

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

3 STATE OF NEVADA, CANNABIS
4 COMPLIANCE BOARD,

5 Petitioner,

Case No. 2022-59

6 vs.

7 JEREMY SCOTT EVANS,

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 JEREMY SCOTT EVANS (“EVANS” or “Respondent”) has violated provisions of Chapters,
16 678A through 678D of the Nevada Revised Statutes (“NRS”), and the Nevada Cannabis
17 Compliance Regulations (“NCCR”), hereby issues its Complaint, stating the CCB’s charges
18 and allegations as follows:

19 **JURISDICTION**

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

22 ID No.	Establishment Type	Application Date	Expiration Date
23 [REDACTED]	Dispensary	December 25, 2020	January 11, 2023

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

26 ID No.	Establishment Type	Application Date	Expiration Date
27 [REDACTED]	Dispensary	January 22, 2020	January 21, 2021
28 [REDACTED]	Dispensary	January 4, 2019	January 3, 2020

ID No.	Establishment Type	Application Date	Expiration Date
[REDACTED]	Dispensary	December 20, 2017	January 9, 2019

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

4. As set forth below, the events at issue in this CCB Complaint occurred after July 1, 2020, EVANS applied for his [REDACTED] Agent Card on December 25, 2020, and the CCB issued the agent card to EVANS. Therefore, EVANS is subject to the jurisdiction of the CCB and subject to discipline pursuant to NRS 678A through 678D and the relevant provisions of the NCCR.

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

FACTUAL ALLEGATIONS

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

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

8. According to the CE Incident Report, on or about April 13, 2021, an underage individual attempted to make a purchase at its dispensary and her identification card did not successfully scan. At that time, ETL discovered that the individual was under 21 years

1 of age¹ and ETL escorted her off of its premises. ETL initiated an investigation and
2 discovered this same underage individual completed prior purchases at its dispensary. ETL
3 reported that it had terminated the ETL employees who allowed these sales.

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

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

18 VIOLATIONS OF LAW

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

20 12. As to EVANS' [REDACTED] Agent Card, EVANS violated NRS 678B.385(2), NCCR
21 7.020 & 4.040(1)(a)(3) on or about April 2, 2021, when EVANS failed to verify the age of an
22 underage individual by failing to scan an underage individual's identification card in the
23 fully functioning Veriscan, opting to visually examine the card instead and dispensed
24 cannabis to an underage individual. EVANS' actions constitute grounds for the immediate
25 revocation of his cannabis establishment agent registration card pursuant to NRS
26 678B.385(2) and/or one (1) Category II violation under NCCR 4.040(2)(a)(1) which carries

27 _____
28 ¹ Specifically, the individual was twenty (20) years, ten (10) months, and fourteen (14) days old.

1 a civil penalty of not more than \$25,000 and a suspension for not more than twenty (20)
2 days.

3 **DISCIPLINE AUTHORIZED**

4 Pursuant to the provisions of NRS 678A.600, NCCR 4.020, 4.030, 4.035 through
5 4.060, and 5.100, the CCB has the discretion to impose the following disciplinary actions:

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

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

12 **RELIEF REQUESTED**

13 Based on the foregoing, counsel for the CCB respectfully requests the CCB revoke
14 EVANS' [REDACTED] Agent Card and impose civil penalties against EVANS in the amount
15 of \$25,000.

16 **NOTICE TO RESPONDENT**

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

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

- 25 (a) Must state in short and plain terms the defenses to each claim asserted.
- 26 (b) Must admit or deny the facts alleged in the Complaint.
- 27 (c) Must state which allegations the Respondent is without knowledge or
28 information to form a belief as to their truth. Such allegations shall be deemed denied.

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 of the
4 right to a hearing and to judicial review of any decision or order of the Board, but the Board
5 may order a hearing even if the Respondent so waives his right. **Failure to Answer or to**
6 **appear at the hearing constitutes an admission by the Respondent of all facts**
7 **alleged in the Complaint. The Board may take action based on such an admission**
8 **and on other evidence without further notice to the 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 may assign a hearing officer
11 to conduct the hearing under NCCR 2.070, 4.095, and 4.110. The Board or its assigned
12 hearing officer shall deliver or send by registered or certified mail a notice of hearing to all
13 parties at least ten (10) days before the hearing. The hearing must be held within forty-five
14 (45) days after receiving Respondent's Answer unless an expedited hearing is determined
15 to be appropriate by the Board, in which event the hearing must be held as soon as
16 practicable. NRS 678A.520(4). The Chair of the Board or the assigned hearing officer may
17 grant one or more extensions to the 45-day requirement pursuant to the request of a party
18 or an agreement by both parties.

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

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

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

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

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

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

14  on notice to:

15 Tyler Klimas, Executive Director
16 Cannabis Compliance Board
17 700 E. Warm Springs Rd, Suite 100
Las Vegas, NV 89119
tklimas@ccb.nv.gov

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

3 DATED: January 27, 2022.

4 STATE OF NEVADA, CANNABIS COMPLIANCE BOARD

5 By: 

Tyler Klimas, Executive Director
Nevada Cannabis Compliance Board
700 E. Warm Springs Rd, Suite 100
Las Vegas, NV 89119
(775) 687-6299

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7
8
9 AARON D. FORD
Attorney General

10 By: 

Emily N. Bordelove (Bar No. 13202)
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Senior Deputy Attorney General

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16 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: Jeremy Scott Evans

Address on file with CCB: [REDACTED]

Date of Service: January 31, 2022

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

Executed on January 31, 2022
(date)


(signature)

Mailed via Certified Mail (7014 2870 0001 8497 8468) and First Class Mail to:

Jeremy Scott Evans, [REDACTED]