

**HEARING BEFORE A PANEL  
OF THE BOARD OF  
ALBERTA GAMING, LIQUOR AND CANNABIS COMMISSION**

**IN THE MATTER OF the *Gaming, Liquor and Cannabis Act*  
Revised Statutes of Alberta 2000, Chapter G-1, as amended  
and the Regulation**

**and**

**Plant Life Dispensary (Cobblestone) Ltd.  
o/a Plantlife Cannabis (Applicant)  
111, 9844 92 Street  
Grande Prairie, AB T8X 0E7**

**DATE OF HEARING:** February 27, 2023

**HEARING PANEL:** Len Rhodes, Presiding Member  
Jack Fujino, Panel Member  
Maureen Moneta, Panel Member

**APPLICANT / REPRESENTATIVE:** Mike Wheeler, Chief Executive Officer, Plantlife Cannabis  
Ian Scott, Vice President of Operations, Plantlife Cannabis

**REGULATORY SERVICES DIVISION:** Toni Hazelwood, Hearing Officer

## **DECISION OF THE HEARING PANEL**

The Panel finds that Plantlife Cannabis (Plantlife/Licensee) contravened section 90.04 of the *Gaming, Liquor and Cannabis Act* (the Act) but that, in accordance with section 121 of the Act, the Licensee took reasonable steps to prevent employees from contravening the provision.

In accordance with section 94(7)(b) of the Act, the Panel replaces the administrative sanction imposed by the Regulatory Services Division (Regulatory Services) with a fine of \$1,000 or a 4-day suspension of the Class CN-Retail Cannabis Store licence numbered 783970-1.

The fine is to be paid on or before April 14, 2023 or suspension served commencing with the normal opening of business on April 19, 2023 and continuing until the normal close of business on April 22, 2023.

## I. Jurisdiction and Preliminary Matters

[1] By letter dated October 28, 2022 Regulatory Services of the Alberta Gaming, Liquor and Cannabis Commission (AGLC) advised Plant Life Dispensary (Cobblestone) Ltd. operating as Plantlife Cannabis that the Licensee contravened:

- Section 90.04 of the Act: No cannabis licensee or employee or agent of a cannabis licensee may give or sell or permit any person to give or sell cannabis to a minor in licensed premises.

[2] Regulatory Services imposed an administrative sanction of a fine of \$10,000 or, in the alternative, a 40-day suspension of the Licensee's Class-CN Retail Cannabis Store Licence numbered 783970-1.

[3] The Licensee subsequently applied for a hearing before a Panel of the Board of the AGLC pursuant to Section 94(1) of the Act.

[4] In accordance with section 11 of the Act, the Board Chair designated three members of the Board to sit as a Panel to conduct the hearing and make a decision – Len Rhodes (Presiding Member), Jack Fujino and Maureen Moneta.

[5] The parties and the Hearing Panel were provided with a record containing various documents pertaining to the issues before the panel. The Applicant confirmed receipt of the Notice of Hearing dated December 1, 2022 and the attached hearing record.

[6] At the hearing, Regulatory Services introduced additional documentary evidence that was not previously provided as part of the hearing record in accordance with the *Freedom of Information and Protection of Privacy Act*. Pursuant to rule 1.10.2(f) of the Hearing Panel Rules & Procedures, the Panel directed that the document would be viewed by all parties at the hearing and listed on the record as Exhibits 2a and 2b but not retained.

[7] Further, the Licensee introduced additional documents at the hearing to be entered into evidence. Regulatory Services had no objections to the admission of the evidence. The Panel accepted the evidence, entered as Exhibit 3, and allowed all participants time to review the new documents.

[8] The following documents were entered into evidence:

- Exhibit 1 Hearing Record, including Tabs A to D
- Exhibit 2a Redacted photo of minor's Alberta Driver's licence
- Exhibit 2b Redacted photo of Alberta Driver's licence
- Exhibit 3 Plantlife training program outline and training presentation excerpt

## II. Issues

[9] Did Plantlife contravene section 90.04 of the Act? If so, should the administrative sanction imposed by Regulatory Services of a \$10,000 fine or a 40-day suspension be confirmed, replaced, or cancelled?

[10] If Plantlife contravened section 90.04 of the Act, is there evidence that the Licensee took all reasonable steps to prevent its employee or agent from contravening the provision in accordance with section 121 of the Act?

### **III. Regulatory Services Submissions**

[11] Regulatory Services called one witness, Inspector Michael Graham, to give evidence. The Inspector reviewed the incident for the Panel.

[12] On October 14, 2023, Inspector Graham attended Plantlife with Inspector Neill to conduct a routine operating check.

[13] The Inspectors arrived at 9:34 p.m. and parked outside and observed the premises. Upon questioning, Inspector Graham indicated it is typical practice to conduct outside observations during an inspection.

[14] As they observed the premises, they noticed a young-looking male enter the premises.

[15] Inspector Graham stated they had a clear view inside the premises. The young-looking male was the only customer in the store. The Inspectors observed a Plantlife employee look at the identification provided by the male for approximately three seconds. Following this, Inspector Graham and his partner observed the sale of cannabis to the young-looking male.

[16] At 9:45 p.m., the male exited the store carrying a Plantlife bag and the Inspectors approached him.

[17] The Inspectors identified themselves as AGLC Inspectors. Inspector Graham asked the male how old he was and he replied he was "seventeen."

[18] Inspector Graham seized the Plantlife bag from the minor. The bag contained a receipt dated October 14, 2022 at 9:34 p.m. from Plantlife, one XMG cream soda, one Kolab Project sativa vape cartridge and one Core Series 510 vape battery by Vessel.

[19] Inspector Graham asked the minor to produce the identification he used to purchase the cannabis products. Initially, the minor said he forgot the identification inside the premises then he produced a Driver's Licence (Exhibit 2a) showing him to be seventeen years of age.

[20] While Inspector Graham remained outside with the minor, Inspector Neill proceeded inside the premises and identified himself and Inspector Graham as AGLC Inspectors. As well, Inspector Neill advised the Plantlife employee that a minor had just purchased cannabis and they were investigating the matter. The Plantlife employee was the only staff member onsite.

[21] At 9:47 p.m. Inspector Graham and the minor entered the premises. Inspector Graham asked the Plantlife employee if the minor had forgotten his identification in the store. She stated she had given it back to the minor.

[22] Inspector Graham asked the minor for the identification he used to purchase the cannabis products and he produced a Driver's Licence for a different individual who was of legal age (Exhibit 2b).

[23] Inspector Graham advised the Panel that he immediately noticed a difference in likeness to the individual on the Driver's Licence to the minor in the store. The photo on the Driver's Licence differed from the minor's appearance in the following ways:

- The face on the individual depicted on the Driver's Licence is round and the minor's face is long and narrow.
- The other individual's lips are full and round and the minor's are narrow.
- The other individual's nose is wide at the top and the minor's nose is narrow.
- The other individual's Driver's Licence indicated he had blue eyes and the minor's eyes are brown.

[24] Inspector Graham showed the Plantlife employee the Driver's Licence and she compared it to the minor. Inspector Graham advised the Panel she noted she could see the differences in appearance from the picture on the identification to the minor.

[25] Inspector Graham stated that when checking identification, it is important to look at facial features people cannot easily change such as the shape of the eyes, nose, mouth and jawline.

[26] The Inspectors interviewed the minor. He indicated he used his friend's Driver's Licence to purchase the cannabis products. He provided his email to the Inspectors so they could email him a copy of the seizure report.

[27] At 9:50 p.m., the Inspectors called the RCMP and requested assistance as they had caught a minor purchasing cannabis. The Inspectors advised the minor they could not detain him and he was free to stay and wait for the RCMP to arrive or he could go. The minor decided to stay as he was concerned the RCMP would come to his home.

[28] At 9:56 p.m., the minor decided to leave and exited the premises.

[29] While they were waiting for the RCMP, the Inspectors spoke to the Plantlife employee about the incident. Inspector Graham advised the Panel that the employee stated, "It's not an excuse but it's been a busy day, constant flow of customers." When asked about the identification again, the employee agreed it did not match the likeness of the minor.

[30] The Inspectors exited the premises to wait outside for the RCMP and the employee began closing the premises.

[31] At 10:18 p.m., a member of the Grande Prairie RCMP called Inspector Neill and advised they were too busy to attend the store. The Constable stated he had the minor's information and that if a ticket was issued, he would follow up with Inspector Neill.

[32] Inspector Neill submitted that he did not receive any communication from the Constable after the incident.

[33] The Inspectors returned to the AGLC Grande Prairie Office and placed the seized products in the exhibit storage locker.

[34] On October 17, 2022, Inspector Graham called Plantlife Regional Manager Ian Scott and advised him of the incident and that an incident report was being submitted.

[35] During their conversation, Inspector Graham advised Mr. Scott that AGLC provides free staff training seminars. Mr. Scott requested a training seminar be conducted for members of the Plantlife leadership team of employees through a virtual meeting. Inspector Graham conducted the training session on November 1, 2022.

[36] Additionally, Inspector Graham requested video footage of the incident from Plantlife. Subsequently, Inspector Graham attended the premises and obtained video footage of the incident from the onsite store manager, which was included as attachment 3 to the Incident Report (Exhibit 1, Tab B).

[37] Inspector Graham conducted a search of the SellSafe Database and confirmed the employee who sold cannabis to the minor had successfully completed the training. However, as a result of the incident, she would be required to recertify. A copy of the letter notifying the employee was included as Exhibit 1, Tab B, attachment 4.

[38] When asked by the Licensee, Inspector Graham confirmed he and Inspector Neill had not met the minor prior to this incident.

[39] Inspector Graham advised the Panel that while there is not a set timeframe included in the policy, he encourages Licensees to take as much time as they need when check identification and to ask for a secondary form of identification if needed.

#### **IV. Plantlife Cannabis Submissions**

[40] The representatives for Plantlife, Ian Scott and Mike Wheeler, gave evidence on behalf of the Licensee.

[41] The Licensee admitted that a minor obtained cannabis products from their premises.

[42] The Licensee advised the Panel they are of the opinion that the minor provided fraudulent identification to deceive their employee to sell them the products. They indicated this does not make them negligent as a retailer.

[43] Mr. Scott indicated that the Plantlife employee requested identification from the minor within 15 seconds of them entering the premises. He is of the opinion that the employee conducted their responsibility to verify identification.

[44] Mr. Scott shared with the Panel Plantlife's training program for all employees, included as Exhibit 3. The training program is extensive and consists of five modules over five days, including a thorough review of identification guidelines developed from AGLC's policies.

[45] Plantlife is the fourth largest retailer of cannabis in Alberta. The Licensee views themselves as stewards in the industry.

[46] The Licensee advised the Panel they have taken this incident seriously and regularly look to AGLC for collaboration.

[47] Mr. Scott noted that after the incident they followed up with AGLC and Inspector Graham conducted a training seminar for their leadership team across the province. Additionally, the Licensee advised the Panel they conduct weekly meetings with their management to share policy changes and other AGLC updates. As well, they are exploring options to do refresher training for their employees at regular intervals.

[48] Upon questioning by the Panel, Mr. Scott and Mr. Wheeler indicated they may not have been able to discern that the individual in the fraudulent identification provided was not the minor in the store, although they acknowledged they were reviewing the pictures in a different scenario. They highlighted for the Panel that Inspector Graham knew the young male was a minor prior to viewing the identification provided to purchase the cannabis products which they surmised may have assisted him in seeing the differences in appearance.

[49] The Licensee stated that people are able to change their appearance and that articles of clothing like a hat may impede the ability to discern someone's likeness to their identification.

## **V. Summation**

### **Regulatory Services**

[50] Regulatory Services states that based on the evidence presented in the Incident Report and by Inspector Graham it is clear that a minor purchased cannabis products from Plantlife, which is not contested by the Licensee.

[51] Regulatory Services is of the opinion that it would be easy for the average person to discern the likeness of the minor did not resemble the individual pictured on the identification provided to the employee. Sunglasses, hats, hoodies and other articles of clothing do not impact central facial features and should not impede someone assessing their identification.

[52] Regulatory Services commends the Licensee on their training program but is of the opinion the training needs to go back to the elementary basics; when reviewing identification, employees should

ensure they are comparing it to the person standing in front of them and not just checking the date of birth.

[53] Regulatory Services is of the opinion that more steps could have been taken by the Licensee to prevent the incident.

[54] While the employee requested identification as required, Regulatory Services takes the position that the employee did not take the time to compare the unchanging physical features of the person in the photo with the minor. The employee still sold product to a minor.

[55] The issue of minors having access to cannabis is one that the AGLC takes very seriously. AGLC has made five commitments to Albertans in the regulation of cannabis and cannabis products, the first of which is to keep cannabis and cannabis products out of the hands of youth and children.

[56] Regulatory Services asks the Panel to consider the message to the broader community if the administrative sanction is not upheld.

[57] As such, Regulatory Services requests the Panel confirm the administrative sanction of a fine of \$10,000 or a 40-day suspension.

#### **Plantlife Cannabis**

[58] The Licensee acknowledges a minor purchased cannabis from one of their retail locations. However, Plantlife is of the opinion that the minor deceived their employee with fraudulent identification.

[59] The Licensee reiterates the successes of Plantlife across their stores. Plantlife has been operating licensed cannabis retail stores and liquor premises for over 5 years with a good track record.

[60] Plantlife advises they have a good relationship with AGLC and collaborates with inspections.

[61] Further, the Licensee believes they have one of the best training programs for their employees in comparison to other cannabis retailers in Alberta. The Licensee asserts they are not a negligent retailer.

[62] As such, the Licensee requests the Panel reduce the fine considering their level of business, previous operating history and their training program.

#### **VI. Analysis**

[63] The Panel carefully considered the submissions of Regulatory Services and Plantlife.

[64] The Panel agrees that issue of minors having access to cannabis is one that the AGLC takes very seriously and a pillar of the cannabis program in Alberta is keeping cannabis and cannabis products out of the hands of the youth.

[65] Operating a licensed premises is a privilege, not an automatic right, and that privilege comes with the responsibility of complying with cannabis legislation, regulations and policies.

[66] The onus is on the Licensee and the staff of the licensed premises to obtain valid identification from any person who appears to be under 25 years of age immediately upon entering a retail cannabis store.

[67] The Panel finds that the evidence provided by Inspector Graham confirms that a 17-year-old was able to enter and purchase cannabis products from Plantlife, which the Licensee did not dispute.

[68] However, upon review of the photos presented on the redacted Alberta Driver's Licences, the Panel finds that the individuals depicted have similar likeness. The Panel finds that many of the differences highlighted by Inspector Graham could change with weight gain/loss or maturation and are hard to discern.

[69] Further, the Panel finds that the Licensee offers a robust training program (Exhibit 3) that it offers to all employees as part of their onboarding and that the Licensee is taking steps to offer annual training refreshers. The Panel finds that the employee involved in the incident was well-trained and can be seen carefully observing the identification produced by the minor in the surveillance video footage.

[70] Additionally, Plantlife took steps to ensure staff received refresher training from AGLC Inspections as part of a company-wide virtual staff training seminar.

[71] In accordance with section 121, the Panel finds that the Licensee took reasonable and rigorous steps to prevent employees from contravening cannabis legislation, regulations and policies and that the Licensee has demonstrated continued steps to ensure future compliance.

## **VII. Finding**

[72] For the reasons stated above, the Panel finds that Plantlife contravened section 90.04 of the Act but that, in accordance with section 121 of the Act, the Licensee took reasonable steps to prevent employees from contravening the provision.

[73] As such, in accordance with section 94(7)(b) of the Act the Panel replaces the administrative sanction imposed by Regulatory Services with a fine of \$1,000 or a 4-day suspension of the Class CN-Retail Cannabis Store licence numbered 783970-1.

[74] The fine is to be paid on or before April 14, 2023 or suspension served commencing with the normal opening of business on April 19, 2023 and continuing until the normal close of business on April 22, 2023.

Signed at St. Albert, this 15<sup>th</sup> day of March, 2023



Len Rhodes, Presiding Member, Hearing Panel