

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

3 STATE OF NEVADA, CANNABIS
COMPLIANCE BOARD,

4 Petitioner,

Case No. 2022-79

5 vs.

6 SETH HOLYCROSS,

7 Respondent.

8
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 Michael D. Detmer, Esq.,
12 Senior Deputy Attorney General, and Ashley A. Balducci, Esq., Senior Deputy Attorney
13 General, having a reasonable basis to believe that SETH HOLYCROSS ("Holycross" or
14 "Respondent") has violated provisions of Title 56 of the Nevada Revised Statutes ("NRS"),
15 and the Nevada Cannabis Compliance Board Regulations ("NCCR"), hereby issues its
16 Complaint, stating the CCB's charges and allegations as follows:

17 **JURISDICTION**

18 1. During all relevant times mentioned in this Complaint, Holycross held, and
19 currently holds, the following cannabis establishment agent registration card ("agent
20 card"):

ID No.	Cannabis Establishment	Application Date
[REDACTED]	Cultivation	February 2, 2021

22 2. As set forth below, the events at issue occurred after July 1, 2020, Holycross,
23 applied for his agent card on February 2, 2021, and the CCB issued the agent card to
24 Holycross. Therefore, Holycross is subject to the jurisdiction of the CCB and subject to
25 discipline pursuant to NRS 678A through 678D and the NCCR.

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

7 **FACTUAL ALLEGATIONS**

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

9 5. The CCB received an anonymous complaint that, on or about June 5, 2021, an
10 employee/agent of Silver Sage Wellness's cultivation facility ("SSWC") identified as Seth
11 Holycross ("Holycross"), had brought an underage female ("UF"), who was later identified
12 as his daughter, into SSWC's medical and adult-use cultivation facility located at [REDACTED]
13 [REDACTED]. The complaint further stated that Holycross
14 brought the UF into SSWC's facility to look at its freshly harvested cannabis. Based on this
15 complaint, the CCB's agents conducted an investigation into the allegations. The CCB's
16 agents investigating this complaint was Compliance Enforcement Investigator Shandon
17 Snow and Compliance Audit Investigator III Rachel Branner (hereinafter individually
18 and/or collectively referred to as the "CCB agent(s)").

19 6. As part of the investigation, the CCB's agents spoke with the SSWC's facility's
20 manager, Leslie Vorhees ("Vorhees"), and one of SSWC's owner, Christopher Sarret
21 ("Sarret"). Sarret and Vorhees confirmed that SSWC employed Holycross as a cultivation
22 manager at SSWC's facility.

23 7. The CCB's agents also reviewed photos/surveillance-photos of Holycross with
24 the UF within the interior of SSWC's facility.

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1 even if the respondent so waives their right. NRS 678A.520(2)(e).

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

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

6 (b) Must admit or deny the facts alleged in the complaint.

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

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

11 (e) May demand a hearing. **Failure to demand a hearing constitutes a waiver**
12 **of the right to a hearing and to judicial review of any decision or order of**
13 **the Board**, but the Board may order a hearing even if the respondent so waives
14 their right.

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

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

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

3 Tyler Klimas, Executive Director
4 Cannabis Compliance Board
5 700 East Warm Springs Road, Suite 100
6 Las Vegas, Nevada 89119
7 tklimas@ccb.nv.gov

8 If serving its Answer and Request for Hearing via email, Respondent must ensure that it
9 receives an acknowledgement of receipt email from the CCB as proof of service. Respondent
10 is also requested to email a copy of its Answer and Request for Hearing to the Senior
11 Deputy Attorneys General listed below at mdetmer@ag.nv.gov and abalducci@ag.nv.gov.

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

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

22 If the Respondent does not wish to dispute the charges and allegations set forth
23 herein, within 30 days of the service of this Complaint, Respondent may, pay the civil
24 penalties set forth above in the total amount of \$25,000 and accept the 20-day suspension,
25 on notice to:


26 Tyler Klimas, Executive Director
27 Cannabis Compliance Board
28 700 East Warm Springs Road, Suite 100
Las Vegas, Nevada 89119

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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: April 6th, 2022.

4 STATE OF NEVADA, CANNABIS COMPLIANCE BOARD

5
6 By: 
Tyler Khmas, Executive Director
7 700 East Warm Springs Road, Suite 100
Las Vegas, Nevada 89119
8 (775) 687-6299

9
10 AARON D. FORD
Attorney General

11 By: 
12 Michael D. Detmer (Bar No. 10873)
Senior Deputy Attorney General
13 Ashley A. Balducci (Bar No. 12687)
Senior Deputy Attorney General
14 555 E. Washington Ave, Suite 3900
Las Vegas, Nevada 89101
15 (702) 486-3420
16 Attorneys for the Cannabis Compliance Board

**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: Seth Holycross

Address on file with CCB: [REDACTED]

Date of Service: April 15, 2022

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

Executed on April 15, 2022
(date)


(signature)

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