July 28, 2020

Glen Klinkhart, Director
Alcohol & Marijuana Control Office
550 W 7th Ave #1600
Anchorage, AK 99501

Dear Mr. Klinkhart and Members of the Board:

I am writing to you to object to the renewal of Mr. Happy Farms LLC, License #17692 limited marijuana cultivation facility located at 3900 N. Sierra St. in Wasilla, Alaska. I implore you to not renew this applicant's license for the upcoming year, and forward. The reasons I give are clear, and are not opinion-based, but regulation-based.

Since the inception of Mr. Happy Farms LLC at 3900 N. Sierra St. in Wasilla, Alaska, this business has not complied with AMCO's written regulations, Matanuska-Susitna Borough Code, or our active subdivision covenants.

My residence, 3850 N. Sierra St., Wasilla, Alaska 99654, is adjacent to Mr. Happy Farms LLC. I am asking that you uphold your clearly-defined agency regulations for AMCO.

While regulations put forth by the borough and our subdivision may not be within your jurisdiction, it seems necessary that you consider both, as all of these components should have been reviewed prior to Mr. Happy Farms LLC being issued a license in our subdivision.

LEGALITIES

After carefully reviewing Mr. Happy Farms LLC's application for renewal which was submitted to AMCO in June 2020, I find it concerning that this business is able to certify that "A notice of violation has not been issued to this license between July 1, 2019 and June 30, 2020." While this may be true, this statement indicates to me that AMCO is unaware of Mr. Happy Farms LLC's underlying, and substantial violations, as Mr. Happy Farms LLC has not provided truthful statements to AMCO. Let's begin by examining the violations to AMCO regulations, as these are directly within your power.

AMCO REGULATION VIOLATIONS

SCHOOL GROUND PROXIMITY VIOLATION

Mr. Happy Farms LLC License #17692 (3900 N. Sierra St., Wasilla, Alaska) shares a lot line with Shaw Elementary School. Mr. Happy Farms LLC certified that this business was not within 500 feet of a school grounds: an untrue statement. Mr. Happy Farms LLC cultivation facility is located less than 100 feet from the shared lot line with Shaw Elementary School.

AMCO Regulation AAC 306.010

- AMCO's 3 AAC 306 REGULATIONS FOR THE MARIJUANA CONTROL BOARD, under Section 3 **AAC 306.010**. License Restrictions CLEARLY state that the LEGAL setback of a licensed cultivation facility MUST be a minimum of 500 feet from the outer boundaries of the school ground.

ODOR VIOLATIONS: MARIJUANA EMISSIONS INTO THE AIR

Since the inception of Mr. Happy Farms LLC, I have sporadically, yet consistently smelled marijuana in the air on my property. This has affected my quality of life in numerous ways. The emissions from this cultivation facility have limited my time outside on my own property. I have ceased opening my doors or windows as there have been instances when the smell has infiltrated the entire ground level of my house. I have allergies which are exacerbated by this smell. The smell has irritated my eyes, causing them to burn.

Beyond my olfactory sense causing severe limitations for me on my own residential property, studies are currently being conducted which point to raised health concerns over emissions from marijuana cultivation facilities (Colorado.gov):

"Growing cannabis emits highly reactive volatile organic compounds (VOCs). Marijuana Infused Product (MIP) facilities also emit VOCs from solvent extraction processes. Both types of VOCs from the cannabis industry contribute to ozone formation in Denver's ozone nonattainment area." While this is a study conducted in the Denver area, the facts remain the same (and as a government agency, I am certain you are aware of all health implications).

These harmful pollutants are now in my own backyard—not by choice. I am also concerned about a close neighbor, who at 96 years old, has a sensitive immune system; she has also smelled the odor from his cultivation facility.

Attached to this letter, you are receiving a record of my emails sent to Jason Davies at the Alcohol & Marijuana Control Office in Anchorage. Keep in mind, I am a full-time school teacher who works a summer job. I am a busy person. I am not always home, nor am I able to always find the time to report every single incident of odor emanating from Mr. Happy Farms LLC. Once summer began this year, I was working 12-hour shifts and rarely home. The substantial number of times that I have had to write emails, often when having to work the next morning, teaching 180 high school students, is unconscionable. No one should have to live like this. No one should have their sanctuary taken from them on their own property, especially by an unlawful business which has no legal right to have established in a residential subdivision in the first place.

There have been a few times when an inspector was sent out to Mr. Happy Farms LLC, specifically to evaluate the smell in the air. Post-evaluation, nothing has changed: the smell persists and is

severely impacting my life and livelihood at my residence, as well the aforementioned concerns above.

Additional Violations: Local Government

While the following violations are not in the jurisdiction of AMCO, they are worthy of mention, as they allow AMCO insight into the depth of the issue when the AMCO board meets to decide whether to grant a license renewal for MR. Happy Farm LLC.

MAT-SU BOROUGH CODE VIOLATION

Matanuska-Susitna Borough Code 17.60.150 under General Standards for Marijuana Related Facilities states that such facilities MUST be "one thousand feet of school grounds."

As an educator, I speak from the standpoint of an individual who values the safety of our children above all others; I hope that your agency fosters and shares this same sentiment. In this case, however, it is not personal standpoints that matter; it is the law.

As mentioned, Mr. Happy Farms LLC is located a mere 60 feet from the lot line which borders Shaw Elementary School's property.

SUBDIVISION COVENANT VIOLATION

Shaw's Tri Lakes Addition #4 (Mr. Happy Farms LLC is situated in Addition #4) has ACTIVE covenants (successive, automatically renewed) which clearly outline the legal requirements which must be met for land use:

Part B: Protective Covenants
1. Land Use and Building Type: All lots shall be used for **single family residences**. Neither will there be permitted any conduct, enterprise or usage that may create a nuisance, be unlawful, or act detrimentally to the peace, dignity or value of the property described herein. It is further understood that the keeping of partially dismantled vehicles, junked cars, or unused equipment on the premises is prohibited unless such vehicles are being used for transportation. **Commercial businesses are NOT permitted in Shaw's Tri Lakes addition #4.**

Covenants, as you know, are legally binding, enforceable, and if breached, may be legally disputed.

ADDITIONAL INFORMATION

Foreclosure: During the summer of 2019, 3900 N. Sierra St., Wasilla, Alaska 99654, entered foreclosure and auction (www.zillow.com). Were you notified by Mr. Happy Farms LLC of this incident?

HOW DOES YOUR AGENCY WANT TO BE REPRESENTED?

Mr. Happy Farms LLC does not represent the integrity of the Alcohol & Marijuana Control Office.

Mr. Happy Farms LLC has NO legal grounds to continue its business at 3900 N. Sierra St., Wasilla, Alaska, due to AMCO regulations with regards to school proximity, delinquent taxes, and innumerable odor violations—notwithstanding local laws that have not been upheld. It is only through Mr. Happy Farm LLC's dishonesty with the Alcohol & Marijuana Control Office that this license was granted in the first place.

Again, I am asking that Mr. Happy Farms LLC's License #17692 be revoked. This is not an opinion piece expressing my views on the legalization of marijuana in the state of Alaska: we both know that the state of Alaska has written both grow and retail operations. But, we MUST uphold the regulations put forth by AMCO for the placement of marijuana cultivation facilities, and Mr. Happy Farms LLC's license was granted in error, based on the information that AMCO was provided.

The revocation of License #17692, Mr. Happy Farms LLC, should be an easy decision for any agency who is principled and who desires to uphold the law and the integrity of their establishment.

Kind Regards,

Kelly Kuzina
A Concerned Citizen

July 30, 2020

Odor violations: Mr Happy Farms LLC located at 3900 N Sierra St. Wasilla, Alaska 99654

Please note: During the fall of 2019, I was in the hospital for a period of time which necessitated my absence from work through December 2019. As a result, my days were spent indoors, after a major surgery, recovering. I felt you should be aware of the reason that my emails began in January of this year.

Nonetheless, numerous odor complaints were submitted by a neighbor, as well as visitors, which is evidence enough that the smell of marijuana emanating from Mr. Happy Farms LLC strongly persisted on my private property during this time period.

Please see my attached odor complaint log, which indicates when each of my odor complaint emails were sent to AMCO.

Thanks,

Kelly Kuzina

* Please note: ALL of my emails listed here have been sent to Jason Davies - ALL are odor complaints

Mr. Happy Farms LLC | ODOR COMPLAINTS | Kelly Kuzina

Located 221 Feet From Facility | 3850 N. Sierra Drive

WHO RECEIVED CONTACT:

JH (James Hoelscher) **JH** (Joe Hamilton) **ST** (State Troupers)
AO (AMCO Office) **P** (Spoke on Phone/AMCO) JD (Jason Davies)

CONTACT JD (Jason Davies): ALL	SENT/EMAIL Date/Time	ODOR Date/Time
JH JP ST AO P	1/16/20 4:24pm	1/14/20 10:03pm
JH JP ST AO P	1/16/20 4:24pm	1/15/20 4:23pm
JH JP ST AO P	1/21/20 10:53pm	1/21/20 10:47pm
JH JP ST AO P	1/23/20 5:01pm	1/23/20 4:24pm
JH JP ST AO P	1/24/20 8:47pm	1/23/20 10:42pm
JH JP ST AO P	2/5/20 10:17pm	2/5/20 9:59pm
JH JP ST AO P	2/5/20 11:21pm	2/5/20 11:18pm
JH JP ST AO P	2/6/20 10:50pm	2/6/20 3:23pm
JH JP ST AO P	2/6/20 10:50pm	2/6/20 10:47pm
JH JP ST AO P	2/8/20 11:25pm	2/8/20 11:16pm
JH JP ST AO P	2/12/20 10:31pm	2/12/20 9:38pm
JH JP ST AO P	2/12/20 10:31pm	2/12/20 10:29pm
JH JP ST AO P	2/19/20 7:47pm	2/19/20 7:37pm
JH JP ST AO P	2/23/20 7:25pm	2/23/20 7:21pm
JH JP ST AO P	2/23/20 9:25pm	2/23/20 9:20pm

Mr. Happy Farms LLC | ODOR COMPLAINTS | Kelly Kuzina

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AO (AMCO Office) **P** (Spoke on Phone/AMCO) JD (Jason Davies)

CONTACT	SENT/EMAIL Date/Time	ODOR Date/Time
JD (Jason Davies): ALL JH JP ST AO P	2/23/20 9:29pm	2/23/20 9:27pm
JH JP ST AO P	2/26/20 7:23pm	2/26/20 7:20pm
JH JP ST AO P	2/28/20 11:52pm	2/28/20 9:40pm
JH JP ST AO P	3/9/20 12:51pm	3/9/20 12:47pm
JH JP ST AO P	3/14/20 10:41pm	3/14/20 10:38pm
JH JP ST AO P	3/18/20 10:57pm	3/18/20 10:50pm
JH JP ST AO P	3/20/20 4:45pm	3/20/20 4:07pm
JH JP ST AO P	3/22/20 8:13pm	3/22/20 8:05pm
JH JP ST AO P	3/26/20 5:18pm	3/26/20 4:45pm
JH JP ST AO P	4/8/20 7:57pm	4/8/20 7:45pm
JH JP ST AO P	4/8/20 9:37pm	4/8/20 9:30pm
JH JP ST AO P	4/10/20 11:41pm	4/10/20 11:15pm
JH JP ST AO P	4/18/20 11:49pm	4/18/20 9:40pm-10:45pm
JH JP ST AO P	4/18/20 11:49pm	4/18/20 11:40pm
JH JP ST AO P	4/19/20 9:08pm	4/19/20 4:30pm

Mr. Happy Farms LLC | ODOR COMPLAINTS | Kelly Kuzina

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AO (AMCO Office) **P** (Spoke on Phone/AMCO) JD (Jason Davies)

CONTACT	SENT/EMAIL Date/Time	ODOR Date/Time
JD (Jason Davies) ALL		
JH JP ST AO P	4/19/20 9:17pm	4/19/20 9:10pm
JH JP ST AO P	4/21/20 4:22pm	4/21/20 4:15pm
JH JP ST AO P	4/21/20 10:31pm	4/21/20 10:27pm
JH JP ST AO P	4/28/20 8:57pm	4/28/20 8:53pm
JH JP ST AO P	5/11/20 10:32pm	5/11/20 10:29pm
JH JP ST AO P	6/15/20 4:02pm	6/15/20 7:15am
JH JP ST AO P	6/22/20 8:17pm	6/22/20 12:51pm
JH JP ST AO P	3/13/20 12:55am	3/12/20 11:45pm
JH JP ST AO P	3/13/20 12:55am	3/12/20 11:49pm
JH JP ST AO P		
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JH JP ST AO P		