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: 11/24/20

License #/Type: 10299 Standard Marijuana Cultivation Facilities

Licensee: Christina Marie Euscher

Address: 7801 King Street, Anchorage, AK

DBA: R.C. Tinderbox

AMCO Case #: 20-1083

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 11-20-20, 1515 hours, AMCO Enforcement received an odor complaint regarding your cultivation establishment. At approximately 1600 hours, Inv. Hamilton arrived in the area. Traveling from Dimond Blvd North onto King Street an odor of marijuana could be detected at about 80th Ave. The odor was strong until about 77th Ave. Hamilton then turned East onto 77th Ave., then north onto Schoon Street. No odor was detected. The odor could once again be smelled while traveling South on Schoon Street at about the 7800 block up to 80th Ave. The odor could be detected while traveling West on 80th Ave. until King Street.

Your attention is directed to 3AAC 306.430(c)(2): Restricted access area which reads...

(c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility (1) cannot be observed by the public from outside the marijuana cultivation facility; and (2) does not emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval.

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: J.Hamilton

Received by:

SIGNATURE: J.R. Hamilton

SIGNATURE:

Delivered VIA: Email

Date:

updated 4/23/19

January 5, 2021

VIA EMAIL

AMCO Enforcement
Alcohol & Marijuana Control Office
amco.enforcement@alaska.gov

Re: R.C. Tinderbox, LLC (License #10299)
Response to Notice of Violation AMCO Case No. 20 -1083 and
Case No. 20 -1152 (collectively, "Notices")

Dear AMCO Enforcement:

R.C. Tinderbox, LLC ("RCT") is writing in response to the Notices of a violation of 3 AAC 306.430(c)(2) received from the Alcohol & Marijuana Control Office, Enforcement Division by email on November 24, 2020 and December 8, 2020, respectively. We appreciate your efforts and for bringing this matter to our attention. RCT takes regulatory compliance seriously and takes pride in being a good neighbor.

1. AMCO Case Nos. 20 -1083 ("November NOV")

Factual Circumstance

The November NOV states, "On 11-20-20, 1515 hours, AMCO Enforcement received an odor complaint regarding your cultivation establishment. At approximately 1600 hours, Inv. Hamilton arrived in the area. Traveling from Dimond Blvd North onto King Street an odor of marijuana could be detected at about 80th Ave. The odor was strong until about 77th Ave. Hamilton then turned East onto 77th Ave., then north onto Schoon Street. No odor was detected. The odor could once again be smelled while traveling South on Schoon Street at about the 7800 block up to 80th Ave. The odor could be detected while traveling West on 80th Ave. until King Street."

Actions Taken

Unfortunately, AMCO Enforcement did not stop by the facility on November 20 when the odor was reported to and detected by AMCO Enforcement, so we were unable to look into the source of the odor at the time the odor was documented. However, immediately upon learning of the November NOV on November 24, we inspected the facility looking for the source of the odor. We observed that odor seems to be an issue during times of high use of the front doors (e.g., opening, lunch, and closing times). Therefore, we've installed a couple of freestanding carbon can filters in the entryway of building. (See Attachment A, photos of the entryway carbon can filters.) This noticeably reduced the odor of cannabis escaping the front of the building.

2. AMCO Case Nos. 20 -1152 ("December NOV")

Factual Circumstance

The December NOV states, "On 12-8-20, at about 0950 hours, Interim Director G. Klinkhart reported an odor of marijuana in the vicinity of E. 77th Ave & Schoon St. At about 1120 hours, Inv. Hamilton arrived in the area. As Hamilton approached King St. on E. 76th Ave, he rolled down both front windows of his vehicle. Immediately detectable was the odor of unburnt marijuana. Hamilton then proceeded south on King St. and then east onto E. 77th Ave. The odor was still detectable. Hamilton then turned south onto Schoon St. The odor could be detected for only about 50 yards from 77th Ave. Hamilton proceeded south on Schoon St., turned west onto E. 80th Ave and then north onto King Street. Hamilton did not detect any odor until shortly before reaching E. 77th Ave. The odor was confirmed coming from your facility. There was a light breeze from the south toward the north."

Actions Taken

Once again AMCO Enforcement did not stop by the facility when the odor was reported to and detected by AMCO Enforcement, so we were unable to investigate the source of the odor at the time the odor was documented. However, RCT did receive the December NOV from AMCO Enforcement by the end of the day December 8 and we immediately took further action to determine the source of what then appeared to be a mechanical issue contributing to the marijuana odor.

On December 9, upon further inspection of the facility, RCT learned that the design of the HVAC system at the facility was inadequately designed to scrub the air being discharged from the facility. As an initial solution, on Monday December 14, RCT installed an in-line charcoal filter box to scrub the air before being discharged. (See Attachment B, photo of the newly installed in-line carbon filter.) After making this mechanical change, we were unable to detect any odor at the lot line. On December 15, we again checked for odor around the lot line of the facility to confirm that marijuana odor was undetectable

In addition to the mechanical improvements described above, we're continuing efforts to improve the HVAC capacity of the facility by working with Jernstrom Engineering, consulting and mechanical engineers, to improve the design and capacity of the HVAC system.

3. Conclusion

RCT encourages AMCO Enforcement to re-inspect the premises and to share their findings with the company. If AMCO finds evidence of marijuana odor at the lot line, we request that you let RCT know immediately so we can reassess the situation and take additional corrective measures. However, RCT is confident that marijuana odor is no longer an issue, and in that case requests that no further action be taken with respect to this NOV.

Thank you for your time and attention. Please do not hesitate to contact me directly if you have any further questions or if you need additional information.

Sincerely,

R.C. Tinderbox, LLC

Chris Euscher

Managing Member

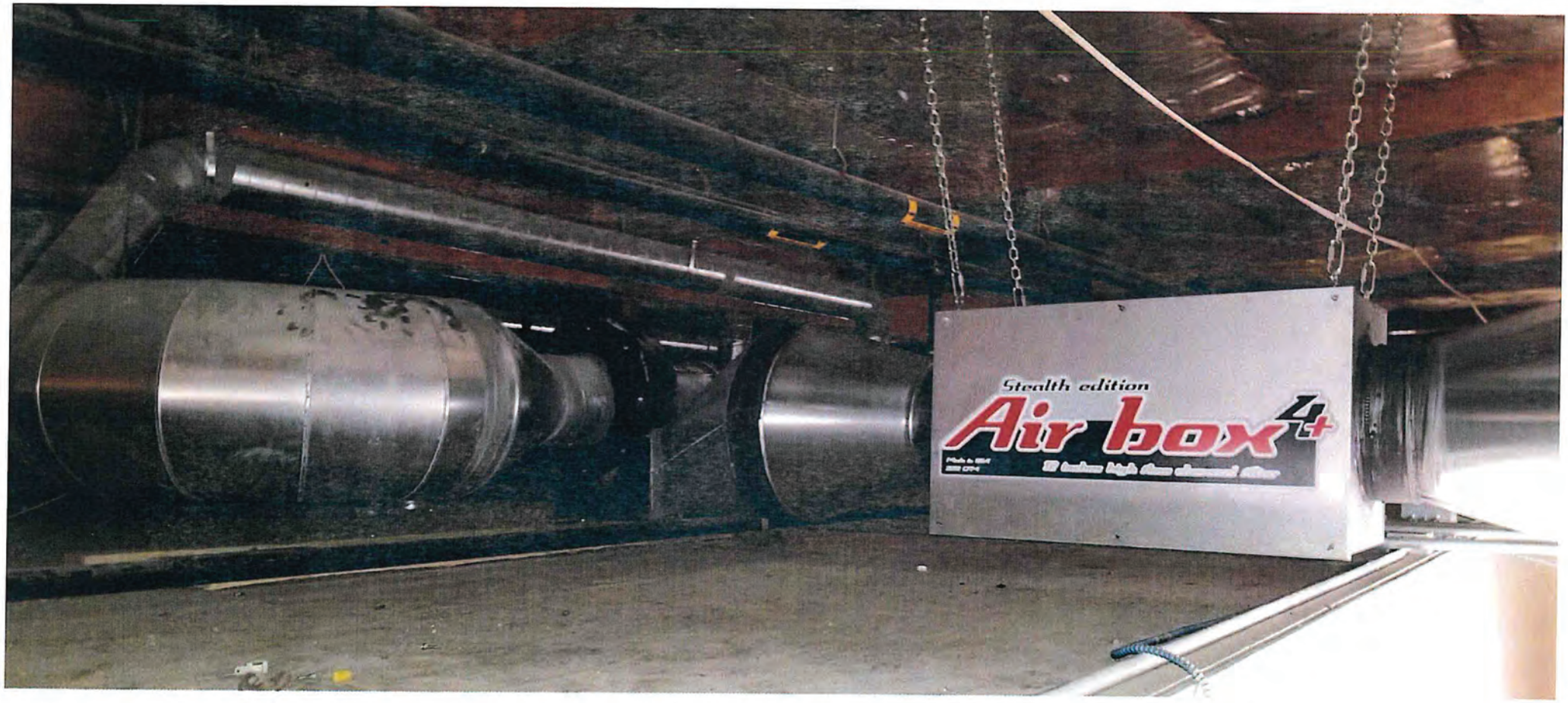
Attachment A

CLOCK IN ONLY

PHRESH
Hurricane
100% Lite Weight RC412 Virgin Activated Carbon
RC412 Virgin Activated Carbon

EXIT

Attachment B


Stealth edition
Air box 4+

Stealth edition
Air box 4+
EXIT

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(3AAC 306.805)

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Date: 12/8/20

License #/Type: 10299 Standard Marijuana Cultivation Facilities

Licensee: Christina Marie Euscher

Address: 7801 King Street, Anchorage, AK

DBA: R.C. Tinderbox

AMCO Case #: AM20-1152

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Please directed your attention to 3AAC 306.430(c)(2) which reads in part (c) A marijuana cultivation facility shall ensure that any marijuana at the marijuana cultivation facility (2) does not emit an odor that is detectable by the public from outside the cultivation facility except as specifically allowed by a local government approval.

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Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE: J.R. Hamilton

SIGNATURE:

Delivered VIA: Email

Date:

January 5, 2021

VIA EMAIL

AMCO Enforcement
Alcohol & Marijuana Control Office
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Sincerely,

R.C. Tinderbox, LLC

Chris Euscher

Managing Member

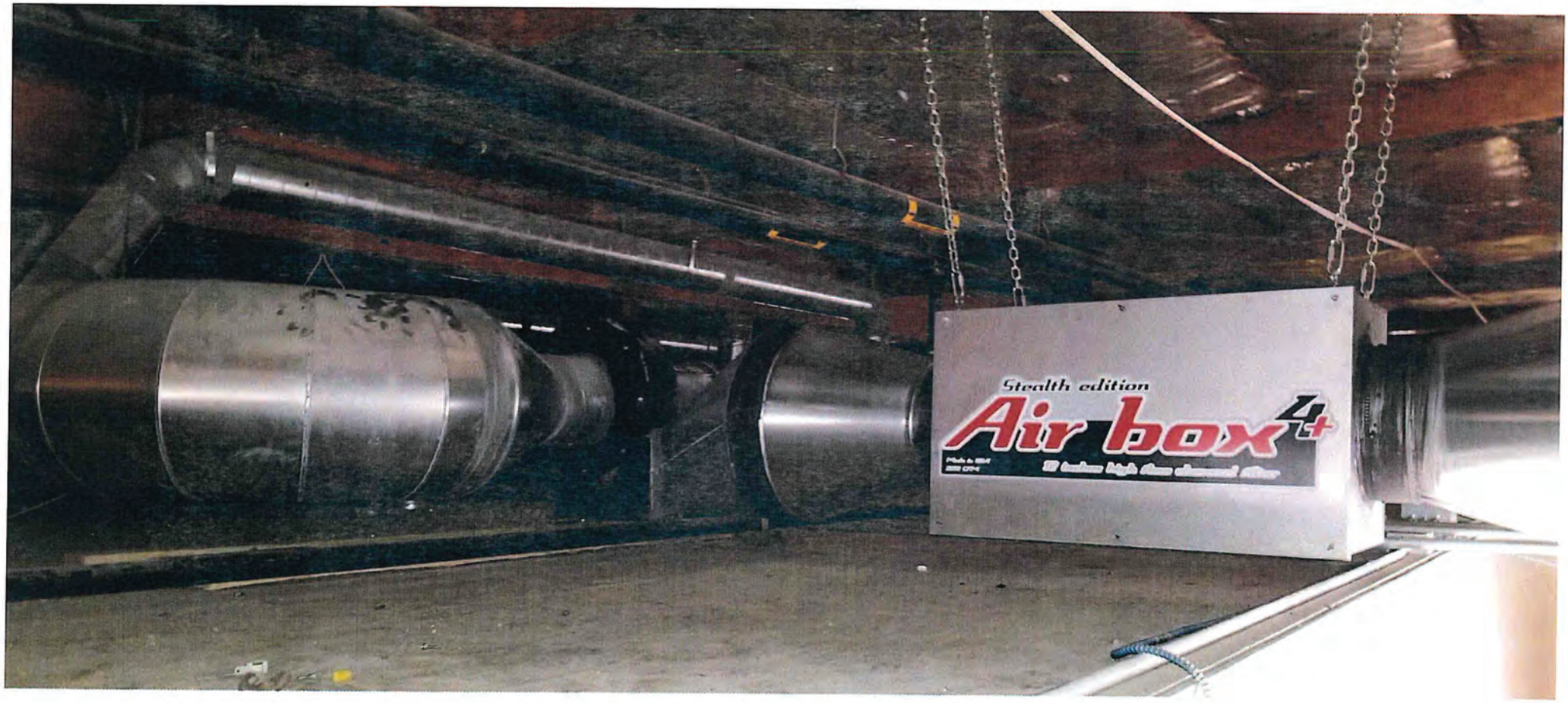
Attachment A

CLOCK IN ONLY

PHRESH
Hurricane
100% Lite Weight RC412 Virgin Activated Carbon
RC412 Virgin Activated Carbon

EXIT

Attachment B


Stealth edition
Air box 4+

Stealth edition
Air box 4+
EXIT