



Washington State
Liquor and Cannabis Board

Date: July 7, 2021

To: David Postman, Board Chair
 Ollie Garrett, Board Member
 Russ Hauge, Board Member

From: Jeff Kildahl, Policy and Rules Coordinator

Copy: Rick Garza, Agency Director
 Toni Hood, Deputy Director
 Chandra Brady, Director of Enforcement and Education
 Becky Smith, Licensing Director
 Justin Nordhorn, Policy and External Affairs Director

Subject: CR 102 Concerning WAC 314-55-040 – What criminal history might prevent a marijuana [cannabis] license applicant from receiving or keeping a marijuana [cannabis] license?

The Policy and Rules Coordinator requests approval to file a rule proposal (CR 102) for the rule making described in the CR 102 Memorandum attached to this order and presented at the Board meeting on July 7, 2021.

If approved for filing, the tentative timeline for this rule proposal is as follows:

July 7, 2021	Board is asked to approve filing proposed rules (CR 102). CR 102 filed with the Office of the Code Reviser. LCB webpage updated and notice circulated by GovDelivery distribution list. Formal comment period begins.
July 21, 2021	Notice published in the Washington State Register.
August 18, 2021	Public hearing held and formal comment period ends.
No earlier than September 1, 2021	Board is asked to adopt rules if no substantive changes are made (CR 103). Concise Explanatory Statement provided to individuals who offered written or oral comment at the public hearing, and during the formal comment period, consistent with RCW 34.05.325. CR 103 and adopted rules are filed with the Office of the Code Reviser. LCB webpage updated and notice circulated by GovDelivery distribution list.
October 2, 2021	Rules are effective 31 days after filing (unless otherwise specified), consistent with RCW 34.05.380(2).

Approve Disapprove



David Postman, Chair

7.7.2021
Date

Approve Disapprove



Ollie Garrett, Board Member

7.7.2021
Date

Approve Disapprove



Russ Hauge, Board Member

7.7.2021
Date

Attachments: CR 102 Memorandum



CR 102 Memorandum

Regarding WAC 314-55-040 – What criminal history might prevent a marijuana [cannabis] license applicant from receiving or keeping a marijuana [cannabis] license?

Date: July 7, 2021
Presented by: Jeff Kildahl, Policy and Rules Coordinator

Background

The Washington State Liquor and Cannabis Board (Board) proposes to amend current rules that frame the standards and thresholds for criminal history checks for marijuana [cannabis] licensees.

Initiative 502 (I-502) established a legal framework for the Board to review the criminal history of marijuana [cannabis] license applicants, along with broad rulemaking authority to create rules related to criminal history background check standards. The initial rules concerning this subject were initially established in late 2013, and the most recent revision occurred in early 2016.

Socially Equitable Conditions

This proposal moves toward creation of socially equitable conditions for individuals who have been disproportionately impacted by marijuana [cannabis] criminalization by revising and more fully describing the background check threshold review process for cannabis license applicants and renewing licensees. Among other things, it redesigns the existing criminal history point system that may have created barriers to entry in the legal cannabis market.

Reasons Why Rules May Be Needed

The Board intends to remove unnecessary barriers to entry in the legal marijuana [cannabis] market by adopting a threshold review process for reviewing and evaluating the criminal conviction history of cannabis license applicants and renewing licensees.

Stakeholder Engagement

A CR 101 was filed on February 17, 2021 and the notice to stakeholders was sent by GovDelivery. The public comment period for the CR 101 ended on March 31, 2021. No comments were received during the public comment period. However, four written comments unrelated to the draft conceptual rules were received after the end of comment period. These comments concerned the future availability of cannabis licenses.

As part of the rule development process, a public Listen and Learn session was planned for May 13, 2021, but was rescheduled and held on June 1, 2021. The session was attended virtually by approximately 25 people. Attendees of the Listen and Learn session shared a small amount of feedback on the draft conceptual rules, and their feedback is collected in the comment table as Attachment A. Feedback received in the Listen and Learn session included the following subjects:

- The effect of the changes to cannabis license applicant background checks on true parties of interest contained in WAC 314-55-035
- Possible changes to draft conceptual rule language to expand beyond WSP and FBI background checks only
- Possible changes to draft conceptual rule language to state that delegated LCB staff review background check information
- Reordering subsections of the draft conceptual rule related to the criminal history threshold review
- Differences between the threshold review and the existing criminal history review
- Concerns about consideration of active state supervision and active federal supervision status in the threshold review
- Concerns for applicants who are paying monetary sanctions to Washington courts
- Increasing or eliminating the 90-day hold period for applicants with pending criminal convictions, and the basis for the 90-day hold period
- Appeal rights of a threshold review
- The need for fingerprinting each time an applicant submits information for a background check

Estimated Costs of Compliance

Agencies are required to consider costs imposed on business and costs associated with compliance with proposed rules. Agencies are not required under chapter 19.85 RCW to consider indirect costs not associated with compliance. However, an analysis of potential administrative costs was conducted, and is described more fully in the CR 102 form. That analysis

indicates that these rules are not anticipated to result in more than minor costs on businesses as defined in RCW 19.85.020(2).

Description of Rule Changes

Amended section. WAC 314-55-040: The proposal amends the title of WAC 314-55-040 from “What criminal history might prevent a marijuana [cannabis] license applicant from receiving or keeping a marijuana [cannabis] license?” to “Cannabis applicant or licensee background checks”.

Amended subsection. WAC 314-55-040(1): The existing point system table was updated and relocated to amended subsection WAC 314-55-040(3) described below. Language was revised to describe the purpose of background checks and what background checks include.

Amended subsection. WAC 314-55-040(2): Existing language was updated to remove reference to the point system and administrative closure. The subsection was retitled “Review and evaluation of information produced by background checks,” and describes the purpose of background check information review and evaluation.

Amended subsection. WAC 314-55-040(3): Existing language was amended to remove reference and description of exceptions to the prior point system. A new threshold review table was created, describing conviction type, conviction class, time consideration, and determination for threshold review. Additional language was added describing threshold review for any applicant or renewing licensee under active state or federal supervision.

Amended subsection. WAC 314-55-040(4): Existing language requiring the licensee to report any criminal convictions within fourteen days was removed. The subsection was retitled “Pending criminal charge review and evaluation” and describes review and evaluation criteria the Board will consider.

New subsection. WAC 314-55-040(5): The new subsection is titled “Threshold review evaluation criteria” and describes threshold review criteria the Board will consider.

New subsection. WAC 314-55-040(6): The new subsection is titled “Continued reporting” and describes conviction reporting requirements.

PROPOSED RULE MAKING



CR-102 (December 2017) (Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Washington State Liquor and Cannabis Board

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-05-074 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 314-55-040 – What criminal history might prevent a marijuana [cannabis] license applicant from receiving or keeping a marijuana [cannabis] license? The Washington State Liquor and Cannabis Board (Board) proposes changes to current rules that frame the standards and thresholds for criminal history checks for marijuana [cannabis] licensees.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 18, 2021	10:00 a.m.	In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Board will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. Board members, presenters, and staff will all participate remotely. The public may login using a computer or device, or call-in using a phone, to listen to the meeting through the Microsoft Teams application. The public may provide verbal comments during the specified public comment and rules hearing segments.	For more information about Board meetings, please visit https://lcb.wa.gov/Boardmeetings/Board_meetings .

Date of intended adoption: Not earlier than September 1, 2021 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Jeff Kildahl, Policy and Rules Coordinator

Address: 1025 Union Avenue, Olympia, WA 98501

Email: rules@lcb.wa.gov

Fax: 360-704-5027

Other:

By (date) August 18, 2021

Assistance for persons with disabilities:

Contact Anita Bingham, ADA Coordinator, Human Resources

Phone: 7-1-1 or 1-800-833-6388

Fax: 360-664-9689

TTY: 7-1-1 or 1-800-833-6388

Email: anita.bingham@lcb.wa.gov

Other:

By (date) August 4, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to revise the background check review and evaluation standards to remove unnecessary barriers for individuals who have been disproportionately impacted by marijuana [cannabis] criminalization. The proposed rule replaces the existing criminal history point system for determining if a cannabis license applicant or licensee qualifies or requalifies for a license with a threshold review process for reviewing and evaluating conviction information. This proposal also changes the title of WAC 314-55-040 from "What criminal history might prevent a marijuana [cannabis] license applicant from receiving or keeping a marijuana [cannabis] license?" to "Cannabis applicant or licensee background checks".

Under the proposed rule, criminal history information from the background check may not preclude approval, but will be considered in determining eligibility for licensure. The Board will conduct a threshold review if the background check indicates one or more class A and B felony convictions within the past ten years, two or more class C felony convictions within seven years, or three misdemeanors or gross misdemeanor convictions within three years. The Board will also conduct a threshold review if the background check indicates the applicant or renewing licensee is under active state supervision, active federal supervision, or both, and will conduct a threshold review if the applicant or renewing licensee has pending criminal charges.

The Board will consider certain criteria in the threshold review, including the time since the conviction or pending offenses, the nature of the specific offense, the nature of the offense or incident to the nature of the work performed, the number of offenses or incidents, evidence of rehabilitation since the time of offense, and any other relevant information. Failure by the applicant or licensee to disclose full criminal history will not be considered in the threshold review, but licensees will be required to report any future criminal convictions to the Board within thirty days.

Reasons supporting proposal: This proposal promotes socially equitable conditions for individuals who have been disproportionately impacted by marijuana [cannabis] criminalization by implementing a criminal history threshold review process for marijuana license applicants and renewing licensees and ending the existing criminal history point system which may negatively affect applicants who have inadvertently failed to disclose full details of their past criminal history.

Statutory authority for adoption: RCW 69.50.331; RCW 69.50.342

Statute being implemented: N/A

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Washington State Liquor and Cannabis Board

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting: Rules Manager	Katherine Hoffman, Policy and	1025 Union Avenue, Olympia WA, 98501	360-664-1622
Implementation: Regulation Director	Rebecca Smith, Licensing and	1025 Union Avenue, Olympia WA, 98501	360-664-1615

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: A cost benefit analysis is not required under RCW 34.05.328 because the subject of the proposed rulemaking does not qualify as a significant legislative rule or other rule requiring a cost benefit analysis under RCW 34.05.328(5)(c).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
RCW 34.05.310 (4)(c) (Incorporation by reference)
RCW 34.05.310 (4)(d) (Correct or clarify language)
RCW 34.05.310 (4)(e) (Dictated by statute)
RCW 34.05.310 (4)(f) (Set or adjust fees)
RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. Agencies are required to consider costs imposed on business and costs associated with compliance with proposed rules. Agencies are not required under

chapter 19.85 RCW to consider indirect costs not associated with compliance. Here, the agency considered potential **administrative** costs that a licensee may incur complying with the proposed rules.

LCB applied the North American Industry Classification System (NAICS) codes 453998 for marijuana stores, both medicinal and recreational, 424590 for marijuana processors, 111998 for outdoor marijuana growers, and 111419 for indoor marijuana growers. The industry descriptions for each of these codes is presented in the table below, and can be accessed at <https://www.census.gov/library/publications/2017/econ/2017-naics-manual.html>.

LCB applied a default cost when analyzing whether the rules would have a disproportionate impact on small businesses as defined in RCW 19.85.020(3). This reflects 4 hours of administrative time at \$50 per hour, for a total of \$200. The agency assumes this activity would include activities such as completing and submitting forms to LCB, and telephone calls.


2017 Industry NAICS Code	Estimated Cost of Compliance	Industry Description	NAICS Code Title	Minor Cost Estimate	1% of Avg Annual Payroll (Threshold)	0.3% of Avg Annual Gross Business Income (Threshold)
453998	\$200	Marijuana stores, medicinal and recreational	All Other Miscellaneous Store Retailers (except Tobacco Stores)	\$3,615.53	\$3,024.31 2018 Dataset pulled from ESD	\$3,615.53 2018 Dataset pulled from DOR
424590	\$200	Marijuana merchant wholesalers	Other Farm Product Raw Material Merchant Wholesalers	\$6,733.79	\$3,684.24 2018 Dataset pulled from USBLS	\$6,733.79 2018 Dataset pulled from DOR
111998	\$200	Marijuana, grown in an open field	All Other Miscellaneous Crop Farming	\$9,125.33	\$9,125.33 2018 Dataset pulled from ESD	\$2,834.77 2018 Dataset pulled from DOR
111419	\$200	Marijuana, grown under cover	Other Food Crops Grown Under Cover	\$2,349.42	\$2,349.42 2018 Dataset pulled from ESD	\$2,324.68 2018 Dataset pulled from DOR

As the table demonstrates, the estimated cost of compliance does not exceed the thresholds for any of the license types. Therefore, implementation of these rules are not anticipated to result in more than minor costs on businesses as defined in RCW 19.85.020(2).

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: July 7, 2021	Signature: 
Name: David Postman	
Title: Chair	

AMENDATORY SECTION (Amending WSR 16-11-110, filed 5/18/16, effective 6/18/16)

WAC 314-55-040 (~~What criminal history might prevent a marijuana license applicant from receiving or keeping a marijuana license?~~)

Cannabis applicant or licensee background checks. (~~(1) When the WSLCB processes a criminal history check on an applicant, it uses a point system to determine if the person qualifies for a license. The WSLCB will not normally issue a marijuana license or renew a license to an applicant who has accumulated eight or more points as indicated below:~~

Description	Time period during which points will be assigned	Points assigned
Felony conviction	Ten years	12 points
Gross misdemeanor conviction	Three years	5 points
Misdemeanor conviction	Three years	4 points
Currently under federal or state supervision for a felony conviction	n/a	8 points
Nondisclosure of any of the above	n/a	4 points each

~~(2) If a case is pending for an alleged offense that would earn eight or more points, the WSLCB will hold the application for the~~

~~disposition of the case. If the disposition is not settled within ninety days, the WSLCB will administratively close the application.~~

~~(3) The WSLCB may not issue a marijuana license to anyone who has accumulated eight or more points as referenced above. This is a discretionary threshold and it is further recommended that the following exceptions to this standard be applied:~~

~~**Exception to criminal history point assignment.**~~

~~(a) Prior to initial license application, two federal or state misdemeanor convictions for the possession only of marijuana within the previous three years may not be applicable to the criminal history points accumulated. All criminal history must be reported on the personal/criminal history form.~~

~~(i) Regardless of applicability, failure to disclose full criminal history will result in point accumulation;~~

~~(ii) State misdemeanor possession convictions accrued after December 6, 2013, exceeding the allowable amounts of marijuana, usable marijuana, and marijuana-infused products described in chapter 69.50 RCW shall count toward criminal history point accumulation.~~

~~(b) Prior to initial license application, any single state or federal conviction for the growing, possession, or sale of marijuana will be considered for mitigation on an individual basis. Mitigation~~

~~will be considered based on the quantity of product involved and other circumstances surrounding the conviction.~~

~~(4) Once licensed, marijuana licensees must report any criminal convictions to the WSLCB within fourteen days.)~~ (1) The board conducts a background check of a new applicant or for license renewals to evaluate whether the applicant or licensee qualifies or requalifies for a license. The background check includes a criminal record check through the Washington state patrol and the Federal Bureau of Investigations database.

(2) **Review and evaluation of information produced by background checks.** The board will review the information produced by background checks to determine whether the applicant or licensee qualifies for a new or renewed license. Information from the background check may not preclude approval, but will be considered in determining the applicant's eligibility for licensure.

(3) The board will conduct a threshold review for the following types of convictions:

<u>Conviction Type</u>	<u>Conviction Class</u>	<u>Time Consideration</u>	<u>Determination</u>
<u>Felonies</u>	<u>Class A and B convictions</u>	<u>10 years</u>	<u>Threshold review if 1 or more</u>
	<u>Class C convictions</u>	<u>7 years</u>	<u>Threshold review if 2 or more</u>
<u>Misdemeanors</u>	<u>Gross misdemeanors and misdemeanors</u>	<u>3 years</u>	<u>Threshold review if 3 or more</u>

(a) Active state supervision and active federal supervision resulting in determination of threshold review.

(b) The board will conduct a threshold review of any license applicant or license renewal if the background check indicates that the applicant or renewing licensee is under active state supervision, active federal supervision, or both.

(4) **Pending criminal charge review and evaluation.** The board will review and evaluate the applicant or renewing licensee's pending criminal charges. Review and evaluation criteria include, but are not limited to:

(a) A determination of whether the convictions of pending charge(s) alone or compiled would put an individual over the conviction allowance above.

(b) The application may be placed on hold for ninety days and if no disposition within ninety days, the application will be withdrawn.

(5) **Threshold review evaluation criteria.** When a background check results in a determination for a threshold review, the board will consider the following criteria:

(a) Time since the conviction, or pending offenses;

(b) Nature and specific circumstances of the offense;

(c) Relationship of the offense or incident to the nature of the work performed;

(d) Number of offenses or incidents;

(e) If criminal, any relevant evidence of rehabilitation, such as information about compliance with conditions of parole or probation, including orders of no contact with victims and witnesses, and the individuals conduct and experience since the time of the offense; and

(f) Any other relevant information, including information submitted by the applicant or licensee, or requested by the board.

(6) **Continued reporting.** Cannabis licensees must report any criminal convictions to the board within thirty days. New convictions will be considered upon receipt or at the time of renewal.

[Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-040, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-040, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-040, filed 10/21/13, effective 11/21/13.]

WAC 314-55-040 Cannabis License Applicant Background Checks
Public Comments

Comment number	Comment Source	Commenter	Theme	Comment	Date Received
1	Email	Adam	License availability	Hi Katherine my name is Adam I'm looking for cannabis licenses from 2013 until now I never have chance to have one let me know where I should go to get A cannabis licenses thanks you Kathy	4/23/21
2	Email	Deborah Kernes-Nicholson	License availability	Ms. Hoffman I am trying to keep up in WA with rules, regs and requirements. Am I wrong that all licensing is out and no more licensing is open to apply for? I am setting up in Spokane valley and am a holistic health practitioner who is wanting to keep treating patients & clients I'd like to add cannabis for my cancer patients and in doing so I am wanting to apply for licensing to grow, process and scribe to patients/clients in the future. Where would I go to gain the most knowledge so I can apply for licensing in the near future. Best regards, Deborah Kernes-Nicholson	4/23/21
3	Email	Shauna Ballestrasse	License availability	Hello! Are there any plans to open the licensing back up or any protocol where you make the people who are just sitting on them relinquish the license? Black Woman owned business looking to get licensed and I see the ones for resale but wanted to check with you if there is another process. Thank you! Shauna Ballestrasse	4/23/21

WAC 314-55-040 Cannabis License Applicant Background Checks
Public Comments

4	Email	Flip Gutierrez	License availability	Good afternoon Katherine, I've been patiently waiting for my opportunity at a retail license. Any idea or on potential expansions of licensees in Yakima valley??	4/23/21
5	Listen and Learn Session	Lukas Hunter	WAC 314-55-040(1)	Lukas Hunter commented about how this subsection applies with true party of interest in WAC 388-55-035, possibly anticipating of potential licensees coming from outside the scope of WSP or FBI background checks.	6/1/2021
6	Listen and Learn Session	Neil Zurawell	WAC 314-55-040(1)	Neil Zurawell suggested changing language regarding background checks by WSP and FBI to say "indices checks conducted by the LCB".	6/1/2021
7	Listen and Learn Session	Lukas Hunter	WAC 314-55-040(2)	Lukas Hunter suggested changing "board" to "delegated LCB staff" because review of background check information is done by LCB staff.	6/1/2021
8	Listen and Learn Session	Lukas Hunter	WAC 314-55-040(3)	Lukas Hunter noted that subsection (6) in the conceptual draft is about threshold review, and suggests moving subsection (6) up to take the place of subsection (3), and placing existing subsections (3) and (5) as sub-subsections below.	6/1/2021
9	Listen and Learn Session	Micah Sherman	WAC 314-55-040(3)	Micah Sherman asked (in chat) the following question: "Would it be possible to have a quick executive summary of the overall changes being proposed here? How would this work in real life vs how it works now? I'm having trouble feeling like I can add value to this without a little context." Nicola Reed and Justin Nordhorn responded and explained the issue of applicants remembering past convictions, the types of convictions, and reducing barriers. Micah responded, "Very Helpful, thank you".	6/1/2021

WAC 314-55-040 Cannabis License Applicant Background Checks
Public Comments

9	Listen and Learn Session	Lukas Hunter	WAC 314-55-040(4)	Lukas Hunter asked what the agency considers the benefit of including this language. Nicola Reid responded that the grid in the current rule contains language about supervision, and this is needed to show what factors the board would consider.	6/1/2021
10	Listen and Learn Session	Bailey Hirschburg	WAC 314-55-040(4)	<p>Bailey Hirschburg asked (in chat) the following question: "To get her voting rights back, my friend had to finish paying monetary sanctions to WA courts. If an applicant was nearly done paying fines/fees for a conviction, would LCB consider them, or would it be 'active supervision' by the state?".</p> <p>Nicola Reid responded that the grid in the current rule contains language about supervision, and this is needed to show what factors the board would consider. Kevin responded that including the language shows that the application would be considered.</p>	6/1/2021
11	Listen and Learn Session	Lukas Hunter	WAC 314-55-040(5)	<p>Lukas Hunter commented regarding the 90 day period. He said that if the applicant was a liquor applicant, they could reapply immediately if rejected, but the application window for cannabis would likely be closed after 90 days. This could be prohibitive for innocent. The 90 day timeline should be eliminated unless the application time remains open.</p> <p>Nicola Reid responded that only if the pending convictions would put the applicant over the threshold would the applicant be rejected.</p>	6/1/2021

WAC 314-55-040 Cannabis License Applicant Background Checks
Public Comments

12	Listen and Learn Session	Lukas Hunter	WAC 314-55-040(5)	<p>Lukas Hunter asked where the 90 day period comes from in this draft and in the current rule, and why is there a 90 day limitation on the application.</p> <p>Nicola Reid replied that 90 days is mirrored in the liquor rules. It would be possible to maybe extend to 120 days.</p>	6/1/2021
13	Listen and Learn Session	Lukas Hunter	WAC 314-55-040(6)	Lukas Hunter commented about appeal rights of the threshold review.	6/1/2021
14	Listen and Learn Session	Jonathan Moulton	WAC 314-55-040	<p>Jonathan Moulton asked why fingerprinting was required each time an applicant submits information for a background check.</p> <p>Nicola Reid researched this question, and after the session forwarded an email response from Andrea Lee: "Because they are just for licensing – they are not criminals. So WSP destroys them. We do not have the right to keep that information. "</p>	6/1/2021