

**STATE OF WASHINGTON
WASHINGTON STATE LIQUOR AND CANNABIS BOARD**

In the Matter of:

**MARY JANE'S ENTERPRISES, LLC
d/b/a MARY JANE'S WEED
501 NEWPORT RD
NEWPORT, WA 99156-9023**

APPLICANT

**License Application No. 413348
UBI No. 603-350-767-001-0001**

LCB No. M-25,302

**FINAL ORDER ON REVIEW
FOLLOWING BRIEF
ADJUDICATIVE PROCEEDING**

I. REVIEWERS' CONSIDERATION

1.1 Review. This matter comes before the Members of the Liquor and Cannabis Board to review the Findings of Fact, Conclusions of Law and Initial Order of Brief Adjudicative Proceeding entered by Administrative Law Judge, T.J. Martin on July 15, 2015. The Initial Order is attached and incorporated into this Order by this reference.

1.2 Record of Proceeding. The entire record of this proceeding was presented to the Members of the Liquor and Cannabis Board for review and the entry of a final decision.

II. ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the Administrative Law Judge's Findings of Fact, Conclusions of Law and Initial Order are hereby adopted as the final decision of the Board.

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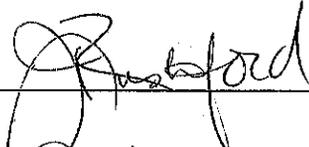
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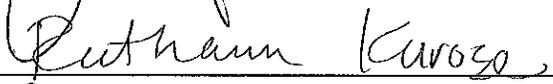
FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING
MARY JANES' WEED
LICENSE APPLICATION NO. 413348
LCB NO. M-25,302

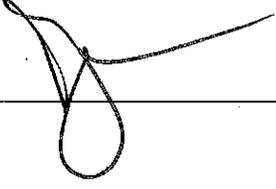
AND IT IS HEREBY FURTHER ORDERED that the application for a marijuana retail license by Mary Jane's Enterprises, LLC d/b/a Mary Jane's Weed is DENIED.

DATED this 11th day of August, 2015.

WASHINGTON STATE LIQUOR AND CANNABIS BOARD







RIGHTS OF REVIEW

Reconsideration. Pursuant to RCW 34.05.470, you have ten (10) days from the mailing of this Order to file a petition for reconsideration stating the specific grounds on which relief is requested. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing or delivering it directly to the Washington State Liquor Control Board, Attn: Kevin McCarroll, 3000 Pacific Avenue Southeast, PO Box 43076, Olympia, WA 98504-3076, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Board's office. RCW 34.05.010(6). A copy shall also be sent to Mary M. Tennyson, Sr. Assistant Attorney General, 1125 Washington St. SE, P.O. Box 40110, Olympia, WA 98504-0110. A timely petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written notice specifying the date by which it will act on the petition. An order denying reconsideration is not subject to judicial review.

RCW 34.05.470(5). The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review.

Stay of Effectiveness. The filing of a petition for reconsideration does not stay the effectiveness of this Order. The Board has determined not to consider a petition to stay the effectiveness of this Order. Any such request should be made in connection with a petition for judicial review under chapter 34.05 RCW and RCW 34.05.550.

Judicial Review. Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review of this Order shall be filed with the appropriate court and served on the Board, the Office of the Attorney General, and all parties within thirty days after service of the final order, as provided in RCW 34.05.542.

Service. This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

RECEIVED

AUG 04 2015

Liquor Control Board
Board Administration

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

In The Matter Of:

Joe Rammell, doing business as
Mary Jane Enterprises LLC

Applicant.

Location Address: 501 Newport Road
Newport, WA 99156

License Application No. 413348
UBI No. 603-350-767-001-0001

Docket No. 01-2015-LCB-00018

**FINDING OF FACT,
CONCLUSIONS OF LAW, AND
INITIAL ORDER ON BRIEF
ADJUDICATIVE PROCEEDING**

Agency: Liquor Control Board
Program: Retail Marijuana Licensing
Agency No. M-25,302

1. ISSUES

- 1.1. Based on the Liquor Control Board's 'Statement of Intent To Deny Marijuana License', issued on August 11, 2014, whether the applicant failed to submit required documents to include: A signed and valid letter of intent to lease or purchase from property owner or designee and based on this, administratively closed the application in compliance with WAC 314-55-020(12).

2. ORDER SUMMARY

- 2.1. Mary Jane's Enterprise LLC, doing business as Mary Jane's Weed, (hereafter referred to as the 'Applicant'), did not submit all of the required, necessary documents, specifically, a signed and/or valid letter of intent to lease or purchase from a property owner or designee.
- 2.2. The Liquor Control Board's decision to deny the Applicant's application for a retail marijuana license is **affirmed**.

3. HEARING

- 3.1. Brief Adjudicative Proceeding: A Brief Adjudicative Proceeding was conducted in this matter by the Administrative Law Judge, as delegated by the Liquor Control Board. The proceeding was conducted under RCW 34.05.482 through .494, Title 66 RCW, and Title 314 WAC.

- 3.2. Administrative Law Judge: T.J. Martin
- 3.3. Applicant: Mary Jane Enterprises LLC doing business as Mary Jane's Weed (Joe Rammell, Corporate Officer and LLC Member)
- 3.3.1. Representative: Attorney Chris Crew of the THC Law Firm
- 3.4. Agency: Liquor Control Board
- 3.4.1. Representative: Kim O'Neal, Senior Counsel for the Washington State Liquor Control Board Licensing & Regulation Division
- 3.5 Documents reviewed: The Administrative Law Judge reviewed the marijuana licensing records as listed in the 'Index of Marijuana Records for BAP' attached to the scheduling letter for this Proceeding. The Administrative Law Judge also reviewed any additional documents submitted by the Applicant for this proceeding. The Applicant did not submit additional documents.

4. FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

- 4.1. On August 11, 2014, the Liquor Control Board (hereafter 'LCB') issued and served on the Applicant, a 'Statement of Intent to Deny Marijuana License' regarding Application Number 413348. *Exhibit 1 & Exhibit 3; Page 34.*
- 4.2. On August 24, 2014, Joe Rammell, on behalf of the Applicant, filed a 'Request for Hearing, Response to Statement of Intent to Deny.' *Exhibit 2 & Exhibit 3; Page 37.*
- 4.3. On February 21, 2014, the Liquor Control Board sent the Applicant an email notifying the Applicant that the Retail Pre-screen Information packet was available through an online service. The LCB requested the Applicant submit the requested information within 30 days in order to be entered into the retail marijuana lottery. *Liquor Control Board Exhibit 3; Page 13, Exhibit 1; Page 17, and Exhibit 4; Page 1-11.*
- 4.4. Five documents were required for the Pre-Screen Information Form to be complete. However, only one document, the verification of the right to real property, is at issue in the present case.

[Continued]

4.5. The Retail Pre-screen Information form stated that the applicant was required to attach the following information regarding the physical location proposed to be licensed:

- Real Estate Purchase and Sale Agreement signed by buyer and seller; or
- Real estate closing statement; or
- Signed lease agreement; or
- Letter of intent to lease signed by property owner

Exhibit 3; Page 17

4.6. On March 24, 2014, John Joe Rammell signed the Pre-Screen Information Form, attesting the Applicant had submitted all the necessary documents, as requested by the LCB. *Exhibit 3; Page 17.*

4.7. As a part of its Pre-Screen Information response, the Applicant, submitted a document, dated March 20, 2014, from Joseph Rammell, President of MJ Investment and Management Group. The document stated 'MJ Investment and Management Group agree to lease the property in Newport, Wa, at 501 Newport Road to John Rammell, dba Mary Jane's.' The document was not signed. Rather, it contained only the name of 'Joseph Rammell, President, MJMG', at the bottom of the page. *Exhibit 3; Page 41.*

4.8. The record is not clear whether John Joe Rammell, the corporate officer and LLC Member of the Applicant, and Joseph Rammell, President of MJ Investment and Management Group, are the same person or different individuals. This is particularly so given the confusion in the criminal history noting 'Joe Sr.' and Joe Jr.' *Exhibit 3; Page 29.*

5. CONCLUSIONS OF LAW

Based upon the facts above, I make the following conclusions:

5.1. The undersigned administrative law judge has jurisdiction over the persons and subject matter of this case under RCW 69.50.334, RCW 34.05.485(1)(c), RCW 34,12,040, chapter 34.05, WAC 314-42-120(1), and chapter 314-42 WAC.

5.2. When the LCB denies a marijuana license application based upon an applicant's alleged failure or refusal to submit information or documentation requested by the LCB, an appeal of that denial is addressed with a brief adjudicative proceeding. WAC 314-42-110. Accordingly, this appeal is appropriately resolved by a brief adjudicative proceeding.

5.3. When granting a marijuana retailer license, the LCB must license not only the applicant business entity, but also the physical premises used by the business. RCW 69.50.325(3). There are multiple provisions of the law which impose a duty on the LCB, or grant it discretion, to assess the proposed licensed premises, including the following:

- a. RCW 69.50.331(1) confers on the LCB the authority to inspect the premises and inquire into all matters in connection with the construction and operation of the premises. *See also*, WAC 314-55-020(6).
- b. RCW 69.50.331(7) requires the LCB to notify the applicable city or county government of a pending license application for a location within the city's or county's jurisdiction, so that such government may file a written objection against the applicant or the premises.
- c. RCW 69.50.331(8) provides the LCB must not issue a marijuana license for any premises within one thousand feet of certain businesses and facilities.
- d. WAC 314-55-020(9) requires the applicant to submit a detailed floor plan or site plan for the proposed licensed premises.

5.3 To carry out its regulatory duties, the LCB 'may inquire and request documents regarding all matters in connection with the marijuana license application.' WAC 314-55-020. It is evident, then, the LCB has the legal authority to request specific information or documentation regarding the proposed licensed premises.

5.4 The LCB has broad discretionary authority to deny a marijuana license application, including for '[f]ailure or refusal to submit information or documentation requested by the board during the evaluation process.' WAC 314-55-020(2).

5.5 WAC 314-55-020(12) gives the LCB specific authority to administratively close or seek denial of an application upon the applicant's 'failure to respond to the board licensing and regulation division's requests for information within the timeline provided.'

5.6 In the present case, the Applicant in its briefing asserts the LCB does not require a 'physical signature', that a person's 'signature block' should be sufficient. However, the undersigned administrative law judge disagrees. A difference exists between an 'electronic signature', as evidenced by the Applicant's electronic signature sent in with its Pre-Screen submission documents, as compared to merely a signature block, listing only a person's name and business capacity. The intent to lease document submitted by the Applicant was not signed by either the lessor or lessee. In addition, it is not clear who owns the property contemplated by the document. The Applicant argued that it owns the property. Yet the document suggests the Applicant is the intended lessee.

5.7 Because Mary Jane's Enterprises LLC, failed to submit a *signed* real estate document, asserting a right to real property, its submission was incomplete and is subject to administrative closure and denial under RCW 69.50.331, WAC 314-55-020(12) and WAC 314-55-050(2). The Liquor Control Board's action in denying of the applicant's application is appropriate. The LCB action should be **affirmed**. (*Emphasis Added*).

6. INITIAL ORDER

IT IS HEREBY ORDERED THAT:

- 6.1. The Liquor Control Board's decision to deny the Applicant's application for a retail marijuana license is **Affirmed**.
- 6.2. The Applicant's application for a retail marijuana license is **denied**.

Issued from Tacoma, Washington, on the date of mailing.



T.J. Martin
Administrative Law Judge
Office of Administrative Hearings

RIGHTS OF REVIEW

If you are dissatisfied with the order in the brief adjudicative proceeding, you may appeal to the Board. This appeal process is called an administrative review. Your appeal must state the reasons for requesting an administrative review and must be received by the Board, in writing, within twenty-one (21) days after the initial order on brief adjudicative proceeding is deposited in the U.S. mail. RCW 34.05.488, RCW 34.05.491, and WAC 314-142-130.

A copy of the request for administrative review must be mailed to all other parties and their representatives at the time the request is filed. Within ten (10) days after service of the request for administrative review, any of the other parties may file a response to that request with the Liquor Control Board. Copies of the

response must be mailed to all other parties and their representatives at the time the response is filed.

Address for filing a request for administrative review with the Board:

Washington State Liquor Control Board
Attention: Kevin McCarroll
3000 Pacific Avenue SE
PO Box 43076
Olympia, Washington 98504-3076

The Board will either uphold or overturn this initial order. The Board's decision will be the final agency decision and will be mailed to the last address furnished to the Liquor Control Board. The order will include a description of any further appeal rights you may have.

CERTIFICATE OF MAILING IS ATTACHED

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 01-2015-LCB-00018

I certify that true copies of this document were served from Tacoma, Washington upon the following as indicated:

<p>Joe Rammell Dba Mary Jane's Weed PO Box 685 Newport, WA 99156 Applicant</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Chris Crew THC Law Firm, LLC 3815 100th Street SW, Suite 2B Lakewood, WA 98499 Applicant's Representative</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Kim O' Neil, Senior Counsel Office of the Attorney General, GCE Division PO Box 40100 Olympia, WA 98504 Agency Representative</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Kevin McCarroll Adjudicative Proceedings Coordinator PO Box 43076 Olympia, WA 98504 Department Representative</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>

Date: Wednesday, July 15, 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Julie Wescott

Julie Wescott
 Legal Assistant



Washington State
Liquor and Cannabis Board

August 12, 2015

Chris Crew
Attorney for Applicant
THC Law Firm, LLC
3815 100th St SW Ste 2B
Lakewood, WA 98499-4409

Joe Rammell
Mary Jane's Enterprises, LLC
d/b/a Mary Jane's Weed
PO Box 685
Newport, WA 99156-0685

Kim O'Neal, AAG
GCE Division, Office of Attorney General
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

RE: FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING
APPLICANT: Mary Jane's Enterprises, LLC
TRADE NAME: Mary Jane's Weed
LOCATION: 501 Newport Rd, Newport, WA 99156
LICENSE APPLICATION NO. 413348
LCB HEARING NO. M-25,302
UBI: 603-350-767-001-0001

Dear Parties:

Please find the enclosed Final Order on Review Following Brief Adjudicative Proceeding and Declaration of Service by Mail in the above-referenced matter. If you have any questions, please contact me at (360) 664-1602.

Sincerely,

Kevin McCarroll
Adjudicative Proceedings Coordinator

Enclosures (2)

cc: Becky Smith, Licensing Director, WSLCB
Frank O'Dell, Licensing Supervisor, WSLCB
Linda Thompson, Licensing Adjudications Coordinator, WSLCB

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

In the Matter of:

MARY JANE'S ENTERPRISES, LLC
d/b/a MARY JANE'S WEED
501 NEWPORT RD
NEWPORT, WA 99156

APPLICANT

License Application No. 413348
UBI No. 603-352-204-001-0001

LCB NO. M-25,302

DECLARATION OF SERVICE BY
MAIL

I certify that I caused a copy of the FINAL ORDER ON REVIEW FOLLOWING BRIEF ADJUDICATIVE PROCEEDING in the above-referenced matter to be served on all parties or their counsel of record by US Mail Postage Prepaid via Consolidated Mail Service for applicants and licensees, by electronic mail for WSLCB offices, and Campus Mail via Consolidated Mail Service for state offices on the date below to:

CHRIS CREW ATTORNEY FOR APPLICANT THC LAW FIRM, LLC 3815 100 TH ST SW STE 2B LAKEWOOD, WA 98499-4409	OFFICE OF THE ATTORNEY GENERAL MAIL STOP 40100, GCE DIVISION KIM O'NEAL, ASSISTANT ATTORNEY GENERAL
JOE RAMMELL MARY JANE'S ENTERPRISES, LLC d/b/a MARY JANE'S WEED PO BOX 685 NEWPORT, WA 99156-0685	

DATED this 12th day of AUGUST, 2015, at Olympia, Washington.


Kevin McCarroll, Adjudicative Proceedings Coordinator