

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

3 **STATE OF NEVADA, CANNABIS**
4 **COMPLIANCE BOARD,**

5 **Petitioner,**

6 **vs.**

7 **JULIAN JAYO,**

8 **Respondent.**

Case No. 2022-67

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 and Michael D. Detmer,
12 Esq., Senior Deputy Attorney General and having a reasonable basis to believe that Julian
13 Jayo ("Jayo" or "Respondent") has violated provisions of Chapters, 678A through 678D of
14 the Nevada Revised Statutes ("NRS"), Chapter 372A of the Nevada Administrative Code
15 ("NAC"), 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. Jayo currently holds the following cannabis establishment agent registration
19 cards:

20 ID No.	21 Cannabis Establishment	22 Application Date	23 Expiration Date
24 [REDACTED]	25 Cultivation	26 July 6, 2020	27 July 7, 2022
28 [REDACTED]	Production	July 6, 2020	August 1, 2022

24 2. As set forth below, the events at issue in this CCB Complaint occurred after July
25 1, 2020. Jayo applied for his cultivation [REDACTED] and production [REDACTED] agent
26 cards on July 6, 2020 (hereinafter collectively referred to as "Agent Cards"), respectively,
27 and the CCB issued the Agent Cards to Jayo. Therefore, Jayo is subject to the jurisdiction
28

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

3 3. Pursuant to NRS 678A.500 and 678A.510(1), the CCB's Executive Director has
4 transmitted the details of the suspected violations of Jayo 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 Jayo, 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 Jayo.

11 **FACTUAL ALLEGATIONS**

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

13 5. On or about February 23, 2021, Agua Street, LLC ("Agua"), a cannabis cultivation
14 facility licensed by the CCB, transmitted a Cannabis Establishment Incident Report
15 ("CEIR") to the CCB identifying a theft of cannabis and/or cannabis product by Jayo, an
16 employee of Agua, that occurred on February 22, 2021, at its medical and adult-use
17 cultivation facility located at [REDACTED]
18 ("Facility").

19 6. According to the CEIR, and pursuant to a review of security footage, Jayo, without
20 permission or authority, removed usable cannabis and/or cannabis product from the
21 Facility on February 22, 2021. Specifically, Jayo was recorded accessing the Facility's vault
22 with his access card and then removing from the vault cannabis/cannabis-product that he
23 had earlier placed within an empty latex glove box ("Cannabis Box"). Jayo then hid/placed
24 the Cannabis Box in a bin of lab coats and then subsequently placed said bin of coats, which
25 still contained the Cannabis Box, into the trunk of his car before leaving the Facility. Agua's
26 internal investigation estimated the amount of the stolen cannabis/cannabis product to be
27 less than one ounce and its value to be approximately \$132.16.

28 ///

1 7. Based on the above, on February 23, 2021, Agua terminated Jayo and reported
2 this event to the Henderson Police Department.

3 **VIOLATIONS OF LAW**

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

5 9. As to Jayo's Agent Cards [REDACTED] and [REDACTED], as set forth in
6 Paragraph 6, above, Jayo violated NRS 678B.385(3) for having been electronically recorded
7 by a video monitoring system stealing cannabis or cannabis products, and/or NCCR
8 4.035(1)(15) for diverting cannabis and/or cannabis products. A violation of NRS
9 678B.385(3) is grounds for the immediate revocation of Jayo's agent card. A violation NCCR
10 4.035(1)(15) is a category I violation that allows for a suspension for not more than 30 days
11 or revocation of his agent card.

12 **DISCIPLINE AUTHORIZED**

13 Pursuant to the provisions of NRS 678A.600, NCCR 4.020, 4.030, 4.035 through
14 4.060, and 5.100, the CCB has the discretion to impose the following disciplinary actions:

- 15 1. Revoke Jayo's Agent Cards;
16 2. Suspend Jayo's Agent Cards; and
17 3. Take such other disciplinary action as the CCB deems appropriate.

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

19 **RELIEF REQUESTED**

20 Based on the foregoing, counsel for the CCB respectfully requests the CCB impose
21 the penalty of immediate revocation of Jayo's Agent Cards with no opportunity to apply for
22 reinstatement of any agent cards for a period of nine years and 11 months, pursuant to
23 NCCR 4.030(b) and NCCR 4.100. The CCB reserves its rights to seek additional costs
24 incurred and/or any penalty authorized by law as this matter proceeds through hearing
25 and rehearing, if applicable.

26 **NOTICE TO RESPONDENT**

27 **PLEASE TAKE NOTICE**, that Respondent has a right to request a hearing on the
28 charges set forth herein, pursuant to NRS 678A.510 through 678A.590. **Failure to**

1 **demand a hearing constitutes a waiver of the right to a hearing and to judicial**
2 **review of any decision or order of the Board, but the Board may order a hearing,**
3 **even if the Respondent so waives its right. NRS 678A.520(2)(e).**

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

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

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

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

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

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

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

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

1 grant one or more extensions to the 45-day requirement pursuant to the request of a party
2 or an agreement by both parties.

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

5 Tyler Klimas, Executive Director
6 Cannabis Compliance Board
7 700 E. Warm Springs Rd, Suite 100
8 Las Vegas, NV 89119
9 Email: tklimas@ccb.nv.gov

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

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

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

24 If the Respondent does not wish to dispute the charges and allegations set forth
25 herein, within thirty (30) days of the service of this Complaint, Respondent may surrender
26 his agent card to:

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

Certified Mail:

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

4 I, Lisa Kendigian, 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: Julian Jayo

16 Address on file with CCB: [REDACTED]

17 Date of Service: November 14, 2022

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

19 Executed on November 14, 2022
20 (date)

21 
22 (signature)

23 cc: Julian Jayo, [REDACTED]
24 via First Class Mail
25
26
27
28