




MEMORANDUM

TO: Marijuana Control Board

DATE: Monday, January 13, 2020

FROM:  James Hoelscher, Enforcement Supervisor

RE: Enforcement Report, Marijuana

AMCO Enforcement held and attended a week-long training in Anchorage during the first week of December. The Enforcement staff has been assisting Interim Director Klinkhart in his transition regarding enforcement issues.

I have reviewed our stats for the past years and taken a step back to look at the big picture. I have identified that there are a lot of contributing factors that have caused low numbers in our stats over the past three years. I have examined the areas we have high numbers and those numbers tend to be from permit reviews and issuance, requests, and calls to enforcement. It is important to understand that there is a complex reason for the reduced compliance checks and shoulder taps. Enforcement has been "waiting in the wings" since the change from DPS to DCCED, change in Directors, taking on marijuana, attempting to find funding for a sustained and approved way of having "under-age purchasers" who are employed, insured and trained properly. We seem to jump from one fire to the next in hopes that the previous fire will burn out. Some of the short-term factors I have seen stem from this is reduced work quality, missed deadline dates and overrunning costs due to a higher administrative workload. This has led to lower morale, loss of respect and turnover. I would appreciate the boards to recognize these issues, think about expectations, define those expectations, utilize your staffs training and expertise and most importantly, support your staff.

You have a staff of 8 highly trained Investigators who have been certified as Police Officers, and often have been relegated to be "inspectors", akin to hiring a Doctor, only to take vital signs, when they should be diagnosing and treating the symptoms. There is a need for compliance checks, for alcohol and marijuana. The licensees, public, legislature, and the board has identified this as a necessity and there needs to be a focus on informing the boards of licensees who are violating law and holding them accountable. There have been multiple studies that show alcohol regulation and enforcement can have a huge impact on public safety and public health. One of the key recommendations, in the NHTSA research report titled "The Role of Alcohol Beverage Control Agencies in the Enforcement and Adjudication of Alcohol Laws," for reducing alcohol related problems is to establish *clear and consistent administrative penalty guidelines for violations of alcohol laws, and ensure that the penalties are imposed swiftly and consistently*. I find this would also apply to marijuana enforcement as well.

I am left with the thought that there is a need for additional staff, who conduct inspections and review permits, this would allow the Director and I the ability to designate Investigators to Alcohol or Marijuana as a primary function, while allowing them to fill in on both when needed. The primary focus would be for illegal alcohol and marijuana sales that affect the public health and safety.

If we keep heading in this direction, it is not sustainable. It is also not functional way an Enforcement Unit should work, we need the support, staff and tools to accomplish our mission statement and enforcement priorities in a proper way.

Enforcement Activity	2017 Total	2018 Total	2019 Total	11/1/19 to 1/3/20
Investigations	240	432	305	10
Alcohol Walk-throughs	410	435	360	25
Alcohol Inspections	608	388	554	34
Alcohol NOVs	102	155	100	10
Alcohol Advisory Notices	31	44	32	1
Alcohol Permits reviewed	953	878	1032	65
Marijuana Walk-throughs	196	169	141	30
Marijuana Inspections	193	180	156	22
Marijuana NOVs	60	74	219	12
Marijuana Advisory Notices	26	48	17	3
Marijuana Background Conducted (MJ-18)	103	29	10	0
Marijuana Handler Cards Issued	2,470	1,867	797	12
Compliance Checks/Shoulder Taps	*	5	0	0
Criminal Charges	*	2	16	0
Training Provided	*	22	1	0
Public Appearance	*	6	1	1
Enforcement Calls/Requests/General Enforcement Email	7,274	11,904	13,868	2,431

*Stat not tracked or available for this item

<https://www.nllea.org/documents/RoleofABCsNHTSA.pdf>