

# 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: 1/22/19

Licensee: Kimberley Kole

DBA: Raspberry Roots

License #/Type: Marijuana Product Manufacturing / 10856

Address: 501 Raspberry Roots, Anchorage, AK

AMCO Case #: AM19-0128

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.

On 1-21-19, you self-reported a transport error with manifest ending in 616902 which had occurred on 1-20-19. The error initiated when you allowed the order to go out of your facility with the wrong unit of measurement and the transporter not catching the error, when receiving the order. The error resulted in two virtual deliveries. First from K Beach Reef, to Raspberry Roots and back to K Beach Reef. Neither of these virtual transfers were authorized by AMCO Enforcement or the Director and METRC was not contacted regarding the transfer. On 7-17-18, Investigator Hoelscher sent via e-mail an Advisory Notice addressing these types of transfer issues.

Your attention is directed to AS 17.38.070: Lawful operation of marijuana-related facilities, 3AAC 306.750: Transportation, 3AAC 306.755: Business records, 3AAC 306.505: Marijuana product manufacturing facility privileges and 3AAC 306.510: Acts prohibited at marijuana product manufacturing facility

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 of Violation. A licensee may respond, either orally or in writing to the Notice. 3 AAC 306.810 (2)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation, to correct any defect that is the subject of the notice of violation of AS 17.8 or this chapter.

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: J. Hamilton

SIGNATURE: 

Delivered VIA: Email

Received by:

SIGNATURE:

Date:

# Advisory Notice

(3AAC 306.805)

Date: 7-17-18

Licensee:

DBA:

License #/Type: All Marijuana Licensees

Address:

This is a notice to you as licensee that an incident has occurred or a defect is noted that could result in a violation of a statute, regulation or municipal ordinance.  
**Note: This is not an accusation or a criminal complaint.**

Please see attached flowchart that shows the flow of marijuana in compliance with our statutes and regulations. Any deviation from the flowchart is not supported by statute, regulation or the MCB. You must request approval for "backflow" transports from [amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov) and/or the Director.

Regulations allow for transportation by a licensee, an agent or an employee of the licensee, however it remains the responsibility of the originating licensee until it is received at the receiving marijuana establishment and accepted in the marijuana tracking system. For example, a retailer can do the transport from a cultivator as long as the cultivator created the manifest and assumes responsibility of all requirement in regulations.

Your attention is directed to Lawful operation of marijuana-related facilities; AS 17.38.070(a)(2)(3)(4)(5)(6), (b)(2)(3)(4)(5), (c)(2)(3)(4)(5)(6) & (d)(2)(3): Transportation; 3 AAC 306.750: Business records; 3AAC 306.755: Retail marijuana store privileges; 3AAC 306.305: Acts prohibited at retail marijuana store; 3AAC 306.310: Standard marijuana cultivation facility: privileges and prohibited acts; 3AAC 306.405: Limited marijuana cultivation facility: privileges and prohibited acts; 3 AAC 306.410: Marijuana product manufacturing facility privileges; 3AAC 306.505: Acts prohibited at marijuana product manufacturing facility; 3AAC 306.510: Marijuana testing facilities: privileges and prohibitions; 3AAC 306.610.

Issuing Investigator: J. Hoelscher

SIGNATURE:

Delivered VIA: Email

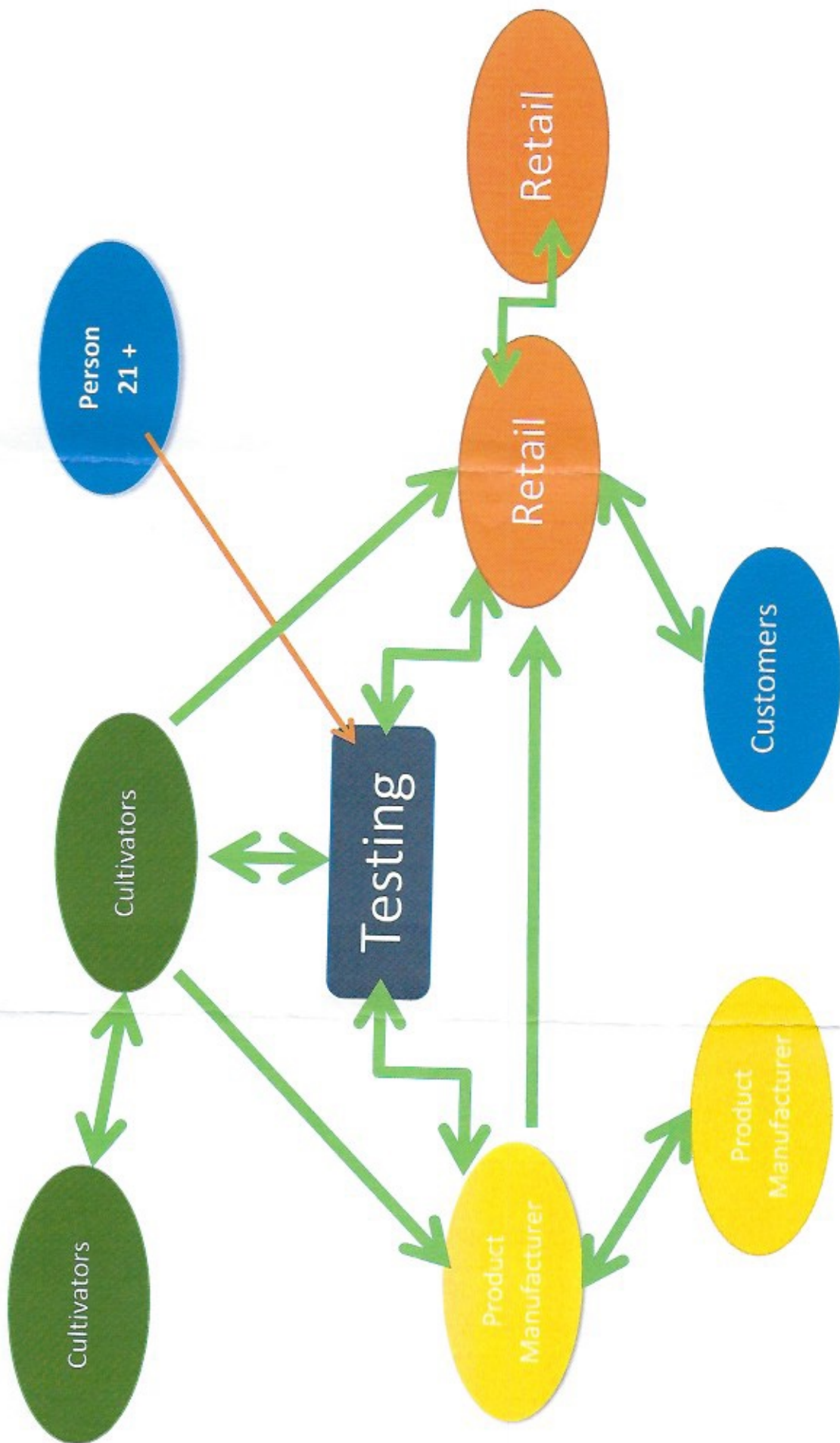
Received by:

SIGNATURE:

Date:

Received by AMCO 6.21.19







Jana D. Weltzin  
Licensed in Alaska & Arizona  
3003 Minnesota Blvd., Suite 201  
Anchorage, Alaska 99503  
Phone 630-913-1113  
Main Office 907-231-3750  
JDW, LLC  
jana@jdwcounsel.com

Feb. 4, 2019

AMCO & Enforcement  
Marijuana Control Board  
*Sent Via Email*

Re: NOV Case No: AM19-0128 – Raspberry Roots License No: 10856

Dear MCB and Enforcement Team:

On January 22, 2019, Kimberley Kole licensee for Raspberry Roots, received the NOV number referenced above. The NOV states that on January 21, 2019 Raspberry Roots self-reported an error with a transport manifest that occurred on the previous evening. Raspberry Roots reported the error to AMCO as stated below:

*"Yesterday (1/20/19), Raspberry Roots manufacturing 5a-10856 made an entry error in regards to a METRC Transfer to K Beach Reef retail 3a-15916. Manifest #0000616902 was sent over reflecting units - not grams (EX: 10 units (0.5g) were sent versus 5 grams)"*

The transfer of the product was all done in accordance to your referenced regulations, AS 17.38.070; 3ACC306.750; 3ACC306.755; 3ACC306.505 and 3ACC306.510. The issue was that Raspberry Roots made a mistake by using an incorrect unit of measurement, which was noticed by a Raspberry Roots employee, but only after the product had been picked up by K Beach Reef on Sunday January 20, 2019 in the late afternoon.

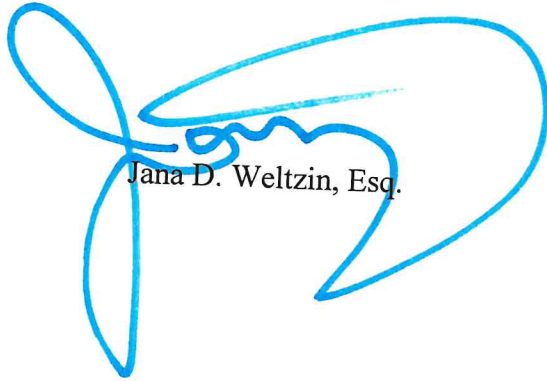
When this error was identified, Raspberry Roots immediately had K Beach Reef send the product back to Raspberry Roots virtually, Manifest #0000617306 on the same Sunday January 20, 2019. Raspberry Roots edited the amounts by removing the extra units from the packages and the products were added via METRC, back to the original package tag with reference to the erred Manifest #0000616902. A new Manifest was created (with reference of "virtual") Manifest #0000617502, which represented the actual number of grams (not units), which was sent.

The next day on Monday, January 21, 2019 Raspberry Roots immediately notified AMCO of the error, since AMCO is only available Monday through Friday 9-4, Raspberry Roots felt that correcting the error was the best option and made the most sense. Yes, Raspberry Roots did error by using the incorrect unit of measurement, but none of it was intentional, willful or beneficial and it

was expeditiously remedied.

In an effort to make improvements in the marijuana industry it may be beneficial to implement a voluntary reporting program for licensees to have a mechanism in place to self-report these types of incidences where they do not have to fear a NOV and other licensees can learn from the mistakes and how to correct them, which in turn can enhance the training of employees. This is still a new industry with much to learn and be accepted.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read 'Jana D. Weltzin', is written over the printed name. The signature is stylized with large loops and a wavy line.

Jana D. Weltzin, Esq.

# Alcohol & Marijuana Control Office

**License Number:** 10856

**License Status:** Active-Operating

**License Type:** Marijuana Product Manufacturing Facility

**Doing Business As:** RASPBERRY ROOTS

**Business License Number:** 1032945

**Designated Licensee:** Kimberly Kole

**Email Address:** kim@raspberryyoots.com

**Local Government:** Anchorage (Municipality of)

**Community Council:** Taku Campbell

**Latitude, Longitude:** 61.159000, -149.889000

**Physical Address:** 501 Raspberry Road, Suite 102  
Anchorage, AK 99501  
UNITED STATES

## Licensee #1

**Type:** Entity

**Alaska Entity Number:** 10036166

**Alaska Entity Name:** Raspberry Roots, LLC

**Phone Number:** 907-727-6584

**Email Address:** kim@raspberryyoots.com

**Mailing Address:** 501 Raspberry Road  
Anchorage, AK 99518  
UNITED STATES

## Entity Official #1

**Type:** Individual

**Name:** Kimberly Kole

**Phone Number:** 907-727-6584

**Email Address:** kim@raspberryyoots.com

**Mailing Address:** 501 Raspberry Road  
Anchorage, AK 99518  
UNITED STATES

## Entity Official #2

**Type:** Individual

**Name:** Jerry Workman

**Phone Number:** 509-818-0472

**Email Address:** jerry.workman@me.com

**Mailing Address:** 501 Raspberry Road  
Anchorage, AK 99518  
UNITED STATES

**Note:** No affiliates entered for this license.





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:	Raspberry Roots, LLC	License Number:	10856		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Raspberry Roots				
Premises Address:	501 Raspberry Roots, Suite 102				
City:	Anchorage	State:	Alaska	ZIP:	99518

### Section 2 – Individual Information

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

Name:	Jerry Workman
Title:	Manager, Member

### Section 3 – Violations & Charges

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

Initials

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

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.

*JW*

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.

*JW*

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

*JW*

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

*JW*

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

*JW*

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.

*JW*

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.

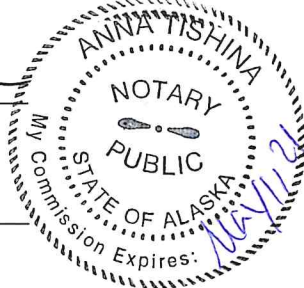
*JW*

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.

*Jerry Workman*  
Signature of licensee

Jerry Workman

Printed name of licensee



*Anna Tishina*

Notary Public in and for the State of Alaska

My commission expires:

*May 12*

Subscribed and sworn to before me this *17* day of *June*, 20*19*.





Alaska Marijuana Control Board

## Form MJ-20: Renewal Application Certifications

### What is this form?

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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:	Raspberry Roots, LLC	License Number:	10856		
License Type:	Marijuana Product Manufacturing Facility				
Doing Business As:	Raspberry Roots				
Premises Address:	501 Raspberry Roots, Suite 102				
City:	Anchorage	State:	Alaska	ZIP:	99518

### Section 2 – Individual Information

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

Name:	Kimberley Kole
Title:	Manager, Member

### Section 3 – Violations & Charges

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

Initials

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

KHK

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.

DAK

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).

DAK

**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.

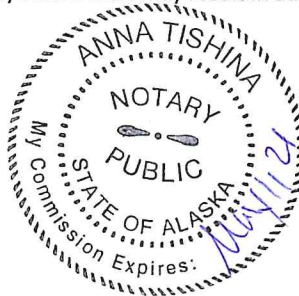
I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

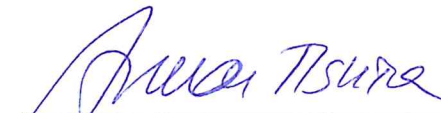
As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide 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

**Kimberley Kole**

Printed name of licensee



  
Notary Public in and for the State of Alaska

My commission expires:

May 12

Subscribed and sworn to before me this 17 day of June, 20 19.