Notice of Violation

Email

(3AAC 306.805)
This form, all information provided and responses are public documents per Alaska Public Records Act AS 40.25

Date: 9/28/20

License #/Type: 10005 Standard Cultivation

Designated Licensee: Michael J Emers

AMCO Case#:

DBA: Rosie Creek Farm

Premises Address: 2659 Livingston Loop Fairbanks, AK 99709

Mailing Address: P.O. Box 181 Ester, AK 99725

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.

As of 7/29/2020, Rosie Creek Farm, 10005, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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. A licensee may respond, either orally or in writing, to the Notice.

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 Establishment 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. Hoelscher

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Email

Date:

AMCO received 8/13/2021

P.O. Box 181
Ester, Alaska 99725

August 13, 2021

Glen Klinkhart
Interim Director, AMCO
550 W. 7th AVE, SUITE 1600
Anchorage, AK 99501

Dear Director Klinkhart,

I am responding to the Notice of Violation (NOV) dated September 28, 2020 concerning our delinquency on paying state excise taxes. Because of State COVID exceptions, excise tax payment was given a moratorium from March 2020 through July 15th 2020. Due to the nature of our farming operation when more cash is going out than coming in early in the season, we were short on full payment by July 15th 2020. However from sales later in July of 2020, we were able to get caught up on excise taxes by July 31 2020. There was a short 2 week period then we were out of compliance and we have been current on taxes ever since. I never did respond to the AMCO office at the time of our NOV and assumed that our quick payment of our delinquency was a sufficient response.

Thank you,

Michael Emers
Rosie Creek Farm