

# Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 09/06/2018

Licensee: Christopher Wilhelm

DBA: Wakin Bakery

License #/Type: 13697 /Marijuana Product Manufactu

Address: 218 Kelly Drive Ketchikan, AK 99901

AMCO Case #: AB18000813

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

Wakin Bakery distributed multiple packages of marijuana products (cookies) to licensees without proper testing and tracking. Only the cannabutter produced to make said cookies was tested, not final products.

- 1A402030000607D0000000009 - Cannabutter
- 1A402030000607D0000000017 - Fido D June 2pack
- 1A402030000607D0000000019 - Phat Cat PBCC June 2pack

Wakin Bakery did not create or track production batches properly in METRC.

These incidents are violations of:

3 AAC 306.540. Marijuana inventory tracking system

3 AAC 306.550. Required laboratory testing

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice. A licensee may respond, either orally or in writing, to the Notice. 3 AAC 306.810(3)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation from the director, to correct any defect that is the subject of the notice of violation of AS 17.38 or this chapter, a condition or restriction imposed by the board or other applicable law.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

\*Please send your response to the address below and include your Marijuana Establishment License Number in your response.

Alcohol & Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator: S. Johnson

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:

To: Alcohol and Marijuana Control Board  
50 W. 7<sup>th</sup> Ave, Ste 1600  
Anchorage, AK 99501

Dear Board Members,

I have received notice of violation regarding the Metrc tracking of cannabis through our bakery. The cannabis flower was properly tracked as it entered the facility. It was rendered into cannabutter, which was not properly tagged. The state does not require testing of cooking cannabutter. The cannabutter was made into several cookie batches, which were tagged, and tested by Canntest, and all passed. The cookies were then packaged at our facility and sold to various legal stores for purchase by consumers.

I was unaware that the cooking cannabutter we made was required to be tagged in Metrc. Since testing of cannabutter for cooking is not required by the state, and because the cannabutter would not leave the bakery, I made an error. I did not understand it was required to be tagged in Metrc. I believed tagging was only required when cannabis product changed hands from licensee to licensee. As a consequence, the product history for our cookies showed a break in the supply chain. This was flagged by one of the legal stores and Enforcement was notified.

Since we have become aware of the requirement to tag cooking cannabutter in Metrc, we have tagged our cannabutter. There is no intentional misrepresentation here. This error is attributable to our early lack of experience using the Metrc system when making cannabutter. To clarify, we did test each cookie batch prior to distribution. Each batch passed testing before we distributed them.

The Enforcement complaint relates to the cooking cannabutter which was not tagged in Metrc, and the subsequent break in the supply chain for tracking the cannabis into its manufactured form. So far as we understood the State and Metrc requirements, we were abiding faithfully with the law. We have since corrected this error and continue to abide faithfully with the legal requirements for tagging cannabutter.

Thank you for this opportunity to clarify our side of the complaint.

Sincerely,

Christopher Wilhelm  
Wakin' Bakery  
Ketchikan, AK

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Date:

License #/Type:

Licensee:

Address:

DBA:

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**IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.**

**\*Please send your response to the address below and include your marijuana license number in your response.**

Alcohol & Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator:

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA:

Date:

Christopher Wilhelm

January 20, 2019

Wakin' Bakery

218 Kelly Drive

Ketchikan, AK 99901

Re: Notice of Violation 1/4/2019

To the AMCO Board, Director McConnell,

I had a delivery to Green Jar in Wasilla 1/3/19. It was dutifully entered into Metrc and the manifest and invoice were sent to the Green Jar staff several days in advance of the delivery. This was my first-ever trip to deliver to any stores in the Wasilla area. I did not know how long it might take to make it to the 3 stores to deliver. Green Jar was the last one on the itinerary. On the Metrc manifest, I estimated I would arrive at 7:55pm. Instead, I arrived about 8:20pm. The store was dark when I arrived. I called the manager who did not answer the phone so I left a message two times, also, I texted and emailed him.

Green Jar closed at 8pm. I was not sure of the proper procedure for a failed delivery attempt. However, having left voice messages and texts and emails I hoped someone would return my call. This did not happen and by 9pm I gave up and drove back to my Bed and Breakfast in Anchorage. The product was left secure in a locked bag in the back of my car and remained there overnight. The car was parked in full view of my B and B window on a quiet residential street. I checked it several times. Nothing happened.

The next morning about 9am I received a call from the receiving clerk. We agreed I would meet him behind the Green Jar at 10am to deliver. He did not come but an associate did, and the delivery was conducted and concluded. The correct delivery date and time was notated on the transfer manifest. I returned to the Wakin' Bakery and went on about my business.

I received a call a few days later from Investigator Johnson, who verified the Green Jar non-delivery story as related here. I was cited with a notice of violation. After discussing the matter with Investigator Johnson, I learned the product must be kept in a secure, cameraed, licensed premise whenever it is not in my direct control. I communicated with the manager of a store in Anchorage which stays open until midnight and made arrangements to meet these criteria.

In the event I am not met by staff to deliver in the future, I will be able to leave it in the secure holding place at that facility (Great Northern Cannabis 4<sup>th</sup> Ave location) until the following day.

While I regret the violation, I am confident that this arrangement will allow me maintain a secure holding facility that meets AMCO safety criteria should a non-delivery event present itself again. I continue to, and will continue to maintain the security criteria established by the AMCO regulations.

Very sincerely yours,

Christopher Wilhelm

Wakin' Bakery

Ketchikan, Alaska

Our bakery at Wakin' Bakery has received 2 NOVs, both of which are related to our inexperience with the new industry. First NOV derived from an error in METRC tracking, where a package was created "out of thin air" by not highlighting the source package in inventory when selecting and creating a package for sale. The sale package was subsequently delivered and the lack of source package triggered a call to AMCO enforcement by the store. The error was clearly a user error associated with the new inventory system METRC and not deliberate;

The second NOV happened when a retail store did not receive a delivery which was made on schedule, however the store had closed, not mindful of the METRC manifested deliver. I was the courier. I called the store, the owner, texted, emailed, and all to no avail. Unsure of how to proceed when the store was closed and incommunicado and it was 8pm, I locked the product in my car and delivered the next day. The delivery amount was a trial sample of 60 cookies valued at \$360. The store alerted AMCO enforcement that I had been late with my delivery and I was cited for having the marijuana product in my car overnight. It was delivered 9am the next day without incident.

Both of these NOVs were early errors on the learning curve of compliance with no malicious intent.



# Alcohol & Marijuana Control Office

Initiating License Application

6/10/2019 10:59:34 PM

**License Number:** 13697**License Status:** Active-Operating**License Type:** Marijuana Product Manufacturing Facility**Doing Business As:** WAKIN BAKERY**Business License Number:** 1063938**Designated Licensee:** Christopher Wilhelm**Email Address:** sparklefarmsalaska@gmail.com**Local Government:** Ketchikan Gateway Borough**Community Council:****Latitude, Longitude:** 55.409900, -131.718400**Physical Address:** 218 Kelly Drive  
Ketchikan, AK 99901  
UNITED STATES**Licensee #1****Type:** Entity**Alaska Entity Number:** 10040638**Alaska Entity Name:** SFA LLC**Phone Number:** 907-617-1461**Email Address:** sparklefarmsalaska@gmail.com**Mailing Address:** 218 Kelly Drive  
Ketchikan, AK 99901  
UNITED STATES**Entity Official #1****Type:** Individual**Name:** Tia Wilhelm**SSN:** [REDACTED]**Date of Birth:** [REDACTED]**Phone Number:** 907-617-1461**Email Address:** sparklefarmsalaska@gmail.com**Mailing Address:** 218 Kelly Drive  
Ketchikan, AK 99901  
UNITED STATES**Entity Official #2****Type:** Individual**Name:** Christopher Wilhelm**SSN:** [REDACTED]**Date of Birth:** [REDACTED]**Phone Number:** 907-617-1461**Email Address:** sparklefarmsalaska@gmail.com**Mailing Address:** 218 Kelly Drive  
Ketchikan, AK 99901  
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Ketchikan, AK 99901  
UNITED STATES



## Alaska Marijuana Control Board

**Form MJ-20: Renewal Application Certifications****What is this form?**

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

**Section 1 – Establishment Information**

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

Licensee:	SFA LLC	License Number:	13697		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Wakin Bakery				
Premises Address:	218 Kelly Drive				
City:	Ketchikan	State:	AK	ZIP:	99901

**Section 2 – Individual Information**

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

Name:	Christopher J Wilhelm
Title:	Owner/member

**Section 3 – Violations & Charges**

Read each line below, and then sign your initials in the box to the right of any applicable statements:

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

Initials

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

**Form MJ-20: Renewal Application Certifications****Section 4 – Certifications**

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

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

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

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

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

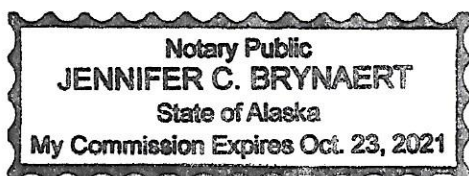
I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

**Christopher J Wilhelm**

Printed name of licensee

  
Notary Public in and for the State of AlaskaMy commission expires: 10/23/21Subscribed and sworn to before me this 11 day of June, 2019.





## Alaska Marijuana Control Board

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Premises Address:	218 Kelly Drive				
City:	Ketchikan	State:	AK	ZIP:	99901

**Section 2 – Individual Information**

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

Name:	Tia A Wilhelm
Title:	Owner/member

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Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

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Signature of licensee

Notary Public in and for the State of Alaska

**Tia A Wilhelm**

Printed name of licensee

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