

From: Hansen Dallas
To: [Marijuana, CED ABC \(CED sponsored\)](#); marijuanalicencing@alaska.gov; [Dallas Hansen](#)
Subject: Employee definition clarification
Date: Sunday, January 5, 2020 4:57:08 PM

To whom it may concern:

I would like to have a clarification if the definition of Employee as used in the statutes, specifically concerning marijuana operations.

The reason is thus: I see the largest method of revenue loss in the industry is in the form of taxes from classification of workers as contract employees. This satisfies the requirements of the law, but not the idea of the law itself, opening the door for exploitation of the workers themselves.

A reoccurring scenario: a worker is hired, signs the "hiring documents" and told they are a contract employee, making them feel and work as an employee, but the business owner pays said worker as a contract, circumventing normal taxes, laws, etc. In most situations the workers are denied what normal employees should be given, are paid by a receipt, x amount per hour for total hours, no holiday pay, no overtime, no taxes paid. Still considered an employee for paperwork purposes.

I see situations arising that will need to have a system of verifying business employee identity quickly very necessary, especially in the delivery section of the industry, and dealing with law enforcement.

A more concise definition of employee, possibly linked to company tax records as well as removing the contract employee designation option would remove the loophole and lead to more workers being given employee status, thereby increasing participation in the taxation and legal aspects of the industry, ultimately benefiting the worker as well as the industry.

As far as enforcement, if the definition is changed and business owners continue the illegal behavior, I suggest the fine should be based on a per worker per day fine scale.

I look forward to your reply,
Dallas Hansen

From: [Marijuana Licensing \(CED sponsored\)](#)
To: [Courtney Larsen](#)
Cc: [Bryant Thorp](#); [Marijuana Licensing \(CED sponsored\)](#); [Marijuana CED ABC \(CED sponsored\)](#)
Subject: RE: Formal Public Comment Objec#23777 Cooper Landing Marijuana Establishment
Date: Tuesday, January 7, 2020 1:45:19 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello Courtney,

Thank you for confirming. I am confirming receipt of your objection to License #23777, and your objection will be brought to the Marijuana Control Board if and when this application is determined to be complete and scheduled for Board consideration. We do not have a system in place to accept "blanket" objections to marijuana establishments, but I have included the Marijuana Control Board's email address (marijuana@alaska.gov) in this message to forward them your **objection to marijuana establishments in Cooper Landing**. Correspondence sent to the board's email is addressed near the end of each meeting (emails brought to the Board for the January 2020 meeting needed to be in by January 3, 2020, so this would not be addressed until the next meeting).

AMCO does not notify objectors when an application is scheduled for consideration at a meeting, but you can find meeting information (including date, location, and call-in number) on AMCO's home page (<https://www.commerce.alaska.gov/web/amco/>) about halfway down the page in the blue "MCB Board Meeting" box. One week before each meeting, the meeting agenda will also be posted in this section. When you know that the application is complete, you can use the agenda to determine the order in which the item is being considered by the Board in case you wish to speak regarding your objection.

When a marijuana application is deemed complete by AMCO and will be scheduled for the next meeting listed on the home page, the applications are posted on this page on the AMCO website:
<https://www.commerce.alaska.gov/web/amco/CompletedApplicationsforMarijuanaEstablishmentLicenses.aspx>

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: Courtney Larsen [mailto:courtneylak@gmail.com]
Sent: Tuesday, January 7, 2020 1:08 PM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Cc: Bryant Thorp <bryant@gci.net>
Subject: Re: Formal Public Comment Objec#23777 Cooper Landing Marijuana Establishment

Application #23777. The one proposed in cooper landing

And any other proposed in the future in cooper landing but just specifically for now this one at hand

Courtney

On Tue, Jan 7, 2020 at 12:20 PM Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov> wrote:

Good afternoon,

I am confirming receipt of your emailed objection. For our records, can you confirm whether this is an objection to marijuana stores in general or an objection to a specific application? If it is for a specific application, please Reply All with the license number of the proposed establishment.

Sincerely,



TJ Zielinski

Occupational Licensing Examiner
Alcohol & Marijuana Control Office
[550 West 7th Avenue, Suite 1600](#)
[Anchorage, Alaska 99501](#)

From: Courtney Larsen [mailto:courtneylak@gmail.com]

Sent: Saturday, January 4, 2020 10:51 PM

To: bryant@gci.net

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

Subject: Formal Public Comment Objection to Cooper Landing Marijuana Establishment

Dear Alaska alcohol and marijuana control office,

I do hereby object of the establishment of a marijuana store in or near cooper landing:

There are a multitude of places in nearby sterling and other locations on the Kenai peninsula that those interested in these items can obtain such in those areas.

I wish that marijuana not be so accessible so close to this cooper landing community.

We already have alcoholic establishments in plentiful in proportion to the small population.

We don't need more controlled substances.

In addition, as far as I am aware,

Controlled substances of marijuana are not allowed on Kenai River Special Management Area, and Kenai National Wildlife Refuge,

<http://dhss.alaska.gov/dph/Director/Documents/marijuana/ResponsibleConsumerFactBook.pdf>

and not on Chugach National Forest

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd601781.pdf

which is basically nearly all of cooper landing areas.

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Sincerely,

Mr. Courtney Larsen [ADV.GURU](#)
Recreational Concierge
35022 Hamilton Road
PO Box 584, Cooper Landing, AK 99572
(907) 205 - 7205 (cell)



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Sincerely,

Mr. Courtney Larsen [ADV.GURU](#)
Recreational Concierge
PO Box 584, Cooper Landing, AK 99572
(907) 205 - 7205 (cell)



From: duvelli
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Delinquent Taxes
Date: Wednesday, January 8, 2020 9:11:14 AM
Attachments: [Delinquent Taxes.pdf](#)

Thank you for reading my letter.

I want to start by thanking the MCB and AMCO for their dedicated work at continuing to improve and grow our industry. I know many of you give your time to this industry so I thank you for taking the time to read this letter. I am writing to specifically address the MCB with concerns over the renewal process of licenses that are delinquent on state excise taxes. I consider the delinquent taxes to be one of the most pressing issues in the industry due to the ripple effect it is causing cultivators who are putting payment of State taxes as a priority in their business.

I have had concerns for a while and I never imagined it would get to the point of me writing this letter until listening to the previous meeting in Anchorage. During this meeting some of the most fascinating moments surrounded those failing to pay their State excise taxes. Two licensees, Linden Anson and Phillip Izon, told their versions on what lead up to them paying all other obligations before submitting taxes gathered on behalf of the State. Neither licensee appeared to take any personal responsibility for being behind on their taxes. Both casted blame on failed crops, the State, politicians, AMCO and of course the board for the reasons they were behind on tax payments.

Although I may be writing this from the view of an industry member my concerns come as a citizen of Alaska as well. I am mindful many in this industry have put everything into their businesses as I am one of them. However whether it was the battle for state legalization or a local option vote one of the pledges from the industry was taxes. Ballot Measure No. 2 summary voted on by the citizens of Alaska stated "This bill would tax and regulate the production, sale, and use of marijuana in Alaska. **The marijuana cultivation facility would pay the tax and send monthly tax statements to the Department of Revenue.**" Contained in the first section of 17.38 The Regulation of Marijuana it states "the people of the state of Alaska further find and declare that the production and sale of **marijuana should be regulated so that**, legitimate, **taxpaying business people**, and not criminal actors, **will conduct sales of marijuana.**"

I along with possibly most of the industry members agree that tax changes must take place but at this time 75% of all licensed cultivations are paying their taxes as agreed. The payment of taxes to the state after a sale can't come as a shock to any cultivator as we all sign the MJ-04. The last statement before signing this form reads "I certify that as a marijuana cultivation facility, I will submit monthly

reports to the Department of Revenue and **pay the excise tax required under AS 43.61.010 and AS 43.61.020** on all marijuana sold or provided as a sample to a marijuana establishment, as required under 3 AAC 306.480.” AS 43.61.020 states “The marijuana cultivation facility shall pay monthly to the department, **all taxes**” prior to the end of the next reporting month.

In an October 2019 letter the DOR said that “If we reported the total number of past due accounts for tax periods through August 31, 2019, we would report 43 licensed cultivators owing a total of \$1,050,465.” An average of \$24k per license on the delinquent list. That figure increased over \$300k since the January 2019 report from the DOR to the MCB. This \$300k increase in taxes owed equals 375 pounds of bud or upwards of 1250 pounds of trim sold within the legal market with no taxes paid in just eight months.

There looks to be no slow down to those continuing to be delinquent on taxes. These figures will only increase if MCB continues to ignore the situation. As per a letter from the Director to the MCB in November 2019 “the combined tax delinquency of businesses that have relinquished or not renewed their licenses is \$110,000.” Taxes in the tens of thousands if not hundreds of thousands of dollars will be lost by the State if these businesses shut down. It will be very costly if not impossible for the state to recoup these funds as the number continues to rise.

Many believe the boards apathy to these licensees is due to overlooking how some cultivators not paying their taxes is affecting the whole industry and not just these individual licenses not paying their bills. The ripple effect on other cultivators who choose to fulfill their obligation to the state can’t be understated. 50 to 100 pounds of marijuana per month is getting to the Alaskan market without taxes being paid on time or at all. This product is creating a higher quantity of product on the market which is driving down the prices for every other license who is living within their means and paying their taxes on time.

As told by Mr. Anson and Mr. Izon these licensees are using these State tax funds collected to pay other vendors and expenses. One evident example of their lack of concern to pay their debt to the State is both owners while being delinquent on their State excise taxes opened new retails. Mr. Anson even stated they are using collected State taxes to pay for their property tax to avoid municipality protest at the time of their renewal. However when these licenses come to the board for

renewal owing tens of thousands of dollars no action is taken and renewal approved. Why are the cities holding these licensees more accountable to tax payments than the MCB?

As per 3 AAC 306.080. Denial of license application the board “After review of the application and all relevant information, the board **will deny an application for renewal** of a marijuana establishment license **if the board finds** that the applicant **is delinquent in the payment of taxes** due in whole or in part from operation of the licensed business.”

It only takes a few minutes to visit the social media pages of both these companies and their employees to see that paying their state obligation is the last thing on their mind when it should be the first. Since the last MCB meeting in Anchorage Alaskan Blooms has posted about getting custom sweaters, custom stickers, custom coins, custom pins, and custom vape batteries. On top of that Alaskan Blooms recently threw a New Years’ Eve party where they provided a firework show, had paid artists perform and provided free food and drinks to guests. While many of us are trying to survive to pay all our obligations with lower market prices others are throwing parties with State collected funds.

At some point the State and those in charge of enforcing the regulations and statutes need to protect the public and the industry by not continuing to shield the few with poor business planning. During the last meeting Mr. Anson claimed to have spent \$3.2M on their facility but they were not sensible enough to plan for a crop failure. No one forced Mr. Anson to take on monthly expenses of \$160-180k as he claimed at the meeting. The State did not sway Mr. Izon to sell his home, vehicles or drain his retirement to float their facility and expand their electrical service.

There should have been no shocks when we all got into this industry. The regulations and tax structures were clear prior to any of us opening. Those that had an inadequate business plan or ignored to plan for crop failures should not continue to be held up by the MCB with continued renewals. It is time to put these licenses on notice and hold them accountable for the money they collected for the State. Ask any cultivator where they would be if they didn’t pay their taxes for months at a time. Many would have expanded their facilities or invested in

other licenses but they have been responsible business owners and in the end are being penalized as others get ahead on the States dime.

I ask that you hold these licenses accountable before others in the industry who are playing by the rules start to lose everything because the MCB is trying to save a small number of licenses from their own poor practices. Please help protect the 75% of cultivators doing what is right and more importantly the industry as a whole. I hope the board will address this topic at the next meeting and explain why renewals are being given when the regulations clearly state they should not. How can the board hold licensees accountable for other actions if everyone is not being held to that standard?

Thank you for your time and I look forward to the next meeting.

From: [Marijuana Licensing \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Cc: [Klinkhart, Glen Edward \(CED\)](#); [Craig, Carrie D \(CED\)](#)
Subject: FW: Houston grass station/Calm n Collective needs to be shut down
Date: Thursday, January 9, 2020 9:18:36 AM

Forwarding to marijuana@alaska.gov.

From: Dustin Slate [mailto:dustinslate93@yahoo.com]
Sent: Thursday, January 9, 2020 9:15 AM
To: CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>; Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Subject: Houston grass station/Calm n Collective needs to be shut down

To whom it may concern,

With the number of times Ron Bass the owner of Calm N Collective and Houston Grass Station has popped up on your radar with numerous infractions/violations I CANNOT believe you haven't closed his doors yet.

There needs to be something done. I would suggest making an example out of him to show the cannabis industry we will not allow this type of Tom Foolery to happen in the industry.
DO SOMETHING.

Thank you.

A concerned vet who was poisoned by this monster.

Dustin Slate.

[Sent from Yahoo Mail on Android](#)

From: dollynda Phelps
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: PUT A STOP TO RON BASS
Date: Thursday, January 9, 2020 2:27:34 PM

Hello, Dollynda Phelps here with Peace Frog Botanicals. I received the news regarding positive tests for harmful pesticides cultivated at Calm n Collective, sold at Houston Grass Station. It is an outrage that the owner of these facilities hasn't immediately felt repercussions from his willingness to put the public at risk. This individual has numerous NOV's, has a very blatant disregard for the laws and regulations and must be stopped immediately. Appropriate action at this time would be to revoke both licenses and marijuana handler card. A fine should be assessed as well. We are counting on the MCB to regulate this industry, it is YOUR responsibility. Please take immediate action, we and the public deserve better! Thank you, Dollynda Phelps

[Sent from Yahoo Mail on Android](#)

From: dollynda Phelps
To: [Marijuana, CED ABC \(CED sponsored\)](#); [CED AMCO Enforcement \(CED sponsored\)](#); [CED AMCO REGS \(CED sponsored\)](#)
Subject: SHAPE UP, OR SHIP OUT!
Date: Saturday, January 11, 2020 7:46:01 AM

Hello, and thank you for taking the time to listen to some input regarding the marijuana industry. In recent months we have seen a few specific serious issues, including a multitude of cultivators ignoring their responsibility to pay monthly taxes to the Department of Revenue. It seems a sad sob story is sufficient to gain approval from the MCB to continue the same habitual tax avoidance, month after month. The MCB has a duty to implement regulations and is failing to do so.

"3 AAC 306.480. Marijuana tax to be paid

A marijuana cultivation facility, including a standard marijuana cultivation facility and a limited marijuana cultivation facility, shall submit monthly reports to the Department of Revenue and pay the excise tax required under AS 43.61.010 and 43.61.020 on all marijuana sold or provided as a sample to a marijuana establishment."

The big problem this causes is a false market. We end up with a situation where the delinquent cultivator who hasn't paid taxes in months can charge a lower price because they are not paying their tax liability. The cultivators who are consistently paying taxes monthly, as required in 306.480, cannot afford to charge a lower price. They have bills to pay which get paid. This makes it impossible to compete with the bad actors, and eventually you will see prudent business owners closing up shop, while the bad actors continue to drive this industry to the ground.

Solution: After 60 days of not satisfying the DOR a security Bond should be required
After 90 Days the license should be suspended.

After 120 days the license should be revoked.

There must be consequences for licensees who do not satisfy their obligations, period.

The second big issue, which is a topic in every conversation recently, is the issue of Calm n Collective. Once the OAH hearing has taken place, and if these parties are found guilty, the board needs to take immediate action and revoke the license and Marijuana handler card of all who hold ownership interest in this facility. It was hard to listen to discussion of this person being allowed to grow again even after the sewage issue was handled like no big deal. Again, it is the duty of the MCB to implement regulations and keep public safety in mind. There must be consequences for this type of behavior, especially when a lack of regard for regulations and public safety is continuously repeated. The results are in and it's time to pay the Piper.

At the last MCB meeting pesticide testing was discussed, it was said that a pound of material was needed to perform pesticide testing. According to other states and labs in those states, this is false. Please see an example of required amounts below:

<https://greenleaflab.org/services/oregon-testing/#compliance-testing>

R&D Test Sample Size - Hemp Flower / Biomass (Oregon)

Minimum sample size required to perform requested testing Analysis:

Pesticides 30g wet/3g dry

Potency 30g wet/3g dry

Potency w/ Moisture Content 30g wet/3g dry

Water Activity 10g wet/1g dry

Terpenes 10g wet/1g dry

Mold/Fungus 10g wet/1g dry

There absolutely should be pesticide testing required, especially after the most recent incident with Calm n Collective. I urge the board to open a regulatory project to develop some type of reasonable requirements.

To sum things up, the MCB must do more to protect not only the public, but other licensees in this industry. We need a "Shape up, or ship out" mentality if we are to preserve the integrity of this industry and build something we can be proud of. As a licensee I urge the board to take a tougher stance on those that are not taking reasonable efforts to respect the regulations that govern us all.

Thank you for your time and consideration,

Dollynda Phelps

907-252-8026

From: [CED AMCO REGS \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: FW:
Date: Monday, January 13, 2020 9:29:08 AM

Please include this email in the board's email box packet for March meeting.

Thanks
Jane

From: Jadeen Elving <jadeenelving@gmail.com>
Sent: Saturday, January 11, 2020 12:17 AM
To: CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>
Subject:

Why doesnt marijuana get tested for pesticides in Alaska when will it be part of stricter testing. With the recent failure of calm and collectives marijuana as proof there is no testing in our state I believe it would benefit everyone who consumes marijuana in Alaska to feel safe smoking a legally sold product. I am sure this facility is not the only one that would fail the same test sent out of state. Thanks for reading my question I hope I see a better test facility set up soon that will help ease my mind knowing what I consume isn't going to make me sick.

From: CEDP-TUNDRASHREW
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: CED Scanned Docs
Date: Tuesday, January 14, 2020 8:47:58 AM
Attachments: [Protest Letter - Tok Resident.pdf](#)

D: Finner
197 Webster Ave.
Haver Ak
99603

HONOLULU HI 968
30 DEC 2019 PM 5 L



Alcohol & Marijuana Control

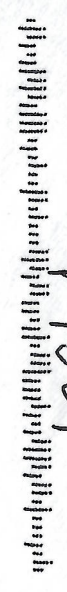
550 7th Ave 1600

AMCO

Anch Ak

99501

JAN 13 2020



99501-386700

12/28/19

Dear A. + M. Control Board

Re: Pot shop in Tok.

Do we really want to open a
Marijuana retail store in the
unincorporated community of Tok?
I don't think so.

I moved to Tok in 1970. The
small community is hub for
the surrounding villages..

Tanacross, Dot Lake, Eagle,
Mentasta, Tetlin and Northway

Vote No...

Thank You, Daniel Farren

AMCO

JAN 13 2020

From: Sean Khalepari
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Cc: [Heather Despres](#)
Subject: Resources available to you from Americans for Safe Access
Date: Friday, January 17, 2020 2:18:49 PM
Attachments: [PFC Training Course Guide.pdf](#)
[CCC Patient Education Course Guide.pdf](#)

Dear Board Chair Springer,

I am reaching out in my capacity as Americans for Safe Access' regulatory affairs coordinator to introduce myself and to ensure that you are familiar with Americans for Safe Access (ASA) and are aware of the resources and services available to you through our organization.

Founded in 2002, ASA is the largest national non-profit organization made up of patients, medical cannabis providers, medical professionals, scientists, and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research. We work to ensure that state, federal, and international laws and regulations recognize cannabis as a legal medicine and that healthcare providers, patients, and caregivers have the information they need to make informed decisions regarding the recommendation and use of medical cannabis. Our goal is to create programs and scientific and unbiased educational resources that promote best practices with regard to cannabis cultivation, product manufacturing, laboratory testing, packaging, labeling, and dispensing to ensure that patients throughout the country have access to safe, accurately labeled cannabis and cannabis products.

In 2014, ASA partnered with the American Herbal Products Association to develop *Recommendations for Regulators – Cannabis Operations*. The robust regulations contained therein were developed with consideration of aspects of Good Agricultural Practice, Good Manufacturing Practice, and other GxPs to ensure that they could remain relevant and applicable across all aspects of the cannabis industry in diverse and evolving regulatory environments. Through our [Patient Focused Certification](#) (PFC) program, we offer certifications in cultivation, manufacturing, distribution, and laboratory operations to companies that adhere to these recommendations, which we ensure through review of standard operating procedures, site visits, the development of any needed corrective action plans, and routine and random audits by third-party auditors. The PFC program is currently undergoing ISO 17065 accreditation for certifying bodies to further strengthen the certifications and assure businesses that our compliance programs have appropriate oversight.

Importantly, ours is one of the only programs that requires training for all employees of businesses undergoing the certification process. The attached course guide provides descriptions of the training tracks and the various PFC courses. The *Regulator's Program Guide for Medical Cannabis*, which is available on the PFC [Services for Governments & Regulators](#) page, provides an in-depth overview of PFC and the ways we can work with regulators to help implement medical cannabis programs in a manner that can reduce the labor burden and cost imposed on regulatory agencies.

We also offer education and training to medical professionals, patients, and caregivers through our [Cannabis Care Certification](#) (CCC) program. The medical professional track offers continuing medical education (CME) credits on cannabis-specific education to physicians,

physician assistants, nurses, nurse practitioners, pharmacists, and psychologists. In addition to offering CCC directly to the public, we allow dispensaries to sign up for a monthly subscription that allows their patients to access all of our educational materials for free. The CCC course guide is attached.

We would like to offer you free access to our PFC training program and CCC patient and caregiver educational course. To access PFC courses for free, please direct your browser to the [PFC Training Website](#) or the [CCC Training Website](#). The code CANREG2020 may be applied at checkout to receive a 100% discount and can be used for both the PFC and CCC websites. The login credentials will then be the same for each account; there is no need to sign up on each website as all the courses will be loaded into the student portal.

The [ASA website](#) also contains a wealth of free information, including a library of publications ASA has released over the years. You may find our annual State of the States reports particularly interesting as they contain detailed analyses of medical cannabis programs in the United States and assesses legislative and regulatory improvements in each jurisdiction. The [2019 State of the States Report](#) is our most recent edition. Other publications that may be of interest to you include our [Patient's Guide to CBD](#), which contains information geared primarily toward patients, scientists, and researchers, and [The Medical Cannabis Patient's Guide for U.S. Travel](#), which provides information about reciprocity provisions or other legal means (where available) by which a patient may obtain medical cannabis when traveling outside of their home jurisdiction.

We hope you will find these resources helpful and informative. If you have any questions or would like more information, please don't hesitate to reach out to us. Heather Despres, ASA's director of Patient Focused Certification, is copied on this message.

Sincerely,
Sean

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Sean Khalepari, MA | Regulatory Affairs Coordinator
Americans for Safe Access
1624 U Street NW | Suite 200 | Washington, DC 20009
Phone: 202-857-4272 x 2 | Toll Free: 1-888-929-4367
www.safeaccessnow.org

ASA is the largest national organization of patients, medical cannabis providers, medical professionals, scientists, and concerned citizens promoting safe and legal access to cannabis for therapeutic use and research, with over 100,000 supporters in all 50 states.

[Sign up for our newsletter.](#)



PATIENT FOCUSED CERTIFICATION



a project of Americans for Safe Access Foundation

PFC Industry Courses and Certifications

Americans for Safe Access (ASA) has been a trusted source of cannabis education and training for over 15 years. As a leader in medical cannabis education since 2002, ASA has conducted thousands of legal and advocacy trainings nationwide. ASA created Patient Focused Certification (PFC) as a certification and training program to help regulators, operators, and advocates ensure regulatory compliance for medical cannabis businesses.

The PFC training and education program prepares individuals to understand state and local regulations and to learn required safety and operational protocols, while teaching them the basics of cannabis as medicine and common therapeutic uses of cannabis. PFC trainings provide content that will also save businesses time and money, whether they are drafting regulations, applying for a license, or trying to pass numerous State inspections at an existing operation.

As state medical cannabis laws and regulations continue to evolve, medical cannabis-specific trainings have become increasingly mandated. PFC's training and education program is designed to meet the specific requirements of each individual state's mandated training and can help companies reduce the cost of developing, implementing, and operating in-house medical cannabis training programs.

PFC trainings are available online or are offered in-person by a PFC Certified Instructor.

Training

- Disciplines (pick 1 or more disciplines to study)
 - Distribution
 - Cultivation and Processing
 - Manufacturing
 - Laboratory
- Certification Levels (choose which level is best for you)
 - Staff
 - Verified Professional (recommended for Management level personnel)
 - Auditor

Staff Training Course (8-10 hours)

Requirements:

- No prerequisites required
- Attend the entirety of required courses
- Pass tests with an 70% or better score

Courses include:

- Core Cannabis Training: Cannabis as Medicine (1 hour)
- Core Cannabis Training: Cannabis Business Operations (2 hours)
- Core Cannabis Training: Understanding Cannabis Law (1 hour)
- Core Cannabis Training: State and Local Legal Compliance (2 hours)
- National Cannabis Standards Training (choose 1 or more of the below disciplines)
 - o Distribution Operations (2 hours)
 - o Manufacturing, Packaging, Labeling and Holding Operations (4 hours)
 - o Cultivation and Processing Operations (2 hours)
 - o Laboratory Operations (2 hours)

Verified Professional Training Course (18 - 20 hours)

Requirements:

- No prerequisites required
- Attend the entirety of required courses
- Pass tests with an 80% or better score (tests can be retaken at additional cost)

Courses include:

- Core Cannabis Training: Cannabis as Medicine (1 hour)
- Core Cannabis Training: Cannabis Business Operations (2 hours)
- Core Cannabis Training: Understanding Cannabis Law (1 hour)
- Core Cannabis Training: State and Local Legal Compliance (2 hours)
- National Cannabis Standards Training (choose 1 or more of the below disciplines)
 - o Distribution Operations (2 hours)
 - o Manufacturing, Packaging, Labeling and Holding Operations (4 hours)
 - o Cultivation and Processing Operations (2 hours)
 - o Laboratory Operations (2 hours)
- Enrichment Course: Pesticide Guidance and Integrated Pest Management (2 hours)
- Enrichment Course: Quality Control / Quality Assurance and Batch Sampling (2 hours)
- Enrichment Course: Advanced Endocannabinoid System (2 hours)
- Enrichment Course: Sustainable Cultivation (2 hours)
- Enrichment Course: Cannabis Extraction and Laboratory Safety (2 hours)

Auditor Certifications (20+ course hours, 2 observed audits, and 2 shadow audits)

Requirements:

- Prerequisites* and approved application
- Attend the entirety of required courses
- Pass tests with an 80% or better score (tests can be retaken at additional cost)
- Complete field requirements

Courses include:

- Core Cannabis Training: Cannabis as Medicine (1 hour)
- Core Cannabis Training: Cannabis Business Operations (2 hours)
- Core Cannabis Training: Understanding Cannabis Law (1 hour)
- Core Cannabis Training: State and Local Legal Compliance (2 hours)
- National Cannabis Standards Training (choose 1 or more of the below disciplines)
 - o Distribution Operations (2 hours)
 - o Manufacturing, Packaging, Labeling and Holding Operations (4 hours)
 - o Cultivation and Processing Operations (2 hours)
 - o Laboratory Operations (2 hours)
- Enrichment Course: Pesticide Guidance and Integrated Pest Management (2 hours)

- Enrichment Course: Quality Control / Quality Assurance and Batch Sampling (2 hours)
- Enrichment Course: Advanced Endocannabinoid System (2 hours)
- Enrichment Course: Sustainable Cultivation (2 hours)
- Enrichment Course: Cannabis Extraction and Laboratory Safety (2 hours)
- Enrichment Course: Internal and External Auditing for Cannabis Operations (2 hours)

PFC Course Descriptions

Core Cannabis Training (CCT)

CCT provides the foundation of all PFC educational programs and is the prerequisite for any additional trainings. The CCT program is taught in sections, providing a well-rounded understanding of the history of medical cannabis laws, cannabis as medicine, cannabis science and research, and running a safe cannabis business.

Core Cannabis Training: Cannabis as Medicine (1 hour)

The course gives participants an overview of the most current cannabis research, how cannabis works in the body, different varieties of cannabis and cannabinoids, and the various cannabis-based pharmaceuticals currently available.

Core Cannabis Training: Business Operations (1 hour)

The course teaches how to deliver the best quality of care to customers, how to handle interactions with Federal Law Enforcement, what to do in an emergency situation, and how to ensure the safety of cannabis products.

Core Cannabis Training: Understanding the Law (1 hour)

The course is an overview of federal cannabis laws, the history of medical cannabis laws, which states have medical cannabis laws, and the conflict between state and federal laws. The course also includes a Federal Law Enforcement interaction and raid preparedness training component.

State Specific Compliance Training (SSCT) (2 hour)

These courses are designed to give individuals a comprehensive foundation of knowledge of the laws pertaining to Cannabis businesses, as well as, the regulations that govern day to day operations. The SSCT course is broken into two components: state and local laws & state and local regulations.

National Cannabis Standards Training (NCST)

NCST is designed to educate industry professionals about the particulars of compliance specific to the AHP Cannabis monograph and AHPA guidelines. The NCSTs are available in four (4) cannabis industry disciplines including cultivation and processing; manufacturing, packaging, labeling and holding; distribution; and laboratory analysis.

National Cannabis Standards Training: Cultivation and Processing Operations (2 hours)

This course is designed to educate industry professionals about the particulars of compliance specific to the AHPA Recommendations to Regulators. Learn the skills necessary to implement Good Agricultural Practices including pesticide guidance, facility requirements, water resource management, recordkeeping, product safety recall systems, adverse event recording, and information disclosure.

National Cannabis Standards Training: Manufacturing, Packaging, Labeling and Holding Operations (4 hours)

This course is designed to educate industry professionals about the particulars of compliance specific to the AHPA guidelines. The training is designed for individuals engaged in the manufacturing of cannabis and derived product and provides the tools necessary to comply with Good Manufacturing Practices.

National Cannabis Standards Training: Laboratory Operations (2 hours)

This course is designed to educate industry professionals about the particulars of compliance specific to the AHP Cannabis Monograph and AHPA guidelines. This guide is designed for individuals performing laboratory analysis of cannabis and cannabis-derived products. The guide will examine good laboratory practices and facility security, sample handling and disposal, data management, personnel safety and hygiene, and reporting activities that may be unique to laboratories analyzing cannabis, cannabis-derived products, and hemp samples.

National Cannabis Standards Training: Distribution Operations (2 hours)

This course is designed to educate industry professionals about the particulars of compliance specific to the AHPA guidelines. In this guide you will learn the skills necessary to implement Best Management Practices relating to the distribution of cannabis and derived products directly to compliant individuals through storefront operations, delivery services, direct-from-garden operations, and growing co-op operations.

PFC Enrichment Courses (PFCEC)

PFCEC offer individuals specialized Cannabis industry education ranging from Pesticide Guidance and Integrated Pest Management to QA/QC and Representative Sampling. PFC Enrichment Courses can be utilized to fulfil continuing education requirements for staff PFC Verified Professionals and are part of the required courses for PFC Verified Professionals and PFC Accredited Auditors seeking to achieve and maintain accreditation.

Enrichment Course: Pesticide Guidance and Integrated Pest Management (2 hours)

This course offers individuals specialized cannabis industry education that includes key definitions pertaining to pesticides and how to properly read a pesticide label. The trainings explore the importance and function of tolerance thresholds, major chemical families, Restricted Entry Intervals (REI's), and Personal Protective Equipment (PPE's) as well as employee safety and employer responsibilities. You will also learn the key components to developing a successful Integrated Pest Management (IPM) program. This guide is highly recommended for all cultivation and processing management personnel.

Enrichment Course: Sustainable Cultivation (2 hours)

Designed to help cultivators reduce their impact on the environment, this course provides tools for reducing the carbon footprint of cultivation operations as well as the use, recycling and reuse of mediums. In addition, this course discusses appropriate nutrient use, the consequence of mined and imported materials, and the proper storage of chemicals. Water source development, use, storage and reduction techniques are also addressed in this course as is the proper tracking of materials used during the cultivation process.

Enrichment Course: Quality Control Quality Assurance and Batch Sampling (2 hours)

This course offers individuals specialized education that includes developing and implementing Quality Assurance (QA) and Quality Control (QC) systems, including method validation and General Manufacturing Practices (GMP's) as they relate to QA/QC topics. Additionally, this guide will explore "representative sampling" techniques and how to apply them to cultivation, processing, and manufacturing operations to ensure consistent product purity and quality as well as accurate labeling. This guide is strongly recommended for management working in a Cannabis business.

Enrichment Course: Advance Endocannabinoid System (2 hours)

This course offers individuals specialized education that covers how cannabis works in the human body and in-depth look at current research. The course covers how THC, CBD, and other substances work in the human body by stimulating the endocannabinoid system and is recommended for people with a base knowledge in medical cannabis and in areas such as manufacturing, marketing, education, product development, laboratory managers and technicians, doctors and nurses.

Enrichment Course: Internal and External Auditing for Cannabis Operations (2 hours)

This course offers individuals specialized education including audit protocols; how to administer checklists, questionnaires, and document reviews; and guidelines for conduct and travel tips. The course also covers etiquette and appropriate protocols for interacting with staff and management at the location being audited as well as organizational techniques necessary for writing a final audit report.

Enrichment Course: Cannabis Extraction and Laboratory Safety 101 (2 hours)

This course is designed as a comprehensive review of current methodologies and best practices in the extraction and processing of cannabis. Participants will learn the latest developments in extraction and analysis technologies, guidance on how to comply with standards, regulations, and how to operate safely.

Enrichment Course: Cannabis Care Certification Patient Education (2 hours)

This course offers individuals a view into talking to their patients about medical cannabis and is recommended for all individuals interacting with patients.

Auditor Prerequisites

PFC independent auditors have extensive experience in the medical cannabis or auditing similar industry and/or the herbal products industries. All PFC independent auditors are required to successfully complete the PFC trainings and are assigned a mentor to oversee PFC audits until such time as the mentoring auditor can verify the trainees' readiness to audit without mentor oversight. All auditor trainees are required to conduct a minimum of two audits per discipline with his or her mentor before being allowed to audit independently.

PFC Cultivation and Processing Auditors

Must have five years or more direct experience in the field of medical cannabis cultivation and processing or five years or more direct experience in the field of agricultural inspection and must demonstrate a thorough understanding of the standard operating systems associated with all modalities of cannabis cultivation.

Manufacturing, Packaging, Labeling, and Holding Auditors

Must have five years or more direct experience in the field of medical cannabis manufacturing and are required to be food-safe certified; or have three years or more direct experience in the inspection and auditing of facilities engaged in the manufacturing of food, food products, or botanical and nutraceutical products. In addition, all manufacturing, packaging, labeling, and holding auditors must also demonstrate a fundamental knowledge of extraction processes used in the medical cannabis industry.

PFC Laboratory Auditors

Must have, at minimum, a degree in biochemistry; or a minimum of five years of experience providing laboratory analysis of medical cannabis and medical cannabis-derived products the equivalent experience providing laboratory analysis of other raw botanicals, botanical products, or nutraceutical products.

Dispensary Auditors

Must have, at a minimum, three years of direct experience in managing a medical cannabis distribution facility offering patient services, or the equivalent experience offering patient services and managing a traditional or Complementary and Alternative Medicine.

If you are interested in becoming a PFC auditor, please send a cover letter, cv, and three references to info@safeaccessnow.org



Cannabis Care Certification Patient Education Course Guide

The Cannabis Care Certification (CCC) Program was created by Americans for Safe Access (ASA), The Answer Page, Inc. (TheAnswerPage.com), and by recognized world experts. ASA, the nation's leading medical cannabis advocacy organization, brings over fifteen years of experience educating medical professionals and patients on the laws and therapeutic benefits of medical cannabis. TheAnswerPage brings over two decades of experience providing education to an international healthcare audience and CME accredited courses.

CCC includes online educational tools for medical professionals, patients, and their caregivers to better understand the role of cannabis therapeutics through a structured learning environment. The program also provides guidance for family members, caregivers, and anyone interested in exploring medical cannabis.

The CCC Patient and Caregiver Education Program includes educational materials about state and federal laws, as well as the effects, side effects, and efficacy of medicinal cannabis. The CCC program also provides information for patients to give to their doctors about legally recommending cannabis to their patients. More well informed doctors, mean more patients.

Through the CCC Patient Education Program patients will receive an overview of local laws, an information page to hand to their doctor, an 86 page patient's guide, and access to 2.5 hours of educational videos that review dosage and titration, understanding labeling, transporting medicine safely, and more. All participants will receive a certificate when they complete the full course.

Videos Include:

1. Introduction
2. Cannabis 101
3. Obtaining Your Medicine
4. Choosing Your Medicine: Potency, Delivery Methods, and Dosage
5. Safely Using, Storing and Transporting Medical Cannabis
6. Medical Cannabis in Your Life
7. Cannabis-based Medicines
8. Cannabis Research and Clinical Data
9. History of Medical Cannabis
10. The Endocannabinoid System





Course Descriptions

Introduction to Cannabis Care Certification (8 minutes)

Learn how Cannabis Care Certification was created and what you will learn in the full course.

Cannabis 101 (11 minutes)

Learn the basics of the cannabis plant, preparations, side effects, and much more. This section has information that every patient needs to know and understand.

Obtaining Your Medicine (20 minutes)

This section addresses how to individualize choice of medicine, where to obtain medicine, and what rights and expectations one should have as a medical cannabis consumer.

Choosing Your Medicine: Potency, Delivery Methods, and Dosage (22 minutes)

Unlike pharmaceutical drugs, the selection and dosing of herbal medicine is based, in part, on trial and error and user feedback. Metabolism, prior exposure, variation in composition, and route of administration all play a role in finding the best medicine and dose.

Safely Using, Storing and Transporting Medical Cannabis (11 minutes)

The potency and overall quality of medical cannabis depends on how it is stored and handled. This section shows strategies for protecting medicine from damage or deterioration. This section also explains how to interpret information on labels and provides basic safety information.

Medical Cannabis in Your Life (12 minutes)

This section suggests strategies for talking to your doctor, loved ones, employer, and others about legal medical cannabis use.

Cannabis-Based Medicines (14 minutes)

Pharmaceutical companies are using whole cannabis and compounds found in cannabis to create conventional medicines. This section discusses cannabis-based pharmaceuticals, their use, availability, and reported patient experience.

Cannabis Research and Clinical Data (16 minutes)

The field of medical cannabis research is advancing rapidly. This section explores the latest frontiers and their significance for patients treating a variety of symptoms and disease states.

History of Medical Cannabis Law (18 minutes)

This section provides an important historical perspective on the scientific, legal, and political landscape for medical cannabis in the United States. Find out where we are now and how we got here.

The Endocannabinoid System (13 minutes)

This section explains how cannabis interacts with this recently discovered system in the human body to provide a wide range of therapeutic benefits. The Endocannabinoid System was not discovered until 1994, and scientists are still unlocking its secrets.



From: chris@pelosolaw.com
To: [Klinkhart, Glen Edward \(CED\)](#); [Marijuana, CED ABC \(CED sponsored\)](#); [Wilson, Joan M \(LAW\)](#)
Subject: Rainforest Farms License Transfer #10026
Date: Monday, January 20, 2020 8:21:43 PM
Attachments: [AMCO letter Re #10026.pdf](#)
[AMCO letter Re #10026 attachment 1.pdf](#)
[AMCO letter Re #10026 attachment 2 part 1.pdf](#)
[AMCO letter Re #10026 attachment 2 part 2.pdf](#)

Dear Mr. Klinkhart,

Rainforest Farms, LLC respectfully requests that the Alaska Marijuana Control Board include its application for the transfer of license #10026 on the agenda for the next Board meeting scheduled for January 23-24, 2020.

As you are aware, Rainforest Farms has filed for a transfer of their cultivation license, #10026, to Turnagin Horticulture Company, pursuant to 3 AAC 306.045. After receiving the initial application, AMCO sent a letter to Rainforest Farms requesting some corrections. Rainforest Farms promptly submitted the corrections to AMCO by November 14, in anticipation of being on the agenda for the January 2020 Board meeting.

As part of the license transfer process, Rainforest Farms was required to file notice of the license transfer by publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation in the area, 3 AAC 306.025(b), and the application itself must include an affidavit showing where and when the applicant posted notice of the application, and proof of advertising, 3 AAC 306.020(b)(10). Because of the corrections request by AMCO, Rainforest Farms was required to publish a new notice of the transfer and submit the affidavit of this second notice to AMCO for the application to be considered complete.

Rainforest Farms published a notice that meets the requirements of 3 AAC 306.025 in the Juneau Empire on November, 14, 2019. Unfortunately, due to issues beyond the control of Rainforest Farms, the affidavit regarding this notice was not sent by the publisher nor received by Rainforest Farms until the middle of January 2020 (see attachment 1). This delay was entirely caused by the publisher, and Rainforest Farms was diligent in its attempt to obtain the affidavit (see attachment 2).

Unfortunately, due to this delay, Rainforest Farms' application was not considered complete in time to be placed on the agenda for the January 22, 2020 Marijuana Control Board meeting. If the license transfer is not approved by the Board at this meeting, Rainforest Farms would have to wait until the next Board meeting, which will not occur until May 1, 2020.

Rainforest Farms' continued liquidity and capitalization is dependent on the timely transfer of the license to Turnagin Horticulture Company. It would be an undue hardship for Rainforest Farms to be forced to endure the several months long wait for the next Board meeting due to errors made solely by the newspaper publisher.

Therefore, Rainforest Farms respectfully requests that AMCO include its application to the transfer of license #10026 on the agenda for the upcoming Board meeting to be held in Juneau on January 23-24, 2020.

Sincerely,

-Chris Peloso

The Law Offices of Chris Peloso

703-403-0247

chris@pelosolaw.com

<http://www.pelosolaw.com>

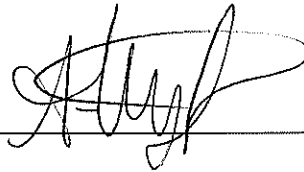
<https://www.facebook.com/pelosolaw/>

Affidavit of Publication

Rainforest Farms, LLC

Ad #: 880933

I, Anna Uttereyuk, first duly sworn, oath, depose, and say that I am the Principle Clerk of the Juneau Empire, a newspaper of general circulation, published in the City of Juneau, State of Alaska; that the publication was published in said newspaper on the **24th** day of November and thereafter for 0 additional days, the last date of publication being the **24th** day of November, 2019.



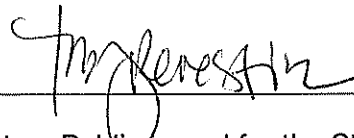
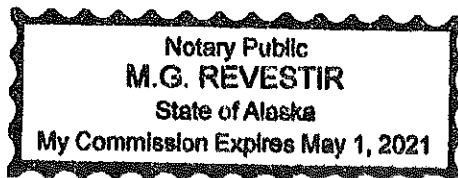
Subscribed and sworn to before me on this

9th

day of

December

, 2019



Notary Public in and for the State of Alaska

Legals

Standard Marijuana Cultivation Facility License Transfer - Correction

Rainforest Farms, LLC, doing business as Rainforest Farms, LLC, located at 5763 Glacier Highway, Juneau, AK 99801 is applying under 3 AAC 306.045 for Standard Marijuana Cultivation Facility 10026 transfer of a Standard Marijuana Cultivation Facility 3 AAC 306.400(a)(1), license #10026 to Turnagain Horticulture Company doing business as Rainforest Farms.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and a copy of the application will be posted on AMCO's website at <https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501.

Pub: Nov 14, 2019

882369



James Barrett <rainforestjames@gmail.com>

Rainforest Farms Affidavit

6 messages

Rainforest James <rainforestjames@gmail.com>
To: auttereyuk@juneauempire.com

Tue, Dec 10, 2019 at 12:27 PM

Anna,

Did you get a chance to email me the affidavit?

Thanks,

James

James Barrett <rainforestjames@gmail.com>
To: Anna Uttereyuk <auttereyuk@juneauempire.com>

Wed, Dec 11, 2019 at 9:32 AM

Anna,

Any word on this? I really need this document. Its been over 3 weeks.

Please advise.

James Barrett
Rainforest Farms, LLC
907-957-4751

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[Quoted text hidden]

Anna Uttereyuk <auttereyuk@soundpublishing.com>
To: James Barrett <rainforestjames@gmail.com>

Wed, Dec 11, 2019 at 9:35 AM

Hello James,
I had the affidavit done and notarized for 11-14 run date, but cannot find proof it ran. Elizabeth was working on getting me the correct run date so i can redo it.

Kindly,

Anna Uttereyuk
[Quoted text hidden]

--
Anna Uttereyuk
Advertising
Direct: 907-523-2233
[3100 Channel Drive, Juneau, AK 99801](#)

JUNEAU  **EMPIRE**

Rainforest James <rainforestjames@gmail.com>

Wed, Dec 11, 2019 at 10:42 AM

To: Anna Uttereyuk <auttereyuk@soundpublishing.com>

Ok thanks. Much appreciated.

James

On Dec 11, 2019, at 9:35 AM, Anna Uttereyuk <auttereyuk@soundpublishing.com> wrote:

[Quoted text hidden]

Rainforest James <rainforestjames@gmail.com>
To: Anna Uttereyuk <auttereyuk@soundpublishing.com>

Thu, Dec 12, 2019 at 8:35 AM

Any luck on this yet? We literally can lose our business if we don't have this paperwork.

James

On Dec 11, 2019, at 9:35 AM, Anna Uttereyuk <auttereyuk@soundpublishing.com> wrote:

[Quoted text hidden]

Anna Uttereyuk <auttereyuk@soundpublishing.com>
To: Rainforest James <rainforestjames@gmail.com>

Thu, Dec 12, 2019 at 9:33 AM

The classifieds person should be in the office today she said and can get me what you need.

[Quoted text hidden]



James Barrett <rainforestjames@gmail.com>

Rainforest Affidavit

6 messages

Rainforest James <rainforestjames@gmail.com>

Sat, Dec 14, 2019 at 9:14 AM

To: Anna Uttereyuk <auttereyuk@juneauempire.com>, Anna Uttereyuk <auttereyuk@soundpublishing.com>, Elizabeth Ulricksen <eulricksen@peninsulaclarion.com>

Where is the Affidavit? What's going on? I should not have to email over and over again. I am getting very upset that you won't respond and let me know what's going on. It should not take this long to provide the information I'm asking for.

Please send me my Affidavit or I will have my attorney contact your boss.

Please send me the Affidavit! I paid for it!

James

Rainforest James <rainforestjames@gmail.com>

Fri, Dec 27, 2019 at 3:28 PM

To: Anna Uttereyuk <auttereyuk@juneauempire.com>, Anna Uttereyuk <auttereyuk@soundpublishing.com>, Elizabeth Ulricksen <eulricksen@peninsulaclarion.com>

Hi,

It's been another 2 weeks, haven't heard back. What's going on? You charged me for the publication and Affidavit but I haven't received it. Where is it? This is fraud if you don't. Send it to me. Please call or respond.

James

> On Dec 14, 2019, at 12:14 PM, Rainforest James <rainforestjames@gmail.com> wrote:

>

> Where is the Affidavit? What's going on? I should not have to email over and over again. I am getting very upset that you won't respond and let me know what's going on. It should not take this long to provide the information I'm asking for.

[Quoted text hidden]

Anna Uttereyuk <auttereyuk@soundpublishing.com>

Mon, Dec 30, 2019 at 10:39 AM

To: Rainforest James <rainforestjames@gmail.com>

Cc: Elizabeth Ulricksen <eulricksen@peninsulaclarion.com>

James,

Thank you for your concerns. As we work as quickly as possible it was mailed weeks ago once i received the dates of publication. I can email you a copy of it as i save a copy of each affidavit i complete. Would that be helpful for you?

-Anna

[Quoted text hidden]

--

Anna Uttereyuk

Advertising

Direct: 907-523-2233

[3100 Channel Drive, Juneau, AK 99801](#)

Rainforest James <rainforestjames@gmail.com>

Mon, Dec 30, 2019 at 10:57 AM

To: Anna Uttereyuk <auttereyuk@soundpublishing.com>

Yes please email a copy that would be great!

Thanks!

James

On Dec 30, 2019, at 1:39 PM, Anna Uttereyuk <auttereyuk@soundpublishing.com> wrote:

[Quoted text hidden]

James Barrett <rainforestjames@gmail.com>
To: Anna Uttereyuk <auttereyuk@soundpublishing.com>

Tue, Dec 31, 2019 at 6:19 AM

Can you please send this today or tomorrow?

We need it before the end of the year.

Thanks,

James Barrett
Rainforest Farms, LLC
907-957-4751

CONFIDENTIALITY NOTICE: This email message including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, or disclosure is prohibited.

[Quoted text hidden]

Anna Uttereyuk <auttereyuk@soundpublishing.com>
To: James Barrett <rainforestjames@gmail.com>


Fri, Jan 3, 2020 at 9:37 AM

Hi James,
This got stuck in my drafts and I just now realized it.

Anna Uttereyuk
Advertising
Direct: 907-523-2233
[3100 Channel Drive, Juneau, AK 99801](#)

JUNEAU  **EMPIRE**

[Quoted text hidden]

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79K

Law Offices of Chris Peloso, LP

533 MAIN STREET, JUNEAU, ALASKA 99801

TELE (703) 403-0247

EMAIL: chris@pelosolaw.com

January 21, 2020

Glen Klinkhart
Director
Alcohol & Marijuana Control Office
550 W 7th Ave #1600,
Anchorage, AK 9950

RE: Rainforest Farms license transfer application
License #10026

Dear Mr. Klinkhart,

Rainforest Farms, LLC respectfully requests that the Alaska Marijuana Control Board include its application for the transfer of license #10026 on the agenda for the next Board meeting scheduled for January 23-24, 2020.

As you are aware, Rainforest Farms has filed for a transfer of their cultivation license, #10026, to Turnagin Horticulture Company, pursuant to 3 AAC 306.045. After receiving the initial application, AMCO sent a letter to Rainforest Farms requesting some corrections. Rainforest Farms promptly submitted the corrections to AMCO by November 14, in anticipation of being on the agenda for the January 2020 Board meeting.

As part of the license transfer process, Rainforest Farms was required to file notice of the license transfer by publishing an announcement once a week for three consecutive weeks in a newspaper of general circulation in the area, 3 AAC 306.025(b), and the application itself must include an affidavit showing where and when the applicant posted notice of the application, and proof of advertising, 3 AAC 306.020(b)(10). Because of the corrections request by AMCO, Rainforest Farms was required to publish a new notice of the transfer and submit the affidavit of this second notice to AMCO for the application to be considered complete.

Rainforest Farms published a notice that meets the requirements of 3 AAC 306.025 in the Juneau Empire on November, 14, 2019. Unfortunately, due to issues beyond the control of Rainforest Farms, the affidavit regarding this notice was not sent

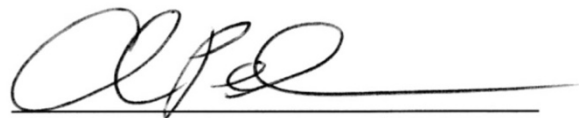
by the publisher nor received by Rainforest Farms until the middle of January 2020 (see attachment 1). This delay was entirely caused by the publisher, and Rainforest Farms was diligent in its attempt to obtain the affidavit (see attachment 2).

Unfortunately, due to this delay, Rainforest Farms' application was not considered complete in time to be placed on the agenda for the January 22, 2020 Marijuana Control Board meeting. If the license transfer is not approved by the Board at this meeting, Rainforest Farms would have to wait until the next Board meeting, which will not occur until May 1, 2020.

Rainforest Farms' continued liquidity and capitalization is dependent on the timely transfer of the license to Turnagin Horticulture Company. It would be an undue hardship for Rainforest Farms to be forced to endure the several months long wait for the next Board meeting due to errors made solely by the newspaper publisher.

Therefore, Rainforest Farms respectfully requests that AMCO include its application to the transfer of license #10026 on the agenda for the upcoming Board meeting to be held in Juneau on January 23-24, 2020.

Sincerely,

A handwritten signature in dark ink, appearing to read 'CDP', followed by a horizontal line.

Christopher D. Peloso
Alaska Bar # 1205052
Attorney for Rainforest Farms, LLC

From: Trevor Haynes
To: [CED AMCO REGS \(CED sponsored\)](#); [Marijuana, CED ABC \(CED sponsored\)](#); [CED AMCO Enforcement \(CED sponsored\)](#); [Klinkhart, Glen Edward \(CED\)](#)
Cc: [Ben Wilcox](#); [Leif Abel](#); [Amanda Stonecipher](#)
Subject: High Priority Transportation Fixes
Date: Thursday, January 23, 2020 9:44:00 PM
Attachments: [AMIA Transportation Fixes High Priority 1.22.20 .pdf](#)

Dear AMCO and MCB,

The attached document outlines four high priority problems with transporting cannabis in the state of Alaska. The document also provides an easily implemented solution for each problem. We appreciate your consideration of these proposed solutions.

Thank you,
Trevor Haynes
General Manager, GOOD
907-888-3367

Follow GOOD on [Instagram](#), [Twitter](#), and [Facebook](#)
Alaska Marijuana Industry Association member



AMIA Transportation Committee

Trevor Haynes

Leif Abel

Ben Wilcox

Amanda Stonecipher

January 22, 2019

Via email

Alcohol and Marijuana Control Office

Subject: High Priority Transportation Fixes

The licensed transfers of marijuana (i.e., “transportation”) present one of the highest security risks and biggest administrative burdens that marijuana licensees face. The current regulations do not properly contemplate the logistics specific to transportation in Alaska, and, thus regulations leave much room for improvement.

The AMIA suggests the following four changes to the transportation regulations to reduce the security liabilities to licensees and transporters, and the administrative burden on licensees and AMCO. The AMIA believes that our suggested fixes for these issues can be implemented immediately by the Marijuana Control Board and AMCO, and that it is imperative they do so without delay.

1. Hiding Travel Details from Destination Licenses in METRC

Allowing travel details on METRC manifests to be viewable to the Destination Licenses is a huge security liability because it gives potential criminals access to detailed travel itinerary information that can be used to target transporters. For marijuana transfers between licenses located at different locations, METRC requires the Originating License to enter detailed travel information including a detailed route, timing along the route, transport vehicle details (make, model, and

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license plate number) and flight details for any transfer involving air travel. These itinerary details become available to the Destination License within the METRC system upon the creation of the transportation manifest and the manifest may be created days before the transportation occurs.

Thus, any person that has access to the Destination License's METRC platform, also has access to the full transport itinerary prior to travel.

Providing the current level of detail to the Destination License results in a significant security risk to the transporter (i.e., the person who is physically transporting the product). The details available on the METRC itinerary could provide potential criminals with a comprehensive accounting of the delivery route (locations and timing) and description of the transport vehicle that is likely carrying cash and high value product. On trips with multiple delivery stops, multiple licensees would have access to this information, and each licensee's METRC system can have multiple employees with access to the METRC itinerary.

In cases where trips have stops at multiple licensees, large numbers of people could have access to this sensitive travel information. For example, on a busy delivery trip of 20 stops at separate licenses, more than 100 people could have access to manifest travel information if each Destination Licensee had 5 people with access to the manifest information. Employees with the correct permissions in METRC can even access the information off-site through METRC's online platform. If the Receiving License does not properly maintain employee access permissions, former employees (including bad actors that may have had their employment terminated) may still have access to METRC.

Solution: We have contacted METRC and confirmed that they can accommodate hiding travel details from destination licenses through programming changes to the METRC platform. METRC staff saw our motivation for requesting this change and encouraged us to pursue it through submitting the suggested change to the Metrc Suggestion Box.

Permitting layovers at licensed facilities ("hubbing") on a single METRC manifest

Due to the considerable logistical challenges of transporting product within Alaska, many product transfers (i.e., deliveries) require >24 hrs of travel to arrive at the final destination. However, METRC transfers require transportation to be completed within a 24 hr period. To work around this issue, Originating Licensees are currently transferring deliveries to intermediary retail licensed locations ("hub"

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locations) for transfers that cannot be completed in 24 hrs (a process referred to as “hubbing”).

In these cases, Originating Licensees transfer the delivery to the pass-through hub retail license for temporary storage until the next leg of the journey can be completed. The hub accepts the delivery into their licensed METRC upon arrival. When the delivery is ready to be transported from the hub to the final Destination Licensee, the hub creates a new METRC manifest from the hub license to the final Destination Licensee.

This practice is a work-around that creates excess paperwork and administrative burden on all licensees involved (originator, hub, and final destination). Also, it creates issues when packages are rejected and are required to be sent back to the originating license – in these scenarios it technically would be required to be sent back to the hub location rather than the Originating Licensee as intended.

Solution: To alleviate this issue, Originating Licensees should be permitted document the transport in METRC using one manifest that details a “layover” at a licensed facility. This would require that the Originating Licensees be permitted to store shipments at a licensed marijuana facility (layover location) *without* the METRC manifest being accepted into the layover location’s METRC system. Shipments would be manifested from the Originating Licensee to the final Destination Licensee with the layover identified and described in the “Route to be Traveled” section of the manifest.

The layover licensee would store the delivery in a secure Restricted Access area, under view of security cameras, until it can be transported to the final destination. This approach would result in less administrative burden for licensees and AMCO and would likely reduce the number of METRC errors. It would also allow all license types to be layover locations because, given it would not be logged into the layover locations METRC, it would not violate the downstream rule for transferring product from license type to license type.

Solution: The “layover” function is already being used in METRC in other states, such as California (METRC LLC 2018¹; See Appendix 1) but is not implemented for the State of Alaska. We suggest implementing a function in Alaska’s METRC platform similar to the function available in California.

¹METRC LLC, 2018. Industry User’s Guide California Supplemental Rev 4.2; California Cannabis Track-and-Trace System. Franwell.

1. Multiple Transporters

Manifests should allow for the identification of multiple transporters and multiple transport vehicles. This would allow one transporter to hand off the delivery to another transporter part way through the transport process. For example, an originating licensee in Kenai would be permitted to transport a delivery halfway to Fairbanks and exchange the delivery to a second transporter who would finish the transport to Fairbanks.

The exchange could happen under security cameras of a licensed marijuana facility. Hand-off location and timing would be documented in the route section of the METRC manifest. This change would take burden off the Originating Licensee, who often has to arrange long transportation routes over multiple days that requires transporters to drive long delivery routes (e.g., >12hr) through some of the most difficult weather conditions in the nation, while attempting to maintain a timely delivery schedule detailed in the itinerary.

Solution: the “Multiple Transporter” function is already being used in METRC in other states, such as California (METRC LLC 2018¹; See Appendix 1) but is not implemented for the State of Alaska. We suggest implementing a function in Alaska’s METRC platform similar to the function available in California.

¹METRC LLC, 2018. Industry User’s Guide California Supplemental Rev 4.2; California Cannabis Track-and-Trace System. Franwell.

1. Allowing Additional Stops

“3 AAC 306.750. Transportation

(d) During transport, the marijuana or marijuana product must be in a sealed package or container and in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product. The sealed package may not be opened during transport. A vehicle transporting marijuana or a marijuana product must travel directly from the shipping marijuana establishment to the receiving marijuana establishment, *and may not make unnecessary stops in between except to deliver or pick up marijuana or a marijuana product at another licensed marijuana establishment.*”

Stops for business transactions - While conducting marijuana commerce, transporters are often required to deal with large sums of cash which require extra stops to facilitate secure transportation. Transporters are thus required to make stops to make cash transactions, including stops to make tax payments (e.g.,

www.alaskamarijuanaindustry.org

marijuana tax payment to State of Alaska), deposit cash payments to secure locations and, or deliver payments to licensed marijuana establishments. These stops are necessary to promote security given transporting large sums of cash presents significant risks. Given that the majority of marijuana commerce is conducted in cash (including during marijuana transfers and wholesale), stops to make cash transactions are required to be built into delivery itineraries.

Stops for transportation logistics - Licensees should not be expected to put stops for transportation logistics on the manifest because they are unpredictable. Transport logistics stops include stops for roadside bathroom breaks, meals, or fuel. These stops are necessary and expected, although the timing of such stops cannot be predicted because they depend on multiple factors (e.g., road conditions).

Solution: The Marijuana Control Board should amend 3 AAC 306.750.d to allow for scheduled stops for business transactions (e.g., cash transactions) and transportation logistics.

CC Glen Klinkhart, AMCO Director
James Hoelscher, Enforcement Supervisor
Mark Springer, MCB Chair
Christopher Jaime, MCB Member
Loren Jones, MCB Member
Nick Miller, MCB Member
Bruce Schulte, MCB Member
marijuana@alaska.gov
AMCO.regs@alaska.gov

From: Trevor Haynes
To: [CED AMCO REGS \(CED sponsored\)](#); [Marijuana, CED ABC \(CED sponsored\)](#); [CED AMCO Enforcement \(CED sponsored\)](#); [Klinkhart, Glen Edward \(CED\)](#)
Cc: [Ben Wilcox](#); [Leif Abel](#); [Amanda Stonecipher](#)
Subject: Re: High Priority Transportation Fixes
Date: Thursday, January 23, 2020 9:53:41 PM
Attachments: [Appendix1.pdf](#)

Attached is the appendix to the AMIA Transportation Fixes. It consists of 3 key pages from METRC's "Industry User's Guide California Supplemental Rev 4.2" with two key sections demarcated in red.

Trevor Haynes
General Manager, GOOD
907-888-3367

Follow GOOD on [Instagram](#), [Twitter](#), and [Facebook](#)
Alaska Marijuana Industry Association member

On Thu, Jan 23, 2020 at 9:43 PM Trevor Haynes <trevor@goodalaska.com> wrote:

Dear AMCO and MCB,

The attached document outlines four high priority problems with transporting cannabis in the state of Alaska. The document also provides an easily implemented solution for each problem. We appreciate your consideration of these proposed solutions.

Thank you,
Trevor Haynes
General Manager, GOOD
907-888-3367

Follow GOOD on [Instagram](#), [Twitter](#), and [Facebook](#)
Alaska Marijuana Industry Association member



Industry User's Guide California Supplemental

Rev 4.2

California Cannabis Track-and-Trace System

This user guide describes how California industry participants are intended to use the CCTT-Metrc system consistent with state statutes and regulations. Please refer to the California Transition Period Guide for information about how annual licensees should use the system to enter any existing inventory at the time of annual licensure and how to transfer cannabis and cannabis products to/from temporary licensees.

© Metrc LLC, 2018.

4

Transfer Schedule

Est. Departure 12/15/2017 today

03 : 55 PM

Est. Arrival 12/15/2017 today

05 : 55 PM

Use the schedule to enter the estimated date/time for the departure, and expected date/time for the arrival of the shipment. Data can be manually entered or selected using the calendar date/time functions.

5

Transport Look-up

Transport # 1 M13-0000010-LIC

Use this field to select the Distributor or Laboratory licensee that will transport the package(s). Use the magnifying glass to display a list of all actively licensed Distributors and Laboratory licensees. The list is initially sorted alphabetically by license name and then by license number, but it can be sorted and filtered as needed.

6

Layover Checkbox

☒ Layover

Check this checkbox if there will be a stop between the origin and destination facility. This will display the *Layover Schedule* fields.

7

Layover Schedule

Est. Check-In 12/15/2017 today

04 : 55 PM

Est. Check-Out 12/15/2017 today

05 : 10 PM

Use the schedule to enter the estimated check-in date/time at the layover location, and the estimated check-out date/time at the layover location. Data can be manually entered or created using the calendar/time functions.

8

Driver Look-up Drop-down

Joe Smith (Joe.Smith@CannabisTransport.com) ▼

This drop-down displays a list of drivers previously entered into the *Driver Information* field. This includes *Employee ID*, *Driver's Name*, and *Driver's Lic. No.* Driver information is not associated with vehicles.

9

Driver Information

Employee ID	Joe.Smith@CannabisTransport.c
Driver's Name	Joe Smith
Driver's Lic. No.	C013349792

Add each new driver's information, providing complete information for future use. The *Employee ID* is a required field that can be used at the licensee's discretion to record an employee internal business ID number or other distinguishing employee identifier.

10

Vehicle Lookup Drop-down

Ford Ranger CANTRAN1 ▼

This drop-down displays a list of vehicles previously entered into the *Vehicle Information* field. This includes *Vehicle Make*, *Vehicle Model*, and *License Plate*. Vehicle information is not associated with the driver.

11

Vehicle Information

Vehicle Make	Ford
Vehicle Model	Ranger
License Plate	CANTRAN1

Add each new vehicle's information, providing complete information for future use. This includes *Vehicle Make*, *Vehicle Model*, and *License Plate*.

12

Phone No.

Phone No.	209-454-9200	(use default)
-----------	--------------	-------------------------------

Use this field to specify the phone number to display in the *Contact Phone No. for Inquiries* field on the manifest. Selecting the *use default* hyperlink populates the field with the main phone number of the originating facility.

13

Add/Subtract Transporter Button

Use the black *Add* (plus) button to add additional transporters to a manifest as required. Only add transporters for each destination on a manifest. For multiple destinations, add transporters to each individual destination (do not add all transporters to a single destination).

The black *Subtract* (minus) button removes the corresponding transporter from the transfer manifest. This button only displays when a subsequent transporter has been added.

14

Package Look-up

Package # 1	1A4FF01000000220000000015		(clear)
-------------	---------------------------	--	-------------------------

Use this field to select packages in inventory to include in a transfer that have not previously been included in the transfer. Use the magnifying glass to display a list of all packages in inventory.

14a

Wholesale Price

Package # 1	Type part of Package number...		(clear)
Whsle. Price	ex. 100.23		

When a *Transfer Type* of *Wholesale Manifest* is used to transfer packages to a Retailer, a *Wholesale Price* field displays. *Wholesale Price* is a required field.

From: [Klinkhart, Glen Edward \(CED\)](#)
To: [Trevor Haynes; CED AMCO REGS \(CED sponsored\); Marijuana, CED ABC \(CED sponsored\); CED AMCO Enforcement \(CED sponsored\)](#)
Cc: [Ben Wilcox; Leif Abel; Amanda Stonecipher](#)
Subject: RE: High Priority Transportation Fixes
Date: Monday, January 27, 2020 10:36:45 AM

Mr. Haynes,

Thank you for including me in your email. I still have to spend some more quality time on this myself (as opposed to the quantity work I am currently conducting), however I too have concerns about transportation of product and more importantly the safety of staff and contractors. I will be adding these concerns, along with my thoughts, to our new Program Coordinator and AMCO enforcement as this touches on Transportation issues, METRC metric issues, Security as well as chain of custody, all of which need to be addressed.

Regards,

Glen

Glen Klinkhart

Interim Director

Alcohol & Marijuana Control Board

550 W 7th Ave #1600, Anchorage, AK 99501

Office (907) 269-0350

glen.klinkhart@alaska.gov

From: Trevor Haynes [mailto:trevor@goodalaska.com]
Sent: Thursday, January 23, 2020 9:44 PM
To: CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>; Marijuana, CED ABC (CED sponsored) <marijuana@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>; Klinkhart, Glen Edward (CED) <glen.klinkhart@alaska.gov>
Cc: Ben Wilcox <ben@thcalaska.com>; Leif Abel <leifabel@yahoo.com>; Amanda Stonecipher <Amanda.stonecipher16@gmail.com>
Subject: High Priority Transportation Fixes

Dear AMCO and MCB,

The attached document outlines four high priority problems with transporting cannabis in the state of Alaska. The document also provides an easily implemented solution for each problem. We appreciate your consideration of these proposed solutions.

Thank you,

Trevor Haynes

General Manager, GOOD

907-888-3367

Follow GOOD on [Instagram](#), [Twitter](#), and [Facebook](#)
Alaska Marijuana Industry Association member

From: Trevor Haynes
To: [Klinkhart, Glen Edward \(CED\)](#)
Cc: [CED AMCO REGS \(CED sponsored\)](#); [Marijuana, CED ABC \(CED sponsored\)](#); [CED AMCO Enforcement \(CED sponsored\)](#); [Ben Wilcox](#); [Leif Abel](#); [Amanda Stonecipher](#)
Subject: Re: High Priority Transportation Fixes
Date: Monday, January 27, 2020 3:39:56 PM

Thanks for your response Glen,

We very much appreciate your shared concerns about industry safety. As someone who coordinates weekly transportation for GOOD Cannabis, and as Vice President of the AMIA, I will say that without a doubt, transportation is among the biggest safety concerns the industry currently faces. I am constantly worried about safety issues with transportation and the associated risks to my transportation staff, industry employees, and to the general public.

Thanks to you and your staff for your ongoing efforts. We look forward to working with AMCO to make the transportation of cannabis in Alaska safer and more efficient. Please don't hesitate to reach out to me if you have any questions.

Cheers!
Trevor

Trevor Haynes
General Manager, GOOD
907-888-3367

Follow GOOD on [Instagram](#), [Twitter](#), and [Facebook](#)
Alaska Marijuana Industry Association member

On Mon, Jan 27, 2020 at 10:36 AM Klinkhart, Glen Edward (CED)
<glen.klinkhart@alaska.gov> wrote:

Mr. Haynes,

Thank you for including me in your email. I still have to spend some more quality time on this myself (as opposed to the quantity work I am currently conducting), however I too have concerns about transportation of product and more importantly the safety of staff and contractors. I will be adding these concerns, along with my thoughts, to our new Program Coordinator and AMCO enforcement as this touches on Transportation issues, METRC metric issues, Security as well as chain of custody, all of which need to be addressed.

Regards,

Glen

Glen Klinkhart

Interim Director

Alcohol & Marijuana Control Board

550 W 7th Ave #1600, Anchorage, AK 99501

Office (907) 269-0350

glen.klinkhart@alaska.gov

From: Trevor Haynes [mailto:trevor@goodalaska.com]

Sent: Thursday, January 23, 2020 9:44 PM

To: CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>; Marijuana, CED ABC (CED sponsored) <marijuana@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>; Klinkhart, Glen Edward (CED) <glen.klinkhart@alaska.gov>

Cc: Ben Wilcox <ben@thcalaska.com>; Leif Abel <leifabel@yahoo.com>; Amanda Stonecipher <Amanda.stonecipher16@gmail.com>

Subject: High Priority Transportation Fixes

Dear AMCO and MCB,

The attached document outlines four high priority problems with transporting cannabis in the state of Alaska. The document also provides an easily implemented solution for each problem. We appreciate your consideration of these proposed solutions.

Thank you,

Trevor Haynes
General Manager, GOOD
907-888-3367

Follow GOOD on [Instagram](#), [Twitter](#), and [Facebook](#)

Alaska Marijuana Industry Association member

From: [AMCO Admin \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: FW: James Hoelscher | Glen Klinkhart
Date: Friday, January 24, 2020 8:40:41 AM

From: Sam Hanson <AKHansons@hotmail.com>
Sent: Thursday, January 23, 2020 5:24 PM
To: CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>; AMCO Admin (CED sponsored) <amco.admin@alaska.gov>
Subject: James Hoelscher | Glen Klinkhart

James,

You do not know me, but I have been friends of the Kuzina's since 1980. They, as you might have found out, are an elderly couple who have lived in their home since 1983 and their daughter lives on the other side of Mr. Happy Farms. They are intimidated by their neighbor Mr. Dicus- I believe you know this by know.

I need to share that over the past 8 months I have been privy to your interactions with the Kuzina's with their complaints and issues with Mr. Happy Farms. Your staff has listened to them and treated them with respect (shy of them stating that they can fix this in September at the license renewal). You have the heart of AMCO in you, and it shows with your work ethics, it is evident from listening to you at board meetings, and hearing about you from the Kuzina's.

It was not my intention to make your department look bad today- but I needed to share their message.

It is unfortunate that this odor problem has not been resolved at this point.

When Director Klinkhart spoke during his directory's report- it was good to hear him incorporate the many public comments from today.

I do believe you will have his support and things will change for the better. More importantly- that he is making changes to give you the relief and support your department needs.

One speaker mentioned that we might have too many cultivation facilities to support our point of sale licenses.

This should be considered carefully.

Currently- the MSB has tapped out on alcohol licenses. Stopping any grocery store,

restaurant, or pub to come into our area.

If that can occur- then cultivation facilities can be curtailed as well.

I only brought odor enforcement forward today.

As you know- Mr. Happy Farms might be using his house to cultivate and be providing products not in compliance with regulations limited to his cultivation facility. I have spoken with the Mat Su Drug Enforcement office to investigate this.

I did not bring the "mice" problem, additional possible grow, or waste disposal possible problems with Mr. Happy Farms forward.

You need to check their waste disposal out- this should be a report on file.

I went through all the available meeting minutes on line and found my information on your NOV's that were provided.

I believe those numbers should hold water.

Yes- AMCO is still in it's infancy. Yes you are still finding metric measurements and product restrictions- a ton of things.

BUT- AMCO also has the obligation to uphold Alaska's regulations on odor emissions which protect our public.

You know that odor can cross Tudor Road (huge), can find it's way down an Anchorage block, and can cause a businesses to move locations.

With my numbers today- they also indicate that it might take a cultivation facility may attempts to stop odor emissions.

Not all have problems- but those who do not invest in equipment upon opening- odor emissions should be expected.

Maybe- AMCO can establish basic equipment requirements. A novel thought. Different for standard and limited.

You have so much knowledge and contribute to this organization that represents Alaskan residents from the opportunity to open a business to protect them as well. Help cultivation facilities start up better- enabling your staff to work less.

The need to revisit the Fine Schedule seemed to be favorably noted.

A tool- one that will greatly help your department.

Please know, I truly believe you are an asset to AMCO.

Your staff is doing what they can- considering the timing of this new organization.

I spoke today for the Kuzina's because they could not.

Your board needs to have all the information when deciding on these licenses and your department has that information.

AMCO's staff (director) has not supported this board properly when it comes to informing them of each license- something that I will share with Klinkhart when things settle down.

Thank you for being the dedicated person that you are James.

I am sorry that I had to bring this forward today and did not hear what you shared with the board prior to your report.

Please, please, help these residents.
That is all I am asking.

Sam A. Hanson
841-6565

From: [AMCO Admin \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: FW: Mr. Happy Farms
Date: Friday, January 24, 2020 10:02:35 AM
Attachments: [ATTACHMENT 1.pdf](#)
[ATTACHMENT 2.pdf](#)
[ATTACHMENT 3.pdf](#)
[ATTACHMENT 4.pdf](#)
[AMCO Letter 102519.pdf](#)

From: Sam Hanson <akhansons@hotmail.com>
Sent: Friday, January 24, 2020 9:33 AM
To: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>; AMCO Admin (CED sponsored) <amco.admin@alaska.gov>
Subject: Mr. Happy Farms

Director Klinkhart and James,

I requested of Erika that Mr. Happy Farms License be revisited (letter below and attached AMCO Letter 102519).

This is a documentation of AMCO's timeline on this license and supportive information.

I hope this help you when you discuss Mr. Happy Farms.

Sam Hanson
841-6565

Not included is:

The MSB uses a straight line of measurement for Marijuana Licenses at 1,000 feet (from facility to school lot line).

They leave Limited Cultivation Facilities to be enforced by AMCO's 500 foot setback.

AMCO staff did not share how the MSB measures in our area and did not take this into consideration with discussing their 60 foot distance from Shaw Elementary.

Even Anchorage has their specific measurement- using a straight line from school lot line to facility:

[Anchorage, Alaska - Code of Ordinances TITLE 21 - LAND USE PLANNING \(NEW CODE - Effective January 1, 2014\)*](#)

[Chapter 21.05 - USE REGULATIONS \(NEW CODE - Effective January 1, 2014\)](#)

- b. Additionally, all marijuana establishments shall be separated from schools (items 2.c.i., 2.c.ii., and 2.c.iii. below) by at least 500 feet, as measured via a straight line from the lot line of the marijuana establishment to the closest lot line of the school. Applicants who have initiated a State of Alaska marijuana license on or before January 1, 2017, are exempt from this provision.

Federal Drug Free Zone, asks for a 1,000 foot setback from our schools and Alaska established it at 500 feet. State regulations define a school ground as it's entire lot using it's lot line as the boundary. Alaska Statutes Criminal Law states that a 500 foot is mandatory setback for all controlled substances which result as a charge in the fourth degree is a class C felony. Both do not allow for "shortest pedestrian route" to qualify this setback..

From: Sam Hanson

Sent: Friday, October 25, 2019 2:38 PM

To: McConnell, Erika B (CED) <erika.mcconnell@alaska.gov>; marijuana.licensing@alaska.gov <marijuana.licensing@alaska.gov>; torney.general@alaska.gov <torney.general@alaska.gov>; Smoldon, Todd D (GOV) <todd.smoldon@alaska.gov>; Jake Almeida <Jake.Almeida@akleg.gov>; Senator.David.Wilson@akleg.gov <Senator.David.Wilson@akleg.gov>; Jesse Sumner <jessesumnerdistrict6@gmail.com>

Subject: AMCO November Board Meeting

October 25, 2019

Erika McConnell, Director

AMCO

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Director McConnell,

Alaska State regulations dictate that the Alaska Marijuana Control Office (AMCO) not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground. Regulations specify that the distance must be measured by the shortest pedestrian route from the public entrance of the marijuana establishment building to the outer

boundaries of the school ground. Further, Alaska State statute clearly defines the school ground as land contained within the real property boundary line (lot line).

Alaska Statutes 2018 | Article 4. Definitions. | Sec. 11.71.900. Definitions.

AS 11.71.900 (30) “school grounds” means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool, elementary, or secondary school;

There is no ambiguity on these points.

The limited marijuana cultivating facility operated by Mr. Happy Farms, LLC (MHF), owned by Matthew Shelter and Thomas Dicus, is constructed on property that shares a common lot line with Shaw Elementary school. The shortest pedestrian route from the public entrance to the limited marijuana cultivating facility around the corner of the facility and to the lot line of Shaw Elementary School is estimated to be approximately 90 feet. The size of the MHF property is such that there is no physical way for the marijuana cultivating facility to be moved or re-constructed on MHF property and be 500 feet or greater distance from the school grounds and in compliance with regulations. AMCO should not allow continued operation of MHF on this property.

The purpose of this letter is to:

- Show that the owners of MHF knew the business was not in compliance with the 500-ft separation requirement, had discussed separation requirements with the Mat-Su Borough, and had been referred to AMCO for state requirements. They incorrectly certified on their application that they met the 500-ft separation requirement.
- Point out that the AMCO staff did not catch this inaccurate representation in their review of the initial application.
- Demonstrate that when this discrepancy was first brought to the attention of the AMCO Board at its July meeting questions arose on the definition of the shortest pedestrian route. The Board was to meet and establish clarity before deciding on compliance.
- Show that in the absence of clarity, at its September meeting the AMCO Board decided to allow continued operation of MHF.
- Request that AMCO find that MHF is not in compliance and revoke the license allowing continued operation of MHF at its current location, abutting the Shaw Elementary School property.

The following timeline will provide helpful context:

Spring 2018 – In February, March, and April 2018 MHF met with Mat-Su Borough Planner, Mark Whisenhunt. They discussed the fact that the building plans showed the facility to be within close proximity of school property. Mr. Whisenhunt explained that the Borough did not have requirements for Limited Marijuana Cultivating facilities and referred MHF to the AMCO for State of Alaska requirements. MHF misrepresented this discussion to their attorney, indicating that the Borough “didn’t see it as an issue due to the distance from the actual school and the thickness of the forest”, reference June 11, 2019 email from MHF attorney (Attachment 1). This is a very misleading statement and is directly countered by Mr. Whisenhunt’s email (Attachment 2) in which he recalls the discussion with MHF representatives and clearly states that their office would not make opinions on State of Alaska standards and they always refer customers to AMCO.

Summer 2018– Mr. Happy Farms completed construction of the building, prior to application to AMCO. Refer to statement from Thomas Dicus (Attachment 3).

December 2018 - Matthew Shelter and Thomas Dicus certify on their application that their building is “not within 500 feet of a school ground”, knowing full well that they had already constructed in close proximity to the school boundary. The drawing included as part of the application identified a 60-foot distance to the property lot line, but did not identify that property is owned by the Mat-Su Borough school district. There does not appear to be any evidence that MHF followed the recommendation of the Mat-Su Borough planner and had a discussion with AMCO staff about the proximity to school grounds. One could reasonably assume they didn’t want to have this discussion because they knew the outcome would prevent their business operation. AMCO did not catch the misrepresentation during their new application review because AMCO does not apparently have a process in place to verify this requirement – unlike other qualifying statements, such as being a felon. Had AMCO staff known the business facility was in such close proximity to the school grounds, the license would surely not have been presented to the board for approval.

May 2019 - The fact that the MHF facility is in very close proximity to Shaw Elementary school grounds was brought to AMCO’s attention.

July 29, 2019 – In the AMCO Board meeting, there was a discussion about the distance of the facility from school grounds. There were differing opinions offered as to how to interpret regulatory requirements, particularly as relates to the “shortest pedestrian route” between the marijuana facility and the school grounds. The Board decided to allow MHF to continue operating until the Board could meet again and gain a clearer understanding of the regulation. The July Board minutes are not yet available, however a review of the audio recording will confirm.

AMCO staff did not share in the July Meeting (not found in the July meeting audio recording) that the Board could revoke this license for misrepresentation of information as provided by Article 8. Enforcement; Civil Penalties 3 AAC 306.810. Suspension or revocation of license

(1) misrepresented a material fact on an application for a marijuana establishment license, or an affidavit, report, or signed statement under AS 17.38 or this chapter.

July 30, 2019 through September 10, 2019 - AMCO staff, through their Regulations Project Committee (headed by Loren Jones, Nick Miller, and Erika McConnell) had this time frame to complete a review and prepare for discussion with the AMCO Board. During this time, AMCO staff received several objections to this license renewal - specifically requesting they uphold the 500 foot separation requirement.

September 11, 2019 – In the AMCO Board meeting MHF was listed on agenda under License Renewal. The Board did not receive the clarity from the AMCO staff and the Regulations Project Committee because they were “still working on the project”. Some Board members expressed confusion and frustration with the situation and some seemed to forget they had sought clarity before making a decision. Despite this lack of clarity, the Board approved the license renewal as being in compliance on a vote of 3 to 2. This decision was not fully informed and the Board created their own definition of regulations describing a measurement from the marijuana business to a fence on school property near the playground as an appropriate standard. This is apparent from the following excerpt from the unapproved September Board meeting minutes.

Motion made by Bruce Schulte to approve with delegation:

Bruce Schulte states "that there has been lots of testimony in this matter but that he is looking at the current regulation that defines the measurement as the "shortest pedestrian route". He feels that this property meets the requirement. He addresses risk to youth and states that the playground appears to be fenced off and he believes that he does not see a rational basis for denying this renewal based on an overly restrictive interpretation of the rules.

For full context, refer to (Attachment 4) for a copy of the unapproved September Board meeting minutes.

The AMCO staff should have recommended that the Board postpone a decision pending completion of their analysis and review by the Regulations Project Committee. The Board routinely postpones decisions and should have done so in this instance.

To further illustrate the importance of adhering to regulatory definitions, the Board appears to have not considered objections that had been submitted in writing when deciding to use the playground fence as the criteria to establish “school grounds”. Information had been providing indicating that Shaw Elementary, the largest elementary school in the MSB, often

sends their children into the woods on established trails (beyond the playground fence) during their daily PE classes throughout the school year. They also place Geocaches in the woods for their youth to find- provided in writing to AMCO and included in the meeting tab for September Board meeting.

On November 19th a resolution will be introduced to the Mat-Su Borough Assembly (by Assemblyman Sumner) asking AMCO to reconsider their interpretation of their regulation decision on Mr. Happy Farms and to not allow the permitting of marijuana licenses in such close proximity of schools grounds, thereby protecting Mat-Su Borough schools. The Mat-Su Borough requires 1,000 foot separation from schools for all other marijuana licenses in the Valley. They leave the enforcement of the 500 foot separation for Limited Marijuana Cultivation facilities to be upheld by the AMCO Board.

Ultimately, the AMCO Board decision on the license for Mr. Happy Farms sets precedence for future licenses and can affect other schools in Alaska.

I am requesting that this issue be placed again on the AMCO Board agenda for November with a recommendation to rescind the license for Mr. Happy Farms, LLC. I also request that AMCO consider strengthening your internal assurance process to verify future applicants are accurately representing regulatory compliance with school ground separation regulations. One way to strengthen this assurance would be to require applicants to identify adjacent property owners on their applications.

Respectfully,

Sam A. Hanson

841-6565

CC: Alaska Attorney General's Office

AMCO Licensing

Mat-Su Office of the Governor

Senator Shower

Senator Wilson

Mat-Su Borough School District

Mat-Su Borough Assembly

Attachments:

1. MHF Attorney Comments- 2019
2. MSB Planning Comments- 2019
3. Establishment of MHF Building 2018
4. 2019- September Unapproved Board Minutes

ATTACHMENT 1 | July 2019 Board Meeting | Comments

From: Jana Weltzin <jana@jdwcounsel.com>
Sent: Tuesday, June 11, 2019 4:59 PM
To: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Cc: Valerie Mastolier <valerie@jdwcounsel.com>
Subject: FW: 17692 Mr. Happy Farms LLC

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hi Mark – a neighbor (sam hanson) has raised some concerns to the control board re the location of the Mr. Happy Farms limited cultivation license – ***my client Matthew informed me that you and him (or his partner) had conversations re the school but that you didn't see it as an issue due to the distance from the actual school and the thickness of the forest.*** Erika wants something in writing proving that my client consulted with the borough on this issue. Can you confirm that you did look at this particular license and the school distance and please confirm what my client told me (which is what I relayed to Director McConnell in my email below) is accurate? The school seems to be really far away so I am unsure why this is an issue this late in the game.. the license is already up and operating.. I attached an exhibit showing the school and licensed premises to jog your memory I also attached Mr. Hanson's object too so you have the whole picture and context of this issue.

Thanks Mark! Jana

ATTACHMENT 2 | July 2019 Board Meeting | Comments

From: Mark Whisenhunt <Mark.Whsenhunt@matsugov.us>
Sent: Wednesday, June 12, 2019 12:13 PM
To: Jana Weltzin <jana@jdwounsel.com>
Cc: Valerie Mastolier <valerie@jdwounsel.com>; erika.mcconnell@alaska.gov
Subject: RE: 17692 Mr. Happy Farms LLC

Good Morning,

I remember this location and speaking to a gentleman about it, though I do not remember his name. While I do not remember all of the specifics of our conversation, **I do remember telling him this location would not be suitable for a Standard Marijuana Cultivation Facility (greater than 500sf under cultivation), because it would not meet the Borough's 1,000' setback from "School Grounds" requirement.**

If I recall, it may not have met the 100' lot line setback requirement as well. However, since he was proposing one Limited Marijuana Cultivation Facility (less than 500sf under cultivation), it was exempt from the Borough permitting standards.

Here is our definition: "School grounds" means a lot or parcel with facilities primarily used for the academic education of children or young people, usually under 18 years of age. For the purpose of setback requirements under this chapter, universities, vocational trade schools, and residential structures where children receive homeschooling are not considered schools.

The Borough considers the whole parcel (in this case, about 80 acres) to be "School Grounds." We inform all of our customers that we do not know what exactly the State considers "School Grounds" (i.e. just the developed area vs. the whole parcel) or exactly how the state measures their setback requirements (i.e. pedestrian route).

Lastly, I'd like to note that I would not have told this gentleman "I don't see an issue" with this location. We do not make opinions on State of Alaska standards. Our office always refer customers to AMCO when there is a question regarding State standards.

While wrapping up this email, I received a call from Mr. Dicus. I informed him of this email and its contents.

Please let me know if I can be of further assistance.

Respectfully,

Mark Whisenhunt
Planning Services Manager (Acting)
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

ATTACHMENT 2 | Meeting Dates For MHF & MSB

From: Mark Whisenhunt <Mark.Whisenhunt@matsugov.us>
Sent: Friday, August 16, 2019 1:34 PM
To: Sam Hanson <akhansons@hotmail.com>

Good Afternoon Sam,

I am just getting caught up on emails after being out of the office for an extended period of time . I apologize for the delayed response. I sent an email explaining my recollections on June 12, 2019 to Ms. Weltzin and McConnell (attached).

Looking through my phone log, it appears I spoke with Matthew Shelter in February of 2018, and Thomas Dicus in March and April of 2018.

Please let me know if you have any other questions.

Thank you.

Mark Whisenhunt
Planning Services Manager (Acting)
Matanuska-Susitna Borough
Office: (907) 861-8527
mark.whisenhunt@matsugov.us

AT&T LTE 8:48 PM
facebook.com



Thomas James Dicus

David Frost

My business, Mr happy farms, is run from the 850 square foot building I spent \$40,000 building last summer.

Not a single speck of cannabis will leave my building, other than in secured and locked containers, to be driven to licensed Alaskan retailers.

We dont grow in my house, nor will a single person ever come to my property to buy it.

I am trying to make a living, doing something I can say I am honestly good at, no more.

This Hanson person has Raised hell with the north lakes community council, trying to make HIS morals a thing that we all should live by, but luckily we spent

ATTACHMENT 4 | Unapproved September 2019 Board Minutes

From: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
Date: October 1, 2019 at 3:38:47 PM AKDT
To: KELLY KUZINA <kellykuzina@hotmail.com>
Cc: "Marijuana Licensing (CED sponsored)" <marijuana.licensing@alaska.gov>
Subject: RE: Mr Happy Farms Confidential Letter of Complaint

Good afternoon Kelly,

The Meeting Minutes for the September 2019 meeting have not been approved by the Board and finalized yet, which will happen at the November 2019 meeting. I do have a very rough draft of the minutes available, and can also provide audio recordings upon request. I will include the section of the minutes pertaining to this application below, but let me know if you'd like the whole draft copy. The Marijuana Control Board did move to renew this license, which passed 3-2.

1. License #17692

Licensee:

License Type:

Premises Address:

Local Government:

Mr. Happy Farms LLC

Mr. Happy Farms LLC

Limited Marijuana Cultivation Facility

3900 N. Sierra Street

Wasilla, AK 99654

Matanuska-Susitna Borough

TAB 1

For Consideration:

Notice of violation regarding odor complaints – response received.

North Lakes Community Council objects to license renewal due to the establishment's proximity to an elementary school.

Objections and comments received.

Erika McConnell states that the comments and objections are in the file.

Jana Weltzin, counsel, states that the letter of response wasn't done in time to make it to the packet but she provides copies to the board.

Mark Springer asks if this was considered recently (it was at the July meeting).

Bruce Schulte and Erika McConnell discuss the confirmation that the lots abut each other. Technically the separation is only 60 feet from the lot line. However, it all comes down to how the shortest pedestrian route is considered. This created a regulations project headed by Loren Jones, Nick Miller and Erika McConnell, they are still working on the project.

Jana Weltzin explains the NOV for odor.

Matthew Shelton is present via phone and answers board questions regarding when the odor complaint occurred and what he has done to resolve the NOV.

Sam Hansen board member of North Lakes Community Council is present via phone. She discusses her objections, provides information from the Borough, and references that it's the distance to the school lot line that should be considered.

Bruce Schulte asks if one or both of these properties are in the Matanuska-Susitna Borough (both) and asks about the distance between the physical structures.

Jana Weltzin summarizes the argument that the property between the two is not a practical pedestrian route due to brush and trees present.

Bruce Schulte discusses the aerial photo and the distance between the establishment and cul-de-sac.

*Loren Jones discusses how the boundaries and distances are calculated. **He points out that currently it is to the boundary of the school property not the front door.***

*Bruce Schulte states that the regulation states that it's the pedestrian route and the woods are not a 'pedestrian' route. **He finds the applicant not to have been dishonest in his application.***

Mark Springer discusses for the record that a couple of the objections/comments are anonymous and reads some of them.

Jana Weltzin points out that there have been no police calls regarding the matters discussed.

Matthew Shelton discusses that the stolen car was random and had just slid into the driveway. He states that it was not related to the facility.

An additional commenter states that the car was driven to the lot and then the perpetrator ran into the woods. She asserts that the theft ring is related to the area and references an aggressive Facebook page that the licensee is part of. She discusses that neighbors are afraid of this licensee.

Board and counsel discuss that the theft ring has been caught.

Christopher Jaime states that he voted no for this licensee, the regulations speak for themselves and it should be a no.

Jana Weltzin discusses the "pedestrian route" issue with the board.

*Melody McCullah testifies via phone and states that she supports the business. The school route is only by road, and most parents drive their children because they are out of the zone. She has never experienced odor and she thinks the license should be allowed. The objectors are 'busy bodies'. **She states that there is a big fence around the playground.***

Bruce Schulte asks about the fence and asks if it's possible to walk to the school grounds through the woods.

Melody McCullah states that it is not possible. The only entrance is from Wasilla-Fishhook road.

Christopher Jaime states that fences mean nothing.

*Caleb Sanders, provides comment in person. **He states that the rules being made are "as a crow flies" and "pedestrian route". He discusses the meaning of a "pedestrian route".***

Mark Springer states that this licensee was discussed in July and he asks for motion.

Bruce Schulte leaves the room.

Break is called at 11:00 am.

Meeting resumes 11:10 am.

*Bruce Schulte moves to approve with delegation.
Nick Miller seconds the motion.*

Bruce Schulte states that there has been lots of testimony in this matter but that he is looking at the current regulation that defines the measurement as the “shortest pedestrian route”. He feels that this property meets the requirement. He addresses risk to youth and states that the playground appears to be fenced off and he believes that he does not see a rational basis for denying this renewal based on an overly restrictive interpretation of the rules.

Mark Springer states that when the license was first approved in December 2018 the license passed unanimously.

Erika McConnell clarifies that no one was aware of the location situation in December.

Mark Springer states that “School Ground” and Pedestrian Route matters are under discussion. He finds breaking a trail impedes this access being a pedestrian route. He gives very little weight to anonymous comments.

Erika McConnell clarifies that the anonymous letters are considered “comments” not official objections.

Nick Miller states that lots was done in July and the fact that the past measurements having been done show the distance is over 500 feet and he will support renewal

Nick Miller, Bruce Schulte, and Mark Springer vote yes, Loren Jones and Christopher Jaime vote no.

Motion carries 3-2.

Sincerely,

TJ Zielinski

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

October 25, 2019

Ericka McConnell, Director
AMCO
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501

Director McConnell,

Alaska State regulations dictate that the Alaska Marijuana Control Office (AMCO) not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground. Regulations specify that the distance must be measured by the shortest pedestrian route from the public entrance of the marijuana establishment building to the outer boundaries of the school ground. Further, Alaska State statute clearly defines the school ground as land contained within the real property boundary line (lot line).

Alaska Statutes 2018 | Article 4. Definitions. | Sec. 11.71.900. Definitions.

AS 11.71.900 (30) ***“school grounds” means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool, elementary, or secondary school;***

There is no ambiguity on these points.

The limited marijuana cultivating facility operated by Mr. Happy Farms, LLC (MHF), owned by Matthew Shelter and Thomas Dicus, is constructed on property that shares a common lot line with Shaw Elementary school. The shortest pedestrian route from the public entrance to the limited marijuana cultivating facility around the corner of the facility and to the lot line of Shaw Elementary School is estimated to be approximately 90 feet. The size of the MHF property is such that there is no physical way for the marijuana cultivating facility to be moved or re-constructed on MHF property and be 500 feet or greater distance from the school grounds and in compliance with regulations. AMCO should not allow continued operation of MHF on this property.

The purpose of this letter is to:

- Show that the owners of MHF knew the business was not in compliance with the 500-ft separation requirement, had discussed separation requirements with the Mat-Su Borough, and had been referred to AMCO for state requirements. They incorrectly certified on their application that they met the 500-ft separation requirement.

- Point out that the AMCO staff did not catch this inaccurate representation in their review of the initial application.
- Demonstrate that when this discrepancy was first brought to the attention of the AMCO Board at its July meeting questions arose on the definition of the shortest pedestrian route. The Board was to meet and establish clarity before deciding on compliance.
- Show that in the absence of clarity, at its September meeting the AMCO Board decided to allow continued operation of MHF.
- Request that AMCO find that MHF is not in compliance and revoke the license allowing continued operation of MHF at its current location, abutting the Shaw Elementary School property.

The following timeline will provide helpful context:

Spring 2018 – In February, March, and April 2018 MHF met with Mat-Su Borough Planner, Mark Whisenhunt. They discussed the fact that the building plans showed the facility to be within close proximity of school property. Mr. Whisenhunt explained that the Borough did not have requirements for Limited Marijuana Cultivating facilities and referred MHF to the AMCO for State of Alaska requirements. MHF misrepresented this discussion to their attorney, indicating that the Borough “didn’t see it as an issue due to the distance from the actual school and the thickness of the forest”, reference June 11, 2019 email from MHF attorney (Attachment 1). This is a very misleading statement and is directly countered by Mr. Whisenhunt’s email (Attachment 2) in which he recalls the discussion with MHF representatives and clearly states that their office would not make opinions on State of Alaska standards and they always refer customers to AMCO.

Summer 2018– Mr. Happy Farms completed construction of the building, prior to application to AMCO. Refer to statement from Thomas Dicus (Attachment 3).

December 2018 - Matthew Shelter and Thomas Dicus certify on their application that their building is “not within 500 feet of a school ground”, knowing full well that they had already constructed in close proximity to the school boundary. The drawing included as part of the application identified a 60-foot distance to the property lot line, but did not identify that property is owned by the Mat-Su Borough school district. There does not appear to be any evidence that MHF followed the recommendation of the Mat-Su Borough planner and had a discussion with AMCO staff about the proximity to school grounds. One could reasonably assume they didn’t want to have this discussion because they knew the outcome would prevent their business operation. AMCO did not catch the misrepresentation during their new application review because AMCO does not apparently have a process in place to verify this requirement – unlike other qualifying statements, such as being a felon. Had AMCO staff known the business facility was in such close proximity to the school grounds, the license would surely not have been presented to the board for approval.

May 2019 - The fact that the MHF facility is in very close proximity to Shaw Elementary school grounds was brought to AMCO's attention.

July 29, 2019 – In the AMCO Board meeting, there was a discussion about the distance of the facility from school grounds. There were differing opinions offered as to how to interpret regulatory requirements, particularly as relates to the “shortest pedestrian route” between the marijuana facility and the school grounds. The Board decided to allow MHF to continue operating until the Board could meet again and gain a clearer understanding of the regulation. The July Board minutes are not yet available, however a review of the audio recording will confirm.

AMCO staff did not share in the July Meeting (not found in the July meeting audio recording) that the Board could revoke this license for misrepresentation of information as provided by Article 8. Enforcement; Civil Penalties 3 AAC 306.810. Suspension or revocation of license (1) misrepresented a material fact on an application for a marijuana establishment license, or an affidavit, report, or signed statement under AS 17.38 or this chapter.

July 30, 2019 through September 10, 2019 - AMCO staff, through their Regulations Project Committee (headed by Loren Jones, Nick Miller, and Erika McConnell) had this time frame to complete a review and prepare for discussion with the AMCO Board. During this time, AMCO staff received several objections to this license renewal - specifically requesting they uphold the 500 foot separation requirement.

September 11, 2019 – In the AMCO Board meeting MHF was listed on agenda under License Renewal. The Board did not receive the clarity from the AMCO staff and the Regulations Project Committee because they were “still working on the project”. Some Board members expressed confusion and frustration with the situation and some seemed to forget they had sought clarity before making a decision. Despite this lack of clarity, the Board approved the license renewal as being in compliance on a vote of 3 to 2. This decision was not fully informed and the Board created their own definition of regulations describing a measurement from the marijuana business to a fence on school property near the playground as an appropriate standard. This is apparent from the following excerpt from the unapproved September Board meeting minutes.

Motion made by Bruce Schulte to approve with delegation:

Bruce Schulte states “that there has been lots of testimony in this matter but that he is looking at the current regulation that defines the measurement as the “shortest pedestrian route”. He feels that this property meets the requirement. He addresses risk to youth and states that the playground appears to be fenced off and he believes that he does not see a rational basis for denying this renewal based on an overly restrictive interpretation of the rules.

For full context, refer to (Attachment 4) for a copy of the unapproved September Board meeting minutes.

The AMCO staff should have recommended that the Board postpone a decision pending completion of their analysis and review by the Regulations Project Committee. The Board routinely postpones decisions and should have done so in this instance.

To further illustrate the importance of adhering to regulatory definitions, the Board appears to have not considered objections that had been submitted in writing when deciding to use the playground fence as the criteria to establish “school grounds”. Information had been providing indicating that Shaw Elementary, the largest elementary school in the MSB, often sends their children into the woods on established trails (beyond the playground fence) during their daily PE classes throughout the school year. They also place Geocaches in the woods for their youth to find- provided in writing to AMCO and included in the meeting tab for September Board meeting.

On November 19th a resolution will be introduced to the Mat-Su Borough Assembly (by Assemblyman Sumner) asking AMCO to reconsider their interpretation of their regulation decision on Mr. Happy Farms and to not allow the permitting of marijuana licenses in such close proximity of schools grounds, thereby protecting Mat-Su Borough schools. The Mat-Su Borough requires 1,000 foot separation from schools for all other marijuana licenses in the Valley. They leave the enforcement of the 500 foot separation for Limited Marijuana Cultivation facilities to be upheld by the AMCO Board.

Ultimately, the AMCO Board decision on the license for Mr. Happy Farms sets precedence for future licenses and can affect other schools in Alaska.

I am requesting that this issue be placed again on the AMCO Board agenda for November with a recommendation to rescind the license for Mr. Happy Farms, LLC. I also request that AMCO consider strengthening your internal assurance process to verify future applicants are accurately representing regulatory compliance with school ground separation regulations. One way to strengthen this assurance would be to require applicants to identify adjacent property owners on their applications.

Respectfully,

Sam A. Hanson

CC: Alaska Attorney General's Office
AMCO Licensing

Mat-Su Office of the Governor
Senator Shower
Senator Wilson
Mat-Su Borough School District
Mat-Su Borough Assembly

Attachments:

1. MHF Attorney Comments- 2019
2. MSB Planning Comments- 2019
3. Establishment of MHF Building 2018
4. 2019- September Unapproved Board Minutes

From: [Hoelscher, James C \(CED\)](#)
To: [Klinkhart, Glen Edward \(CED\)](#)
Cc: [AMCO Admin \(CED sponsored\)](#); [CED AMCO Enforcement \(CED sponsored\)](#); [Davies, Jason M \(CED\)](#); [Bankowski, Joe \(CED\)](#)
Subject: RE: Mr. Happy Farms
Date: Friday, January 24, 2020 10:52:41 AM

Criminal Code definition of school grounds is:

AS 11.71.900

(30) "school grounds" means a building, structure, athletic playing field, playground, parking area, or land contained within the real property boundary line of a public or private preschool, elementary, or secondary school;

From: Hoelscher, James C (CED)
Sent: Friday, January 24, 2020 10:49 AM
To: 'Klinkhart, Glen Edward (HSS) (glen.klinkhart@alaska.gov)' <glen.klinkhart@alaska.gov>
Cc: AMCO Admin (CED sponsored) <amco.admin@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>; Davies, Jason M (CED) <jason.davies@alaska.gov>; Bankowski, Joe (CED) <joe.bankowski@alaska.gov>
Subject: RE: Mr. Happy Farms

I should add that this would be dependent on the definition of "school grounds".

James

From: Hoelscher, James C (CED)
Sent: Friday, January 24, 2020 10:44 AM
To: 'Klinkhart, Glen Edward (HSS) (glen.klinkhart@alaska.gov)' <glen.klinkhart@alaska.gov>
Cc: AMCO Admin (CED sponsored) <amco.admin@alaska.gov>; CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>; Davies, Jason M (CED) <jason.davies@alaska.gov>; Bankowski, Joe (CED) <joe.bankowski@alaska.gov>
Subject: FW: Mr. Happy Farms

Glen,

I brought the distance to Erika's attention on May 31st, 2019 after receiving a complaint about the distance to the school property. I asked Bankowski to find information from the borough regarding property lines and distances. I also had a conversation with Erika afterwards about it, to where her response along the lines of, If the board approves it, there is not much we can do.

It was opinion then, as it now that this specific licensed premises is within 500 feet of school grounds as the measurement would be from the entrance of the premises to the property line of the school.

3 AAC 306.010. License restrictions

(a) The board will not issue a marijuana establishment license if the licensed

premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. **The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground,** the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility. This section does not prohibit the renewal of an existing marijuana establishment license, a license conversion under 3 AAC 306.047, or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or a correctional facility began use of a site within 500 feet. If an existing marijuana establishment license for premises located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility is revoked or expires, the board will not issue another marijuana establishment license for the same premises unless the school ground, the recreation or youth center, the building in which religious services are regularly conducted, or the correctional facility no longer occupies the site within 500 feet.

I do not think the board should have approved this license as it is in violation of 3 AAC 306.010(a). I am unsure of any action that can be taken or any process that can occur to bring this up, but I wanted you to be aware of the facts in regards to this complaint.

Thank you,

James

From: Sam Hanson [<mailto:akhansons@hotmail.com>]

Sent: Friday, January 24, 2020 9:33 AM

To: Hoelscher, James C (CED) <james.hoelscher@alaska.gov>; AMCO Admin (CED sponsored) <amco.admin@alaska.gov>

Subject: Mr. Happy Farms

Director Klinkhart and James,

I requested of Erika that Mr. Happy Farms License be revisited (letter below and attached AMCO Letter 102519).

This is a documentation of AMCO's timeline on this license and supportive information.

I hope this help you when you discuss Mr. Happy Farms.

Sam Hanson
841-6565

Not included is:

The MSB uses a straight line of measurement for Marijuana Licenses at 1,000 feet (from facility to school lot line).

They leave Limited Cultivation Facilities to be enforced by AMCO's 500 foot setback.

AMCO staff did not share how the MSB measures in our area and did not take this into consideration with discussing their 60 foot distance from Shaw Elementary.

Even Anchorage has their specific measurement- using a straight line from school lot line to facility:

[Anchorage, Alaska - Code of Ordinances TITLE 21 - LAND USE PLANNING \(NEW CODE - Effective January 1, 2014\)*](#)

[Chapter 21.05 - USE REGULATIONS \(NEW CODE - Effective January 1, 2014\)](#)

- b. Additionally, all marijuana establishments shall be separated from schools (items 2.c.i., 2.c.ii., and 2.c.iii. below) by at least 500 feet, as measured via a straight line from the lot line of the marijuana establishment to the closest lot line of the school. Applicants who have initiated a State of Alaska marijuana license on or before January 1, 2017, are exempt from this provision.

Federal Drug Free Zone, asks for a 1,000 foot setback from our schools and Alaska established it at 500 feet. State regulations define a school ground as it's entire lot using it's lot line as the boundary. Alaska Statutes Criminal Law states that a 500 foot is mandatory setback for all controlled substances which result as a charge in the fourth degree is a class C felony. Both do not allow for "shortest pedestrian route" to qualify this setback..

From: Sam Hanson

Sent: Friday, October 25, 2019 2:38 PM

To: McConnell, Erika B (CED) <erika.mcconnell@alaska.gov>; marijuana.licensing@alaska.gov <marijuana.licensing@alaska.gov>; torney.general@alaska.gov <torney.general@alaska.gov>; Smoldon, Todd D (GOV) <todd.smoldon@alaska.gov>; Jake Almeida <Jake.Almeida@akleg.gov>; Senator.David.Wilson@akleg.gov <Senator.David.Wilson@akleg.gov>; Jesse Sumner <jessesumnerdistrict6@gmail.com>

Subject: AMCO November Board Meeting

October 25, 2019

Erika McConnell, Director

AMCO

550 West 7th Avenue, Suite 1600

Anchorage, AK 99501

Director McConnell,

Alaska State regulations dictate that the Alaska Marijuana Control Office (AMCO) not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground. Regulations specify that the distance must be measured by the shortest pedestrian route from the public entrance of the marijuana establishment building to the outer boundaries of the school ground. Further, Alaska State statute clearly defines the school ground as land contained within the real property boundary line (lot line).

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The purpose of this letter is to:

- Show that the owners of MHF knew the business was not in compliance with the 500-ft separation requirement, had discussed separation requirements with the Mat-Su Borough, and had been referred to AMCO for state requirements. They incorrectly certified on their application that they met the 500-ft separation requirement.
- Point out that the AMCO staff did not catch this inaccurate representation in their review of the initial application.
- Demonstrate that when this discrepancy was first brought to the attention of the AMCO Board at its July meeting questions arose on the definition of the shortest pedestrian route. The Board was to meet and establish clarity before deciding on compliance.
- Show that in the absence of clarity, at its September meeting the AMCO Board decided to allow continued operation of MHF.
- Request that AMCO find that MHF is not in compliance and revoke the license allowing continued operation of MHF at its current location, abutting the Shaw Elementary School property.

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September 11, 2019 – In the AMCO Board meeting MHF was listed on agenda under License Renewal. The Board did not receive the clarity from the AMCO staff and the Regulations Project Committee because they were “still working on the project”. Some Board members expressed confusion and frustration with the situation and some seemed to forget they had sought clarity before making a decision. Despite this lack of clarity, the Board approved the license renewal as being in compliance on a vote of 3 to 2. This decision was not fully informed and the Board created their own definition of regulations describing a measurement from the marijuana business to a fence on school property near the playground as an appropriate standard. This is apparent from the following excerpt from the unapproved September Board meeting minutes.

Motion made by Bruce Schulte to approve with delegation:

Bruce Schulte states "that there has been lots of testimony in this matter but that he is looking at the current regulation that defines the measurement as the "shortest pedestrian route". He feels that this property meets the requirement. He addresses risk to youth and states that the playground appears to be fenced off and he believes that he does not see a rational basis for denying this renewal based on an overly restrictive interpretation of the rules.

For full context, refer to (Attachment 4) for a copy of the unapproved September Board meeting minutes.

The AMCO staff should have recommended that the Board postpone a decision pending completion of their analysis and review by the Regulations Project Committee. The Board routinely postpones decisions and should have done so in this instance.

To further illustrate the importance of adhering to regulatory definitions, the Board appears to have not considered objections that had been submitted in writing when deciding to use the playground fence as the criteria to establish "school grounds". Information had been providing indicating that Shaw Elementary, the largest elementary school in the MSB, often sends their children into the woods on established trails (beyond the playground fence) during their daily PE classes throughout the school year. They also place Geocaches in the woods for their youth to find- provided in writing to AMCO and included in the meeting tab for September Board meeting.

On November 19th a resolution will be introduced to the Mat-Su Borough Assembly (by Assemblyman Sumner) asking AMCO to reconsider their interpretation of their regulation decision on Mr. Happy Farms and to not allow the permitting of marijuana licenses in such close proximity of schools grounds, thereby protecting Mat-Su Borough schools. The Mat-Su Borough requires 1,000 foot separation from schools for all other marijuana licenses in the Valley. They leave the enforcement of the 500 foot separation for Limited Marijuana Cultivation facilities to be upheld by the AMCO Board.

Ultimately, the AMCO Board decision on the license for Mr. Happy Farms sets precedence for future licenses and can affect other schools in Alaska.

I am requesting that this issue be placed again on the AMCO Board agenda for November with a recommendation to rescind the license for Mr. Happy Farms, LLC. I also request that AMCO consider strengthening your internal assurance process to verify future applicants are accurately representing regulatory compliance with school ground separation regulations. One way to strengthen this assurance would be to require applicants to identify adjacent property owners on their applications.

Respectfully,

Sam A. Hanson

841-6565

CC: Alaska Attorney General's Office

AMCO Licensing

Mat-Su Office of the Governor

Senator Shower

Senator Wilson

Mat-Su Borough School District

Mat-Su Borough Assembly

Attachments:

1. MHF Attorney Comments- 2019
2. MSB Planning Comments- 2019
3. Establishment of MHF Building 2018
4. 2019- September Unapproved Board Minutes

From: Thomas DePeter Jr.
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Onsite Consumption
Date: Friday, January 24, 2020 9:06:01 AM

Allowing onsite consumption on cannabis is totally insane.

I'm sure the argument is you can have a drink at a bar, why not allow someone to smoke cannabis on site.

Well the simple difference is you can consume a beer and not be impaired. I don't know anyone who can smoke a joint and not be impaired, especially with the higher potency if today's cannabis.

I feel the board should rethink its decision to allow on site use.

Asking for problems, in my mind.

Thanks.

Tom DePeter Jr.

From: [CED AMCO REGS \(CED sponsored\)](#)
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Subject: Trying to the Marijuana board.
Date: Monday, January 27, 2020 11:32:46 AM

For MCB's inbox.

Jane

From: CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>
Sent: Monday, January 27, 2020 11:32 AM
To: kevinfortney@yahoo.com; CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>
Subject: RE: Trying to the Marijuana board.

Your comments have been received. They will be forwarded to the marijuana board's inbox which will be seen by the board at our April meeting.

Thank you
Jane Sawyer
Regulations Specialist
Alcohol and Marijuana Control Office
907-269-0350

From: Kevin Fortney <kevinfortney@yahoo.com>
Sent: Friday, January 24, 2020 11:09 PM
To: CED AMCO REGS (CED sponsored) <amco.regs@alaska.gov>
Subject: Trying to the Marijuana board.

There was a time that I was fully supportive of legalizing marijuana use. After living with a marijuana dependent room mate, who herself and tens of her friends get high and then climb into their cars... Bullshit.

All legalizing marijuana has done in Alaska is to give stoners a reason to feel like they have the right to get high and climb behind a wheel of a car.

I almost daily can smell the odor of marijuana coming from a random car as I run my daily errands.

Even worse, my room mate and her family, pool their resources together to buy bulk marijuana where Sharon Leyde, makes Marijuana butter that eventually turns into edibles and then illegally sells these.

Calling out bull shit on the legalization of marijuana. It is like telling idiots that getting drunk and driving is a bit more legal.

No more!!! Marijuana has to go. All legalizing this drug has done is to make those who use it

more righteous to use it and abuse it.

Sincerely,

Kevin Fortney

[Sent from Yahoo Mail on Android](#)

From: Lacy Wilcox
To: [Marijuana, CED ABC \(CED sponsored\)](#)
Cc: [AMIA BOD](#)
Subject: General Public Comment for April 2-3, 2020 MCB Meeting
Date: Friday, March 13, 2020 12:43:34 PM
Attachments: [AMIA Public Comment General for MCB 3-13-2020.pdf](#)

Please see attached general public comment from the AMIA to be included in the April board packet.

Thank you,
Lacy Wilcox, President
AMIA



March 13, 2020

Via email:

Members, Marijuana Control Board (MCB)
Director, Glen Klinkhart, Alaska Marijuana Control Office (AMCO)

Dear MCB, AMCO Director and Staff,

The Alaska Marijuana Industry Association (AMIA) would like to take the opportunity to highlight outstanding transportation issues, as well as thank AMCO for issuing continued guidance on regulatory changes that help our membership maintain compliance.

Transportation

Product transportation continues to be a major security and safety concern for our membership. AMIA maintains that addressing product transportation issues will be one of the most effective ways to address current industry and public safety concerns. Transporting high value product and large sums of cash poses inherent risks to the industry and the public. Once again, we advocate that AMCO and MCB take action to move to adopt some of the commonsense fixes to the regulations that will increase safety and efficiency.

We encourage the Director and AMCO staff to consider implementing potential fixes that AMIA's Transportation Working Group submitted on 20-Jan, 2020. Delays in implementing changes to transportation regulations will continue to expose the industry and the public to unnecessary security and safety risks.

Guidance on Regulatory Changes

The AMIA would like to thank AMCO for their recent guidance on "regulation changes to tracking and testing of marijuana" provided via the Advisory Notice sent out by Officer Hoelscher on March 6th, 2020. Such advisory notices are key for communicating regulation changes and the expected interpretations by enforcement. As one of the most regulated industries in the state, licensees are constantly challenged to maintain compliance. The AMIA strives to track regulatory changes and share information with our membership.

The AMIA tracks regulatory changes in order to direct our membership to the most up to date resources regarding compliance and best business practices. However, we are not an organization that can provide our members advice or counsel, so it is vital that the state does. Advisory notices that are particularly helpful for our membership include:

- Enforcement's interpretation of regulations
- Laymen's language version of regulatory language
- Real world examples of how regulation changes should be implemented

We appreciate the efforts of AMCO and the Marijuana Control Board to continue to improve the industry. We look forward to continuing to work together to that end.

Respectfully,

Alaska Marijuana Industry Association
Board of Directors

The Alaska Marijuana Industry Association is Alaska's only statewide cannabis industry trade group. Our mission is to promote and advocate for a vibrant and reasonably regulated Alaska-based marijuana industry. The AMIA serves to strengthen and enhance a network of connected, independent, informed, regionally and community directed Alaska marijuana organizations.

www.alaskamarijuanaindustry.org