

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

3
4 STATE OF NEVADA, CANNABIS
COMPLIANCE BOARD,

Case No. 2020-13

5 Petitioner,

6 vs.

7 ALEX RODRIGUEZ,

8 Respondent.
9

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 Alex Rodriguez ("Rodriguez"
15 or "Respondent") has violated provisions of Chapters 453A and 453D of the Nevada Revised
16 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

19 **JURISDICTION**

20 1. Rodriguez currently holds the following cannabis establishment agent
21 registration card: (cultivation) 1900018267. The aforementioned cannabis establishment
22 agent registration card in this Paragraph shall hereinafter be referred to as the "Current
23 Agent Card." The Current Agent Card expires on September 3, 2020.

24 2. Rodriguez previously held the following cannabis establishment agent
25 registration card:

Number	Establishment Category	Role	Application Date	Expiration Date
1800005810	Production	Employee	7/13/18	7/25/19

1 The aforementioned cannabis establishment agent registration card in this
2 Paragraph shall hereinafter be referred to as the "Prior Agent Card."

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

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

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

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

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

28 6. As set forth below, the events at issue in this Complaint occurred prior to July
1, 2020, when Rodriguez held the Prior Agent Card¹ pursuant to NRS Chapters 453A and
453D and NAC Chapters 453A and 453D. Therefore, Rodriguez is subject to the jurisdiction
of the CCB and subject to discipline pursuant to NRS 678A through 678D and the relevant
provisions of NRS Chapters 453A and 453D and NAC 453A and 453D. Violations are

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

1 referenced herein to the statutes and regulations in effect at the time each said violation
2 occurred.

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

10 **FACTUAL ALLEGATIONS**

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

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

17 10. During this inspection, Wayman and Perez reviewed and obtained sign-in
18 sheets for visitors. According to the visitor sign-in sheets, from 4:55 p.m. to 6:00 p.m., on
19 February 21, 2019, Rodriguez visited the dispensary for "inventory." The visitor sign-in
20 sheets showed that Rodriguez returned on February 22, 2019, from 1:30 p.m. to 1:45 p.m.
21 for "breakdown and rebag."³ Inspectors Wayman and Perez requested video surveillance of
22 the dispensary's employee breakroom for February 21, 2019 and February 22, 2019.

23 11. On February 21, 2019 and February 22, 2019, Rodriguez's Prior Agent Card
24 only authorized him to work or volunteer in a production facility and not a dispensary.

25 _____
26 ² NAC 453D.446(1)(d) provides that "[i]f preparation or packaging of concentrated
27 marijuana and marijuana products is done in the building, a designated area for the
28 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."

³ The visitor sign-in sheets further showed Rodriguez at the dispensary on February 22,
2019, February 23, 2019, and February 28, 2019.

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

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

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

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

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

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

24 As RESPONDENT, you are specifically informed that you have the right to appear
25 and be heard in your defense, either personally or through your counsel of choice at your
26 own expense. At the hearing, the CCB has the burden of proving the allegations in the
27 Complaint, although any failure on your part to maintain any documents, records,
28 surveillance video, and/or any other items required pursuant to the relevant statutes and
regulations shall create a rebuttal presumption that such items would be harmful to your
case. The CCB will call witnesses and present evidence against you. You have the right to

1 respond and to present relevant evidence and argument on all issues involved. You have
2 the right to call and examine witnesses, introduce exhibits, and cross-examine opposing
3 witnesses on any matter relevant to the issues involved.

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

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

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

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

17 DATED: August 25, 2020.

18 STATE OF NEVADA,

19 By: 

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

24 AARON D. FORD
25 Attorney General

26 By: 

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