

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: License #/Type:
Licensee: Address:
DBA: AMCO Case #:

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.

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. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator:

SIGNATURE:

Delivered VIA:



Received by:

SIGNATURE:

Date:

From: [James Barrett](#)
To: [Johnson, Steven M \(CED\)](#)
Cc: [Hoelscher, James C \(CED\)](#); [Davies, Jason M \(CED\)](#); chris@pelosolaw.com
Subject: Re: Rainforest Farms, LLC #10050 Notice of Violation
Date: Monday, March 2, 2020 10:47:47 AM
Attachments: [image001.png](#)

In response to this violation:

We would like to speak to the AMCO board about this. We do not feel this was a violation as we do not advertise, show consumption, or show products that are inside our store.

With all due respect to the Chair, I believe Mr. Jones, whom reported the video playing, has a different interpretation of this regulation than we do and the Board must discuss this issue so that unnecessary authoritarian actions that hurt our business cannot be taken to other good standing businesses in the future.

The video is simply a beautiful artistic video made over 4 years ago showing our first grow operation. It does not show any person consuming, does not promote any sales or buying, and is not offensive in nature. The video does even not display the product we have in our store.

The statute states: ... (1) possessing, displaying, storing, or transporting marijuana or marijuana products, except that marijuana and marijuana products may not be displayed in a manner that is visible to the general public from a public right-of-way;

The board must ask themselves about the intention of the regulation and how it should be interpreted.

The questions and items to consider should be as follows:

Is the video a display of the products that we are selling? No, we no longer have the strains or varieties that are in the video. This is an artistic expression of a cannabis grow - not a display of the actual products that we sell.

Can the video show just our logo? What is the video was a PSA? Can the video display non-cannabis items and video not related to Marijuana. At some point, we are infringing on the freedom of speech - something that Alaska Supreme Court has upheld in the past in that if it is not offensive, then the freedom of speech cannot be restricted.

In fact, according to the supreme court of Alaska - the City of Juneau cannot control advertising and signage. Therefore, if we cannot display the video from inside the store, we can simply put a video screen outside of the store on a much larger screen, play the same video, and it will simply be an advertisement.

Furthermore, our window coverings are made of Marijauna leaves patterns, should that also be taken down? Yet, it was already approved by the board.

We maintain that we followed the spirit of the law in good faith and completely considered our community before displaying the video.

I would like to request that the board take this up in a hearing so I can better explain the

supposed problem. This will be a great way to assert the intention and meaning of the law.

James Barrett
Rainforest Farms, LLC
907-957-4751

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On Fri, Feb 21, 2020 at 2:08 PM Johnson, Steven M (CED) <steven.johnson@alaska.gov> wrote:

Mr. Barrett,

Attached is the Notice of Violation for the event brought to our attention yesterday.

Respectfully,



Steven M. Johnson
Special Investigator

Enforcement Unit
Alcohol & Marijuana Control Office
State Office Building, 9th Floor

333 Willoughby Avenue

Juneau, AK 99801
Office (907) 465-2330

Cell (907) 500-2053
steven.johnson@alaska.gov

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: 2/26/20

License #/Type: 10009 Marijuana Testing Facilities

Licensee: Cann Test, LLC

Address: 620 E Whitney Road Suite B Anchorage, AK 99501 UNITED STATES

DBA: Canntest, LLC

AMCO Case #: AM200294

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.

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On Monday, January 27th, 2020, a self report was made by licensee Alaskabuds, LLC in reference to a marijuana product testing error conducted by CannTest, LLC.

On December 17th, 2019, Alaskabuds, LLC sent test samples of Gelato #1 10-2-19, in package 1A40203000050DD000000397 to Canntest, LLC license #10009 a marijuana testing facility. CannTest, LLC did initially mark this sample test as passed in METRC on December, 19th 2019.

On January 23rd, 2020 it was discovered by the licensee of Alaskabuds, LLC License #10094, 13102, & 18735, that a test of marijuana product failed a visual inspection. A check in METRC recorded the results as passed. The Licensee contacted CannTest, LLC concerning the METRC results. CannTest, LLC advised that the sample did fail visual inspection in their records. CannTest, LLC then corrected the two samples as failing the molds/mildew/filth test.

During the period between December 19th, 2019 and January 23rd, 2020 packages 1A40203000050DD000000411 and 1A40203000050DD000000418 were created by Alaskabuds, LLC based on the passed test results.

64.5 grams from package #1A40203000050DD000000411 had been sold from the Bethel store location prior to the information being discovered.

Your attention is directed to:

3 AAC 306.645. Laboratory testing of marijuana and marijuana products (a)(b)(2)

3 AAC 306.660. Failed materials; retests(a)

This is a violation of:

3 AAC 306.670. Reporting; verification (b)(9)(c)

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***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. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: K. Whiteman

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

Date:

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: 2/27/20

License #/Type: 10026 Standard Marijuana Cultivation Facilities

Licensee: James Barrett

Address: 5763 Glacier Highway, Juneau AK 99801

DBA: Rainforest Farms, LLC

AMCO Case #: AM200271

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

On 02/27/2020 at approximately 1540 hours, I, Investigator Johnson received an odor complaint for Rainforest Farms, LLC located at the above noted address. I drove to the address and upon exiting my vehicle a strong odor of marijuana was apparent. I attempted to make contact with the owner, James Barrett by knocking on the premises door, but there was no answer.

On 02/18/2020 I had received a similar complaint, went to the premises, but was unable to smell any marijuana in the area; only upon being directly under a window. I contacted James via email and informed him of the complaint. He informed me he would change the filters and do anything to make sure his facility would not emit marijuana odors.

Violation:

3 AAC 306.430. Restricted access area

(c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility (2) does not emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval.

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***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. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: S. Johnson

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

Date:

From: [James Barrett](#)
To: [Johnson, Steven M \(CED\)](#)
Cc: [CED AMCO Enforcement \(CED sponsored\)](#); [Davies, Jason M \(CED\)](#)
Subject: Re: Odor complaint #10026
Date: Monday, March 2, 2020 10:55:44 AM
Attachments: [image001.png](#)

In response to this violation:

AMCO Board,

We have been working with Investigator Johnson on this issue.

Upon his first visit, we had spoken about making sure that the filters would be replaced and the smell would not be noticed outside of the facility.

Between the time of Johnson's first visit and the time of this violation, we have been ordering new filters and they should be arriving any day now - logistically things take longer to ship to Alaska.

We have been working on this diligently as soon as Investigator Johnson first notified us.

This problem should be resolved shortly as the new filters will be arriving soon. Please keep in mind that this is the first and only odor complaint that we have had in 3.5 year since we first started operations. We have worked hard to ensure compliance and want to make sure we are good neighbors and a positive addition to our community.

We are more than happy to do anything we can to control odor and make sure this won't happen again.

Sincerely,

James Barrett
Rainforest Farms, LLC
907-957-4751

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On Fri, Feb 28, 2020 at 8:14 AM Johnson, Steven M (CED) <steven.johnson@alaska.gov> wrote:

James,

Yesterday, late afternoon, I received another odor complaint. I drove to the premises and arrived around 4pm. As I pulled into the parking lot I could smell a strong odor of marijuana. This is the second complaint in less than 10 days. Attached to this email is a

Notice of Violation.

Respectfully,

Investigator Steven M. Johnson

From: James Barrett [mailto:rainforestjames@gmail.com]
Sent: Wednesday, February 19, 2020 14:31
To: Johnson, Steven M (CED) <steven.johnson@alaska.gov>
Subject: Re: Odor complaint #10026

Thank you for letting me know Steve, we will check the filters and look for any leaks in our building right away to make sure the smell does not come through.

Being in an Industrial area, sometimes the odor gets mistaken for the nearby dump or brewery, however, out of respect for the community and neighbors, we will do anything to make sure that no one smells odors from our facility.

Sincerely,

James Barrett

Rainforest Farms, LLC

907-957-4751

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On Wed, Feb 19, 2020 at 9:19 AM Johnson, Steven M (CED) <steven.johnson@alaska.gov> wrote:

James,

I had an odor complaint yesterday for the cultivation. I drove there, knocked on the door and no one answered. The only odor I could smell was from the front of the building where the fan was in the window. I was not that apparent, but somewhat present. Make sure your filters are operating properly. If I have another complaint I will contact you to meet me at the cultivation.

Respectfully,



Steven M. Johnson
Special Investigator

Enforcement Unit
Alcohol & Marijuana Control Office
State Office Building, 9th Floor

333 Willoughby Avenue

Juneau, AK 99801
Office (907) 465-2330

Cell (907) 500-2053
steven.johnson@alaska.gov