



MEMORANDUM

TO: Marijuana Control Board DATE: September 11, 2019

FROM: Erika McConnell, Director RE: 10577 and 10578 Alaskan Leaf LLC;
Appeal of denial of MJ-14

Alaskan Leaf, LLC holds a retail marijuana store license (#10577) and a standard marijuana cultivation facility license (#10578), both located at 1211 W 36th Avenue in Anchorage.

The licensee submitted an MJ-14 premises diagram change request which included a change proposing shared storage of marijuana/marijuana products from both of the two licenses on the cultivation premises. This request was denied and the licensee is appealing.

The regulations contemplate that marijuana/marijuana product is maintained on the licensed premises of the license which owns that product, until such time as it is sold/transferred using a manifest and as reflected in the inventory tracking system. There is no provision for marijuana owned by a license to be stored and maintained on a different licensed premises.

3 AAC 306.405(a)(4) states that a cultivation facility is authorized to “store inventory on the licensed premises; any stored inventory must be secured in a restricted access area and accounted for in the marijuana cultivation facility's marijuana inventory tracking system as required under 3 AAC 306.730.” There is no provision for storing inventory from a different license.

This matter was tabled by the board at the July meeting.

From: [Jana Weltzin](#)
To: [Marijuana Licensing \(CED sponsored\)](#)
Cc: [Jana Weltzin](#); [Brenda Mills](#); [legal counsel](#); [alaskanleafcompany@gmail.com](#)
Subject: RE: Denied MJ-14: Alaskan Leaf, LLC Licenses #10577 and #10578
Date: Friday, June 21, 2019 1:55:55 PM
Attachments: [image001.png](#)

Hi TJ – I know you are out of town till the 25th so I was going to get you a letter with our reasons by then – but just in case (since the 25th is after the 21 deadline) I wanted to give you a short summary of the reason why. The reason why we are appealing this determination is that practically speaking, this policy creates inefficient practices and unsafe facility policies – it requires separation of secured areas when the separation of secured areas actually doesn't make any safety sense or practical sense. Plus, based on my review of the regulations, I don't think this actual a regulatory requirement, not in the manner of how its imposed against co located and co owned licensed premises. I am happy to provide a more formal response if necessary, but I think the best way to flush out the right policy decision is for the MCB to review the issue, allow my client and I to explain the facility layout and reach an answer that will hopefully continue to protect the safety of staff and the health of consumers by ensuring arbitrary product storage requirements do not create inferior product storage practices. Thanks! Jana

From: Marijuana Licensing (CED sponsored)
<marijuana.licensing@alaska.gov>

Sent: Thursday, June 6, 2019 8:36 AM

To: Jana Weltzin <jana@jdwounsel.com>; Valerie Mastolier

<valerie@jdwounsel.com>; Loren Dreyer <alaskanleafcompany@gmail.com>

Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Brenda Mills <brenda@jdwounsel.com>; legal counsel <legal@jdwounsel.com>

Subject: RE: Denied MJ-14: Alaskan Leaf, LLC Licenses #10577 and #10578

Good morning Jana,

See attached for copies of the denied MJ-14: Licensed Premises Diagram Change forms for Alaskan Leaf, LLC License #10577 and #10578, for your records. Please provide a

statement of your reasons for appeal for it to be included.

Sincerely,



TJ Zielinski

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

From: Jana Weltzin <jana@jdwcounsel.com>

Sent: Wednesday, June 05, 2019 12:10 PM

To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Valerie Mastolier <valerie@jdwcounsel.com>; Loren Dreyer <alaskanleafcompany@gmail.com>

Cc: Brenda Mills <brenda@jdwcounsel.com>; Jana Weltzin <jana@jdwcounsel.com>; legal counsel <legal@jdwcounsel.com>

Subject: RE: Incomplete MJ-14: Alaskan Leaf, LLC Licenses #10577 and #10578

Hi TJ – thank you for your email – we would like to appeal your determination to the board directly, per 3 AAC 306.845(a). Please confirm this matter will be on the July agenda for MCB consideration.

Thank you,

Jana D. Weltzin, Esq.
JDW, LLC
Principal Owner
901 Photo Avenue
Anchorage, Alaska 99503
jana@jdwcounsel.com
907-231-3750 Office Line
630-913-1113 Cell
*Licensed in Alaska and Arizona

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Thank you.



Think green, please don't print unnecessarily

From: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Sent: Tuesday, June 4, 2019 12:12 PM
To: Valerie Mastolier <valerie@jdwcounsel.com>; Loren Dreyer <alaskanleafcompany@gmail.com>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>; Jana Weltzin <jana@jdwcounsel.com>; Brenda Mills <brenda@jdwcounsel.com>
Subject: Incomplete MJ-14: Alaskan Leaf, LLC Licenses #10577 and #10578

Good afternoon,

I have received and reviewed the attached MJ-14: Licensed Premises Diagram Change forms for Licenses #10577 and #0578 DBA Alaskan Leaf, LLC. However, at this time your requests to change your licensed premises diagrams are considered incomplete.

Your diagram depicts the areas used for marijuana storage to be shared between both licenses. On the previous MJ-14 submitted for License #10577, it was specified that marijuana must be stored separately on the licensed premises of each establishment and that storage spaces cannot be shared. Each establishment will need to store marijuana on their individual licensed premises. See attached for correspondence regarding the previous MJ-14, and let me know if you have any questions.

Sincerely,



TJ Zielinski

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

From: Valerie Mastolier <valerie@jdwcounsel.com>
Sent: Wednesday, May 22, 2019 4:13 PM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Cc: Jana Weltzin <jana@jdwcounsel.com>; Loren Dreyer <alaskanleafcompany@gmail.com>; Brenda Mills <brenda@jdwcounsel.com>
Subject: Alaskan Leaf, LLC MJ-14 for license numbers 10577 and 10578

Good Afternoon AMCO,

Please find the attached MJ-14's for Alaskan Leaf, LLC. Fee's will be delivered in the morning.

Thank you!

--

Valerie Mastolier

JDW, LLC

Office Manager & Paralegal

****New address after May 30th**

901 Photo Avenue

Anchorage, Alaska 99503***

3003 Minnesota Drive Suite 201

Anchorage, Alaska 99503

907-231-3750

info@jdwcounsel.com

valerie@jdwcounsel.com

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

Alaska Marijuana Control Board

Form MJ-14: Licensed Premises Diagram Change

What is this form?

This licensed premises diagram change form is required for all marijuana establishment licensees seeking to alter the functional floor plan or reduce or expand the area of the establishment's existing licensed premises.

The required \$250 change fee may be made by check, cashier's check, or money order.

This form must be completed and submitted to AMCO's main office prior to altering the existing floor plan, and along with an initiated application for an Onsite Consumption Endorsement if applicable. The licensed premises may not be altered unless and until the application has been approved by the board.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Alaskan Leaf, LLC	MJ License #:	10577		
License Type:	Retail Marijuana Store				
Doing Business As:	Alaskan Leaf, LLC				
Premises Address:	1211 West 36th Avenue, Suite A				
City:	Anchorage	State:	Alaska	ZIP:	99503

Section 2 – Required Information

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices.

The following details must be included:

- ☐ License number and DBA
- ☐ Legend or key
- ☐ Color coding
- ☐ Dimensions
- ☐ Labels
- ☐ True north arrow
- ☐ Surveillance room
- ☐ Licensed premises boundary
- ☐ Restricted access areas
- ☐ Storage areas
- ☐ Entrances, exits, and windows
- ☐ Walls, partitions, and counters
- ☐ Any other areas that must be labeled for specific license types
- ☐ Serving area**
- ☐ Employee monitoring area**
- ☐ Ventilation exhaust points, if applicable**

Items marked with a double asterisks (**) are only required for those retail marijuana establishments that are submitting the MJ-14 form in conjunction with an onsite consumption endorsement application.



Alaska Marijuana Control Board

Form MJ-14: Licensed Premises Diagram Change

Section 3 – Summary of Changes

Provide a summary of the changes for which you are requesting approval.

- providing for 6 months of business records in licensed area.
- adding non-mj display slate wall.
- identify refrigerated storage, mini fridge, and product storage.

Section 4 – Declarations

Read each statement below, and then sign your initials in the corresponding box to the right [if applicable]:

Initials

If a local building permit is required, I have attached a copy of it to this form.

LD

The proposed changes conform to all applicable public health, fire, and safety laws.

LD

I have included a title, lease or other documentation showing sole right of possession to the additional area(s) if the additional area(s) are not already part of my approved licensed premises.

LD

As a marijuana establishment licensee, I declare under penalty of unsworn falsification that this form, including all accompanying schedules and statements, is true, correct, and complete.

Signature of licensee

Loren Dreyer

Printed name of licensee

VALERIE MASTOLIER
Notary Public
State of Alaska
My Commission Expires Jun 7, 2022

Notary Public in and for the State of Alaska.

My commission expires: 4/7/22

Subscribed and sworn to before me this 20 day of May, 2019.



Alaska Marijuana Control Board

Form MJ-14: Licensed Premises Diagram Change

Section 5 - Approvals

Local Government Review is required to be completed before submission to the Alcohol and Marijuana Control Office.

Local Government Review (to be completed by an appropriate local government official):

The proposed changes shown on this form conform to all local restrictions and laws.

A local building permit is required for the proposed changes.

**Minor modification to
Muni SLUP required*

Yes No Pending

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>


Signature of local government official

Building Permit #

5/22/19
Date

Dave Whitfield
Printed name of local government official

Current Planning Manager
Title

Section 6 - AMCO Review

AMCO Review:

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor


Signature of Director

Erika McConnell
Printed name of Director

Approved Disapproved

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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6/6/19
Date

AMCO Comments:

Shared storage not permitted.

4-16-15

33207 Cottonwood Street, Anchorage, AK P: (907) 727-4437

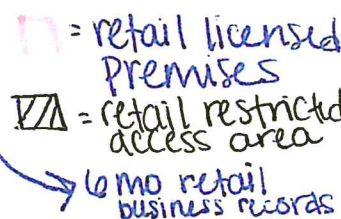
1211 W 36th Ave, Suite A, Anchorage, Alaska

Case	4-16-19
Phase	
Job No	1801
SHEET TITLE:	AMCO DIAGRAM

SHEET NO:




A1


100





① FLOOR PLAN - AMCO DIAGRAM
1/4" = 1'-0" (1/8" = 1'-0" WHEN PRINTED ON 8 1/2" X 11" PAPER)


PLAN LEGEND

- | | |
|---|-----------------------|
|  | WALL IN PLAN |
|  | WINDOW IN PLAN |
| POS | POINT OF SALE |
| MJ | MARIJUANA |
| NON-MJ | NON-MARIJUANA |
|  | CUSTOMER FLOW DIAGRAM |

 = cultivation licensed premises/restricted access area

 = shared office

 = AK Leaf, LLC employee restroom/non restricted

 = AX leaf shared
involuntarily

Alaskan Leaf, LLC #10577

AMCO Received 5/22/2019