Davies, Jason M (CED)

From: Hamilton, Joe (CED)
Sent: Monday, March 15, 2021 12:31 PM
To: Davies, Jason M (CED)
Cc: Hoelscher, James C (CED); Klinkhart, Glen Edward (CED)
Subject: Official response to NOTICE

From: Kerby Coman <kerby@hempire-co.com>
Sent: Monday, March 15, 2021 12:28 PM
To: Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
Subject: Re: Video

This email is the official response to AMCO Casse #21-0217
Kaitlin Sweeten did let a minor use the bathroom in the retail area, even though it was literally a step inside the retail area and Kaitlin says she blocked the minor from seeing any marijuana product this was still in violation of the regulations and Kaitlin knew this and violated them anyway justifying it with her own reasoning. I'm sure for the minore and the minors parents this was not a big deal and they were happy we were able to accommodate them. However this is not how we operate. Kaitlin has sense then been let go from working for us. My response to the camera issue is that as soon as we saw the cameras needed to be adjusted we did just that immediately following this video footage inquiry.

On Mon, Mar 15, 2021 at 11:22 AM Hamilton, Joe (CED) <joe.hamilton@alaska.gov> wrote:

> Roger. Please respond accordingly to the attached notice.
>
> Joe
>
> **From:** Kerby Coman <kerby@hempire-co.com>
> **Sent:** Monday, March 15, 2021 11:09 AM
> **To:** Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
> **Subject:** Re: Video
>
> Unfortunately what we sent you is all we have of the door because our cameras were not angled in the manor they should have been.
>
> On Mon, Mar 15, 2021 at 10:01 AM Hamilton, Joe (CED) <joe.hamilton@alaska.gov> wrote:
>
> > Okay, got to work and I was able to view the video. Will need all angles that show the door and the bathroom.

From: Kerby Coman <kerby@hempire-co.com>
Sent: Friday, March 12, 2021 5:36 PM
To: Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
Subject: Re: Video

I understand. The attached video files is the best clip of the girl either in the lobby or in the retail store. Because there is literally no distance from the lobby entrance to the retail and the bathroom entrance this is all our cameras captured of the minor in the retail store cause she went straight from the lobby to the bathroom then straight back to the lobby after using the restroom (about 1 min). The minor never stepped further into the retail store. The camera inside the retail captured the door open when the minor was let into the retail space but not a great visual on the minors body. The Camera must have been bumped down when we recently moved that fridge below the camera. We have taken the immediate action of fixing that issue and double checked all camera angles at this location as well as all of our other stores.

On Fri, Mar 12, 2021 at 2:22 PM Hamilton, Joe (CED) <joe.hamilton@alaska.gov> wrote:

> I'm not saying it not what I wanted, I'm saying I should have been more specific about what I wanted which is a snippet of the girl in the MJ Retail Store, will suffice, until you can get the whole incident sent to me.

From: Kerby Coman <kerby@hempire-co.com>
Sent: Friday, March 12, 2021 2:11 PM
To: Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
Subject: Re: Video

Unfortunately Eugene our technician was not able to make it back to work until Monday the 8th. He has provided me with the video footage i sent you. Now you are telling me that its not what you wanted. Please understand this is a top priority for me to get you this video. Eugene is headed over to KGB now to harvest what we have of the child in the retail area.

On Fri, Mar 12, 2021 at 1:37 PM Hamilton, Joe (CED) <joe.hamilton@alaska.gov> wrote:

> I guess I should have been clearer. Snippet of video of the young girl entering the Marijuana Retail Store, not seated in the area she is allowed to be in. This does not preclude you from providing the whole video unless the whole video can be sent via e-mail. We are going on ten days for this request. You initially told me your camera person would be back 3-5-21. Remember there is a time limit for records request. My idea in asking for the snippet of video was so you could make this time request. Please send a snippet of video of the young girl in your licensed premises. Thank you.

Joe

From: Kerby Coman <kerby@hempire-co.com>
Sent: Friday, March 12, 2021 10:58 AM
To: Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
Subject: Re: Video

Here it is.

On Wed, Mar 10, 2021 at 10:56 AM Hamilton, Joe (CED) <joe.hamilton@alaska.gov> wrote:

> Can you just send me a snippet of her in the retail store please. Just five or ten seconds. Thanks
>
> **From:** Kerby Coman <kerby@hempire-co.com>
> **Sent:** Tuesday, March 9, 2021 5:25 PM
> **To:** Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
> **Subject:** Re: Video
>
> I will be headed into Anchorage on Friday. I will bring it in. where am I dropping it off at?
>
> On Tue, Mar 9, 2021 at 11:17 AM Hamilton, Joe (CED) <joe.hamilton@alaska.gov> wrote:
>
> > Yes, you can get the flash drive back. Do you have anyone coming to town this week? If not, if you want to leave it at Green Degree in an envelope, I can come out and get it.
> >
> > Joe
> >
> > **From:** Kerby Coman <kerby@hempire-co.com>
> > **Sent:** Tuesday, March 9, 2021 11:06 AM
> > **To:** Hamilton, Joe (CED) <joe.hamilton@alaska.gov>
> > **Subject:** Re: Video

We do have the video on a flash drive. Whats tge best way to get it to you? Also will we be getting the flash drive back?

On Tue, Mar 9, 2021, 10:47 AM Hamilton, Joe (CED) <joe.hamilton@alaska.gov> wrote:

Kerby,

Was wondering how the video is progressing?

Joe

Joe Hamilton

Special Investigator 1

Enforcement Unit

Alcohol & Marijuana Control Office

550 W. 7th Ave, Suite 1600

Anchorage, AK 99501

Office (907) 269-0063

Cell (907) 441-2534

joe.hamilton@alaska.gov

Kerby Coman <kerby@hempire-co.com>

Video

Kerby Coman <kerby@hempire-co.com> Mon, Mar 15, 2021 at 12:28 PM
To: "Hamilton, Joe (CED)" <joe.hamilton@alaska.gov>

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[Quoted text hidden]

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: 3/15/24

License #/Type: 11031 Marijuana Retail Stores

Licensee: Kerby Coman

Address: 2301 South Knik-Goose Bay Rd, #1B, Wasilla

DBA: Green Degree

AMCO Case #: 21-0217

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 3-1-21, AMCO Investigators received an anonymous complaint that on 2-24-21, an under 21 person was allowed entry into your retail store to use the restroom. The caller stated she believed the clerks nickname was "Sweet". Sweet was later identified as Green Degrees Kaitlin Sweeten. Sweeten admitted that she had allowed the girl (under 21 years of age) to use the restroom. She shielded the girls eyes so the girl would not see any marijuana product. When asked why she did it, she replied she has kids.

The licensee has been asked to provide AMCO video of the violation to which he has. However, the video cameras were not placed in a way that produced a clear view adequate to identify any individual entering or in certain areas of the licensed premises.

Your attention is directed to 3AAC 306.325(a): Access restricted at retail marijuana store which (a) reads, "A person under 21 years of age may not enter a retail marijuana store" and 3AAC 306.720(b): Video Surveillance which (b) reads "At a marijuana establishment, a required video camera must be placed in a way that produces a clear view adequate to identify any individual inside the licensed premises or within 20 feet of each entrance to the licensed premises. Both the interior and the exterior of each entrance to the facility must be recorded by video camera".

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 #: Via E-Mail

This Notice of Violation is the reason I was unable to check the third box on Page #1 of the MJ-20, the following was my response to the NOV

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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 #: Via E-Mail