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: 6/30/21

License #/Type: 10671 Standard Marijuana Cultivation Facilities

Licensee: Aaron Ralph

Address: 1805 & 1807 W. 47th Ave., Anchorage, AK

DBA: Alaska Cannabis Exchange

AMCO Case #: 21-0706

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.

AMCO received an odor complaint emanating from your building. Inv. Hamilton proceeded to the area. While traveling South South East on Harding Drive, approaching the northeast corner of the building, a very noticeable odor of unburnt marijuana could be detected. Hamilton then turned West onto W. 47th Ave. The odor could be detected the entire length of the building. About 1/2 way down 47th Ave. I turned around and went back. The odor could still be detected. I turned North North West onto Harding Dr. I could not smell the odor after I passed W. 46th Ave. A steady breeze was coming from the North North West to South South East.

Your attention is directed to: 3AAC 306.430: Restricted access area (C)(2) reads 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: M. Chiesa

Received by:

SIGNATURE: F.R. Hamilton

SIGNATURE:

Delivered VIA: Email

Date:

updated 2/8/21

Tracking #:

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: 6/30/21

Licensee: Aaron Ralph

DBA: Alaska Cannabis Exchange

License #/Type: 10671 Standard Marijuana Cultivation Facilities

Address: 1805 & 1807 W. 47th Ave., Anchorage, AK

AMCO Case #: 21-0706

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.

AMCO received an odor complaint emanating from your building. Inv. Hamilton proceeded to the area. While traveling South South East on Harding Drive, approaching the northeast corner of the building, a very noticeable odor of unburnt marijuana could be detected. Hamilton then turned West onto W. 47th Ave. The odor could be detected the entire length of the building. About 1/2 way down 47th Ave. I turned around and went back. The odor could still be detected. I turned North North West onto Harding Dr. I could not smell the odor after I passed W. 46th Ave. A steady breeze was coming from the North North West to South South East.

Your attention is directed to: 3AAC 306.430: Restricted access area (C)(2) reads 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: M. Chiesa

SIGNATURE: F.R. Hamilton

Delivered VIA: Email

Received by:

SIGNATURE:

Date:

updated 2/8/21

Tracking #:

Response to N.O.V. case # 21-0706

Attention; AMCO
AMCO Enforcement
Land Use Enforcement Officer (Cora Weaver)

From: Alaska Cannabis Exchange #10671
1807 W. 47th Ave
Anchorage AK 99517

Alaska Cannabis Exchange received a Notice of Violation (case # 21-0706) for alleged odor emanating from our facility located at 1807 W 47th Ave.

Alaska Cannabis Exchange has not had an odor violation in 2 years due to our Carbon filters being doubled and the relationship we have structured with our neighbors where the lines of communication are frequent and odor detection evaluated on a regular basis allowing us to determine when the carbon starts to deteriorate and is no longer effective which has been approximately 6 months after replacement. Our Carbon was changed in all filters on June 21st 2021 and odor should not have been an issue. I spoke to our closest neighbor (Louise Logan) (her house is 15 feet from our building) who was setting up for an outside event most of the day and she said there was no odor present at any time on the day in question. (Please see attached letter from Louise Logan)

This N.O.V. lacks a time stamp as well as procedural performance. It is our understanding that AMCO Enforcement has an obligation to Inform us if a site visit is performed during normal business hours when management and staff are present so that we may understand and address these complaints in real time, and in person, as this will help define proper communication between regulators and licensees so that we may work together in a more productive manner. We also believe the proper procedure includes notifying MOA Land Use Enforcement so that they may assess any complaints and confirm the presence of an alleged odor and collaborate AMCO Enforcements findings.

There is also concern that complaint's may be the result of competitors/competition within the industry to cause negative attention on a licensee and should be addressed to avoid unnecessary busy work for both Enforcement and Licensees.

We strongly disagree with the findings and issuing of this N.O.V. due to the references listed above In order for us to make the determination of argument against this NOV we ask that you please provide us with specific time as well as the make, model and color of the vehicle used for making this site visit. After review we will decide if appearing before the Board is necessary.

Thank You
Aaron Ralph
Alaska Cannabis Exchange

30 June 2021

To Whom it may Concern:
My name is Marjorie Louise Logan
I live at 1811 West 47th ave. next door to
the Growth facility on West 47th Ave.
On June 29th, I had a outdoor Barbecue
in my drive way - with over 20 family and
friends.
I started setup at around 3pm, dinner
was at about 6pm, and everyone left around
9pm. there was no odor or smell. None of my
guests had any complants or noticed any smell.
either
I have a good relationship with the Growth
facility and they have always been pro active
about changing the filters regularly
notifying me before they harvest and have
always been respectful and kind Neighbors
I found out today there was a complaint.
regarding excessive odor on June 29th at
around 3pm. I highly dispute that claim and
feel it could just be someone trying to cause
problems for my neighbor
If you have any questions please feel free
to contact me at this number 907-250-8600
Sincerely
Marjorie Louise Logan

THE STATE of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community, and Economic Development

Alcohol and Marijuana Control Office

550 W. 7th Ave Suite 1600
Anchorage, Alaska 99501
Main: 907.269-0350
Commerce.alaska.gov/web/amco

August 2, 2021

Marijuana Control Board
550 W. 7th Ave, Suite 1600
Anchorage, AK 99501

MEMO

This memo is written to reply to Alaska Cannabis Exchange's response to NOV 21-0706, date of violation 6-30-21.

I believe the notice of violation written by me is enough to explain the violation.

First, the NOV that was sent to the violator does not receive an outgoing time stamp; any incoming mail to our offices do get time stamped.

Second, I am not aware of any obligation that I have been told I have to contact a violator at the time of the incident. That is what the NOV is for. I have in the past contacted licensees regarding odor complaints at the time of my visit. I have yet to get a response from any of them they can smell the odor and they then provide the excuse that they are used to it and have been around it all day. To be fair, I can only recall this being done four times.

My training regarding communications has normally been first an inspection, maybe an unannounced walk thru and if nothing is observed, no contact is made. The next level of communications is an advisory notice, then a notice of violation. Depending on the seriousness or quantity of the same violation, an accusation would be the next level of communications.

Third, I am not aware of any procedure to contact the MOA if a violation occurs at a marijuana facility. There certainly isn't one for the alcohol industry. I have learned that our Criminal Justice Technician forwards notices of violations to the MOA Code Enforcement Officers.

Fourth, this complaint did not generate from a competitor. However, I don't know to what extend the complainant has with the marijuana industry. I have attached the last two complaints from the complainant. Even if it had been prompted by an industry competitor, the violation was verified and documented by me.

Finally, providing you our vehicle information is irrelevant to the complaint.

Sincerely,

F.R. Hamilton

F.R. (Joe) Hamilton
Investigator

Cc: Glen Klinkhart, AMCO Director
James Hoelscher, Enforcement Supervisor