

**WSLCB NARRATIVE / EVIDENCE REPORT**

 Washington State Liquor and Cannabis Board	TYPE OF REPORT (Select all that apply) <input type="checkbox"/> CITATION / NOI <input type="checkbox"/> OTHER: <input checked="" type="checkbox"/> AVN <input checked="" type="checkbox"/> OBSERVED <input type="checkbox"/> REFERRED		INCIDENT/CASE NUMBER 7B5364A	
	ADDITIONAL ATTACHMENTS: <input checked="" type="checkbox"/> PHOTOGRAPH(S) <input type="checkbox"/> STATEMENT(S)			<input checked="" type="checkbox"/> LICENSEE NOTIFIED: NAME: Boris Gordnitsky
<b>EVIDENCE / ATTACHMENTS (TYPE OF ACTION: 1. SEIZED EVIDENCE 2. PHOTGRAPHED 3. STATEMENTS 4. DESTROYED)</b>				
ITEM #1	DESCRIPTION 119.7g of marijuana plant trimmings from veg rooms taken on 11-12-15	QUANTITY 119.7g	STORAGE LOCATION WSDA Lab	ACTION # 1
ITEM #2	DESCRIPTION Inventory Receipt 11-12-15	QUANTITY 1	STORAGE LOCATION EN	ACTION # 3
ITEM #3	DESCRIPTION 105.4g of marijuana plant trimmings from plants cultivated after 11-12-15	QUANTITY 105.4g	STORAGE LOCATION Private Lab	ACTION # 1
ITEM #4	DESCRIPTION 105.7g of marijuana plant trimmings from "mother plants" only 12-30-15	QUANTITY 105.7g	STORAGE LOCATION Private Lab	ACTION #1
ITEM #5	DESCRIPTION 107.4g of marijuana waste material located in the general waste bin 12-30-15	QUANTITY 107.4g	STORAGE LOCATION Private Lab	ACTION #1
ITEM #6	DESCRIPTION Swab and liquid samples from multiple sprayers and unidentified bottles 12-30-15	QUANTITY 5	STORAGE LOCATION WSDA Lab	ACTION #1
ITEM #7	DESCRIPTION Inventory Receipt 12-30-15	QUANTITY 1	STORAGE LOCATION EN	ACTION #3
ITEM #8	DESCRIPTION Email from Neil Lanning 10-28-15	QUANTITY 1	STORAGE LOCATION EN	ACTION #3
ITEM #9	DESCRIPTION Administrative Hold Letter	QUANTITY 1	STORAGE LOCATION EN	ACTION #3
ITEM #10	DESCRIPTION Trace Analytics (12-30-15 samples) Test Results 01-19-16	QUANTITY 3	STORAGE LOCATION EN	ACTION #3
ITEM #11	DESCRIPTION Three Months of Pesticide Application Records (08-14-15 – 11-12-15)	QUANTITY 1	STORAGE LOCATION Hard File	ACTION #3
ITEM #12	DESCRIPTION WSDA Test Results for Liquid and Swab Samples (12-30-15)	QUANTITY 2	STORAGE LOCATION EN	ACTION #3
ITEM #13	DESCRIPTION WSDA Test Results for Samples of Marijuana Vegetation (11-12-15)	QUANTITY 1	STORAGE LOCATION EN	ACTION #3

NARRATIVE/STATEMENTS:

On Wednesday, October 21<sup>st</sup>, 2015, at approximately 0858 hours, I, Officer V. GARRIS, of the Washington State Liquor and Cannabis Board's Enforcement Division (WSLCB), arrived at NEW LEAF ENTERPRISES, a licensed marijuana producer/processor premises (license #412070) located at 460 S Kenyon St. Unit #470 Seattle, WA 98108, to conduct a marijuana enforcement inspection in response to a complaint that had been filed. The complaint alleges the premise utilizes unapproved pesticides and chemicals on their marijuana plants.

Due to the nature of the complaint, I requested assistance from the Washington State Department Of Agriculture (WSDA). Neil LANNING, Area Manager –Compliance, Alberto Isirdia, Pesticide Compliance Program Manager and Brent Barnes, Pesticide Management Division Assistance Director, from the WSDA were present during the marijuana enforcement inspection.

Prior to entering the premises, I called the Compliance Officer of New Leaf Enterprises, Adrian RAMIREZ, to inform him that I was at the premises and requested entry. Upon entering the premises, I introduced the WSDA representatives to Mr. RAMIREZ.

I informed Mr. RAMIREZ that I was at the premises to investigate a pesticide complaint and I needed access to all the pesticides on the premises. Mr. RAMIREZ escorted us to a cabinet/locker outside of the main marijuana vegetation rooms. Inside the locker there were at least a dozen different pesticide containers. I proceeded to standby as LANNING photographed and cataloged all of the pesticides on site. During the inspection LANNING observed a bottle with the manufactures label on it that stated it was a pesticide called Safari 20 SG Insecticide. We were informed from Mr. RAMIREZ that it was left over from there medical grow and was not used on the licensed premises. LANNING informed me that the bottle was empty. I asked Mr. RAMIREZ if he was aware that Safari 20 was not permitted for use on marijuana in the state of Washington. Mr. RAMIREZ stated that he was aware. Mr. RAMIREZ stated that they keep a copy of the PICOL list next to the cabinet and only use products from the authorized list. The PICOL list was developed to assist growers authorized by I-502 who use pesticides for the production of marijuana in Washington, WSDA has developed a list of pesticides that meet WSDA Criteria for use on marijuana. The list only includes registered pesticides that are allowable for use on marijuana as defined by the above criteria. The list has been provided to the Washington State Liquor and Cannabis Board and the Washington State Department of Health, and is updated by WSDA as needed. Mr. RAMIREZ showed me the list on top of the cabinet that contained the other pesticides. I asked Mr. RAMARIZ if Eagle 20 was ever used on the premises and Mr. RAMIREZ stated that it was not. I asked if Eagle 20 was used on their medical grow and Mr. RAMIREZ stated that he believed so.

After LANNING had completed cataloging the pesticides found in the cabinet, we began going through the premises looking for any additional pesticide containers or unlabeled bottles. There were a few pesticide bottles spread out around the grow rooms that LANNING was able to record and document. In a large storage room next to the grow rooms, I discovered two unidentified bottles that were full to the top and did not contain a manufactures label on them. These bottles were away from all of the other growing materials to include the other pesticides. They were approximately 1 liter in size had a purple-ish coloring to them. One bottle had writing on it that said "Flower 70 gallon EC 1.43" and the other bottle stated "Finish 70 gallon EC 1.36." I asked NEW LEAF's horticulturist, Kevin HILDEBRAND what was in the bottles and he stated they were old fertilizers mixes that they no longer use. I explained to HILDEBRAND that it was important to keep all fertilizer information on the bottles so that they can be verified. I seized the two bottles of unidentified liquid for testing at the WSDA lab. I issued a receipt to the licensee Boris GORDNITSKY.

We cleared the premises at 1151 hours.

On Wednesday, October 28<sup>th</sup>, 2015, at approximately 1259 hours, I received an email from LANNING outlining all of the pesticides that were found at New Leaf Enterprises a week earlier. LANNING supplied a chart that labeled each pesticide and its relationship to the PICOL list. There were two products that were found at NEW LEAF that are not approved for use on marijuana. Those products were *Safari 20 SG Insecticide* and *Spa Guard Sanitizer Brominating Tablets*. There was one fertilizer that was not approved for use on marijuana called *Jacks Professional Water-Soluble Fertilizer 5-12-26 Hydroponic*. In addition, there were additional chemicals documented at NEW LEAF that were not a pesticide or fertilizer. LANNING asked that I call him to discuss the results from his email. On the phone LANNING expressed concern over the pesticide bottles that we found that were not approved and the chemicals being stored on site that are not a pesticide or fertilizer. One of those products was called *Hormex Vit B-1 & Growth Hormones*. This particular product caused LANNING to voice concern to me because the labeled stated "**Do not use or store near food or feed. Do not use on plants that are to be used for food or feed.**" LANNING and I decided to conduct a follow up marijuana enforcement inspection for the purpose of retrieving samples of marijuana plants for testing at the WSDA lab.

On Thursday, November 12<sup>th</sup>, 2015 at 0913 hours, Inspector LANNING and I, Officer Garris returned to NEW LEAF ENTERPRISES to retrieve samples of marijuana plants. Inspector Lanning invited Erik JOHANSEN, Policy Assistant for Registration and Licensing Services with the WSDA to accompany us. Inspector LANNING had also planned to provide educational training to NEW LEAF's horticulturist Kevin HILDEBRAND.

Upon entering, we met in the conference room on the second floor of the licensed premises. Adrian RAMIREZ, Kevin HILDEBRAND, Erik JOHANSEN, Neil LANNING and I were present. LANNING went over some training materials and discussed the findings from our previous visit. I explained to Mr. RAMIREZ that we would be taking samples from the veg rooms to test for usage of unauthorized pesticides. Upon conclusion of the meeting we all proceeded down to the grow rooms to retrieve samples.

LANNING and HILDEBRAND went around cutting off marijuana plant trimmings for testing until they reached 119.7 grams of marijuana vegetation. The WSDA lab needs a minimum of 100 grams to run the appropriate tests accurately.

We cleared the premises at 1030 hours.

On Tuesday, December 29<sup>th</sup>, 2015, I received an email from LANNING with the results from the marijuana plant samples that were taken on November 12, 2015. (See the Samples results 11-12-15 for details) The results showed that there was detection of 21ppm of Dinotefuran which is an ingredient in Safari 20 SG Insecticide and others. There was detection of 0.21 ppm of Myclobutanil which is in Eagle 20 EW Specialty Fungicide. In addition there was a detection of 0.12 ppm Spiromesifen which is found in Forbid 4F Spiromesifen Miticide Ovicide Insecticide, among others. I notified my supervisor Lieutenant Joshua Bolender of the results. Lt. Bolender issued me a directive to return to New Leaf Enterprises and issue an Administrative Hold notice on all marijuana products that was grown by New Leaf Enterprises. (See Administrative Hold Letter for details) Lt. Bolender also instructed me to seize samples of marijuana plants that were cultivated after November 12<sup>th</sup>, 2015.

On Wednesday, December 30<sup>th</sup>, 2015, at approximately 1435 hours, Sgt. CUTLIP, Officer BUSSMAN, Inspector LANNING and I, Officer GARRIS arrived at New Leaf Enterprises (#412070). The purpose of our visit was to issue an Administrative Hold notice to the licensee and collect more samples.

Upon entering the licensed premises, we met with licensee Dax COLWELL and Kevin HILDEBRAND; we agreed to meet in conference room on the second floor to discuss the Administrative Hold and the results from the WSDA lab. During the meeting Mr. COLWELL suggested that the samples from November 12<sup>th</sup>, 2015 could have been contaminated by the "mother plants" because all of the samples were mixed into one bag. Mr. COLWELL stated that the mother plants came from their medical grow and that they did use pesticides that are not on the PICOL list when they operated their medical grow. I asked Mr. LANNING if it was possible that mother plants could carry detectable amounts of pesticides for over 1 year. LANNING stated that he was not sure and suggested we take samples of the mother plants to exhaust the possibility. I agreed with LANNING and immediately called Lt. Bolender for permission to take samples of the mother plants. I also asked permission to take samples of their finished marijuana product to help exhaust the "mother plant" contamination idea. Lt. Bolender called me back and gave authorization for me to take the additional mother plant samples and the finished marijuana product sample.

We proceeded to the marijuana grow rooms to retrieve samples. HILDEBRAND and COLWELL stayed behind and had a private conversation in the conference room with the door closed. I could overhear COLWELL yelling expletives at HILDEBRAND and instructing him not to talk to us. When HILDEBRAND returned to the grow rooms he would not make any statements or answer any questions about pesticide use. I asked Sgt. CUTLIP and Officer BUSSMAN to search the premises and gather up any bottles containing unidentified liquids. I followed LANNING and HILDEBRAND to the marijuana grow rooms where they began taking samples of the marijuana vegetation that was cultivated after November 12<sup>th</sup>, 2015. I brought reports from the WA State Traceability system that stated what plants were cultivated after November 12<sup>th</sup>, 2015. LANNING took a 105.4 gram sample from the plants that were cultivated after November 12<sup>th</sup>, 2015. LANNING and HILDEBRAND proceeded to take a separate sample from the mother plants.

After both samples were collected Sgt. CUTLIP recommended taking samples of their marijuana waste material. I agreed with Sgt. Cutlip and LANNING collected a 107.4 gram sample from their marijuana waste bin. The bin holds waste from all marijuana grows rooms on the premises. The bin was approximately 20 gallons and appeared to be almost full. As LANNING began to take foliage samples from the waste bin, BORIS became adamant about identifying where the waste came from. LANNING reached in the bin and began mixing the marijuana foliage around to make sure it was a mixture of what was in the bin. On Monday January 4<sup>th</sup>, 2016 BORIS volunteered a written statement in the form of an email explaining that the waste that was collected came from mother plants that were trimmed that day. However, BORIS did not offer an explanation as to how mother plant trimmings could equate to 20 gallons worth of waste foliage in a single trimming session.

After all of the marijuana vegetation samples were seized and recorded, we collected all of the sprayers and bottles that Officer BUSSMAN and Sgt. CUTLIP had found and decided to conduct swap test on the sprayers that were empty and take liquid samples of the ones there were not empty. In all we collected five swap samples and four liquid samples.

After all the samples were taken I asked the licensee Dax COLWELL if he wanted us to take samples of his finished marijuana product. Finished marijuana product is marijuana that has already been harvested and dried and is ready to be packaged for sale. I asked because the marijuana product has a market value of approximately \$500.00 and I did not want to seize and have it tested if the licensee already knew it was going to come back positive for pesticide detection. I explained that the results of the finished marijuana product could support his mother plant contamination idea if the finished marijuana product came back with negative detection. Mr. COLWELL decided to not have his marijuana finished product tested. He stated that he was not sure what was going on and at this time did not want his marijuana finished product tested.

In order to expedite the follow-up pesticide screening, the samples were sent to a private lab called Trace Analytics. Trace Analytics is a certified lab with the Washington State Liquor and Cannabis Board. Trace Analytics was not provided any information regarding

where the samples came from or the identity of the producer. On January 19<sup>th</sup>, 2016, I received the test results from Trace Analytics. The results revealed that all three samples taken tested positive for unauthorized pesticide detection. Myclobutanil and Dinotefuran were both detected as well as several other pesticides.

However, a comparison of the November 12<sup>th</sup> and December 30<sup>th</sup> pesticide screening results reveals an overall decline in pesticide concentration levels. Samples from plants cultivated after November 12<sup>th</sup>, 2015 had insignificant levels of unauthorized pesticides compared to the marijuana plant samples taken on November 12<sup>th</sup>, 2015. While the December 30<sup>th</sup> samples from the mother plants and waste revealed appreciable levels of pesticide, the concentration of pesticide had decreased. And, the concentration of unauthorized pesticide detected on plants propagated after November 12<sup>th</sup> was negligible. (See Pesticide Test Results 1-19-16)

**"I certify or (declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge."**

CITY: Tacoma SIGNATURE:  DATE: 1-29-16

OFFICER NAME Vanessa A (LCB) Garris	NUMBER 116	AREA 7B	Supervisor approval:	SUPERVISOR Joshua Bolender
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