice and mail mailers out 21 days in advance of the community council meeting for the March meeting. SO, while its true yes he could have done a presentation at the March meeting and then again at the April meeting, it would have been redundant and also, we know that community councils have a lot of important items on their agendas and so we try not to take up time unnecessarily. For example, a lot of community councils are dealing with disseminating earthquake damage information, updates from the muni and local political leaders, we try not to take up too much of a councils' time, and Josh was not aware that the community council would be considering his application at the March meeting since he is set to present at the April meeting. If he had known this was an agenda item on the March meeting he would have shown up.

Your last statement is incorrect, but I believe only because of a regulation misunderstanding – "Additionally, your client swore that they served the council with a copy of the application, and your client did not serve the council with a copy of the affidavit." My client did exactly what the

regulations require – at 3AAC 306.025(b)(3)(B) states that the licensee needs to submit a copy of the application on the form the board prescribes to the community council in the area of the proposed licensed premises. I know a lot of folks get confused by this regulation, but a copy of the application means the public noticed document attached to this email that is generated after an applicant files the initiation of the license on the state's MYALASKA portal. I don't know how else to explain this – the public notice document (attached) is what the regulations mean when it states "a copy of the application on a form the board prescribes." This is because your supposed to get notice of who the applicants are, their contact info, name of the business, and type of business from the beginning of the licensing process. In fact, the regulations explain further down at 3AAC 306.025(c) that its only after we complete this notice requirement (along w the news paper add and posting) that we can even submit a full application.

" After the applicant completes the notice requirements in (b) of this section and submits each remaining application requirement listed in 3 AAC 306.020, the applicant must pay the application and license fees set out in 3 AAC 306.100. The notice requirements in (b) of this section must be given within the 90 days preceding the submittal of all application requirements listed in 3 AAC 306.020 and the application and license fee." *Id.*

I hope that clears up the confusion – my clients are really excited about this new venture so hopefully after they present at the April meeting the community council will feel a bit more comfortable with them as licensees and we can move forward. I do see you sent another email and I have not been able to get to it yet but I will review and if there are additional items to clarify I will respond to that email as well.

Happy Monday.. Jana

Jana D. Weltzin, Esq.
JDW, LLC
Principal Owner
3003 Minnesota Drive Suite 201
ANC, AK
jana@jdwcounsel.com
630-913-1113
*Licensed in Alaska and Arizona

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From: Marc Grober <marc@interak.com>
Sent: Tuesday, April 9, 2019 11:30 AM
To: Jana Weltzin <jana@jdwcounsel.com>; selinalily@hotmail.com; Josh Boots <joshbootsak@gmail.com>; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier <valerie@jdwcounsel.com>; Brenda Mills <brenda@jdwcounsel.com>
Subject: Re: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Dear Jana (et el.),

Maybe you should talk to your client, who was communicating directly with the NECC, before suggesting that parties you claim to want to work with, the NECC, is making false statements?

As I stated in my personal Opposition, Josh was invited to speak at the March meeting in response to the undated Public Notice sent to the Council, which would have allowed the Council to present its position within the 30 days allowed. Josh declined, stating "in order to satisfy our state requirements to notify the community we will need to present at the April meeting".

It is not the NECC's problem that you don't like the current process. The Board allows the Council thirty days to respond, and your client chose not to appear in a manner that would afford the Council an opportunity to discuss the application with him in advance of the closing of that window. Your client also chose not to specifically address the existing resolution of the Council with respect to Marijuana Applications generally. In fact there was NOTHING barring your client from appearing and presenting at our March meeting, save, apparently, that this meant he might have to do that twice. How unfortunate.

Additionally, your client swore that they served the council with a copy of the application, and your client did not serve the council with a copy of the affidavit.

I don't see that as confusing at all.

Marc Grober

On 4/9/19 10:50 AM, Jana Weltzin wrote:

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Principal Owner
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Cc: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>, Kevin Smestad <kevinsmestad@outlook.com>, "Rachel young rlyoung07@gmail. com" <rlyoung07@gmail.com>, Stuart Grenier <stugrenier@gmail.com>, "pattymac23@rocketmail.com" <pattymac23@rocketmail.com>, Marc Grober <marc@interak.com>, England Charles <cengland@gci.net>, "tshallabaker@outlook.com" <tshallabaker@outlook.com>
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evidence no later than Friday, April 12, that this was done. If it was not done, we will still provide your email to the board as a public comment.

At the time of consideration by the Marijuana Control Board, if an objection or public comment is lodged, we suggest that a representative be available either in person or via phone to discuss the objection.

We take the opinion of Community Councils and the public very seriously, if you have any further questions regarding this matter, please don't hesitate to contact us at marijuana.licensing@alaska.gov.

Thank You,

Mikal Milton
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov

Please consider the environment before printing this e-mail.

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to whom it is addressed, is covered by the Electronic Communications Privacy Act (18 USC § 2510-2521), and may contain Confidential Official Use Only Information that may be exempt from public release under the Freedom of Information Act (5 USC § 552). If you are not the intended recipient, you are prohibited from disseminating, distributing, or copying any information contained in this communication.

The State of Alaska cannot guarantee the security of e-mails sent to or from a state employee outside the state e-mail system. If you are not the intended recipient or receive this communication in error, please notify the sender by reply e-mail and delete the original message and all copies from your computer.

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Monday, April 08, 2019 11:58 PM
To: b2hllc.thetreehouseak@gmail.com; Josh Boots <joshbootsak@gmail.com>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Kevin Smestad <kevinsmestad@outlook.com>; Rachel young rlyoung07@gmail. com <rlyoung07@gmail.com>; Stuart Grenier <stugrenier@gmail.com>; pattymac23@rocketmail.com; Marc Grober <marc@interak.com>; England Charles <cengland@gci.net>; tshallabaker@outlook.com
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Mr. Boots,

For your information.

Selina Metoyer
NEC President

Sent from Mail for Windows 10

From: Rachel Young <rlyoung07@gmail.com>
Sent: Monday, April 8, 2019 6:34:51 AM
To: Selina Duncan-Metoyer
Cc: Marijuana Licensing (CED sponsored); Kevin Smestad; Stuart Grenier; David Ulmer; pattymac23@rocketmail.com; Marc Grober; England Charles; tshallabaker@outlook.com
Subject: Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

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> NECC President

Sent from Mail for Windows 10

From: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Sent: Friday, March 8, 2019 8:40:33 AM
To: selinalily@hotmail.com
Cc: Marijuana Licensing (CED sponsored); Federation of Community Councils
Subject: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Dear community council,

Attached is correspondence regarding an application for a marijuana establishment license in your jurisdiction, and please let us know if you would like a copy of the entire application.

Any correspondence should be directed to marijuana.licensing@alaska.gov.

Sincerely,

<image001.png>

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

--
"There are more things in heaven and earth, Horatio,
Than are dreamt of in your philosophy. "

From: Selina Duncan-Metoyer
To: Jana Weltzin; Josh Boots; Marijuana Licensing (CED sponsored); kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier; Jana Weltzin; Brenda Mills
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date: Tuesday, April 09, 2019 10:59:05 PM

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It seems the confusion comes from the different meeting notice times between the municipality and the state. I personally feel the presentation could have been done in March to meet the state requirement and then notice could still have gone out to the surrendering neighborhoods for the 21 day notice to meet the municipality requirement.

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NECC President

Sent from Mail for Windows 10

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Sent: Tuesday, April 9, 2019 10:50:41 AM
To: selinalily@hotmail.com; Josh Boots; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
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timing problem would be to change the public comment objection window to 30 days after the MCB approves the license – or alternative increasing the public objection period from 30 days to 60 days. But, given the muni's regulatory system and public hearings, you may find that you have plenty of opportunity to voice concerns within the municipality's licensing process.

There will be **two public hearings** that community members can voice their concerns at the muni level – one will be at the Econ Dev Committee, which a date has not been set yet as we have not turned in our SLUP application because we have not meet with the community council yet; and second public hearing will be in front of the assembly, the following week after the Econ Development Committee hearing, for a public hearing in front of the assembly and then the assembly eventually votes on the proposed license. Again, neither the Econ Dev Committee hearing or the Assembly hearing dates have been set for this application because we have not made application to the municipality yet, as we are waiting to have the April 18th community council meeting. There are several public comment opportunities still available for community input – the local municipality process is just starting.

Josh and his partner Nick are really looking forward to being a part of this community council and were pretty shocked and very concerned by the statements below. Given the attached communication, it seems a bit unreasonable to have voted on whether to support the retail store when Josh and Nick haven't even had a chance to present to the community council and are scheduled to present April 18th.

We are happy to help explain the licensing process further, as it seems that may be helpful and resolve a lot of confusion and unnecessary negative assumptions that an applicant is attempting to run out the public comment clock – that is not the intention at all – it is the intention of the applicants to provide a full, throughout, complete presentation of their plan to operate the retail store in your community and they hope the community members will generously share their insights, experiences, and constructive criticism with the applicants to help them strengthen their business plan while addressing and mitigating community concerns. I am happy to jump on a call or respond to more email questions from any one that would like more information about the process – additionally, while the muni staff will give your community council notice for when the two public hearings eventually get scheduled, I will also commit to emailing the community council directly to ensure the community council knows when those hearings are so that there is ample opportunity for community input.

Again, Josh and Nick really look forward to meeting and presenting to the community council on April 18th and I understand and echo your concerns that community input is vital to this process and we look forward to working with you,

Jana D. Weltzin, Esq.
JDW, LLC
Principal Owner
3003 Minnesota Drive Suite 201
ANC, AK

jana@jdwcounsel.com
630-913-1113
*Licensed in Alaska and Arizona

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IRS Circular 230 Disclaimer: To ensure compliance with IRS Circular 230, we are required to inform you that unless we have specifically stated to the contrary in writing, any advice we provide in this email or any attachment concerning federal tax issues or submissions is not intended or written to be used, and cannot be used, to avoid federal tax penalties.
Thank you.

Think green, please don't print unnecessarily

From: Josh Boots <joshbootsak@gmail.com>
Sent: Tuesday, April 9, 2019 9:30 AM
To: Valerie Mastolier <valerie@jdwcounsel.com>; guitar1nick@yahoo.com; Jana Weltzin <jana@jdwcounsel.com>
Subject: Fwd: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Sent from my iPhone

Begin forwarded message:

> **From:** "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
> **Date:** April 9, 2019 at 8:34:06 AM AKDT
> **To:** Selina Duncan-Metoyer <selinalily@hotmail.com>, "b2hllc.thetreehouseak@gmail.com" <b2hllc.thetreehouseak@gmail.com>, Josh Boots <joshbootsak@gmail.com>
> **Cc:** "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>, Kevin Smestad <kevinsmestad@outlook.com>, "Rachel young rlyoung07@gmail. com" <rlyoung07@gmail.com>, Stuart Grenier <stugrenier@gmail.com>, "pattymac23@rocketmail.com" <pattymac23@rocketmail.com>, Marc Grober <marc@interak.com>, England Charles <cengland@gci.net>, "tshallabaker@outlook.com" <tshallabaker@outlook.com>
> **Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019**
>
> Hello,
>
> I have received your objection to Marijuana License #15019.
>
> At this time, the application document that is submitted by the applicant to Local

Government and the Community Council is the Public Notice generated by the Marijuana Licensing system after the initial application is filled out online. The remainder of the application documents are available once AMCO deems them complete and sends notice to the necessary entities. This prevents an incorrect or incomplete document from being submitted to the Local Government or Community Council.

AMCO has received the below emails and additional communication from Mr. Grober stating that the applicant did not appropriately notice or participate in the Community Council discussions regarding their establishment.

What document was submitted to the Community Council? If this was not the Public Notice, AMCO can take appropriate action regarding this application. If this was the Public Notice, the notification requirements were met at this time.

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Thank You,

Mikal Milton
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov

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NEC President

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<image001.png>

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

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To: Selina Duncan-Metoyer; Josh Boots; Marijuana Licensing (CED sponsored); kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier; Brenda Mills
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date: Wednesday, April 10, 2019 8:44:36 AM

Good Morning Selina – thank you for your email below – I am going to make sure that I email you directly when we get the dates for the Econ Meeting and Assembly so that your community council knows when the two public hearings are so that you & any other community council members are aware of the hearings in the event you would like to provide public comment. I apologize for all the confusion on this matter. Again, we aren't required to meet with the community council for the state, we are only required to provide the notice we sent previously. The municipality requires the meeting with the community council and the mailers to be sent out in advance. I really appreciate all of the thought and input on this matter has generated and I do think once Josh and Nick come to the meeting next week a lot of confusion will be resolved.

Thanks again for your email and as soon as we get the dates for the two muni public hearings on this license, I will make sure to email you those dates and times.

Jana

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Tuesday, April 9, 2019 10:59 PM
To: Jana Weltzin <jana@jdwcounsel.com>; Josh Boots <joshbootsak@gmail.com>; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier <valerie@jdwcounsel.com>; Jana Weltzin <jana@jdwcounsel.com>; Brenda Mills <brenda@jdwcounsel.com>
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

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We are happy to help explain the licensing process further, as it seems that may be helpful and resolve a lot of confusion and unnecessary negative assumptions that an applicant is attempting to run out the public comment clock – that is not the intention at all – it is the intention of the applicants to provide a full, throughout, complete presentation of their plan to operate the retail store in your community and they hope the community members will generously share their insights, experiences, and constructive criticism with the applicants to help them strengthen their business plan while addressing and mitigating community concerns. I am happy to jump on a call or respond to more email questions from any one that would like more information about the process – additionally, while the muni staff will give your community council notice for when the two public hearings eventually get scheduled, I will also commit to emailing the community council directly to ensure the community council knows when those hearings are so that there is ample opportunity for community input.

Again, Josh and Nick really look forward to meeting and presenting to the community council on April 18th and I understand and echo your concerns that community input is vital to this process and we look forward to working with you,

Jana D. Weltzin, Esq.
JDW, LLC
Principal Owner
3003 Minnesota Drive Suite 201
ANC, AK
jana@jdwcounsel.com
630-913-1113
*Licensed in Alaska and Arizona

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Thank you.

Think green, please don't print unnecessarily

From: Josh Boots <joshbootsak@gmail.com>
Sent: Tuesday, April 9, 2019 9:30 AM
To: Valerie Mastolier <valerie@jdwcounsel.com>; guitar1nick@yahoo.com; Jana Weltzin <jana@jdwcounsel.com>

Subject: Fwd: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Sent from my iPhone

Begin forwarded message:

> **From:** "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
> **Date:** April 9, 2019 at 8:34:06 AM AKDT
> **To:** Selina Duncan-Metoyer <selinalily@hotmail.com>, "b2hllc.thetreehouseak@gmail.com" <b2hllc.thetreehouseak@gmail.com>, Josh Boots <joshbootsak@gmail.com>
> **Cc:** "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>, Kevin Smestad <kevinsmestad@outlook.com>, "Rachel young rlyoung07@gmail. com" <rlyoung07@gmail.com>, Stuart Grenier <stugrenier@gmail.com>, "pattymac23@rocketmail.com" <pattymac23@rocketmail.com>, Marc Grober <marc@interak.com>, England Charles <cengland@gci.net>, "tshallabaker@outlook.com" <tshallabaker@outlook.com>
> **Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019**
>
> Hello,
>
> I have received your objection to Marijuana License #15019.
>
> At this time, the application document that is submitted by the applicant to Local Government and the Community Council is the Public Notice generated by the Marijuana Licensing system after the initial application is filled out online. The remainder of the application documents are available once AMCO deems them complete and sends notice to the necessary entities. This prevents an incorrect or incomplete document from being submitted to the Local Government or Community Council.
>
> AMCO has received the below emails and additional communication from Mr. Grober stating that the applicant did not appropriately notice or participate in the Community Council discussions regarding their establishment.
>
> What document was submitted to the Community Council? If this was not the Public Notice, AMCO can take appropriate action regarding this application. If this was the Public Notice, the notification requirements were met at this time.
>
> If the Community Council was noticed using the Public Notice, the next matter is the Objection that the Community Council is bringing against this application. In order to be considered an objection under 3 AAC 306.065, the objection must have been sent to the applicant. It appears that the applicant was not noticed until after the public

comment period closed. If the applicant was noticed before April 8, 2019 Please provide evidence no later than Friday, April 12, that this was done. If it was not done, we will still provide your email to the board as a public comment.

At the time of consideration by the Marijuana Control Board, if an objection or public comment is lodged, we suggest that a representative be available either in person or via phone to discuss the objection.

We take the opinion of Community Councils and the public very seriously, if you have any further questions regarding this matter, please don't hesitate to contact us at marijuana.licensing@alaska.gov.

Thank You,

Mikal Milton
Records and Licensing Supervisor
Alcohol and Marijuana Control Office
Phone: 907.269.0350
alcohol.licensing@alaska.gov
marijuana.licensing@alaska.gov

Please consider the environment before printing this e-mail.

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The State of Alaska cannot guarantee the security of e-mails sent to or from a state employee outside the state e-mail system. If you are not the intended recipient or receive this communication in error, please notify the sender by reply e-mail and delete the original message and all copies from your computer.

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Monday, April 08, 2019 11:58 PM
To: b2hllc.thetreehouseak@gmail.com; Josh Boots <joshbootsak@gmail.com>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Kevin Smestad <kevinsmestad@outlook.com>; Rachel young rlyoung07@gmail. com <rlyoung07@gmail.com>; Stuart Grenier <stugrenier@gmail.com>; pattymac23@rocketmail.com; Marc Grober <marc@interak.com>; England Charles <cengland@gci.net>; tshallabaker@outlook.com
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Mr. Boots,

For your information.

Selina Metoyer
NEC President

Sent from Mail for Windows 10

From: Rachel Young <rlyoung07@gmail.com>
Sent: Monday, April 8, 2019 6:34:51 AM
To: Selina Duncan-Metoyer
Cc: Marijuana Licensing (CED sponsored); Kevin Smestad; Stuart Grenier; David Ulmer; pattymac23@rocketmail.com; Marc Grober; England Charles; tshallabaker@outlook.com
Subject: Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

I will clarify they did not ask to be on the agenda in March, we reached out to them and invited them to come.

Rachel B.

On Apr 7, 2019, at 11:09 PM, Selina Duncan-Metoyer <selinalily@hotmail.com> wrote:

> Josh Boots and et al, had asked to be on the March 21 agenda, then we were asked to cancel and add them to the April 18th agenda. This placement means the general membership would not hear the presentation until after the public comment period. This is disservice to our community.
>
> Because of the time constraints the NECC board has passed the following motion on behalf of general membership:
>
> The Northeast Community Council (NECC) does not support The Tree House Marijuana business in our area as they did not come in due diligence to the NECC to announce their intentions to open a shop within our council boundaries and give the people of NECC a chance to ask any questions. The NECC requires all marijuana shops to come and discuss what their plan is for their shop and how they will be a successful business in the NECC. Therefore, the NECC does not support The Tree House within our Community Council boundaries.
>
> I am submitting this on behalf of our community.
>
> Selina Metoyer,
> NECC President
>
> Sent from Mail for Windows 10

From: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Sent: Friday, March 8, 2019 8:40:33 AM
To: selinalily@hotmail.com
Cc: Marijuana Licensing (CED sponsored); Federation of Community Councils
Subject: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Dear community council,

Attached is correspondence regarding an application for a marijuana establishment license in your jurisdiction, and please let us know if you would like a copy of the entire application.

Any correspondence should be directed to marijuana.licensing@alaska.gov.

Sincerely,

<image001.png>

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

From:	Josh Boots
To:	Selina Duncan-Metoyer
Cc:	Marijuana Licensing (CED sponsored); kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com; Valerie Mastolier; Brenda Mills; Jana Weltzin; Nicholas Holbrook
Subject:	Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date:	Thursday, April 11, 2019 11:22:36 AM
Attachments:	Screen Shot 2019-04-11 at 11.04.15 AM.png Screen Shot 2019-04-11 at 11.03.47 AM.png

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Good Morning Selina et al,

I hope this email finds you well! I wanted to reach out on behalf of myself and The Tree House Ak in the hopes of clearing the air and working towards finding some common ground.

As I'm sure you are aware, satisfying the marijuana licensing requirements is a complicated process which we are all new to navigating. In the hopes of avoiding any missteps we have hired the most experienced council available and have been working closely with them towards getting our license approved. We have every intention of working side by side with state and local government officials, marijuana enforcement and the community.

I recognize the NECC's frustration with the process and understand your reactions in the absence of meeting and talking with us directly. I think there has been a misunderstanding and rather than going back and forth I would like to formally apologize if any of our statements or actions contributed to this confusion. I received an initial email from Marc in March to which I responded to his questions and gave some background on myself and my business partner Nick. I have attached a screenshot of that email as I have become aware that it may have not been received. Whats important here is that I think you'll find the tone of that email to be the same as this. It is always our goal to maintain an open, respectful communication process and work towards common sense problem solving in business and life. I have been living, working and raising my family in East Anchorage for forty years and value the community and its residents. I look forward to the opportunity to put this behind us and work towards earning your support in the future. If anyone has questions or would like to talk further please feel free to reach out to me anytime via phone or email.

Best Regards,

Josh
907-227-3777

On Wed, Apr 10, 2019 at 8:44 AM Jana Weltzin <jana@jdwcounsel.com> wrote:

> Good Morning Selina – thank you for your email below – I am going to make sure that I email you directly when we get the dates for the Econ Meeting and Assembly so that your community council knows when the two public hearings are so that you & any other community council members are aware of the hearings in the event you would like to provide public comment. I apologize for all the confusion on this matter. Again, we aren't required to meet with the community council for the state, we are only required to provide the notice we sent previously. The municipality requires the meeting with the community council and the mailers to be sent out in advance. I really appreciate all of the thought and input on this matter has generated and I do think once Josh and Nick come to the meeting

next week a lot of confusion will be resolved.

Thanks again for your email and as soon as we get the dates for the two muni public hearings on this license, I will make sure to email you those dates and times.

Jana

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Tuesday, April 9, 2019 10:59 PM
To: Jana Weltzin <jana@jdwcounsel.com>; Josh Boots <joshbootsak@gmail.com>; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier <valerie@jdwcounsel.com>; Jana Weltzin <jana@jdwcounsel.com>; Brenda Mills <brenda@jdwcounsel.com>
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

I did misspeak when I said there was a request to be on the March agenda. I was corrected by my secretary, Rachal Young that we had reached out and invited Josh Boots to present at the March agenda. When the NECC board set the agenda, we did put Josh on the agenda. He notified me he would not be presenting, so we canceled and moved him to the April agenda.

It seems the confusion comes from the different meeting notice times between the municipality and the state. I personally feel the presentation could have been done in March to meet the state requirement and then notice could still have gone out to the surrendering neighborhoods for the 21 day notice to meet the municipality requirement.

Sincerely'

Selina Metoyer

NECC President

Sent from Mail for Windows 10

From: Jana Weltzin <jana@jdwcounsel.com>
Sent: Tuesday, April 9, 2019 10:50:41 AM
To: selinalily@hotmail.com; Josh Boots; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier; Jana Weltzin; Brenda Mills
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Hello Selina et al – I am the attorney that represents the applicant and I am a bit confused by your description of the facts below. You indicated that Mr. Boots requested to be on the March agenda to present to the community council – this is an incorrect statement. My office specifically requested a slot for Josh and his partner Nick to present at the April 18th community council meeting to present on this proposed retail store. Please see attached email titled FW: B2H, LLC Request for Agenda Item – in which my staff contacted you directly and asked for a slot to present on the April 18th community council agenda. On March 14th you responded to the email and stated "Josh Boots for The Tree House is presenting at our March 21 Northeast Community Council" – to which my staff responded to you on March 15th (attached and titled RE: B2H, LLC Request for Agenda Item) and explained that due to the title 21 municipality requirements we could not meet the requirements of a required community council meeting with only 7 days' notice as we needed to mail invites to property owners and surrounding businesses 21 days in advance to the community council meeting and that scheduling us for March did not allow enough time for us to meet those requirements.

As we did not ask to be on the March 21st agenda, and we never canceled being on the March 21 agenda because the applicant was never on the March 21 agenda, your statements below are incorrect. Additionally, in the email attached dated March 15, my staff also explained why the April 18th meeting would allow us time to send out invites to ensure surrounding businesses, residents, and property owners had proper notice of the meeting and the presentation by the applicant – the applicant followed the rules and did not provide fail to comply with any notice requirements.

We are a bit taken aback by the comment below stating the applicant took actions that amounted to a disservice of to the community. We are following the proper protocol under the state regulations and the muni – so I am unsure if there was a misunderstanding or miscommunication – additionally we normally do not have the community council meeting

until the application has been deemed completed by AMCO staff. By Completed Application I mean the AMCO staff has reviewed the application material, noted items needed to be corrected to meet regulatory requirements, and the applicant makes those corrections, and then the application, once confirmed by staff that it meets the bare minimum regulatory requirements, the AMCO staff determines the Application Complete and scheduled it for a MCB meeting and sends notices to local government and the community council. Once in completed application form, the application is in the formal & final application form that the MCB would review. Its good to wait till you have your application deemed complete because then the application material we present to the community council is the same information as we present to the MCB – this is important because it gives assurance to the community council that the applicant will essential do as it says they will do and can hold the applicant accountable for not following through on what they have presented to the community council. Using the information formalized in the completed application provides a much more completed picture of the proposed business for the community council to consider and for community members to ask questions about and provide helpful feedback. Such as cameras, exterior lighting, surveillance and anti-loitering policies are more flushed out by the applicant and not so theoretical (as plans are at the beginning of business plan development) so that the community members have a better idea of what the proposed store would actually look like and the security safe guard's in place so that the community council can have an educated vote on whether to support the proposed application, instead of having the meeting before the application is deemed completed and those types of security plans and lighting have been fully thought out and planned out by the applicant– hence why we contacted the community council after we received the completed application notice.

The way the muni regulations and state regulations interact basically requires us to set up community council meetings in this manner – we cannot submit the special land use permit (SLUP) application to the municipality until we have a completed application letter from AMCO (attached and received March 8th), we cannot submit the SLUP until we meet with the community council and ensure that there is 21 days' notice via mailer invites to surrounding business owners, residents and property owners so that they are aware and have proper notice of the meeting – as you will see, the interplay of state and muni regulatory framework only leaves the applicants in Anchorage with a 7 day window of giving the requirement mailing notice and having a community council meeting before the end 30 day public notice period– this was in no way a strategic avoidance of the public comment period, its just a reality of the interplay between muni and state regulations. A FIX to this timing problem would be to change the public comment objection window to 30 days after the MCB approves the license – or alternative increasing the public objection period from 30 days to 60 days. But, given the muni's regulatory system and public hearings, you may find that you have plenty of opportunity to voice concerns within the municipality's licensing process.

There will be **two public hearings** that community members can voice their concerns at the muni level – one will be at the Econ Dev Committee, which a date has not been set yet as we have not turned in our SLUP application because we have not meet with the community council yet; and second public hearing will be in front of the assembly, the following week

after the Econ Development Committee hearing, for a public hearing in front of the assembly and then the assembly eventually votes on the proposed license. Again, neither the Econ Dev Committee hearing or the Assembly hearing dates have been set for this application because we have not made application to the municipality yet, as we are waiting to have the April 18th community council meeting. There are several public comment opportunities still available for community input – the local municipality process is just starting.

Josh and his partner Nick are really looking forward to being a part of this community council and were pretty shocked and very concerned by the statements below. Given the attached communication, it seems a bit unreasonable to have voted on whether to support the retail store when Josh and Nick haven't even had a chance to present to the community council and are scheduled to present April 18th.

We are happy to help explain the licensing process further, as it seems that may be helpful and resolve a lot of confusion and unnecessary negative assumptions that an applicant is attempting to run out the public comment clock – that is not the intention at all – it is the intention of the applicants to provide a full, throughout, complete presentation of their plan to operate the retail store in your community and they hope the community members will generously share their insights, experiences, and constructive criticism with the applicants to help them strengthen their business plan while addressing and mitigating community concerns. I am happy to jump on a call or respond to more email questions from any one that would like more information about the process – additionally, while the muni staff will give your community council notice for when the two public hearings eventually get scheduled, I will also commit to emailing the community council directly to ensure the community council knows when those hearings are so that there is ample opportunity for community input.

Again, Josh and Nick really look forward to meeting and presenting to the community council on April 18th and I understand and echo your concerns that community input is vital to this process and we look forward to working with you,

Jana D. Weltzin, Esq.

JDW, LLC

Principal Owner

3003 Minnesota Drive Suite 201

ANC, AK

jana@jdwcounsel.com
630-913-1113

*Licensed in Alaska and Arizona

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Thank you.

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Sent: Tuesday, April 9, 2019 9:30 AM
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Sent from my iPhone

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<kevinsmestad@outlook.com>, "Rachel young rlyoung07@gmail. com" <rlyoung07@gmail.com>, Stuart Grenier <stugrenier@gmail.com>, "pattymac23@rocketmail.com" <pattymac23@rocketmail.com>, Marc Grober <marc@interak.com>, England Charles <cengland@gci.net>, "tshallabaker@outlook.com" <tshallabaker@outlook.com>
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Hello,

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At this time, the application document that is submitted by the applicant to Local Government and the Community Council is the Public Notice generated by the Marijuana Licensing system after the initial application is filled out online. The remainder of the application documents are available once AMCO deems them complete and sends notice to the necessary entities. This prevents an incorrect or incomplete document from being submitted to the Local Government or Community Council.

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What document was submitted to the Community Council? If this was not the Public Notice, AMCO can take appropriate action regarding this application. If this was the Public Notice, the notification requirements were met at this time.

If the Community Council was noticed using the Public Notice, the next matter is the Objection that the Community Council is bringing against this application. In order to be considered an objection under 3 AAC 306.065, the objection must have been sent to the applicant. It appears that the applicant was not noticed until after the public comment period closed. If the applicant was noticed before April 8, 2019 Please provide evidence no later than Friday, April 12, that this was done. If it was not done, we will still provide your email to the board as a public comment.

At the time of consideration by the Marijuana Control Board, if an objection or public comment is lodged, we suggest that a representative be available either in person or via phone to discuss the objection.

We take the opinion of Community Councils and the public very seriously, if you have any further questions regarding this matter, please don't hesitate to contact us at marijuana.licensing@alaska.gov.

Thank You,

Mikal Milton

Records and Licensing Supervisor

Alcohol and Marijuana Control Office

Phone: 907.269.0350

alcohol.licensing@alaska.gov

marijuana.licensing@alaska.gov

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Sent: Monday, April 08, 2019 11:58 PM
To: b2hllc.thetreehouseak@gmail.com; Josh Boots <joshbootsak@gmail.com>
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Mr. Boots,

For your information.

Selina Metoyer

NEC President

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Subject: Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

I will clarify they did not ask to be on the agenda in March, we reached out to them and invited them to come.

Rachel B.

On Apr 7, 2019, at 11:09 PM, Selina Duncan-Metoyer <selinalily@hotmail.com> wrote:

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Because of the time constraints the NECC board has passed the following motion on behalf of general membership:

The Northeast Community Council (NECC) does not support The Tree House Marijuana business in our area as they did not come in due diligence to the NECC to announce their intentions to open a shop within our council boundaries and give the people of NECC a chance to ask any questions. The NECC requires all marijuana shops to come and discuss what their plan is for their shop and how they will be a successful business in the NECC. Therefore, the NECC does not support The Tree House within our Community Council boundaries.

I am submitting this on behalf of our community.

Selina Metoyer,

NECC President

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To: selinalily@hotmail.com
Cc: Marijuana Licensing (CED sponsored); Federation of Community Councils
Subject: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

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Any correspondence should be directed to marijuana.licensing@alaska.gov.

Sincerely,

<image001.png>

TJ Zielinski

Occupational Licensing Examiner

Alcohol & Marijuana Control Office

550 West 7th Avenue, Suite 1600

Anchorage, Alaska 99501

--

Joshua F. Boots
Alaska's Home Team

EXP Realty LLC
Anchorage, AK
Direct - 907-227-3777

From:	Marc Grober
To:	Josh Boots; Selina Duncan-Metoyer
Cc:	Marijuana Licensing (CED sponsored); kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; england@gci.net; tshallabaker@outlook.com; Valerie Mastolier; Brenda Mills; Jana Weltzin; Nicholas Holbrook
Subject:	Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date:	Thursday, April 11, 2019 1:00:52 PM

Josh,

Writing to you personally (not as a Board member nor in any representational capacity) let me suggest that "The most experienced council [sp] available" is still trying to blame the NECC over the NECC's "confusion". I don't know if that is helping at all vis-a-vis your relations with the NECC.

As I have already indicated, I am a strong supporter, personally, of having a retail marijuana establishment in the area, but the NECC has already adopted a general resolution opposing all such establishments. My position is strengthened, I believe, when applicants come to the council long before filing any application, to introduce themselves, discuss their interests, and explore the interests and concerns of the council. That shows that they are interested in doing their homework regarding the community. Believe it or not, others have managed to do just that.

You, on the other hand, relied on your attorney, who sent a bare undated notice without any real explanation, necessitating the NECC's reaching out to you, and who seems to be arguing that you should not be bothered with working with the council save as a last minute hoop that needs to be addressed economically so you are not overly bothered with community affairs. Then there is the cherry on top, "Again, we aren't required to meet with the community council for the state, we are only required to provide the notice we sent previously." ***That may be technically correct, but so is the fact that the NECC is not obliged to even put you on their agenda.*** Let me repeat that...

The NECC is not obliged to even put you on their agenda.

Now, you stand in my shoes for a moment, and tell me what you think of the situation...

I hope you can understand that personally I feel disinclined to push your application as against the existing Council position, when you never bothered to inquire of the Council or attempted to address their concerns. While I appreciate your indication that you have every intention of working with the community (going forward, I take it) I hope you understand that I have not seen a formal attempt to address the Council's resolution on retail marijuana stores in the area, nor, for that matter, an explanation of why, if you live in East Anchorage, the application gives your address as Wasilla...

I am pleased you are coming in April.

Marc

On 4/11/19 11:22 AM, Josh Boots wrote:

> Good Morning Selina et al,
>
> I hope this email finds you well! I wanted to reach out on behalf of myself and

The Tree House Ak in the hopes of clearing the air and working towards finding some common ground.

As I'm sure you are aware, satisfying the marijuana licensing requirements is a complicated process which we are all new to navigating. In the hopes of avoiding any missteps we have hired the most experienced council available and have been working closely with them towards getting our license approved. We have every intention of working side by side with state and local government officials, marijuana enforcement and the community.

I recognize the NECC's frustration with the process and understand your reactions in the absence of meeting and talking with us directly. I think there has been a misunderstanding and rather than going back and forth I would like to formally apologize if any of our statements or actions contributed to this confusion. I received an initial email from Marc in March to which I responded to his questions and gave some background on myself and my business partner Nick. I have attached a screenshot of that email as I have become aware that it may have not been received. Whats important here is that I think you'll find the tone of that email to be the same as this. It is always our goal to maintain an open, respectful communication process and work towards common sense problem solving in business and life. I have been living, working and raising my family in East Anchorage for forty years and value the community and its residents. I look forward to the opportunity to put this behind us and work towards earning your support in the future. If anyone has questions or would like to talk further please feel free to reach out to me anytime via phone or email.

Best Regards,

Josh
907-227-3777

On Wed, Apr 10, 2019 at 8:44 AM Jana Weltzin <jana@jdwcounsel.com> wrote:

> Good Morning Selina – thank you for your email below – I am going to make sure that I email you directly when we get the dates for the Econ Meeting and Assembly so that your community council knows when the two public hearings are so that you & any other community council members are aware of the hearings in the event you would like to provide public comment. I apologize for all the confusion on this matter. Again, we aren't required to meet with the community council for the state, we are only required to provide the notice we sent previously. The municipality requires the meeting with the community council and the mailers to be sent out in advance. I really appreciate all of the thought and input on this matter has generated and I do think once Josh and Nick come to the meeting next week a lot of confusion will be resolved.
>
> Thanks again for your email and as soon as we get the dates for the two muni public hearings on this license, I will make sure to email you those dates and times.

Jana

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Tuesday, April 9, 2019 10:59 PM
To: Jana Weltzin <jana@jdwcounsel.com>; Josh Boots <joshbootsak@gmail.com>; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier <valerie@jdwcounsel.com>; Jana Weltzin <jana@jdwcounsel.com>; Brenda Mills <brenda@jdwcounsel.com>
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

I did misspeak when I said there was a request to be on the March agenda. I was corrected by my secretary, Rachal Young that we had reached out and invited Josh Boots to present at the March agenda. When the NECC board set the agenda, we did put Josh on the agenda. He notified me he would not be presenting, so we canceled and moved him to the April agenda.

It seems the confusion comes from the different meeting notice times between the municipality and the state. I personally feel the presentation could have been done in March to meet the state requirement and then notice could still have gone out to the surrendering neighborhoods for the 21 day notice to meet the municipality requirement.

Sincerely'

Selina Metoyer

NECC President

Sent from Mail for Windows 10

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Sent: Tuesday, April 9, 2019 10:50:41 AM
To: selinalily@hotmail.com; Josh Boots; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier; Jana Weltzin; Brenda Mills
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Hello Selina et al – I am the attorney that represents the applicant and I am a bit confused by your description of the facts below. You indicated that Mr. Boots requested to be on the March agenda to present to the community council – this is an incorrect statement. My office specifically requested a slot for Josh and his partner Nick to present at the April 18th community council meeting to present on this proposed retail store. Please see attached email titled FW: B2H, LLC Request for Agenda Item – in which my staff contacted you directly and asked for a slot to present on the April 18th community council agenda. On March 14th you responded to the email and stated "Josh Boots for The Tree House is presenting at our March 21 Northeast Community Council" – to which my staff responded to you on March 15th (attached and titled RE: B2H, LLC Request for Agenda Item) and explained that due to the title 21 municipality requirements we could not meet the requirements of a required community council meeting with only 7 days' notice as we needed to mail invites to property owners and surrounding businesses 21 days in advance to the community council meeting and that scheduling us for March did not allow enough time for us to meet those requirements.

As we did not ask to be on the March 21st agenda, and we never canceled being on the March 21 agenda because the applicant was never on the March 21 agenda, your statements below are incorrect. Additionally, in the email attached dated March 15, my staff also explained why the April 18th meeting would allow us time to send out invites to ensure surrounding businesses, residents, and property owners had proper notice of the meeting and the presentation by the applicant – the applicant followed the rules and did not provide fail to comply with any notice requirements.

We are a bit taken aback by the comment below stating the applicant took actions that amounted to a disservice of to the community. We are following the proper protocol under the state regulations and the muni – so I am unsure if there was a misunderstanding or miscommunication – additionally we normally do not have the community council meeting until the application has been

deemed completed by AMCO staff. By Completed Application I mean the AMCO staff has reviewed the application material, noted items needed to be corrected to meet regulatory requirements, and the applicant makes those corrections, and then the application, once confirmed by staff that it meets the bare minimum regulatory requirements, the AMCO staff determines the Application Complete and scheduled it for a MCB meeting and sends notices to local government and the community council. Once in completed application form, the application is in the formal & final application form that the MCB would review. Its good to wait till you have your application deemed complete because then the application material we present to the community council is the same information as we present to the MCB – this is important because it gives assurance to the community council that the applicant will essential do as it says they will do and can hold the applicant accountable for not following through on what they have presented to the community council. Using the information formalized in the completed application provides a much more completed picture of the proposed business for the community council to consider and for community members to ask questions about and provide helpful feedback. Such as cameras, exterior lighting, surveillance and anti-loitering policies are more flushed out by the applicant and not so theoretical (as plans are at the beginning of business plan development) so that the community members have a better idea of what the proposed store would actually look like and the security safe guard's in place so that the community council can have an educated vote on whether to support the proposed application, instead of having the meeting before the application is deemed completed and those types of security plans and lighting have been fully thought out and planned out by the applicant– hence why we contacted the community council after we received the completed application notice.

The way the muni regulations and state regulations interact basically requires us to set up community council meetings in this manner – we cannot submit the special land use permit (SLUP) application to the municipality until we have a completed application letter from AMCO (attached and received March 8th), we cannot submit the SLUP until we meet with the community council and ensure that there is 21 days' notice via mailer invites to surrounding business owners, residents and property owners so that they are aware and have proper notice of the meeting – as you will see, the interplay of state and muni regulatory framework only leaves the applicants in Anchorage with a 7 day window of giving the requirement mailing notice and having a community council meeting before the end 30 day public notice period– this was in no way a strategic avoidance of the public comment period, its just a reality of the interplay between muni and state regulations. A FIX to this timing problem would be to change the public comment objection window to 30 days after the MCB approves the license – or alternative increasing the public objection period from 30 days to 60 days. But, given the muni's regulatory system and public hearings, you may find that you have plenty of opportunity to voice concerns within the municipality's licensing process.

There will be **two public hearings** that community members can voice their concerns at the muni level – one will be at the Econ Dev Committee, which a date has not been set yet as we have not turned in our SLUP application because we have not meet with the community council yet; and second public hearing will be in front of the assembly, the following week after the Econ Development Committee hearing, for a public hearing in front of the assembly and then the assembly eventually votes on the proposed license. Again, neither the Econ Dev Committee hearing or the Assembly hearing dates have been set for this application because we have not made application to the municipality yet, as we are waiting to have the April 18th community council meeting. There are several public comment opportunities still available for community input – the local municipality process is just starting.

Josh and his partner Nick are really looking forward to being a part of this community council and were pretty shocked and very concerned by the statements below. Given the attached communication, it seems a bit unreasonable to have voted on whether to support the retail store when Josh and Nick haven't even had a chance to present to the community council and are scheduled to present April 18th.

We are happy to help explain the licensing process further, as it seems that may be helpful and resolve a lot of confusion and unnecessary negative assumptions that an applicant is attempting to run out the public comment clock – that is not the intention at all – it is the intention of the applicants to provide a full, throughout, complete presentation of their plan to operate the retail store in your community and they hope the community members will generously share their insights, experiences, and constructive criticism with the applicants to help them strengthen their business plan while addressing and mitigating community concerns. I am happy to jump on a call or respond to more email questions from any one that would like more information about the process – additionally, while the muni staff will give your community council notice for when the two public hearings eventually get scheduled, I will also commit to emailing the community council directly to ensure the community council knows when those hearings are so that there is ample opportunity for community input.

Again, Josh and Nick really look forward to meeting and presenting to the community council on April 18th and I understand and echo your concerns that community input is vital to this process and we look forward to working with you,

Jana D. Weltzin, Esq.

JDW, LLC

Principal Owner

3003 Minnesota Drive Suite 201

ANC, AK

jana@jdwcounsel.com
630-913-1113

*Licensed in Alaska and Arizona

The information contained in this message is privileged and confidential. It is intended only to be read by the individual or entity named above or their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete or destroy any copy of this message.

IRS Circular 230 Disclaimer: To ensure compliance with IRS Circular 230, we are required to inform you that unless we have specifically stated to the contrary in writing, any advice we provide in this email or any attachment concerning federal tax issues or submissions is not intended or written to be used, and cannot be used, to avoid federal tax penalties.

Thank you.

Think green, please don't print unnecessarily

From: Josh Boots <joshbootsak@gmail.com>
Sent: Tuesday, April 9, 2019 9:30 AM
To: Valerie Mastolier <valerie@jdwcounsel.com>; guitar1nick@yahoo.com; Jana Weltzin <jana@jdwcounsel.com>
Subject: Fwd: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Sent from my iPhone

Begin forwarded message:

From: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
Date: April 9, 2019 at 8:34:06 AM AKDT
To: Selina Duncan-Metoyer <selinalily@hotmail.com>, "b2hllc.thetreehouseak@gmail.com" <b2hllc.thetreehouseak@gmail.com>, Josh Boots <joshbootsak@gmail.com>
Cc: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>, Kevin Smestad <kevinsmestad@outlook.com>, "Rachel young rlyoung07@gmail.com" <rlyoung07@gmail.com>, Stuart Grenier <stugrenier@gmail.com>, "pattymac23@rocketmail.com" <pattymac23@rocketmail.com>, Marc Grober <marc@interak.com>, England Charles <cengland@gci.net>, "tshallabaker@outlook.com" <tshallabaker@outlook.com>
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Hello,

I have received your objection to Marijuana License #15019.

At this time, the application document that is submitted by the applicant to Local Government and the Community Council is the Public Notice generated by the Marijuana Licensing system after the initial application is filled out online. The remainder of the application documents are available once AMCO deems them complete and sends notice to the necessary entities. This prevents an incorrect or incomplete document from being submitted to the Local Government or Community Council.

AMCO has received the below emails and additional communication from Mr. Grober stating that the applicant did not appropriately notice or participate in the Community Council discussions regarding their establishment.

What document was submitted to the Community Council? If this was not the Public Notice, AMCO can take appropriate action regarding this application. If this was the Public Notice, the notification requirements were met at this time.

If the Community Council was noticed using the Public Notice, the next matter is the Objection that the Community Council is bringing against this application. In order to be considered an objection under 3 AAC 306.065, the objection must have been sent to the applicant. It appears that the applicant was not noticed until after the public comment period closed. If the applicant was noticed before April 8, 2019 Please provide evidence no later than Friday, April 12, that this was done. If it was not done, we will still provide your email to the board as a public comment.

At the time of consideration by the Marijuana Control Board, if an objection or public comment is lodged, we suggest that a representative be available either in person or via phone to discuss the objection.

We take the opinion of Community Councils and the public very seriously, if you have any further questions regarding this matter, please don't hesitate to contact us at marijuana.licensing@alaska.gov.

Thank You,

Mikal Milton

Records and Licensing Supervisor

Alcohol and Marijuana Control Office

Phone: 907.269.0350

alcohol.licensing@alaska.gov

marijuana.licensing@alaska.gov

Please consider the environment before printing this e-mail.

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

CONFIDENTIALITY NOTICE: This communication is intended for the sole use of the individual or entity to whom it is addressed, is covered by the Electronic Communications Privacy Act (18 USC § 2510-2521), and may contain Confidential Official Use Only Information that may be exempt from public release under the Freedom of Information Act (5 USC § 552). If you are not the intended recipient, you are prohibited from disseminating, distributing, or copying any information contained in this communication.

The State of Alaska cannot guarantee the security of e-mails sent to or from a state employee outside the state e-mail system. If you are not the intended recipient or receive this communication in error, please notify the sender by reply e-mail and delete the original message and all copies from your computer.

From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Monday, April 08, 2019 11:58 PM
To: b2hllc.thetreehouseak@gmail.com; Josh Boots <joshbootsak@gmail.com>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Kevin Smestad <kevinsmestad@outlook.com>; Rachel young rlyoung07@gmail.com <rlyoung07@gmail.com>; Stuart Grenier <stugrenier@gmail.com>; pattymac23@rocketmail.com; Marc Grober <marc@interak.com>; England Charles <cengland@gci.net>; tshallabaker@outlook.com
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Mr. Boots,

For your information.

Selina Metoyer

NEC President

Sent from Mail for Windows 10

From: Rachel Young <rlyoung07@gmail.com>
Sent: Monday, April 8, 2019 6:34:51 AM
To: Selina Duncan-Metoyer
Cc: Marijuana Licensing (CED sponsored); Kevin Smestad; Stuart Grenier; David Ulmer; pattymac23@rocketmail.com; Marc

Grober; England Charles; tshallabaker@outlook.com
Subject: Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

I will clarify they did not ask to be on the agenda in March, we reached out to them and invited them to come.

Rachel B.

On Apr 7, 2019, at 11:09 PM, Selina Duncan-Metoyer <selinalily@hotmail.com> wrote:

> Josh Boots and et al, had asked to be on the March 21 agenda, then we were asked to cancel and add them to the April 18th agenda. This placement means the general membership would not hear the presentation until after the public comment period. This is disservice to our community.
>
> Because of the time constraints the NECC board has passed the following motion on behalf of general membership:
>
> The Northeast Community Council (NECC) does not support The Tree House Marijuana business in our area as they did not come in due diligence to the NECC to announce their intentions to open a shop within our council boundaries and give the people of NECC a chance to ask any questions. The NECC requires all marijuana shops to come and discuss what their plan is for their shop and how they will be a successful business in the NECC. Therefore, the NECC does not support The Tree House within our Community Council boundaries.
>
> I am submitting this on behalf of our community.
>
> Selina Metoyer,
>
> NECC President

Sent from Mail for Windows 10

From: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Sent: Friday, March 8, 2019 8:40:33 AM
To: selinalily@hotmail.com
Cc: Marijuana Licensing (CED sponsored); Federation of Community Councils
Subject: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Dear community council,

Attached is correspondence regarding an application for a marijuana establishment license in your jurisdiction, and please let us know if you would like a copy of the entire application.

Any correspondence should be directed to marijuana.licensing@alaska.gov.

Sincerely,

<image001.png>

TJ Zielinski

Occupational Licensing Examiner

Alcohol & Marijuana Control Office

550 West 7th Avenue, Suite 1600

Anchorage, Alaska 99501

--
Joshua F. Boots
Alaska's Home Team
EXP Realty LLC
Anchorage, AK
Direct - 907-227-3777

--
"There are more things in heaven and earth, Horatio,
Than are dreamt of in your philosophy. "

From: Josh Boots
To: marc@interak.com
Cc: Selina Duncan-Metoyer; Marijuana Licensing (CED sponsored); kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; england@gci.net; tshallabaker@outlook.com; Valerie Mastolier; Brenda Mills; Jana Weltzin; Nicholas Holbrook
Subject: Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019
Date: Thursday, April 11, 2019 1:59:17 PM

Marc,

Thank you for your reply, I fully understand and respect your position. Please know that we are doing our best to fulfill our responsibilities with regards to the council and everyone else. I have recognized the councils position as well as yours and apologized for any areas in which our actions caused confusion or any indication of avoidance of our obligations to you or any member of the council. I have given my assurance that that was never our intent. I understand that coming to prior meetings to introduce myself and began a dialogue would have been beneficial. I had every intent of coming to the March meeting to do that but was caught up with clients that evening and unable to attend. It is my hope that you accept this email in good faith and I look forward to working with you moving forward. I am also open to having a conversation over the phone or in person prior to the meeting. I think a lot gets lost over email communication and sometimes an in person conversation can resolve a lot of misunderstanding. The public notice gives our mailing address as Wasilla because that is our business mailing address at this point as we are not yet actively working in the Boniface unit. Please feel free to reach out to me personally at any time to talk further.

Best Regards,

Josh
907-227-3777

Sent from my iPhone

On Apr 11, 2019, at 1:00 PM, Marc Grober <marc@interak.com> wrote:

> Josh,
>
> Writing to you personally (not as a Board member nor in any representational capacity) let me suggest that "The most experienced council [sp] available" is still trying to blame the NECC over the NECC's "confusion". I don't know if that is helping at all vis-a-vis your relations with the NECC.
>
> As I have already indicated, I am a strong supporter, personally, of having a retail marijuana establishment in the area, but the NECC has already adopted a general resolution opposing all such establishments. My position is strengthened, I believe, when applicants come to the council long before filing any application, to introduce themselves, discuss their interests, and explore the interests and concerns of the council. That shows that they are interested in doing their homework regarding the community. Believe it or not, others have managed to do just that.

You, on the other hand, relied on your attorney, who sent a bare undated notice without any real explanation, necessitating the NECC's reaching out to you, and who seems to be arguing that you should not be bothered with working with the council save as a last minute hoop that needs to be addressed economically so you are not overly bothered with community affairs. Then there is the cherry on top, "Again, we aren't required to meet with the community council for the state, we are only required to provide the notice we sent previously." ***That may be technically correct, but so is the fact that the NECC is not obliged to even put you on their agenda.*** Let me repeat that...

The NECC is not obliged to even put you on their agenda.

Now, you stand in my shoes for a moment, and tell me what you think of the situation...

I hope you can understand that personally I feel disinclined to push your application as against the existing Council position, when you never bothered to inquire of the Council or attempted to address their concerns. While I appreciate your indication that you have every intention of working with the community (going forward, I take it) I hope you understand that I have not seen a formal attempt to address the Council's resolution on retail marijuana stores in the area, nor, for that matter, an explanation of why, if you live in East Anchorage, the application gives your address as Wasilla...

I am pleased you are coming in April.

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Josh
907-227-3777

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>
> Jana
>
> ---
>
> **From:** Selina Duncan-Metoyer <selinalily@hotmail.com>
> **Sent:** Tuesday, April 9, 2019 10:59 PM
> **To:** Jana Weltzin <jana@jdwcounsel.com>; Josh Boots

<joshbootsak@gmail.com>; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com; pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier <valerie@jdwcounsel.com>; Jana Weltzin <jana@jdwcounsel.com>; Brenda Mills <brenda@jdwcounsel.com>
Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

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Selina Metoyer

NECC President

Sent from Mail for Windows 10

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Sent: Tuesday, April 9, 2019 10:50:41 AM
To: selinalily@hotmail.com; Josh Boots; marijuana.licensing@alaska.gov; kevinsmestad@outlook.com; rlyoung07@gmail.com; stugrenier@gmail.com;

pattymac23@rocketmail.com; marc@interak.com; england@gci.net; tshallabaker@outlook.com
Cc: Valerie Mastolier; Jana Weltzin; Brenda Mills
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

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We are a bit taken aback by the comment below stating the applicant took actions that amounted to a disservice of to the community. We are following the proper protocol under the state regulations and the muni – so I am unsure if there was a misunderstanding or miscommunication – additionally we normally do not have the community council meeting until the application has been deemed completed by AMCO staff. By

Completed Application I mean the AMCO staff has reviewed the application material, noted items needed to be corrected to meet regulatory requirements, and the applicant makes those corrections, and then the application, once confirmed by staff that it meets the bare minimum regulatory requirements, the AMCO staff determines the Application Complete and scheduled it for a MCB meeting and sends notices to local government and the community council. Once in completed application form, the application is in the formal & final application form that the MCB would review. Its good to wait till you have your application deemed complete because then the application material we present to the community council is the same information as we present to the MCB – this is important because it gives assurance to the community council that the applicant will essential do as it says they will do and can hold the applicant accountable for not following through on what they have presented to the community council. Using the information formalized in the completed application provides a much more completed picture of the proposed business for the community council to consider and for community members to ask questions about and provide helpful feedback. Such as cameras, exterior lighting, surveillance and anti-loitering policies are more flushed out by the applicant and not so theoretical (as plans are at the beginning of business plan development) so that the community members have a better idea of what the proposed store would actually look like and the security safe guard's in place so that the community council can have an educated vote on whether to support the proposed application, instead of having the meeting before the application is deemed completed and those types of security plans and lighting have been fully thought out and planned out by the applicant– hence why we contacted the community council after we received the completed application notice.

The way the muni regulations and state regulations interact basically requires us to set up community council meetings in this manner – we cannot submit the special land use permit (SLUP) application to the municipality until we have a completed application letter from AMCO (attached and received March 8th), we cannot submit the SLUP until we meet with the community council and ensure that there is 21 days' notice via mailer invites to surrounding business owners, residents and property owners so that they are aware and have proper notice of the meeting – as you will see, the interplay of state and muni regulatory framework only leaves the applicants in Anchorage with a 7 day window of giving the requirement mailing notice and having a community council meeting before the end 30 day public notice period– this was in no way a strategic avoidance of the public comment period, its just a reality of the interplay between muni and state regulations. A FIX to this timing problem would be to change the public comment

objection window to 30 days after the MCB approves the license – or alternative increasing the public objection period from 30 days to 60 days. But, given the muni's regulatory system and public hearings, you may find that you have plenty of opportunity to voice concerns within the municipality's licensing process.

There will be **two public hearings** that community members can voice their concerns at the muni level – one will be at the Econ Dev Committee, which a date has not been set yet as we have not turned in our SLUP application because we have not meet with the community council yet; and second public hearing will be in front of the assembly, the following week after the Econ Development Committee hearing, for a public hearing in front of the assembly and then the assembly eventually votes on the proposed license. Again, neither the Econ Dev Committee hearing or the Assembly hearing dates have been set for this application because we have not made application to the municipality yet, as we are waiting to have the April 18th community council meeting. There are several public comment opportunities still available for community input – the local municipality process is just starting.

Josh and his partner Nick are really looking forward to being a part of this community council and were pretty shocked and very concerned by the statements below. Given the attached communication, it seems a bit unreasonable to have voted on whether to support the retail store when Josh and Nick haven't even had a chance to present to the community council and are scheduled to present April 18th.

We are happy to help explain the licensing process further, as it seems that may be helpful and resolve a lot of confusion and unnecessary negative assumptions that an applicant is attempting to run out the public comment clock – that is not the intention at all – it is the intention of the applicants to provide a full, throughout, complete presentation of their plan to operate the retail store in your community and they hope the community members will generously share their insights, experiences, and constructive criticism with the applicants to help them strengthen their business plan while addressing and mitigating community concerns. I am happy to jump on a call or respond to more email questions from any one that would like more information about the process – additionally, while the muni staff will give your community council notice for when the two public hearings eventually get scheduled, I will also commit to emailing the community council directly to

ensure the community council knows when those hearings are so that there is ample opportunity for community input.

Again, Josh and Nick really look forward to meeting and presenting to the community council on April 18th and I understand and echo your concerns that community input is vital to this process and we look forward to working with you,

Jana D. Weltzin, Esq.

JDW, LLC

Principal Owner

3003 Minnesota Drive Suite 201

ANC, AK

jana@jdwcounsel.com
630-913-1113

*Licensed in Alaska and Arizona

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Thank you.

Think green, please don't print unnecessarily

From: Josh Boots <joshbootsak@gmail.com>
Sent: Tuesday, April 9, 2019 9:30 AM
To: Valerie Mastolier <valerie@jdwcounsel.com>; guitar1nick@yahoo.com; Jana Weltzin <jana@jdwcounsel.com>
Subject: Fwd: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Sent from my iPhone

Begin forwarded message:

> **From:** "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
> **Date:** April 9, 2019 at 8:34:06 AM AKDT
> **To:** Selina Duncan-Metoyer <selinalily@hotmail.com>, "b2hllc.thetreehouseak@gmail.com" <b2hllc.thetreehouseak@gmail.com>, Josh Boots <joshbootsak@gmail.com>
> **Cc:** "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>, Kevin Smestad <kevinsmestad@outlook.com>, "Rachel young rlyoung07@gmail. com" <rlyoung07@gmail.com>, Stuart Grenier <stugrenier@gmail.com>, "pattymac23@rocketmail.com" <pattymac23@rocketmail.com>, Marc Grober <marc@interak.com>, England Charles <cengland@gci.net>, "tshallabaker@outlook.com" <tshallabaker@outlook.com>
> **Subject: RE: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019**
>
> Hello,
>
> I have received your objection to Marijuana License #15019.
>
> At this time, the application document that is submitted by the applicant to Local Government and the Community Council is the Public Notice generated by the Marijuana Licensing system after the initial

application is filled out online. The remainder of the application documents are available once AMCO deems them complete and sends notice to the necessary entities. This prevents an incorrect or incomplete document from being submitted to the Local Government or Community Council.

AMCO has received the below emails and additional communication from Mr. Grober stating that the applicant did not appropriately notice or participate in the Community Council discussions regarding their establishment.

What document was submitted to the Community Council? If this was not the Public Notice, AMCO can take appropriate action regarding this application. If this was the Public Notice, the notification requirements were met at this time.

If the Community Council was noticed using the Public Notice, the next matter is the Objection that the Community Council is bringing against this application. In order to be considered an objection under 3 AAC 306.065, the objection must have been sent to the applicant. It appears that the applicant was not noticed until after the public comment period closed. If the applicant was noticed before April 8, 2019 Please provide evidence no later than Friday, April 12, that this was done. If it was not done, we will still provide your email to the board as a public comment.

At the time of consideration by the Marijuana Control Board, if an objection or public comment is lodged, we suggest that a representative be available either in person or via phone to discuss the objection.

We take the opinion of Community Councils and the public very seriously, if you have any further questions regarding this matter, please don't hesitate to contact us at marijuana.licensing@alaska.gov.

Thank You,

Mikal Milton

Records and Licensing Supervisor

Alcohol and Marijuana Control Office

Phone: 907.269.0350

alcohol.licensing@alaska.gov

marijuana.licensing@alaska.gov

Please consider the environment before printing this e-mail.

Any guidance provided by this electronic communication is not a binding legal opinion, ruling, or interpretation that may be relied upon, but merely guidance concerning existing statutes and regulations. There may be other unique or undisclosed facts, circumstances, and information that may have changed any guidance provided in this communication.

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From: Selina Duncan-Metoyer <selinalily@hotmail.com>
Sent: Monday, April 08, 2019 11:58 PM
To: b2hllc.thetreehouseak@gmail.com; Josh Boots <joshbootsak@gmail.com>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Kevin Smestad <kevinsmestad@outlook.com>; Rachel young rlyoung07@gmail. com <rlyoung07@gmail.com>; Stuart Grenier <stugrenier@gmail.com>; pattymac23@rocketmail.com; Marc Grober <marc@interak.com>; England Charles

<cengland@gci.net>; tshallabaker@outlook.com
Subject: FW: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Mr. Boots,

For your information.

Selina Metoyer

NEC President

Sent from Mail for Windows 10

From: Rachel Young <rlyoung07@gmail.com>
Sent: Monday, April 8, 2019 6:34:51 AM
To: Selina Duncan-Metoyer
Cc: Marijuana Licensing (CED sponsored); Kevin Smestad; Stuart Grenier; David Ulmer; pattymac23@rocketmail.com; Marc Grober; England Charles; tshallabaker@outlook.com
Subject: Re: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

I will clarify they did not ask to be on the agenda in March, we reached out to them and invited them to come.

Rachel B.

On Apr 7, 2019, at 11:09 PM, Selina Duncan-Metoyer <selinalily@hotmail.com> wrote:

> Josh Boots and et al, had asked to be on the March 21 agenda, then we were asked to cancel and add them to the April 18th agenda. This placement means the general membership would not hear the

presentation until after the public comment period. This is disservice to our community.

Because of the time constraints the NECC board has passed the following motion on behalf of general membership:

The Northeast Community Council (NECC) does not support The Tree House Marijuana business in our area as they did not come in due diligence to the NECC to announce their intentions to open a shop within our council boundaries and give the people of NECC a chance to ask any questions. The NECC requires all marijuana shops to come and discuss what their plan is for their shop and how they will be a successful business in the NECC. Therefore, the NECC does not support The Tree House within our Community Council boundaries.

I am submitting this on behalf of our community.

Selina Metoyer,

NECC President

Sent from Mail for Windows 10

From: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Sent: Friday, March 8, 2019 8:40:33 AM
To: selinalily@hotmail.com
Cc: Marijuana Licensing (CED sponsored); Federation of Community Councils

Subject: New - CC Notice - Retail Marijuana Store - The Tree House AK License #15019

Dear community council,

Attached is correspondence regarding an application for a marijuana establishment license in your jurisdiction, and please let us know if you would like a copy of the entire application.

Any correspondence should be directed to marijuana.licensing@alaska.gov.

Sincerely,

<image001.png>

TJ Zielinski

Occupational Licensing Examiner

Alcohol & Marijuana Control Office

550 West 7th Avenue, Suite 1600

Anchorage, Alaska 99501

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Joshua F. Boots
Alaska's Home Team

EXP Realty LLC

Anchorage, AK
Direct - 907-227-3777

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"There are more things in heaven and earth, Horatio,
Than are dreamt of in your philosophy. "