

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

3 STATE OF NEVADA, CANNABIS  
4 COMPLIANCE BOARD,

5 Petitioner,

Case No. 2022-74

6 vs.

7 ACRES MEDICAL LLC,

8 Respondent.

9 **COMPLAINT FOR DISCIPLINARY ACTION**

10 The Cannabis Compliance Board of the State of Nevada (the “CCB”), by and through  
11 its Agent Jason Banales, in conjunction with counsel Aaron D. Ford, Attorney General of  
12 the State of Nevada, and Emily N. Bordelove, Esq., Senior Deputy Attorney General,  
13 having a reasonable basis to believe that ACRES MEDICAL LLC (“AM” or “Respondent”)  
14 has violated provisions of Chapters, 678A through 678D of the Nevada Revised Statutes  
15 (“NRS”), and the Nevada Cannabis Compliance 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, AM held, and currently  
19 holds, the following license:

20 <b>ID</b>	21 <b>License/Certificate</b>	22 <b>Last Issued / Renewed</b>	23 <b>Address</b>
RD011	Adult-use Dispensary 11058209030610809158	06/03/2021	2320 Western Ave Las Vegas, NV 89102

24 2. During all relevant times mentioned in this Complaint, AM is and was registered  
25 as a Domestic Limited-Liability Company in the State of Nevada. The Nevada Secretary of  
26 State lists the manager of AM as PT Nevada, Inc. The CCB’s point of contact for AM is Kay  
27 Ann C. Tyssee.

28 3. As AM holds its license with CCB, it is subject to NRS Title 56 and the NCCR for  
the violations asserted herein. Therefore, AM is subject to the jurisdiction of the CCB and

1 subject to discipline pursuant to NRS 678A through 678D and the relevant provisions of  
2 the NCCR.

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

### 11 **FACTUAL ALLEGATIONS**

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

#### 13 **A. HISTORY OF PRIOR VIOLATIONS**

14 6. On or about October 15, 2020, CCB Agent Jason Bañales ("Agent BAÑALES")  
15 investigated AM's adult-use cannabis dispensary at 2320 Western Ave, Las Vegas, NV.

16 7. During the October 15, 2020 investigation, Agent BAÑALES observed AM's digital  
17 billboard at Sahara Ave. and Las Vegas Blvd. The billboard failed to include the warnings  
18 "Keep out of reach of children" and "For use only by adults 21 years of age or older," as  
19 required for cannabis advertisements under the NCCR. As a result, Agent BAÑALES  
20 issued a Statement of Deficiencies letter ("SOD") dated October 20, 2020, which required  
21 AM to submit a Plan of Correction ("POC") within 10 business days.

22 8. On October 27, 2020, AM submitted a POC to the CCB, outlining AM's plan to  
23 require weekly digital billboard inventory from all vendors to ensure correct graphics are  
24 displayed and that all assets posted carry all state required warning language.  
25 Additionally, according to the POC, once the vendor posts a billboard, the vendor sends AM  
26 a photograph of the live billboard to allow AM to visually confirm all required warnings are  
27 present and accounted for. The CCB accepted this POC.

28 ///



1 **RELIEF REQUESTED**

2 Based on the foregoing, CCB staff in conjunction with counsel for the CCB  
3 respectfully requests the CCB impose civil penalties against AM in the amount of \$6,250.

4 **NOTICE TO RESPONDENT**

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

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

- 13 (a) Must state in short and plain terms the defenses to each claim asserted.
- 14 (b) Must admit or deny the facts alleged in the Complaint.
- 15 (c) Must state which allegations the Respondent is without knowledge or  
16 information to form a belief as to their truth. Such allegations shall be deemed denied.
- 17 (d) Must affirmatively set forth any matter which constitutes an avoidance or  
18 affirmative defense.
- 19 (e) May demand a hearing. Failure to demand a hearing constitutes a waiver of the  
20 right to a hearing and to judicial review of any decision or order of the Board, but the Board  
21 may order a hearing even if the Respondent so waives its right.

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

26 The Board shall determine the time and place of the hearing as soon as is reasonably  
27 practical after receiving the Respondent's Answer. The Board may assign a hearing officer  
28 to conduct the hearing under NCCR 2.070, 4.095, and 4.110. The Board or its assigned

1 hearing officer shall deliver or send by registered or certified mail a notice of hearing to all  
2 parties at least ten (10) days before the hearing. The hearing must be held within forty-five  
3 (45) days after receiving Respondent's Answer unless an expedited hearing is determined  
4 to be appropriate by the Board, in which event the hearing must be held as soon as  
5 practicable. NRS 678A.520(4). The Chair of the Board or the assigned hearing officer may  
6 grant one or more extensions to the forty-five (45) day requirement pursuant to the request  
7 of a party or an agreement by both parties.

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

10 Tyler Klimas, Executive Director  
11 Cannabis Compliance Board  
12 700 E. Warm Springs Rd, Suite 100  
Las Vegas, NV 89119  
tklimas@ccb.nv.gov

13 If serving its Answer and Request for Hearing via email, Respondent must ensure  
14 that it receives an acknowledgment of receipt email from the CCB as proof of service.  
15 Respondent is also requested to email a copy of its Answer and Request for Hearing to  
16 Agent BAÑALES at jbanales@ccb.nv.gov and the Senior Deputy Attorney General listed  
17 below at ebordelove@ag.nv.gov.

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

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

28 If the Respondent does not wish to dispute the charges and allegations set forth

1 herein, within thirty (30) days of the service of this Complaint, Respondent may pay the  
2 civil penalties set forth above in the total amount of \$6,250 on notice to:

3 Tyler Klimas, Executive Director  
4 Cannabis Compliance Board  
700 E. Warm Springs Rd, Suite 100  
5 Las Vegas, NV 89119

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

8 DATED: June 20, 2022.

9 **STATE OF NEVADA,**  
**CANNABIS COMPLIANCE BOARD**

10 By: \_\_\_\_\_

11 Tyler Klimas, Executive Director  
12 Nevada Cannabis Compliance Board  
700 E. Warm Springs Rd, Suite 100  
Las Vegas, NV 89119

13 By: \_\_\_\_\_

14 Jason A. Bañales  
15 Marijuana Program Supervisor  
Nevada Cannabis Compliance Board  
700 E. Warm Springs Rd, Suite 100  
Las Vegas, NV 89119

16 AARON D. FORD  
17 Attorney General

18 By: \_\_\_\_\_

19 Emily N. Bordelove (Bar No. 13202)  
20 Senior Deputy Attorney General  
21 Attorneys for the Cannabis Compliance Board

1                                   **DECLARATION AND CERTIFICATE OF SERVICE OF**  
2                                   **COMPLAINT FOR DISCIPLINARY ACTION**  
3                                   **(Service via Mail)**

4 I, Amber Virkler, hereby certify and affirm that:

- 5 1. I am over the age of 18 years old.  
6 2. I am a Board Agent of the Cannabis Compliance Board ("CCB"), as defined in NCCR  
7 1.068.  
8 3. Pursuant to NRS 678A.520 and NCCR 4.075, I have served the Respondent herein with  
9 the Complaint for Disciplinary Action ("Complaint") in the above captioned matter as  
10 follows:

11           By placing a true and correct copy of the Complaint to be deposited for mailing in  
12 the United States Mail in a sealed envelope via registered or certified mail, prepaid  
13 in Las Vegas, Nevada, to Respondent's point of contact with the CCB under NCCR  
14 2.050 at Respondent's address on file with the Board as follows:

15 Name of point of contact served: Kay Ann Tyssee

16 Address on file with CCB: [REDACTED]

17 Date of Service: June 21, 2022

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

19 Executed on June 21, 2022  
20 (date)

21   
22 (signature)

23 CC: Kay Ann Tyssee, [REDACTED]  
24 via First Class Mail  
25  
26  
27  
28