

1 **BEFORE THE CANNABIS COMPLIANCE BOARD**
2 **STATE OF NEVADA**

3
4 STATE OF NEVADA, CANNABIS
COMPLIANCE BOARD,

Case No. 2020-14

5 Petitioner,

6
7 vs.

8 WILLIAM ALBERTO GIRON,

9 Respondent.

10 **COMPLAINT FOR DISCIPLINARY ACTION**

11 The Cannabis Compliance Board of the State of Nevada (the "CCB"), by and through
12 counsel, Aaron D. Ford, Attorney General of the State of Nevada, L. Kristopher Rath, Esq.,
13 Senior Deputy Attorney General, and Ashley A. Balducci, Esq., Senior Deputy Attorney
14 General, having a reasonable basis to believe that Respondent William Alberto Giron
15 ("Giron" or "Respondent") has violated provisions of Chapters 453A and 453D of the Nevada
16 Revised Statutes ("NRS") and Chapters 453A and 453D of the Nevada Administrative Code
17 ("NAC"), hereby issues its Complaint, stating the CCB's charges and allegations as follows:

18 **JURISDICTION**

19 1. Giron currently holds the following cannabis establishment agent registration
20 card: (dispensary) 1900024487. The aforementioned cannabis establishment agent
21 registration card in this Paragraph shall hereinafter be referred to as the "Current Agent
22 Card." The Current Agent Card expires on January 15, 2021.

23 2. Giron previously held the following cannabis establishment agent registration
24 cards:

25

Number	Establishment Category	Role	Application Date	Expiration Date
1900002169	Production	Employee	1/31/2019	1/30/2020
1900002171	Distribution	Employee	1/31/2019	1/30/2020

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27
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1900009547	Cultivation	Employee	3/15/2019	3/14/2020
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2 The aforementioned cannabis establishment agent registration cards in this
3 Paragraph shall hereinafter be referred to as the "Prior Agent Cards."

4 3. In the application for the Prior Agent Cards, Giron signed the "Applicant
5 Dispense/Divert Pledge Form" and pledged "not to dispense or otherwise divert marijuana
6 to any person who is not authorized to possess marijuana in accordance with provisions of
7 Nevada Revised Statute 453A and/or NRS 453D."

8 4. Laws 2019, c. 595, § 240, eff. July 1, 2020, states, in pertinent part, as follows:
9

10 1. The administrative regulations adopted by the Department of Taxation
11 pursuant to chapters 453A and 453D of NRS governing the licensing and
12 regulation of marijuana establishments and medical marijuana
13 establishments remain in force and are hereby transferred to become the
14 administrative regulations of the Cannabis Compliance Board on July 1, 2020.
15 On and after July 1, 2020, these regulations must be interpreted in a manner
16 so that all references to the Department of Taxation and its constituent parts
17 are read and interpreted as being references to the Cannabis Compliance
18 Board and its constituent parts, regardless of whether those references have
19 been conformed pursuant to section 244 of this act at the time of
20 interpretation...

21 3. Any action taken by the Department of Taxation or its constituent parts
22 pursuant to chapter 453A and 453D of NRS governing the licensing and
23 regulation of marijuana establishments and medical marijuana
24 establishments before July 1, 2020, remains in effect as if taken by the
25 Cannabis Compliance Board or its constituent parts on and after July 1, 2020.

26 5. Effective July 1, 2020, and pursuant to NRS 678A.350, the CCB superseded
27 the Marijuana Enforcement Division of the Department of Taxation (the "Department") in
28 enforcing Nevada's laws and regulations for the cannabis industry.

29 6. As set forth below, the events at issue in this Complaint occurred prior to July
30 1, 2020, when Giron held the Prior Agent Cards¹ pursuant to NRS Chapters 453A and 453D
31 and NAC Chapters 453A and 453D. Therefore, Giron is subject to the jurisdiction of the
32 CCB and subject to discipline pursuant to NRS 678A through 678D and the relevant

33 ¹ Prior to July 1, 2020, cannabis establishment agent registration cards were known as
34 marijuana establishment agent registration cards.

1 provisions of NRS Chapters 453A and 453D and NAC 453A and 453D. Violations are
2 referenced herein to the statutes and regulations in effect at the time each said violation
3 occurred.

4 7. Pursuant to NRS 678A.500 and 678A.510(1), the CCB's Executive Director
5 has transmitted the details of the suspected violations of Giron to the Attorney General
6 and the Attorney General has conducted an investigation of the suspected violations. The
7 Attorney General has recommended to the Executive Director that further proceedings are
8 warranted, as set forth in this Complaint. Pursuant to NRS 678A.510(2)(b), the CCB has
9 authorized service of this Complaint pursuant to NRS 678A.510(1) to proceed with the
10 appropriate disciplinary action under NRS 678A.520 through 678A.600.

11 **FACTUAL ALLEGATIONS**

12 8. CCB incorporates all prior Paragraphs as though fully set forth herein.

13 9. On March 8, 2019, the Department's Inspectors Kimberly Wayman
14 ("Inspector Wayman") and Elizabeth Perez ("Inspector Perez") conducted an inspection at
15 a cannabis establishment located at 1324 South 3rd Street, North Las Vegas, Nevada
16 89104 ("dispensary") after the Department received an anonymous complaint alleging the
17 unauthorized breakdown of cannabis flower in an employee breakroom at a dispensary.²

18 10. During this inspection, Wayman and Perez reviewed and obtained sign-in
19 sheets for visitors. According to the visitor sign-in sheets, from 4:55 p.m. to 6:00 p.m., on
20 February 21, 2019, Giron visited the dispensary for "inventory." The visitor sign-in sheets
21 showed that Giron returned on February 22, 2019, from 2:18 p.m. to 2:50 p.m. for
22 "inventory." Inspectors Wayman and Perez requested video surveillance of the dispensary's
23 employee breakroom for February 21, 2019 and February 22, 2019.

24 11. On February 21, 2019 and February 22, 2019, Giron's Prior Agent Cards only
25 authorized him to work or volunteer as a distributor or in a production facility and not a
26

27 ² NAC 453D.446(1)(d) provides that "[i]f preparation or packaging of concentrated
28 marijuana and marijuana products is done in the building, a designated area for the
preparation or packaging that: (1) Includes work space that can be sanitized; and (2) Is only
used for the preparation or packaging of concentrated marijuana or marijuana products."

1 dispensary.

2 12. The Department's Compliance Audit Investigator II Shandon Snow
3 ("Investigator Snow") reviewed the video surveillance and observed Giron along with Alex
4 Rodriguez, Brian Porras, and Alicia Castile separate cannabis flower in an employee break
5 room at the dispensary on February 21, 2019. The video surveillance also showed Giron
6 put a bag of the cannabis flower in his pocket.

7 **VIOLATIONS OF LAW**

8 13. CCB incorporates all prior Paragraphs as though fully set forth herein.

9 14. As to the Prior Agent Cards and Current Agent Card, Respondent violated
10 NAC 453D.348(2) and NAC 453D.905(3)(e)(1) for failing to have in the immediate
11 possession a marijuana establishment agent registration card or proof of temporary
12 registration to work or volunteer in a dispensary on February 21, 2019. Because Giron only
13 had marijuana establishment registration cards to work or volunteer as a distributor or at
14 a production facility, this is a Category IV violation under NAC 453D.905(3)(e)(1). The first
15 Category IV violation carries a fine of not more than \$1,250.

16 15. As to the Prior Agent Cards and Current Agent Card, Respondent knowingly
17 violated NAC 453D.365(3)(a) by diverting marijuana product when video surveillance
18 showed Giron put a bag of the cannabis flower he separated in his pocket on February 21,
19 2019. The Department may revoke a marijuana establishment agent card pursuant to NAC
20 453D.365(3)(a) and NAC 453D.354(4). Alternatively, should the CCB find that Respondent
21 unknowingly diverted marijuana product, then Respondent violated NAC
22 453D.905(3)(d)(19). This is a Category III violation. The first Category III violation carries
23 a fine of not more than \$2,500.

24 **DISCIPLINE AUTHORIZED**

25 16. Pursuant to the provisions of NRS 678A.600, NRS 678D.450, NRS 453D.228,
26 NAC 453A.348, NAC453A.350, NAC 453D.365, NAC 453D.900, and NAC 453D.905, the
27 CCB has the discretion to impose the following disciplinary actions:

28 1. Revoke the Prior Agent Cards and Current Agent Card;

1 (d) Must affirmatively set forth any matter which constitutes an avoidance or
2 affirmative defense.

3 (e) May demand a hearing. **Failure to demand a hearing constitutes a waiver**
4 **of the right to a hearing and to judicial review of any decision or order of**
5 **the Board**, but the Board may order a hearing even if the respondent so waives his
6 or her right.

7 **Failure to answer or to appear at the hearing constitutes an admission by**
8 **the respondent of all facts alleged in the Complaint. The Board may take action**
9 **based on such an admission and on other evidence without further notice to the**
10 **respondent. NRS 678A.520(3).**

11 The Board shall determine the time and place of the hearing as soon as is reasonably
12 practical after receiving the respondent's answer. The Board shall deliver or send by
13 registered or certified mail a notice of hearing to all parties at least 10 days before the
14 hearing. The hearing must be held within 45 days after receiving the respondent's answer
15 unless an expedited hearing is determined to be appropriate by the Board, in which event
16 the hearing must be held as soon as practicable. NRS 678A.520(4).

17 Respondent's Answer and Request for Hearing must be either: mailed via registered
18 mail, return receipt; or delivered in person; or emailed to:

19 Tyler Klimas, Executive Director
20 Cannabis Compliance Board
21 555 E. Washington Avenue, Suite 4100
22 Las Vegas, Nevada 89101
23 tklimas@ccb.nv.gov

24 If served by email, Respondent must ensure that it receives an acknowledgement of receipt
25 email from CCB as proof of service.

26 As RESPONDENT, you are specifically informed that you have the right to appear
27 and be heard in your defense, either personally or through your counsel of choice at your
28 own expense. At the hearing, the CCB has the burden of proving the allegations in the
Complaint, although any failure on your part to maintain any documents, records,
surveillance video, and/or any other items required pursuant to the relevant statutes and

1 regulations shall create a rebuttal presumption that such items would be harmful to your
2 case. The CCB will call witnesses and present evidence against you. You have the right to
3 respond and to present relevant evidence and argument on all issues involved. You have
4 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
5 witnesses on any matter relevant to the issues involved.

6 You have the right to request that the CCB issue subpoenas to compel witnesses to
7 testify and/or evidence to be offered on your behalf. In making this request, you may be
8 required to demonstrate the relevance of the witness's testimony and/or evidence.

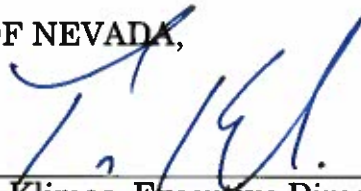
9 If Respondent does not wish to dispute the charges and allegations set forth herein,
10 within 30 days of the service of this Complaint, Respondent may pay the civil penalties set
11 forth above in the total amount of \$1,250 and surrender the Prior Agent Cards and Current
12 Agent Card to:

13 Tyler Klimas, Executive Director
14 Cannabis Compliance Board
15 555 E. Washington Avenue, Suite 4100
16 Las Vegas, Nevada 89101

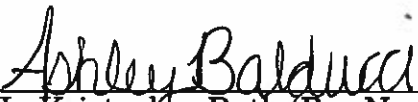
17 YOU ARE HEREBY ORDERED to immediately cease the activity described above
18 which is a violation of Nevada law.

19 DATED: August 25, 2020.

20 STATE OF NEVADA,

21 By: 
22 Tyler Klimas, Executive Director
23 555 E. Washington Avenue, Suite 4100
24 Las Vegas, Nevada 89101
25 (702) 486-2300

26 AARON D. FORD
27 Attorney General

28 By: 
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