Notice of Violation

(3AAC 306.805)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 9/14/20

License #/Type: 22150 Marijuana Retail Stores

Licensee: Chrism Leimbach

Address: 901 Photo Ave, Ste A, Anchorage, AK

DBA: Top Shelf Herbs of Alaska

AMCO Case #: AM20-1008

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

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

On or about 9-2-20 at approximately 1400 hours, Inv. Hamilton observed an inflatable tube with the wording "Marijuana" and a marijuana flower symbol on it, at the corner of Photo Ave and N. Start St. Upon further investigation, it appeared the tube was advertising your establishment. Noticed on the building were three signs advertising your business in the window and two signs attached to the outside of the building, one on the west side of facility and one on the north side of the facility.

Your attention is referred to:

3 AAC 306.770. Signs, merchandise, advertisements, and promotions:

(b) A licensed marijuana establishment may have not more than three signs that are visible to the general public from the public right- of-way. Two of the three signs may only be placed in the marijuana facility's window or attached to the outside of the licensed premises. The size of each sign may not exceed 4,800 square inches. A sign meeting these requirements is not advertising or promotions.

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice of Violation. A licensee may respond, either orally or in writing to the Notice. 3 AAC 306.810 (2)(A)(B)(C) failed, within a reasonable time after receiving a notice of violation, to correct any defect that is the subject of the notice of violation of AS 17.8 or this chapter.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your marijuana license number in your response.**

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: M. Chiesa

Received by:

SIGNATURE: F.R. Hamilton

SIGNATURE:

Delivered VIA: Email

Date:

updated 4/23/19

Birch Horton Bittner & Cherot
a professional corporation

Jason Brandeis
Respond to Anchorage Office
T 907.263.7243 • F 907.276.3680
jbrandeis@bhb.com

September 23, 2020

VIA ELECTRONIC DELIVERY

Alcohol & Marijuana Control Office
Attn: Enforcement
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501

RE: Case #AM20-1008
Our File No.: 508190.1

Dear AMCO Enforcement Staff:

Top Shelf Herbs hereby responds to the September 14, 2020 Notice of Violation issued for AMCO Case # AM20-1008.

Any violations of the regulations present in this case were unintentional. The licensee reasonably relied on AMCO's approval of permissible signage at the time of its initial inspection, and made subsequent changes based off of that initial interpretation. However, the applicable regulation governing signage at marijuana establishments is also sufficiently vague so as a to be potentially unenforceable in this situation. Accordingly, the licensee requests guidance from AMCO regarding permissible signage at its facility and that no further punitive action be taken on this case.

From the licensee's perspective, the facts in this matter are as follows:

1. On July 13, 2020 AMCO and Municipality of Anchorage inspectors were present at the facility for the initial inspection. At the time of the initial inspection, Top Shelf had three window covering stickers with the store logo in the windows on the north (Northern Lights Blvd) side of the store and a banner with the store name above the entrance. Top Shelf passed its initial inspection and was allowed to begin operating. No indication was given that Top Shelf was in violation of the sign regulations at that time.

2. Top Shelf did not consider the window coverings to be signs. To the extent the window coverings were considered signs, AMCO inspectors approved of three window covers and one banner sign on the building at the time of the initial inspection. It was therefore reasonable for Top Shelf to rely on this action as approval of their signage. Since this format was approved, AMCO inspectors either considered this to be one sign only (the banner sign) or two signs (the banner sign and all of the window covers collectively equaling one additional sign).

3. At the time of the inspection, licensee Chism Leimbach explained that the establishment planned to install an additional banner sign on the building and the AMCO inspector did not provide any warning that such action would be a violation of the regulations. This supports the conclusion that AMCO did not consider the window coverings to be signs, and only the one banner was considered a sign, which would allow the addition of another banner sign.

4. A second banner was added on or about July 19, 2020 that stated "Marijuana Store Now Open." Top Shelf considered that tantamount to a standard "open for business" sign that would appear on any establishment, and not the type of signage prohibited by the regulations.

5. On or about July 23, 2020, Top Shelf added a third banner on the west (Photo Ave.) side of the store. That banner included the Top Shelf Herbs of Alaska Logo. Top Shelf considered this to be its second sign, as it did not consider the window coverings or the "open for business" banner to be signs.

6. On August 3, 2020 AMCO issued Advisory Notice #20-0802 identifying lack of compliance with State of Alaska regulations and Municipality of Anchorage ordinances governing signage on marijuana retail stores and advertising. This Advisory Notice stated: "On 7-31-20, AMCO Investigator Hamilton observed two males standing on the South side of East Northern Lights Blvd, just West of Arctic Blvd holding and waving two signs. The two signs depicted what appeared to be advertising for Alaska Top Shelf, a marijuana retail store. One of the signs had cloth attached to it which displayed a large marijuana leaf. When cars would come toward them, both would enter the public right of way, wave the signs at traffic and when traffic slowed, would retreat back to the concrete planters just off the sidewalk."

   Subsequently, Top Shelf instructed the sign-wavers to cease their activities. At the time of this Advisory Notice, Top Shelf had three window sticker coverings, two banner signs with the store name and logo, and one "open for business" banner on the store. No warning was given at that time that such signage was improper.

7. The Marijuana Regulations governing signage on marijuana establishments are vague and do not provide sufficient guidance as to what conduct is or is not permitted. For example, 3 AAC 306.770(b) states that "A licensed marijuana establishment may have not more than three signs that are visible to the general public from the public right-of-way" and only two of them may be placed on the building. However, the term "sign" is not defined in the regulations, leading to confusion about what is or is included in the definition of the term "sign." For instance, 3 AAC 306.325(b) requires a specific type of sign at the entry to a marijuana retail store: a warning that "No one under 21 years of age is allowed." Reading these regulations together, it is not clear whether the "No one under 21" sign is considered one of the three permissible signs under 3 AAC 306.770(b).

Additionally, it is common for marijuana establishments to post signs on their buildings that address security concerns, such as signs stating "No Loitering" or "Premises Under Surveillance." All stores will have signage indicating whether they are open or closed and what their hours of operation are. Under a broad reading of 3 AAC 306.770(b), all of these informational signs may be impermissible if they combine to exceed two total signs attached to the building.

Compare this, for instance, with the Anchorage Municipal Code, which defines "Sign" as "Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement." See AMC 21.15.040. Given that AMCO inspectors initially approved the presence of three window stickers and one banner sign, did not report a violation when noticing the sign-wavers on August 3, and now describe three signs "advertising" the business in the window and two signs attached to the outside of the building, it is clear that guidance regarding analysis of the sign regulation is needed.

8. At this time, Top Shelf is not clear on which signs attached to the building AMCO takes issue with (the NOV states that there are three signs "advertising your business in the window and two signs attached to the outside of the building, one on the west side of the facility and one on the north side of the facility." This would appear to be a total of five signs, clearly beyond the limit, but by that calculation, four signs were present on the date of initial inspection. Clarification is needed.

9. Regarding the "inflatable tube with the wording 'Marijuana' and a marijuana symbol on it," the NOV describes this as advertising, but the licensee argues that this could be considered a sign (see the definition of "Sign, inflatable" in AMC 21.15.080), and under Top Shelf's reasoning that there were only two banner signs on the store, this inflatable sign would therefore be the permissible third sign that is not attached to the licensed premises, Alternatively, if this sign was found to be advertising, the licensee concedes that it did not have the appropriate warning statements. Given the lack of certainty about the status of this item as a sign or an advertisement, the licensee has removed it pending further guidance from AMCO.

For the reasons stated above (reliance on the initial approvals of AMCO and Municipality of Anchorage investigators vagueness in the regulations) and because this is the licensee's first NOV, Top Shelf Herbs requests that this NOV be rescinded and that no further punitive action be taken against the licensee. Top Shelf further requests clarification and guidance from the Marijuana Control Board regarding the extent of the applicability of the sign prohibitions contained in the Marijuana Regulations."

Sincerely,

BIRCH HORTON BITTNER & CHEROT

/S/ Jason Brandeis

JMB:sm

Gmail

Top Shelf Herbs of Alaska LLC <topshelfhoa@gmail.com>

FW: Case #: AM20-1063

1 message

Jason Brandeis <jbrandeis@bhb.com> Thu, Oct 8, 2020 at 5:28 PM
To: "Carrie Leimbach (koolgirl@gmail.com)" <koolgirl@gmail.com>, Top Shelf Herbs of Alaska LLC <topshelfhoa@gmail.com>

Sent today.

From: Jason Brandeis
Sent: Thursday, October 8, 2020 5:09 PM
To: amco.enforcement@alaska.gov
Subject: Case #: AM20-1063

Dear AMCO Enforcement:

I am writing on behalf of Top Shelf Herbs (Lic. #22150) in response to the NOV for Case #: AM20-1063. The Licensee acknowledges that during the time period in question (1345-1415 hours on 9/2/20) five customers (via four transactions) purchased products from the store. However, Top Shelf disputes the allegation that all of these purchases were in violation of 3 AAC 306.345(a)(3).

The NOV states that in all cases the customers were observed purchasing marijuana and exiting the store without the items being placed in opaque packaging. This allegation is accurate for one of the identified instances but not the other three.

3 AAC 306.345(a)(3) states that “marijuana or a marijuana product sold [must be] packaged in opaque, resealable, child-resistant packaging when the purchaser leaves the retail section of the licensed premises.” On its face, that regulation does not require that the items sold must be placed in additional exit packaging, such as an opaque bag. Under the plain language of this regulation, if the item is contained in an opaque container that meets the other requirements, that should be sufficient for regulatory compliance purposes. For clarity, the Board approved an amendment to this regulation that includes this statement: “For the purpose of this paragraph, the opaqueness component of the packaging may be achieved by the consumer placing the marijuana or marijuana product on the consumer’s person in an opaque manner or in the consumer’s personal opaque bag.” However, that that regulation has not yet received final approval from the Lieutenant Governor’s office.

In this case, the revision was approved by the Board prior to Top Shelf’s initial date of operation, and that timing may have led to confusion, as the levels of approval required for new regulation is complicated. Either way, Top Shelf believes that the following three sales, according to the times on security camera footage, complied with 3 AAC 306.045(a)(3) because customers left the store with marijuana or marijuana products in opaque packaging:

- 1350 hours: an employee purchased a pre-roll packaged in an opaque tube.
- 1353 hours: two female customers purchased three pre-rolls that were packaged in opaque tubes.

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- 1400 hours: a male customer purchased a 3.5g package of marijuana flower that was sealed in a black opaque package.

Top Shelf concedes that an error was made with respect to the following transaction:

- 1404 hours: a male and a female customer together purchased edible marijuana products and a 7g package of marijuana flower, which were not in opaque packaging.

Given the pending regulation that allows customers to conceal items on their person or to place items into their own opaque packages, Top Shelf recognizes that (a) that regulation is not yet formally in effect, and (b) Top Shelf has a responsibility to ensure that customers do in fact conceal items purchased that are not in their own opaque packages. Top Shelf has provided additional guidance to all employees to ensure that these procedures are understood and will be followed.

Top Shelf requests that no further action be taken on this matter at this time.

Thank you,

Jason Brandeis

Jason Brandeis, Of Counsel

Birch Horton Bittner & Cherot

510 L Street, Suite 700 | Anchorage AK 99501

Tel. 907.263.7243

jbrandeis@bhb.com | www.birchhorton.com
Bio | vCard

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BEFORE THE ADMINISTRATIVE HEARING OFFICER

FOR THE MUNICIPALITY OF ANCHORAGE

MUNICIPALITY OF ANCHORAGE, Plaintiff, vs. CHISM LEIMBACH dba TOP SHELF HERBS OF ALASKA LLC, Defendant.	))))))))))

MOA Administrative Hearing Office

SEP 29 2020

Administrative Hearing No. 20-0132

Code Enforcement Case No.: LUE119018

STIPULATED ORDER RESOLVING COMPLAINT OF MUNICIPAL CODE VIOLATION

COME NOW the parties, the Municipality of Anchorage, Plaintiff, (hereinafter "plaintiff") through its designated Code Enforcement Officer, and Chism Leimbach dba Top Shelf Herbs of Alaska LLC, defendant, (hereinafter "defendant") stipulate and agree that the Complaint of Municipal Code Violation filed in the above-referenced matter on September 17, 2020, regarding Frank Dickson Subdivision, Block 3, Lot 12 (commonly known as 901 Photo Avenue), a lot zoned B-3, General Business District (hereinafter "subject property") shall be and is hereby resolved upon the terms set forth below:

Background and Introduction

1) Defendant admits to: Allowing three(3) banner signs attached to the building (temporary signs) and one(1) animated moving inflatable sign for a marijuana retail store to exist in the B-3 zoned general business district, a violation of Anchorage Municipal Code (AMC) 21.05.055.A.9 and AMC21.12.080.E -Prohibited signs.

2) Defendant understands that in executing this Stipulated Order he have given up his right to an administrative hearing on the merits of the above described complaint, and in so doing has waived his right to having the complaint proven by a preponderance of the evidence. The defendant acknowledges he has read and fully understands the provisions of this Stipulated Order.

Municipality of Anchorage

Land Use Enforcement
PO Box 196650
Anchorage,

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STIPULATED ORDER

1) Defendant will cease the use of temporary or inflatable signs for Top Shelf Herbs of Alaska on or before September 18, 2020.

2) The parties further stipulate that the defendant not conduct, permit or allow others to permit or conduct any violation of AMC 21.05.055.A.9 or AMC 21.12.080.D on the subject property in the future.

3) Defendant shall pay to the Municipality of Anchorage (Account 192020-101000-407050), a civil penalty in the sum of $600.00 by submitting a check or money order to the Municipality of Anchorage for the fine indicated and mailed to: Administrative Hearing Office, PO Box 196650, Anchorage, AK 99519-6650 or delivered in person to: City Hall, 632 W. 6th Avenue, Suite 740 with a copy of this Order. Defendant shall be personally liable for this penalty and if not paid, the penalty may be enforced pursuant to Anchorage Municipal Code 14.20.030. PROVIDED, HOWEVER, that the civil penalty, shall be reduced to $300.00 on the condition that the defendant complies with the provisions of paragraphs 1 and 2 of this Stipulated Order. If not paid in full within thirty (30) days from the date of this final order, a one-time late payment fee of $25.00 will be assessed pursuant to AMC 14.50.040.E. Interest on fines and assessments not paid within thirty (30) days of the decision shall accrue at the rate of eight percent (8%) per year pursuant to AMC 14.50.040.D.

4) Upon request filed with the Administrative Hearing Officer by plaintiff pursuant to AMC 14.50.010.C, the Administrative Hearing Officer may impose a fine payable to the Municipality of Anchorage (Account 192020-101000-407050) in the amount of $250.00 for each day violation adjudicated herein exist after the date and time frames indicated in this order.

5) The Administrative Hearing Officer retains jurisdiction in this matter for the purpose of monitoring compliance and ordering additional relief and/or assessing additional penalties, if appropriate. This matter may be reset for further hearing and/or imposition of penalties referred to in this Order upon the motion of either party or of the Hearing Officer's own action.

Municipalit y of Anchorage

Land Use Enforcement PO Box 196650 Anchorage,

Plaintiff and defendant having resolved the claims asserted in the Complaint of Municipal Code Violation filed in the above-captioned case (Code Enforcement Case No.: LUE119018), under the terms stated, and the undersigned finding said terms to be fair and reasonable;

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The foregoing Stipulated Order Resolving Complaint of Municipal Code Violation is HEREBY APPROVED,

MUNICIPALITY OF ANCHORAGE

DATED: September 29, 2020

BY: _____
Cora D. Weaver
Code Enforcement Officer

SUBSCRIBED AND SWORN TO before me this 29th day of September, 2020.

TAWNY KLEBESADEL
Notary Public
State of Alaska
My Commission Expires Apr 25, 2021

_____
Notary Public in and for Alaska
My Commission Expires: 4/25/21

DATED: September 23rd 2020

BY: _____
Chism Leimbach
Defendant
24515 Thunderbird Dr. (address)
Chugiak, AK 99567
(864) 363-7238 (phone no.)

SUBSCRIBED AND SWORN TO before me this 23rd day of September, 2020.

STATE OF ALASKA
NOTARY PUBLIC
Fuhsuan Hsiao
My Commission Expires Jun 18, 2022

_____
Notary Public in and for Alaska
My Commission Expires: Jun 18, 2022

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IT IS, THEREFORE, SO ORDERED

DATED: Sept. 30, 2020

Lisa M. Toussaint.
Administrative Hearing Officer

I hereby certify that I caused to be hand delivered / mailed a true and correct copy of the foregoing to:
Chism Leimbach dba Top Shelf Herbs of Alaska
901 Photo Avenue, Anchorage, Alaska 99503

on the 30 day of Sept, 2020.

✓ Def/Atty ✓ Treasury ✓ Agency

Hearing Office Clerk:

Kathi Flanders

Municipality of Anchorage

Land Use Enforcement
PO Box 196650
Anchorage, Alaska

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BEFORE THE ADMINISTRATIVE HEARING OFFICER

FOR THE MUNICIPALITY OF ANCHORAGE

MUNICIPALITY OF ANCHORAGE,	)
	)
Plaintiff,	)
	)
vs.	)
	)
CHISM LEIMBACH DBA TOP SHELF HERBS OF ALASKA, LLC	))
	)
Defendants.	)
	)

Administrative Hearing No.:_____

Code Enforcement Case No.: LUE119018

COMPLAINT OF MUNICIPAL CODE VIOLATION

Name and Address of the persons responsible for the violation: Chism Leimbach dba Top Shelf Herbs of Alaska, LLC. 901 Photo Avenue, Ste A, Anchorage, Alaska 99503

Street Address of violation: 901 Photo Avenue, Ste A, Anchorage, Alaska 99503

Legal Description of violation: Frank Dickson Subdivision, Block 3, Lot 12

Zoning of Property & Section: B-3 General Business District (AMC 21.04.030.D.1)

Date of violation(s): September 2, 2020 and September 15, 2020 (two (2) days)

Municipal Code Section: AMC 21.05.055.A.9: Marijuana Establishments Signs: Signs shall comply with state regulations and Chapter 21.12. No temporary signs are permitted. However, two permanent signs and one free standing sign is permitted with a marijuana retail establishment.

AMC 21.12.080.E: Prohibited Signs: moving, animated and inflatable sign

AMC21.14.040(definitions) Signs Temporary: A sign that is designated to be used only temporarily and is not intended to be permanently attached to a building, structure or permanently installed in the ground. These include, but are not limited to, political signs, special event signs, and for sale or leasing signs. Mobile and portable signs are temporary signs. Temporary signs may be displayed as window signs.

Municipality of Anchorage

Land Use Enforcement
P.O. Box 196650
Anchorage, Alaska
99519-6650
(907) 343-4141

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Specific violations:

1) **Anchorage Municipal Code 21.05.055.A.9**: there are 3 banner signs attached to the building and one animated moving inflatable sign.

Relief request:

1. Civil penalty in the amount of $300.00 per violation, per day for two (2) days. Aggregate penalty for the amount of $600.00. Account 192020-101000-407050.

2. A compliance order under AMC 14.50.010.A directing defendant to: immediately abate from property any and all signage that meets the definition of temporary.

3. A compliance order under AMC 14.50.010.A directing defendant to: immediately discontinue the use of temporary signage for their retail marijuana store.

4. Other relief, specifically: defendant shall not conduct, permit, or allow others to permit or conduct any similar violation on the subject property ***or be subject to*** applicable civil penalties set forth in AMC Title 14. (Pre-hearing costs and costs of abating nuisances may also be sought.)

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BY MY SIGNATURE BELOW I CERTIFY THAT THIS COMPLAINT WAS SERVED:

☒ A) In person on date of issuance.

☐ B) By certified mail, restricted delivery, to the last known address of Top Shelf Herbs of Alaska at 901 Photo Avenue, Anchorage, Alaska 99503

☐ C) By affixing a copy of this complaint to the property which is the subject of the violation:_____.

☐ D) By delivery to the authorized representative of Defendant, _____ _____ at _____.

Officer Name Printed	Signature	Date

Proceeding initiated by Code Enforcement

Officer: Cora D. Weaver Phone No.: (907)343-8331

I, Cora , state that I have read the above complaint and that the statements and attachments are true and correct to the best of my knowledge and belief.

Signature 9-17-2020 Date

SUBSCRIBED AND SWORN TO before me this 17th day of September 2020.

Notary Public in and for Alaska

My Commission Expires: 4/25/21

TAWNY KLEBESADEL
Notary Public
State of Alaska
My Commission Expires Apr 25, 2021

Municipality of Anchorage

Land Use Enforcement
P.O. Box 196650
Anchorage, Alaska
99519-6650
(907) 343-4141

Municipality of Anchorage vs
Chism Leimbach dba Top Shelf Herbs of Alaska

Received by AMCO 5.24.21

From:	Davies, Jason M (CED)
To:	Johnson, Steven M (CED)
Cc:	Hall, Nathan D (CED)
Subject:	RE: AM20-1063 / #22150 Top Shelf Herbs of Alaska NOV
Date:	Thursday, July 15, 2021 11:31:09 AM

Steve,

Yea, Joe was duplicating case numbers, so the actual AM# I used was AM20-1063(b)

Jason M Davies – Criminal Justice Tech II
AMCO/ENFORCEMENT
jason.davies@alaska.gov
907-754-3410

From: Davies, Jason M (CED)
Sent: Thursday, July 15, 2021 11:30 AM
To: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Cc: CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>
Subject: RE: AM20-1063 / #22150 Top Shelf Herbs of Alaska NOV

Nathan,

There was a glitch in the case management sheet. AM20-1008 should be AM20-1063. Unfortunately I did not catch the error till a week later. Top Shelf received the one NOV attached to this email in 2020.

Thank you,

Jason M Davies – Criminal Justice Tech II
AMCO/ENFORCEMENT
jason.davies@alaska.gov
907-754-3410

From: Marijuana Licensing (CED sponsored)
Sent: Thursday, July 15, 2021 11:08 AM
To: CED AMCO Enforcement (CED sponsored) <amco.enforcement@alaska.gov>
Cc: Marijuana Licensing (CED sponsored) <marijuana.licensing@alaska.gov>
Subject: AM20-1063 / #22150 Top Shelf Herbs of Alaska NOV

Enforcement – howdy.

I would normally ask Jacq this but she's currently out of the office. So forgive me a rookie MJ question.

In the attached doc, the NOV AM20-1063 is referenced on page 6. However, I can only find

the other Top Shelf NOV, AM20-1008. Can someone please send me a copy or link for AM20-1063? As far as I can tell, it was not later rescinded. My best guess is that it was ultimately not issued, but nonetheless need confirmation for the renewal packet.

Thanks,

Nathan Hall

Occupational Licensing Examiner
Alcohol and Marijuana Control Office
550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
907-334-0892
marijuana.licensing@alaska.gov

Please consider the environment before printing this e-mail.

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Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Top Shelf Herbs of Alaska, LLC	**License Number:**	22150		
License Type:	Retail Marijuana Store				
Doing Business As:	Top Shelf Herbs of Alaska, LLC				
Premises Address:	901 Photo Avenue, Suite A				
City:	Anchorage	**State:**	AK	**ZIP:**	99503

Section 2 – Individual Information

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

Name:	Chism Leimbach
Title:	Manager/Owner

Section 3 – Violations & Charges

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

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

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years. [CBL]

I certify that a notice of violation has **not** been issued to this license between July 1, 2020 and June 30, 2021. [ ]

Sign your initials to the following statement only if you are unable to certify one or more of the above statements: Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b). [CBL]

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Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 – Certifications & Waiver

Read each line below, and then sign your initials in the box to the right of each statement: Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

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

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

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

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

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

I, Chism Leimbach, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license.

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

Notary Public in and for the State of Alaska

Chism Leimbach

Printed name of licensee

My commission expires: 12/20/2023

Subscribed and sworn to before me this 21th day of May, 2021.

STATE OF ALASKA
NOTARY PUBLIC
Mercedes Curran
My Commission Expires Dec 20, 2023

License # 22150

Received by AMCO 5.24.21

May 20, 2021

Dear AMCO Board Members,

I am writing this letter to explain why I cannot certify that Top Shelf Herbs of Alaska, LLC has not been issued a notice of violation between July 1, 2020 and June 30, 2021. Top Shelf Herbs of Alaska, LLC did in fact receive three violations in September 2020. The first violation was AM20-1008, the second violation was AM20-1063, and the third was from the Municipality of Anchorage LUE119018. All three violations have been dealt with and all fines have been paid. I have attached copies of all three violations and the responses as well.

Thank you,

Chism Leimbach

Top Shelf Herbs of Alaska, LLC

License # 3a-22150

Received by AMCO 5.24.21

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Top Shelf Herbs of Alaska, LLC	**License Number:**	22150		
License Type:	Retail Marijuana Store				
Doing Business As:	Top Shelf Herbs of Alaska, LLC				
Premises Address:	901 Photo Avenue, Suite A				
City:	Anchorage	**State:**	AK	**ZIP:**	99503

Section 2 – Individual Information

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

Name:	Mark Fazio
Title:	Owner

Section 3 – Violations & Charges

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

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

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years. MF

I certify that a notice of violation has **not** been issued to this license between July 1, 2020 and June 30, 2021. ☐

Sign your initials to the following statement only if you are unable to certify one or more of the above statements: Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b). MF

Received by AMCO 5.24.21

Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Section 4 – Certifications & Waiver

Read each line below, and then sign your initials in the box to the right of each statement: Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued. MF

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application. MF

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

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

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

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board. MF

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

I, MARK FAZIO, hereby waive my confidentiality rights under AS 43.05.230(a) and authorize the State of Alaska, Department of Revenue to disclose any and all tax information regarding this marijuana license to the Alcohol and Marijuana Control Office (AMCO) upon formal request as part of any official investigation as long as I hold, solely, or together with other parties, this marijuana license. MF

As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Signature of licensee

STATE OF ALASKA
NOTARY PUBLIC
Mercedes Curran
My Commission Expires Dec 20, 2023

Notary Public in and for the State of Alaska

MARK FAZIO
Printed name of licensee

My commission expires: 12/20/2023

Subscribed and sworn to before me this 24 day of MAY, 2021.

Received by AMCO 5.24.21

May 20, 2021

Dear AMCO Board Members,

I am writing this letter to explain why I cannot certify that Top Shelf Herbs of Alaska, LLC has not been issued a notice of violation between July 1, 2020 and June 30, 2021. Top Shelf Herbs of Alaska, LLC did in fact receive three violations in September 2020. The first violation was AM20-1008, the second violation was AM20-1063, and the third was from the Municipality of Anchorage LUE119018. All three violations have been dealt with and all fines have been paid. I have attached copies of all three violations and the responses as well.

Thank you,

Mark Fazio

Top Shelf Herbs of Alaska, LLC

License # 3a-22150

Received by AMCO 5.24.21