

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

3 STATE OF NEVADA, CANNABIS  
4 COMPLIANCE BOARD,

5 Petitioner,

Case No. 2022-61

6 vs.

7 ERIK DANIEL RODRIGUEZ,

8 Respondent.

9 **COMPLAINT FOR DISCIPLINARY ACTION**

10 The Cannabis Compliance Board of the State of Nevada (the “CCB”), by and through  
11 counsel, Aaron D. Ford, Attorney General of the State of Nevada Emily N. Bordelove, Esq.,  
12 Senior Deputy Attorney General, L. Kristopher Rath, Esq., Senior Deputy Attorney  
13 General, Ashley A. Balducci, Esq., Senior Deputy Attorney General, and Michael D.  
14 Detmer, Esq., Senior Deputy Attorney General having a reasonable basis to believe that  
15 ERIK DANIEL RODRIGUEZ (“RODRIGUEZ” or “Respondent”) has violated provisions of  
16 Chapters, 678A through 678D of the Nevada Revised Statutes (“NRS”), and the Nevada  
17 Cannabis Compliance Regulations (“NCCR”), hereby issues its Complaint, stating the  
18 CCB’s charges and allegations as follows:

19 **JURISDICTION**

20 1. RODRIGUEZ currently holds the following cannabis establishment agent  
21 registration card:

22 ID No.	Establishment Type	Application Date	Expiration Date
23 [REDACTED]	Dispensary	December 4, 2020	December 22, 2022

24 2. RODRIGUEZ previously held the following cannabis establishment agent  
25 registration cards:

26 ID No.	Establishment Type	Application Date	Expiration Date
27 [REDACTED]	Dispensary	December 16, 2019	December 16, 2020

ID No.	Establishment Type	Application Date	Expiration Date
[REDACTED]	Dispensary	September 18, 2018	December 20, 2019

3  
4 3. In RODRIGUEZ's applications for Agent Cards [REDACTED] &  
5 [REDACTED], RODRIGUEZ executed three (3) separate "Applicant Dispense/Divert Pledge"  
6 Forms pledging not to "**dispense** or divert marijuana or marijuana products to  
7 **unauthorized persons.**" (emphasis added).

8 4. As set forth below, the events at issue in this CCB Complaint occurred after July  
9 1, 2020, RODRIGUEZ applied for his [REDACTED] Agent Card on December 4, 2020, and  
10 the CCB issued the agent card to RODRIGUEZ. Therefore, RODRIGUEZ is subject to the  
11 jurisdiction of the CCB and subject to discipline pursuant to NRS 678A through 678D and  
12 the relevant provisions of the NCCR.

13 5. Pursuant to NRS 678A.500 and 678A.510(1), the CCB's Executive Director has  
14 transmitted the details of the suspected violations of RODRIGUEZ to the Attorney  
15 General, and the Attorney General conducted an investigation of the suspected violations  
16 to determine whether they warrant proceedings for disciplinary action. The Attorney  
17 General has recommended to the Executive Director that further proceedings are  
18 warranted, as set forth in this CCB Complaint. The CCB has authorized proceeding with  
19 disciplinary action against RODRIGUEZ, pursuant to NRS 678A.510(2)(b). Pursuant to  
20 NRS 678A.520(1), the CCB's Executive Director has authorized service of this Complaint  
21 upon RODRIGUEZ.

## 22 FACTUAL ALLEGATIONS

23 6. The CCB incorporates all prior Paragraphs as though fully set forth herein.

24 7. On or about April 28, 2021, Essence Tropicana, LLC ("ETL") dispensary  
25 transmitted a Cannabis Establishment ("CE") Incident Report to the CCB, identifying  
26 incidents of an underage individual purchasing and attempting to purchase cannabis at its  
27 dispensary located on 7260 South Rainbow Blvd., Las Vegas, Nevada 89118.

28 8. According to the CE Incident Report, on or about April 13, 2021, an underage

1 individual attempted to make a purchase at its dispensary, and her identification card did  
2 not successfully scan. At that time, ETL discovered that the individual was under 21 years  
3 of age<sup>1</sup>, and ETL escorted her off of its premises. ETL initiated an investigation and  
4 discovered this same underage individual completed prior purchases at its adult-use  
5 dispensary. ETL reported that it had terminated the ETL employees who allowed these  
6 sales.

7 9. On or about April 29, 2021, in response to the CE Incident Report, CCB's Chief of  
8 Audits and Inspections Karalin Cronkhite ("Chief Cronkhite") investigated the CE Incident  
9 Report. During Chief Cronkhite's investigation, she discovered that ETL hired  
10 RODRIGUEZ to work as Guest Consultant in its drive-through. According to ETL,  
11 RODRIGUEZ's specific role was to (1) verify the guest's identification card by utilizing the  
12 Veriscan scanning device, (2) verify the products in the bag requested, and (3) charge the  
13 guest for the transaction. ETL reported that, on or about March 28, 2021, video surveillance  
14 footage showed RODRIGUEZ failing to scan the same underage individual's identification  
15 card in the fully functioning Veriscan, opting to visually examine the card instead and  
16 allowing the same underage individual to purchase cannabis. Chief Cronkhite requested  
17 any video, images, or additional documentation regarding the events documented in the  
18 CE Incident Report. ETL provided the video surveillance from April 2, 2021, and March 28,  
19 2021, to Chief Cronkhite.

20 10. ETL subsequently settled with the CCB regarding its role in these sales and  
21 attempted sale, as reflected in the settlement agreement filed in Case No. 2021-50.

## 22 VIOLATIONS OF LAW

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

24 12. As to RODRIGUEZ's [REDACTED] Agent Card, RODRIGUEZ violated NRS  
25 678B.385(2), NCCR 7.020 & 4.040(1)(a)(3) on or about March 28, 2021, when RODRIGUEZ  
26 failed to verify the age of an underage individual by failing to scan the underage

27 \_\_\_\_\_  
28 <sup>1</sup> Specifically, the individual was twenty (20) years ten (10) months, and fourteen (14) days old.

1 individual's identification card in the fully functioning Veriscan, opting to visually examine  
2 the card instead, and allowing the underage individual to purchase cannabis.  
3 RODRIGUEZ's actions constitute grounds for immediate revocation of his cannabis  
4 establishment agent registration card pursuant to NRS 678B.385(2) and/or one (1)  
5 Category II violation under NCCR 4.040(2)(a)(1) which carries a civil penalty of not more  
6 than \$25,000 and a suspension for not more than twenty (20) days.

#### 7 **DISCIPLINE AUTHORIZED**

8 Pursuant to the provisions of NRS 678A.600, NCCR 4.020, 4.030, 4.035 through  
9 4.060, and 5.100, the CCB has the discretion to impose the following disciplinary actions:

- 10 1. Revoke RODRIGUEZ's [REDACTED] Agent Card;
- 11 2. Suspend RODRIGUEZ's [REDACTED] Agent Card;
- 12 3. Impose a civil penalty of not more than \$25,000 for each separate violation of NRS  
13 Title 56 and the NCCR; and
- 14 4. Take such other disciplinary action as the CCB deems appropriate.

15 The CCB may order one or any combination of the discipline described above.

#### 16 **RELIEF REQUESTED**

17 Based on the foregoing, counsel for the CCB respectfully requests the CCB revoke  
18 RODRIGUEZ's [REDACTED] Agent Card and impose civil penalties against RODRIGUEZ  
19 in the amount of \$25,000.

#### 20 **NOTICE TO RESPONDENT**

21 **PLEASE TAKE NOTICE**, that Respondent has a right to request a hearing on the  
22 charges set forth herein, pursuant to NRS 678A.510 through 678A.590. **Failure to**  
23 **demand a hearing constitutes a waiver of the right to a hearing and to judicial**  
24 **review of any decision or order of the Board, but the Board may order a hearing,**  
25 **even if the Respondent so waives his right.** NRS 678A.520(2)(e).

26 **PLEASE TAKE NOTICE**, you, as the Respondent, **must Answer this Complaint**  
27 **within twenty (20) days after service of this Complaint, unless granted an**  
28 **extension.** Pursuant to NRS 678A.520(2), in the Answer Respondent:

1 (a) Must state in short and plain terms the defenses to each claim asserted.

2 (b) Must admit or deny the facts alleged in the Complaint.

3 (c) Must state which allegations the Respondent is without knowledge or  
4 information to form a belief as to their truth. Such allegations shall be deemed denied.

5 (d) Must affirmatively set forth any matter which constitutes an avoidance or  
6 affirmative defense,

7 (e) May demand a hearing. Failure to demand a hearing constitutes a waiver of the  
8 right to a hearing and to judicial review of any decision or order of the Board, but the Board  
9 may order a hearing even if the Respondent so waives his right.

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

14 The Board shall determine the time and place of the hearing as soon as is reasonably  
15 practical after receiving the Respondent's Answer. The Board may assign a hearing officer  
16 to conduct the hearing under NCCR 2.070, 4.095, and 4.110. The Board or its assigned  
17 hearing officer shall deliver or send by registered or certified mail a notice of hearing to all  
18 parties at least ten (10) days before the hearing. The hearing must be held within forty-five  
19 (45) days after receiving Respondent's Answer unless an expedited hearing is determined  
20 to be appropriate by the Board, in which event the hearing must be held as soon as  
21 practicable. NRS 678A.520(4). The Chair of the Board or the assigned hearing officer may  
22 grant one or more extensions to the forty-five (45) day requirement pursuant to the request  
23 of a party or an agreement by both parties.

24 Respondent's Answer and Request for Hearing must be either: mailed via registered  
25 mail, return receipt; or emailed to:

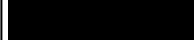
26 Tyler Klimas, Executive Director  
27 Cannabis Compliance Board  
28 700 E. Warm Springs Rd, Suite 100  
Las Vegas, NV 89119  
tklimas@ccb.nv.gov

1 If serving his Answer and Request for Hearing via email, Respondent must ensure  
2 that he receives an acknowledgement of receipt email from the CCB as proof of service.  
3 Respondent is also requested to email a copy of his Answer and Request for Hearing to the  
4 Senior Deputy Attorneys General listed below at lrath@ag.nv.gov, abalducci@ag.nv.gov,  
5 mdetmer@ag.nv.gov, and ebordelove@ag.nv.gov.  
6

7 As the Respondent, you are specifically informed that you have the right to appear  
8 and be heard in your defense, either personally or through your counsel of choice at your  
9 own expense. At the hearing, the CCB has the burden of proving the allegations in the  
10 Complaint. The CCB will call witnesses and present evidence against you. You have the  
11 right to respond and to present relevant evidence and argument on all issues involved. You  
12 have the right to call and examine witnesses, introduce exhibits, and cross-examine  
13 opposing witnesses on any matter relevant to the issues involved.

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

17 If the Respondent does not wish to dispute the charges and allegations set forth  
18 herein, within thirty (30) days of the service of this Complaint, Respondent may pay the  
19 civil penalties set forth above in the total amount of \$ 25,000 and surrender Agent Card

20  on notice to:

21 Tyler Klimas, Executive Director  
22 Cannabis Compliance Board  
23 700 E. Warm Springs Rd, Suite 100  
24 Las Vegas, NV 89119  
25 tklimas@ccb.nv.gov

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28 ///

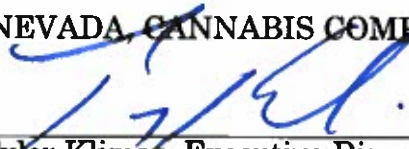
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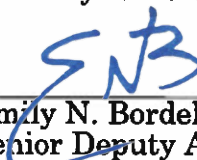
1 YOU ARE HEREBY ORDERED to immediately cease the activity described above which  
2 is a violation of Nevada law.

3 DATED: January 31, 2022.

4 STATE OF NEVADA, CANNABIS COMPLIANCE BOARD

5  
6 By:   
7 Tyler Klimas, Executive Director  
8 Nevada Cannabis Compliance Board  
9 700 E. Warm Springs Rd, Suite 100  
10 Las Vegas, NV 89119  
11 (775) 687-6299

AARON D. FORD  
Attorney General

12 By:   
13 Emily N. Bordelove (Bar No. 13202)  
14 Senior Deputy Attorney General  
15 Ashley A. Balducci (Bar No. 12687)  
16 Senior Deputy Attorney General  
17 L. Kristopher Rath (Bar No. 5749)  
18 Senior Deputy Attorney General  
19 Michael D. Detmer (Bar No. 10873)  
20 Senior Deputy Attorney General

21 Attorneys for the Cannabis Compliance Board  
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**DECLARATION AND CERTIFICATE OF SERVICE OF  
COMPLAINT FOR DISCIPLINARY ACTION  
(Service via Mail)**

I, Amber Virkler, hereby certify and affirm that:

- 1. I am over the age of 18 years old.
- 2. I am a Board Agent of the Cannabis Compliance Board (“CCB”), as defined in NCR 1.068.
- 3. Pursuant to NRS 678A.520 and NCCR 4.075, I have served the Respondent herein with the Complaint for Disciplinary Action (“Complaint”) in the above captioned matter as follows:

By placing a true and correct copy of the Complaint to be deposited for mailing in the United States Mail in a sealed envelope via registered or certified mail, prepaid in Las Vegas, Nevada, to Respondent’s point of contact with the CCB under NCCR 2.050 at Respondent’s address on file with the Board as follow:

Name of point of contact served: Erik Daniel Rodriguez

Address on file with CCB: [REDACTED]

Date of Service: February 7, 2022

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 7, 2022  
(date)

  
(signature)

Mailed via Certified Mail: 7014 2870 0001 8497 8499 and First Class Mail to:

Erik Daniel Rodriguez, [REDACTED]