



# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Aldinger and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager *GD*

**FROM:** Richard Thompson, Director of Community Development *RTJ*  
 Robert V. Wadden Jr., City Attorney *RVP*  
 Eric Haaland, Associate Planner *EH*

**DATE:** May 6, 2008

**SUBJECT:** Consideration of Planning Commission Approval of a Zoning Code (Title 10) Amendment to the Manhattan Beach Municipal Code and Local Coastal Program Amendment Regarding the Prohibition of Medical Marijuana Dispensaries in All Zones.

### RECOMMENDATION:

Staff recommends that the City Council **CONDUCT** the Public Hearing, **WAIVE FURTHER READING**, and **INTRODUCE** Ordinance No. 2114.

### FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

### BACKGROUND:

The Planning Commission, at its regular meeting of April 23, 2008, **RECOMMENDED APPROVAL** (4-1 vote) to the City Council of a zoning amendment prohibiting medical marijuana dispensaries in the City. The amendment was initiated by the City Council in 2006 in conjunction with a moratorium temporarily prohibiting these establishments. The State currently allows marijuana dispensaries however, Federal law still prohibits marijuana as a controlled substance. A number of California cities have taken action to prohibit or regulate dispensaries, and some court decisions confirming the appropriateness of those actions have occurred.

### DISCUSSION:

The City Attorney has drafted Ordinance No. 2114 to prohibit medical marijuana dispensaries throughout the City, with findings explaining some of the legal details of this issue. The proposed amendment to the City's Municipal Code and Local Coastal Program would define medical marijuana dispensaries in substantial detail and prohibit that use entirely.

The Planning Commission ultimately determined that it was not appropriate to permit medical marijuana dispensaries in the City due to the conflict with federal law, probable burden on police services, and probable disruption to surrounding uses. The Commission heard testimony from the

City Attorney and Police Department that federal enforcement actions, criminal activity, and neighborhood disruptions are known to occur at such facilities that exist in other cities. Additional material was received providing details on other cities' regulations and experiences with these establishments.

The public testimony received primarily supported the use of marijuana for medical purposes and stated that Manhattan Beach residents do need access to the product for difficult health problems. It was stated that some residents do make trips to Santa Monica, West Hollywood, Los Angeles and other cities to purchase prescribed medical marijuana. The Commissioners expressed compassion for the suffering of individuals with severe illnesses, and was concerned for residents' access to necessary relief. One Commissioner felt that access to medical marijuana, with appropriate restrictions that prevent crime and neighborhood impacts, should be provided for within Manhattan Beach; and voted against recommending the prohibition.

The majority of the Planning Commission felt that it was not appropriate to permit medical marijuana dispensaries at this time due to conflicting federal law, potential federal enforcement activities, and probable crime and other disruptive effects. It appeared uncertain that negative impacts could be mitigated by regulation, and it was acknowledged that federal raids of these establishments do occur. The Commission suggested that viable methods of distributing medical marijuana to local patients (e.g., Beach Cities Health District) be explored that are not in violation of applicable law.

**CONCLUSION:**

Staff recommends that the City Council approve the proposed amendment by introducing Ordinance No. 2114. The Ordinance would then return to the City Council at its May 20<sup>th</sup> meeting for final adoption.

**Attachments:**

- A. Ordinance No. 2114
- B. Resolution No. PC 08-07
- C. P.C. Minutes excerpt, dated 4/23/08
- D. Staff Report, dated 4/23/08
- E. Police memo, dated 4/22/08
- F. City Attorney reference material

ORDINANCE NO. 2114

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADDING A NEW SECTION 10.60.160 OF CHAPTER 10.60 OF THE MANHATTAN BEACH MUNICIPAL CODE (ZONING ORDINANCE) AND SECTION 160.160 OF THE IMPLEMENTATION PROGRAM OF THE LOCAL COASTAL PROGRAM PERTAINING TO MEDICAL MARIJUANA DISPENSARIES

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby finds as follows:

- A. In 1996 the voters of California adopted the "compassionate Use Act" which permits the possession and sale of marijuana for medical purposes. Subsequently the use of collective dispensaries for the sale of prescription marijuana has been permitted as a commercial enterprise;
- B. Despite being permitted under California law marijuana, whether for medical, recreational, religious or any other purpose is illegal under the Federal Controlled substances Act. Federal agencies have been aggressively enforcing Federal laws against those using or dispensing marijuana in accordance with California law;
- C. The United States Supreme Court issued its decision in *United States v. Oakland Cannabis Buyers' Cooperative* (2001) 532 U.S. 483, in which the Court held that there is no medical necessity defense or exemption for the possession of medical marijuana under the Controlled Substances Act and in 2005, the United States Supreme Court also held in *Gonzalez v. Raich* (2005) 545 U.S. 1, that the United States Congress has authority under the Commerce Clause of the United States Constitution to prohibit the manufacture, cultivation, distribution and possession of marijuana pursuant to the Controlled Substances Act, even as such prohibitions apply to marijuana manufactured, cultivated, distributed or possessed within the State of California under the auspices of the Compassionate Use Act;
- D. In addition to being illegal under Federal law and subject to enforcement by Federal agents medical marijuana dispensaries have been known to create secondary effects beyond the possibility of being raided by Federal agents. These include increased crime, loitering, drug abuse, theft, burglary, decreased property values. In general medical marijuana dispensaries have a strong potential to create a public nuisance situation and should be sited away from residential, school and daycare, church and community service centers;
- E. The California Police Chiefs Association has compiled an extensive report detailing a number of the negative secondary effects associated with medical marijuana dispensaries. The Planning Commission hereby finds that such report contains further persuasive documented evidence that medical marijuana dispensaries pose a threat to public health, safety and welfare;
- F. Due to the small geographical size and primarily residential character of Manhattan Beach there are no areas within the City which are suitable for the location of a medical marijuana dispensary;
- G. In addition to the fact that medical marijuana dispensaries are a use which is unsuitable for a small residential community the fact that it is currently illegal under Federal law despite its legality under State law (See: *Gonzales v. Raich* 545 U.S. 1 (2005)) raises serious questions about the City's legal capacity to allow such a use. (See, for example: *Qualified Patients' Association v. County of Orange* (2008) Orange County Superior Court Case No. 07CC09524.);
- H. In light of the serious problems presented by location and operation of medical marijuana dispensaries it is in the best interests of the citizens of Manhattan Beach and in furtherance of their health, safety and welfare to prohibit medical marijuana dispensaries within the City of Manhattan Beach;

- I. The proposed ordinance is consistent with the General Plan of the City of Manhattan Beach;
- J. This ordinance is not subject to the California Environmental Quality Act pursuant to Section 15061(b)(3) in that the activity will not result in direct or indirect or reasonably foreseeable direct or indirect physical change to the environment.
- K. The proposed amendments will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.
- L. At a public hearing held on April 23, 2008 the Manhattan Beach Planning commission heard public testimony and conducted discussion regarding the proposed code amendments resulting in their adoption by a 4-1 vote of Resolution Number Penal Code 08-07 adopting specific findings in support of the code amendment and recommending adoption.

**SECTION 2.** A new Section 10.60.160 is hereby added to Chapter 10.60 of Title 10 of the Manhattan Beach Municipal Code and new Section A.60.160 to the Implementation Program of the Local Coastal Program to read as follows:

**"10.60.160/A 60.160 Medical Marijuana Dispensaries**

(a). Except where the context otherwise requires, the definitions given in this subsection govern the construction of this section:

A. 'Identification card' is a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.

B. 'Marijuana' means all parts of the *Cannabis Sativa* plant, whether growing or not, including but not limited to: the leaves; the flowers; the stems; the seeds thereof; the resin extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The term shall include marijuana infused in foodstuffs. The term shall not include fiber produced from the stalks, oil or cake made from the seeds of the plant r any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks (except resin extracted therefrom).

C. 'Medical marijuana dispensary' is any facility or location where medical marijuana is cultivated or made available to and/or distributed by any of the following: a qualified patient, a person with an identification card, or a primary caregiver. Each of these terms is defined herein and shall be interpreted in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq. as such sections may be amended from time to time.

C. 'Primary caregiver' is the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person.

D. 'Qualified patient' is a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have an identification card issued by the State Department of Health Services.

(b). Medical marijuana dispensaries shall be a prohibited use in all zones of the City.

**SECTION 3.** This ordinance shall apply to any application for such a use which has not yet obtained substantial vested rights as defined by the California Supreme Court in *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785.

SECTION 4. All other provisions of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 5. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 7. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 8. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 20th day of May, 2008.

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By   
City Attorney

RESOLUTION NO. PC 08-07

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MANHATTAN BEACH, CALIFORNIA  
RECOMMENDING AMENDMENTS TO THE MANHATTAN  
BEACH MUNICIPAL CODE TITLE 10 (ZONING  
ORDINANCE) AND THE IMPLEMENTATION PROGRAM  
OF THE LOCAL COASTAL PROGRAM PERTAINING TO  
MEDICAL MARIJUANA DISPENSARIES

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES  
HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission hereby makes the following findings:

- A. The Planning Commission conducted a public hearing pursuant to applicable law to consider amendments to Section 10.60.160 of Title 10 of the Manhattan Beach Municipal Code and Section A.60.160 of the Implementation Program of the Local Coastal Program.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received on April 23, 2008.
- C. The proposed project will not have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- D. The proposal is exempt from the requirements of the California Environmental Quality Act due to determination that it has no potential for causing a significant effect on the environment.
- E. The proposed amendments are consistent with the goals and policies of the City's General Plan and Local Coastal Program and with the purposes of Title 10 (Zoning Ordinance) of the Manhattan Beach Municipal Code.
- F. In 1996 the voters of California adopted the "compassionate Use Act" which permits the possession and sale of marijuana for medical purposes. Subsequently the use of collective dispensaries for the sale of prescription marijuana has been permitted as a commercial enterprise;
- G. Despite being permitted under California law marijuana, whether for medical, recreational, religious or any other purpose is illegal under the Federal Controlled substances Act. Federal agencies have been aggressively enforcing Federal laws against those using or dispensing marijuana in accordance with California law;
- H. The United States Supreme Court issued its decision in *United States v. Oakland Cannabis Buyers' Cooperative* (2001) 532 U.S. 483, in which the Court held that there is no medical necessity defense or exemption for the possession of medical marijuana under the Controlled Substances Act and in 2005, the United States Supreme Court also held in *Gonzalez v. Raich* (2005) 545 U.S. 1, that the United States Congress has authority under the Commerce Clause of the United States Constitution to prohibit the manufacture, cultivation, distribution and possession of marijuana pursuant to the Controlled Substances Act, even as such prohibitions apply to marijuana manufactured, cultivated, distributed or possessed within the State of California under the auspices of the Compassionate Use Act;
- I. In addition to being illegal under Federal law and subject to enforcement by Federal agents medical marijuana dispensaries have been known to create secondary effects beyond the possibility of being raided by Federal agents. These include increased crime, loitering, drug abuse, theft, burglary, decreased property values. In general medical marijuana dispensaries have a strong potential to create a public nuisance situation and

should be sited away from residential, school and daycare, church and community service centers;

- J. The California Police Chiefs Association has compiled an extensive report detailing a number of the negative secondary effects associated with medical marijuana dispensaries. The Planning Commission hereby finds that such report contains further persuasive documented evidence that medical marijuana dispensaries pose a threat to public health, safety and welfare;
- K. Due to the small geographical size and primarily residential character of Manhattan Beach there are no areas within the City which are suitable for the location of a medical marijuana dispensary;
- L. In addition to the fact that medical marijuana dispensaries are a use which is unsuitable for a small residential community the fact that it is currently illegal under Federal law despite its legality under State law (See: *Gonzales v. Raich* 545 U.S. 1 (2005)) raises serious questions about the City's legal capacity to allow such a use. (See, for example: *Qualified Patients' Association v. County of Orange* (2008) Orange County Superior Court Case No. 07CC09524.);
- M. In light of the serious problems presented by location and operation of medical marijuana dispensaries it is in the best interests of the citizens of Manhattan Beach and in furtherance of their health, safety and welfare to prohibit medical marijuana dispensaries within the City of Manhattan Beach.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends approval of the subject amendments to the Manhattan Beach Municipal Code and the Local Coastal Program as follows:

Add Section 10.60.160 to Title 10 and A.60.160 to the Implementation Program of the Local Coastal Program as follows:

**“10.60.160/A.60.160 Medical Marijuana Dispensaries**

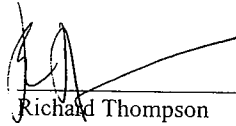
- (a). Except where the context otherwise requires, the definitions given in this subsection govern the construction of this section:
  - A. 'Identification card' is a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.
  - B. 'Marijuana' means all parts of the *Cannabis Sativa* plant, whether growing or not, including but not limited to: the leaves; the flowers; the stems; the seeds thereof; the resin extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The term shall include marijuana infused in foodstuffs. The term shall not include fiber produced from the stalks, oil or cake made from the seeds of the plant or any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks (except resin extracted therefrom).
  - C. 'Medical marijuana dispensary' is any facility or location where medical marijuana is cultivated or made available to and/or distributed by any of the following: a qualified patient, a person with an identification card, or a primary caregiver. Each of these terms is defined herein and shall be interpreted in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq. as such sections may be amended from time to time.
  - D. 'Primary caregiver' is the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person.
  - E. 'Qualified patient' is a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have an identification card issued by the State Department of Health Services.

(b). Medical marijuana dispensaries shall be a prohibited use in all zones of the City.


SECTION 3. The Secretary to the Planning Commission shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, and ADOPTED this 23rd day of April, 2008.

Ayes: Bohner, Powell, Seville-Jones, Chairman Lesser  
Noes: Fasola  
Absent: None  
Abstain: None



Richard Thompson  
Secretary to the Planning Commission

  
Sarah Boeschen  
Recording Secretary



1  
2 Director Thompson commented that staff will draft a resolution of approval for the May 14  
3 meeting based on the comments that have been received.

4  
5 Commissioner Fasola requested that elevations be provided that are shown in context with the  
6 street.

7  
8 At 8:55 p.m., a 10-minute recess was taken.

9  
10 **08/0423.3 Consideration of a Zoning Code (Title 10) Amendment and Local Coastal**  
11 **Program Amendment Regarding the Prohibition of Medical Marijuana**  
12 **Dispensaries in All Zones**  
13

14 Associate Planner Haaland summarized the staff report. He indicated that the City Council has  
15 previously adopted a temporary moratorium with the intention of permanently prohibiting the  
16 establishment of medical marijuana dispensaries. He commented that State law allows such  
17 dispensaries, which is in conflict with Federal law that prohibits the use of marijuana in general.  
18 He commented that there are dispensaries in some cities throughout California. He stated that  
19 the City Council did direct that the Code be amended, and the role of the Commission is to  
20 review the Municipal Code and Local Coastal Program Amendments and make a  
21 recommendation to the City Council to adopt an Ordinance. He said that the City Attorney has  
22 drafted an Ordinance prohibiting marijuana dispensaries within the City, and staff has adapted  
23 that Ordinance into a Resolution for the Commission to forward to the City Council. He stated  
24 that the Council is scheduled to take final action to conduct a public hearing and adopt the  
25 Ordinance prior to the expiration of the temporary moratorium.

26  
27 Chairman Lesser asked regarding the function of the Commission regarding the issue and the  
28 findings that the Commission must make to be able to adopt the draft Resolution.

29  
30 Associate Planner Haaland said that the role of the Commission is to conduct the hearing and  
31 forward a recommendation to the City Council.

32  
33 Commissioner Bohner asked if the Commission has any discretion regarding whether they feel  
34 there should be an Ordinance or if the direction of the City Council was simply for the  
35 Commission to arrive at an Ordinance prohibiting such dispensaries.

36  
37 Director Thompson said that the direction of the Council was for an Ordinance to be prepared  
38 prohibiting marijuana dispensaries.

39  
40 Commissioner Seville-Jones stated that the Commission does not have much discretion if the  
41 direction of the Council was simply to draft an Ordinance prohibiting dispensaries. She

1 commented that the minutes of the City Council meeting indicate that the Council wanted to  
2 allow staff time to study how dispensaries could be further regulated or banned and suggested  
3 that staff contact West Hollywood for further information. She asked whether the Commission is  
4 debating the merits of whether or not there should be a ban or if the issue has already been  
5 decided by the Council.

6  
7 Director Thompson indicated that his understanding is that the City Council wants to know the  
8 best and most legally defensible means of restricting the location of dispensaries within the City  
9 including the possibility of their being prohibited. He indicated that the City Council would  
10 welcome input of the Commissioners if they do not agree with the ban and instead feel that  
11 dispensaries should be permitted. He indicated that it is the responsibility of the City Council to  
12 adopt the Ordinance to change the Zoning Code. He indicated that the Commission's  
13 responsibility is to hold a public hearing and receive public testimony to provide the Council  
14 with a recommendation.

15  
16 City Attorney Wadden said that he has been involved in the issue and advising the City Council  
17 for the last two years. He commented that it was clear at the work plan meeting that the direction  
18 of the Council was to arrive at an Ordinance that would prohibit dispensaries. He indicated that  
19 the City of Anaheim has adopted an ordinance banning the medical marijuana dispensaries which  
20 was successfully defended in Court. He commented that several cities have adopted such bans  
21 since that decision.

22  
23 In response to a question from Commissioner Bohner, City Attorney Wadden said that the Court  
24 ruled that a City had a clear right to ban a substance which is illegal under Federal law. He  
25 indicated that there is a written opinion of the case by the Orange County Superior Court judge.

26  
27 Commissioner Seville-Jones indicated that her understanding is that Federal law does not allow  
28 people to possess marijuana and does not allow pharmacies to deliver it. She indicated that a  
29 proposition was passed in California that indicates that it can be used for medical purposes, but  
30 the law does not specify how it may be obtained.

31  
32 City Attorney Wadden said that the State law does not specifically authorize dispensaries.

33  
34 Commissioner Seville-Jones said that her understanding also is that banning dispensaries does  
35 not necessarily stop people from being allowed to possess marijuana if they have a medical  
36 reason.

37  
38 City Attorney Wadden said that cultivating marijuana would be related to the definition of  
39 dispensary. He said that West Hollywood does have a marijuana dispensary, and there are a  
40 number in the City of Los Angeles at various locations.

1 In response to a question from Commissioner Seville-Jones, City Attorney Wadden indicated that  
2 according to Americans for Safe Access, 63 cities in California have enacted bans on  
3 dispensaries; 29 have Ordinances which permit dispensaries but restrict their use; and 79 have  
4 moratoriums.

5  
6 City Attorney Wadden pointed out that the judge indicated in the Anaheim case that the opinion  
7 is based on the fact that marijuana is an illegal substance under Federal law. He indicated that  
8 the Drug Enforcement Administration (DEA) has been active in raiding marijuana dispensaries  
9 within California, and allowing dispensaries in Manhattan Beach would be inviting such a raid.

10  
11 In response to a question from Commissioner Fasola, City Attorney Wadden said that a person  
12 would not be convicted in a California court for the possession of marijuana that is medically  
13 authorized.

14  
15 Commissioner Powell commented that he works in West Hollywood where there are a number of  
16 medical marijuana dispensaries, and he has seen a number of raids by the DEA. He indicated  
17 that another one soon opens in its place after a dispensary is raided.

18  
19 In response to a question from Commissioner Powell, City Attorney Wadden stated that there are  
20 two Supreme Court cases cited in the draft Resolution which state that the Federal law banning  
21 marijuana overrides the State law allowing its use.

22  
23 Lieutenant Derrick Abell said that there is a conflict with the medical use of marijuana, as it is  
24 illegal under Federal law. He said that allowing dispensaries would create problems with the  
25 Federal agencies in performing their job. He commented that there are a number of problems  
26 that cities with dispensaries have had with their operation, which gives great concern to him and  
27 the Police Department in allowing them within Manhattan Beach. He stated that one concern is  
28 that dispensaries would invite criminals to the site to either attempt to sell their illegal marijuana  
29 or rob people who have purchased marijuana. He said that problems would arise for the police  
30 and any surrounding businesses with the addition of a criminal element that could result from the  
31 establishment of a dispensary.

32  
33 In response to a question from Commissioner Seville-Jones, Lieutenant Able indicated that drugs  
34 sold through pharmacies are controlled substances, and there is no control over the selling of  
35 marijuana through the dispensaries. He commented that a prescription lists the license of the  
36 doctor as well as a tracking system for the drugs. He said that there is no control over the  
37 marijuana at the dispensaries

38  
39 Lieutenant Abell indicated that complaints have also been received in cities where dispensaries  
40 are allowed of patrons purchasing the marijuana and smoking it in the immediate area. He  
41 commented that allowing such dispensaries would be a great disservice to the community when

1 such a great deal of energy is given to teaching children about making the right decisions in  
2 staying away from drug use. He indicated that cities with dispensaries have reported a number of  
3 robberies and burglaries at the locations which is also a concern for any bystanders who may be  
4 in the area. He said that businesses in the community would have a great concern with being  
5 located next to a dispensary because of the possibility of criminal and police activity. He  
6 commented that he believes the crime rate and quality of life would be negatively impacted if  
7 dispensaries were to be located in the City. He commented that there is no method of verifying  
8 that the identification cards for obtaining medical marijuana are legitimate. He said that there is  
9 also the possibility of people obtaining prescriptions from doctors for marijuana and then selling  
10 it illegally to another person.

11  
12 In response to a question from Commissioner Powell, Director Thompson indicated that the City  
13 of Redondo Beach has recently ruled to ban dispensaries, and Hermosa Beach is also likely to  
14 enact a ban.

15  
16 Chairman Lesser opened the public hearing.

17  
18 **Esther Besbris**, a resident of 2<sup>nd</sup> Street, asked regarding the purpose of the hearing if the  
19 direction to the Commission is only to pass an amendment prohibiting the dispensaries.

20  
21 Commissioner Bohner commented that the intent is for the Commissioners to gather any  
22 testimony from the public as to their thoughts regarding the Ordinance. He pointed out that the  
23 City Council will make the final determination, and the Commission is not empowered to pass  
24 the Ordinance. He indicated that the Commissioners are open to hearing testimony on both sides  
25 regarding whether or not dispensaries should be prohibited.

26  
27 **Ms. Besbris** said that there are over 100 establishments within Manhattan Beach that sell  
28 alcohol, and they are generally welcomed by the City. She pointed out that there are many  
29 people who drive under the influence of alcohol which results in numerous accidents and deaths.  
30 She indicated that people who smoke also have a greater risk of health problems and death. She  
31 indicated that alcohol and cigarettes are legal; however, they both result in much more harm than  
32 the medical use of marijuana. She indicated that the medical use of marijuana has a great deal of  
33 ambiguity. She commented that she understands that such dispensaries have the potential to  
34 attract criminal activity; however, many residents currently have issues with people leaving bars  
35 who have been drinking. She indicated that she is speaking for someone who needed marijuana  
36 to ease his pain who had to drive to a remote area of Santa Monica in order to fill his  
37 prescription. She stated that there are people in the City who require marijuana for medical  
38 reasons, and the alternative is going to heavier narcotics. She said that the City must service all  
39 members of the community even by methods that are not always liked.

40  
41 **Bev Morse**, a resident of the 900 block of 1<sup>st</sup> Street, said that she was the former associate

1 director of the Wellness Community in the South Bay and has had the experience of watching  
2 people in the South Bay who were severely impacted by the effects of cancer and chemotherapy.  
3 She said that some people are being kept alive by chemotherapy, and marijuana helps them to eat  
4 and fight through the treatment. She indicated that the caretakers of patients who use marijuana  
5 must now drive once a week to fill prescriptions because they can only receive a limited amount  
6 at a time. She said that there are people with cancer who can have a quality of life with  
7 marijuana that they could not if they were drugged with morphine instead. She commented that  
8 her aunt used marijuana for her glaucoma most of her life and lived until 90. She said that her  
9 brother-in-law who has debilitating arthritis has to drive to Santa Barbara in order to receive  
10 marijuana. She pointed out that the medical use of marijuana is legal in California. She  
11 commented that it is difficult but not impossible to control the dispensaries. She suggested the  
12 possibility that a thumb print could be used as an identification for people who have  
13 prescriptions. She said that a security guard could be hired to watch over the dispensary rather  
14 than using the Police Department. She indicated that there is a great need in the community for  
15 such dispensaries, as one out of four people are likely to get cancer. She pointed out that other  
16 cities have such dispensaries. She suggested that the moratorium be extended until there is a  
17 determination of an appropriate means of regulating the use of marijuana. She commented that  
18 Parkinson's patients also have benefited from relaxation techniques that include the use of  
19 marijuana. She suggested the possibility of involving the Beach Cities Health District to regulate  
20 the dispensing of marijuana for medical use for residents of Redondo Beach, Hermosa Beach and  
21 Manhattan Beach.

22  
23 **Bill Victor** indicated that his mother had cancer and lived to 99; his sister has survived cancer;  
24 and his father had cancer. He commented that he has also had friends and clients who have  
25 cancer and used prescribed marijuana. He said that he feels more harm is done to the community  
26 by the AVP than would result from having a regulated dispensary. He indicated that conditions  
27 can be placed on its operation. He said that that the initiative allowing the medical use of  
28 marijuana was passed by the people of California because they felt it is a benefit for those who  
29 need it and not because they are a group of drug addicts. He commented that the use of a  
30 dispensary could possibly be restricted to only residents and property owners in the City. He said  
31 that banning dispensaries is not a service to the community, and the Commissioners should  
32 express their opinions if they feel differently than the Council. He indicated that the Commission  
33 has an opportunity to help the community. He pointed out that doctors are careful and do not  
34 freely and irresponsibly hand out such prescriptions. He also suggested the possibility that thumb  
35 prints could be required for such prescriptions. He said that he has not heard any review of the  
36 communities who allow dispensaries with restrictions without an outright ban.

37  
38 **Steve Morse**, a resident of the 900 block of 1<sup>st</sup> Street, said that the medical use of marijuana  
39 works for many people. He said that there are controls that can be placed on dispensaries without  
40 being completely restrictive. He pointed out that pharmacies are able to issue morphine and  
41 other drugs that are much stronger than marijuana. He indicated that marijuana does not have to

1 be smoked and can be taken in a capsule form. He said that he would hope that Manhattan  
2 Beach can arrive at a solution.

3  
4 **Martha Andreani** stated that she also asks for the consideration of developing options for  
5 allowing dispensaries. She commented that she understands the concerns of the Police  
6 Department; however, the medical use of marijuana benefits many people. She said that it is also  
7 a benefit in the treatment of AIDS and glaucoma. She also suggested the possibility that the  
8 Beach Cities Health District become involved in regulating the medical use of marijuana rather  
9 than allowing separate dispensaries.

10  
11 **Jacki May** commented that she has severe pain and is unable to work. She said that she has used  
12 marijuana, and no one has ever attempted to rob her. She indicated that people she knows are  
13 aware of the drugs she takes and no one has asked her for them. She commented that the  
14 suffering of people who have cancer or severe pain can be helped with the use of marijuana. She  
15 said that she hopes the Commission sends a message to the City Council that there are ways to  
16 regulate the use of marijuana with the Beach Cities Health District and with the use of capsules.

17  
18 Chairman Lesser closed the public hearing

19  
20 Commissioner Bohner said that the Supreme Court case *U.S. v. Oakland Cannabis Buyers'*  
21 *Cooperative* (532 U.S. 483) which is cited in the draft Resolution held that there is no medical  
22 necessity defense or exemption for the possession of medical marijuana under the Controlled  
23 Substances Act. He stated that if Congress decides to preempt legislation and has the authority to  
24 do so under the Supremacy Clause of the Constitution, it cannot be trumped by State law. He  
25 indicated that although the California voters have approved the medical use of marijuana, the  
26 Federal law banning it overrides the State law. He indicated that some communities in California  
27 have established the dispensaries at the risk of being raided. He stated that a dispensary located  
28 in Manhattan Beach would be a great target to be raided. He said that as long as marijuana is an  
29 illegal substance, such dispensaries would invite a criminal element and would cause a greater  
30 likelihood of robberies. He indicated that there are areas in Southern California where marijuana  
31 can be purchased. He said that he feels the City cannot act against Federal law which holds that  
32 the medical use of marijuana is illegal. He commented that he sympathetic to cancer patients and  
33 has had many family members with cancer. He commented that his brother developed leukemia  
34 at 32 and has struggled to survive. He indicated, however, that he does not feel that the City can  
35 act against Federal law. He commented that members of the community will also have the  
36 opportunity to speak before the City Council regarding the issue, and they will make the ultimate  
37 decision. He said that he feels the Commission needs to move forward with a Resolution  
38 restricting dispensaries.

39  
40 Commissioner Fasola commented that part of the basis for supporting an Ordinance to ban  
41 dispensaries is a report from the California Police Chiefs, which the Commissioners did not

1 receive until immediately before the meeting. He said that any problems associated with a  
2 dispensary including loitering and crime could also pertain to any drinking establishment. He  
3 indicated that there are a large number of establishments in the City which sell alcohol, and the  
4 City has never considered making it illegal. He said that he feels marijuana should be legal. He  
5 indicated that the issues associated with marijuana use are similar to prohibition with problems  
6 resulting from making its use illegal. He stated that the City would be in worse shape by making  
7 the use of marijuana illegal than by allowing it. He said that he feels it is the duty of the City to  
8 oppose the Federal law, which is misguided in his opinion. He indicated that he feels there is  
9 conflict when the Commission has just given approval to two pharmacies and is now is  
10 considering a ban on dispensaries for medical marijuana. He commented that he is surprised by  
11 the amount of support expressed by the community for allowing some type of dispensaries. He  
12 said that would not support a ban.

13  
14 Commissioner Powell said that he has a great deal of compassion for people who suffer with  
15 cancer, glaucoma and arthritis. He indicated that both of his parents died of cancer, and he  
16 watched them suffer. He commented that his parents chose not to use marijuana to ease their  
17 pain because its use is illegal. He said that he works in West Hollywood and knows of several  
18 dispensaries. He stated that he has observed people who are young and appear in good health  
19 getting a prescription from a dispensary. He indicated that he has also seen a local investigative  
20 report where people have faked illnesses in order to receive prescriptions for marijuana. He  
21 indicated that Manhattan Beach is a small residential community that includes many children.  
22 He said that he does not know the answer to the issue. He commented, however, that he does not  
23 feel dispensaries should be allowed as it is against Federal law and there are no means of  
24 ensuring proper regulation. He stated that until it can be properly controlled and permitted by  
25 Federal law, the City does not allow illegal substances. He said that he would support a ban.

26  
27 Commissioner Seville-Jones said that she would support a ban on dispensaries. She said that she  
28 appreciates the public testimony that has been received and hopes the report to the City Council  
29 reflects that the medical use of marijuana does benefit many people. She said that the medical  
30 use of marijuana is prohibited by Federal law and is enforced by the DEA. She said that she  
31 respects the opinion of Commissioner Fasola but she does not agree that it is analogous to  
32 alcohol use and that it should be legalized. She said that there are many studies which  
33 demonstrate that the use of marijuana use can lead to more serious drug use. She indicated that  
34 she would not support making marijuana available for anything but medical use. She commented  
35 that people who do not need it medically see the dispensaries as an opportunity for obtaining  
36 marijuana. She stated that there is evidence from communities with dispensaries that people who  
37 utilize them are being targeted by criminals. She said that she would be more supportive if the  
38 use of marijuana could be regulated by pharmacies. She indicated that the State has not arrived  
39 at an appropriate means to allow the dispensing of marijuana, and its use is banned by Federal  
40 law. She commented that she is interested in the suggestion of it being dispensed through the  
41 Beach Cities Health District.

1  
2 Chairman Lesser said that he personally does not have an issue with the medical use of  
3 marijuana. He said that he has experience with oncology, and there are other alternatives to  
4 marijuana for alleviating the effects of chemotherapy. He commented that the Federal  
5 government has restricted its use. He said that the City Council has decided that dispensaries  
6 should be prohibited, and the limited role of the Commission is to arrive at a rational basis for  
7 whether the decision is appropriate in accordance with the General Plan. He indicated that he  
8 appreciates the testimony of **Lieutenant Able** as to the reasons why the Council would have  
9 grounds for enacting the Ordinance. He stated that notwithstanding his personal opinion, he feels  
10 there is no other conclusion than to support the ban. He suggested that the members of the public  
11 also speak before the City Council who are the legislative representatives.

12  
13 In response to a question from Commissioner Seville-Jones, Director Thompson said that the  
14 issue of marijuana being dispensed through the Beach Cities Health District has been suggested  
15 and is currently being discussed.

16  
17 Commissioner Fasola said that he would support allowing a CUP process for permitting a  
18 dispensary.

19  
20 Commissioner Seville-Jones commented that she does not feel the reasons she supports the ban  
21 can be addressed under a CUP on an individual basis by a particular applicant.

22  
23 In response to a question from Commissioner Fasola, Director Thompson said that if a ban is  
24 enacted, the City Council can decide to amend the Ordinance if it is later decided to work with  
25 adjacent cities in allowing the dispensing of marijuana for medical use.

26  
27 Commissioner Powell pointed out that one of the findings for granting a CUP is that it does not  
28 contradict any laws. He indicated that currently a CUP for any dispensary could not be approved  
29 on the basis that the selling of marijuana is prohibited under Federal law.

30  
31 Commissioner Seville-Jones stated she feels the ban should be enacted, and it can be amended  
32 later if there is the means in the future to work with adjacent cities to regulate dispensaries.

33  
34 A motion was MADE and SECONDED (Bohner/Seville-Jones) to **APPROVE** a Zoning Code  
35 (Title 10) Amendment and Local Coastal Program Amendment Regarding the Prohibition of  
36 Medical Marijuana Dispensaries in All Zones

37  
38 AYES: Bohner, Powell, Seville-Jones, Chairman Lesser

39 NOES: Fasola

40 ABSENT: None

41 ABSTAIN: None



1  
2 Director Thompson indicated that a public hearing regarding the issue has been scheduled for  
3 May 6, 2008.

4  
5 **DIRECTOR'S ITEMS**      None

6  
7 **PLANNING COMMISSION ITEMS**

8  
9 Commissioner Powell said that the Manhattan Beach Fire Department Community Emergency  
10 Response Team will be having an booth at the Police and Fire Open House on May 10 from  
11 10:00 a.m. to 3:00 p.m. to address emergency preparedness.

12  
13 Commissioner Seville-Jones said that she is participating in Beach Cities Health District 10,000  
14 steps a day competition in which participants are given pedometers that count their steps during  
15 the day that they submit at the end of the week.

16  
17 **TENTATIVE AGENDA: May 14, 2008**

18  
19 A.      Use Permit Amendment/ Sales and Service of Alcoholic Beverages at 451 Manhattan  
20 Beach Blvd. (LePan Bakery)

21  
22 **ADJOURNMENT**

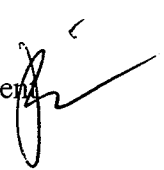
23  
24 The meeting of the Planning Commission was **ADJOURNED** at 10:50 p.m. in the City Council  
25 Chambers, City Hall, 1400 Highland Avenue, to Wednesday, May 14, 2008, at 6:30 p.m. in the  
26 same chambers.


27  
28  
29 \_\_\_\_\_  
30 RICHARD THOMPSON  
Secretary to the Planning Commission

28  
29 \_\_\_\_\_  
30 SARAH BOESCHEN  
Recording Secretary

**CITY OF MANHATTAN BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Planning Commission

**THROUGH:** Richard Thompson, Director of Community Development 

**FROM:** Robert V. Wadden Jr., City Attorney  
Eric Haaland, Associate Planner 

**DATE:** April 23, 2008

**SUBJECT:** Consideration of a Zoning Code (Title 10) Amendment and Local Coastal Program Amendment Regarding the Prohibition of Medical Marijuana Dispensaries in All Zones.

**RECOMMENDATION**

Staff recommends that the Planning Commission **CONDUCT** the public hearing, and approve the proposed resolution recommending amendment to Manhattan Beach Municipal Code Section 10.60.160 and Local Coastal Program Implementation Program Section A.60.160 regarding medical marijuana dispensaries.

**BACKGROUND**

At its regular meeting of July 18, 2006 the City Council established a moratorium temporarily prohibiting the establishment of medical marijuana dispensaries in the City of Manhattan Beach. State law recently permits such facilities; however federal law still prohibits marijuana as a controlled substance, and the subject dispensaries are known to have negative effects on their surroundings. The City Council directed that the moratorium be established and that the zoning code be amended to permanently prohibit such uses in the city. The Planning Commission must review the proposed Municipal Code and Local Coastal Program amendments, and forward its recommendation to the City Council.

**DISCUSSION**

The zoning code does not currently provide a specific use classification for a medical marijuana dispensary. In order to prohibit these specific facilities they must be defined, and regulations must be included within the zoning code.

Many cities in the state have initiated or completed procedures to prohibit medical marijuana dispensaries due to the concerns for federal law compliance and potential neighborhood impacts. Staff research indicates that none of the surrounding south bay cities permit these facilities. The

nearest jurisdictions known to permit medical marijuana dispensaries include West Hollywood, Whittier, and unincorporated portions of Los Angeles County.

The City Attorney has drafted the attached ordinance to prohibit medical marijuana dispensaries throughout the city with findings explaining some of the legal details of this issue. The proposed amendment would define medical marijuana dispensaries in substantial detail and prohibit that use entirely. Staff has drafted the attached Planning Commission resolution recommending this amendment of the zoning codes of the Municipal Code and Local Coastal Program to the City Council. Staff recommends that the Commission adopt this resolution

The City Council is scheduled to take final action on May 6, 2008, to amend the city's Municipal Code, and the California Coastal Commission will subsequently be responsible for final approval of the proposed amendment to the city's Local Coastal Program.

Attachments:

- Resolution No. PC 08-
- Draft Ordinance No. 2114
- Moratorium Staff Report, dated 7/18/06
- Moratorium Minutes excerpt, dated 7/18/06

RESOLUTION NO. PC 08-

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MANHATTAN BEACH, CALIFORNIA  
RECOMMENDING AMENDMENTS TO THE MANHATTAN  
MUNICIPAL CODE TITLE 10 (ZONING ORDINANCE) AND  
THE IMPLEMENTATION PROGRAM OF THE LOCAL  
COASTAL PROGRAM PERTAINING TO MEDICAL  
MARIJUANA DISPENSARIES

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES  
HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission hereby makes the following findings:

- A. The Planning Commission conducted a public hearing pursuant to applicable law to consider amendments to Section 10.60.160 of Title 10 of the Manhattan Beach Municipal Code and Section A.60.160 of the Implementation Program of the Local Coastal Program.
- B. The public hearing was advertised pursuant to applicable law, testimony was invited and received on April 23, 2008.
- C. The proposed project will not have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- D. The proposal is exempt from the requirements of the California Environmental Quality Act due to determination that it has no potential for causing a significant effect on the environment.
- E. The proposed amendments are consistent with the goals and policies of the City's General Plan and Local Coastal Program and with the purposes of Title 10 (Zoning Ordinance) of the Manhattan Beach Municipal Code.
- F. In 1996 the voters of California adopted the "compassionate Use Act" which permits the possession and sale of marijuana for medical purposes. Subsequently the use of collective dispensaries for the sale of prescription marijuana has been permitted as a commercial enterprise;
- G. Despite being permitted under California law marijuana, whether for medical, recreational, religious or any other purpose is illegal under the Federal Controlled substances Act. Federal agencies have been aggressively enforcing Federal laws against those using or dispensing marijuana in accordance with California law;
- H. The United States Supreme Court issued its decision in *United States v. Oakland Cannabis Buyers' Cooperative* (2001) 532 U.S. 483, in which the Court held that there is no medical necessity defense or exemption for the possession of medical marijuana under the Controlled Substances Act and in 2005, the United States Supreme Court also held in *Gonzalez v. Raich* (2005) 545 U.S. 1, that the United States Congress has authority under the Commerce Clause of the United States Constitution to prohibit the manufacture, cultivation, distribution and possession of marijuana pursuant to the Controlled Substances Act, even as such prohibitions apply to marijuana manufactured, cultivated, distributed or possessed within the State of California under the auspices of the Compassionate Use Act;
- I. In addition to being illegal under Federal law and subject to enforcement by Federal agents medical marijuana dispensaries have been known to create secondary effects beyond the possibility of being raided by Federal agents. These include increased crime, loitering, drug abuse, theft, burglary, decreased property values. In general medical marijuana dispensaries have a strong potential to create a public nuisance situation and

- should be sited away from residential, school and daycare, church and community service centers;
- J. The California Police Chiefs Association has compiled an extensive report detailing a number of the negative secondary effects associated with medical marijuana dispensaries. The Planning Commission hereby finds that such report contains further persuasive documented evidence that medical marijuana dispensaries pose a threat to public health, safety and welfare;
  - K. Due to the small geographical size and primarily residential character of Manhattan Beach there are no areas within the City which are suitable for the location of a medical marijuana dispensary;
  - L. In addition to the fact that medical marijuana dispensaries are a use which is unsuitable for a small residential community the fact that it is currently illegal under Federal law despite its legality under State law (See: *Gonzales v. Raich* 545 U.S. 1 (2005)) raises serious questions about the City's legal capacity to allow such a use. (See, for example: *Qualified Patients' Association v. County of Orange* (2008) Orange County Superior Court Case No. 07CC09524.);
  - M. In light of the serious problems presented by location and operation of medical marijuana dispensaries it is in the best interests of the citizens of Manhattan Beach and in furtherance of their health, safety and welfare to prohibit medical marijuana dispensaries within the City of Manhattan Beach.

**SECTION 2.** The Planning Commission of the City of Manhattan Beach hereby recommends approval of the subject amendments to the Manhattan Beach Municipal Code and the Local Coastal Program as follows:

Add Section 10.60.160 to Title 10 and A.60.160 to the Implementation Program of the Local Coastal Program as follows:

**"10.60.160/A.60.160 Medical Marijuana Dispensaries**

- (a). Except where the context otherwise requires, the definitions given in this subsection govern the construction of this section:
  - A. 'Identification card' is a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.
  - B. 'Marijuana' means all parts of the *Cannabis Sativa* plant, whether growing or not, including but not limited to: the leaves; the flowers; the stems; the seeds thereof; the resin extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The term shall include marijuana infused in foodstuffs. The term shall not include fiber produced from the stalks, oil or cake made from the seeds of the plant or any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks (except resin extracted therefrom).
  - C. 'Medical marijuana dispensary' is any facility or location where medical marijuana is cultivated or made available to and/or distributed by any of the following: a qualified patient, a person with an identification card, or a primary caregiver. Each of these terms is defined herein and shall be interpreted in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq. as such sections may be amended from time to time.
  - D. 'Primary caregiver' is the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person.
  - E. 'Qualified patient' is a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have an identification card issued by the State Department of Health Services.

(b). Medical marijuana dispensaries shall be a prohibited use in all zones of the City.

SECTION 3. The Secretary to the Planning Commission shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, and ADOPTED this 23rd day of April, 2008.

Ayes:  
Noes:  
Absent:  
Abstain:

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Richard Thompson  
Secretary to the Planning Commission

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Sarah Boeschen  
Recording Secretary

ORDINANCE NO. 2114

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADDING A NEW SECTION 10.60.160 OF CHAPTER 10.60 OF THE MANHATTAN BEACH MUNICIPAL CODE TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby finds as follows:

- A. In 1996 the voters of California adopted the "compassionate Use Act" which permits the possession and sale of marijuana for medical purposes. Subsequently the use of collective dispensaries for the sale of prescription marijuana has been permitted as a commercial enterprise;
- B. Despite being permitted under California law marijuana, whether for medical, recreational, religious or any other purpose is illegal under the Federal Controlled substances Act. Federal agencies have been aggressively enforcing Federal laws against those using or dispensing marijuana in accordance with California law;
- C. The United States Supreme Court issued its decision in *United States v. Oakland Cannabis Buyers' Cooperative* (2001) 532 U.S. 483, in which the Court held that there is no medical necessity defense or exemption for the possession of medical marijuana under the Controlled Substances Act and in 2005, the United States Supreme Court also held in *Gonzalez v. Raich* (2005) 545 U.S. 1, that the United States Congress has authority under the Commerce Clause of the United States Constitution to prohibit the manufacture, cultivation, distribution and possession of marijuana pursuant to the Controlled Substances Act, even as such prohibitions apply to marijuana manufactured, cultivated, distributed or possessed within the State of California under the auspices of the Compassionate Use Act;
- D. In addition to being illegal under Federal law and subject to enforcement by Federal agents medical marijuana dispensaries have been known to create secondary effects beyond the possibility of being raided by Federal agents. These include increased crime, loitering, drug abuse, theft, burglary, decreased property values. In general medical marijuana dispensaries have a strong potential to create a public nuisance situation and should be sited away from residential, school and daycare, church and community service centers;
- E. The California Police Chiefs Association has compiled an extensive report detailing a number of the negative secondary effects associated with medical marijuana dispensaries. The Planning Commission hereby finds that such report contains further persuasive documented evidence that medical marijuana dispensaries pose a threat to public health, safety and welfare;
- F. Due to the small geographical size and primarily residential character of Manhattan Beach there are no areas within the City which are suitable for the location of a medical marijuana dispensary;
- G. In addition to the fact that medical marijuana dispensaries are a use which is unsuitable for a small residential community the fact that it is currently illegal under Federal law despite its legality under State law (See: *Gonzales v. Raich* 545 U.S. 1 (2005)) raises serious questions about the City's legal capacity to allow such a use. (See, for example: *Qualified Patients' Association v. County of Orange* (2008) Orange County Superior Court Case No. 07CC09524.);
- H. In light of the serious problems presented by location and operation of medical marijuana dispensaries it is in the best interests of the citizens of Manhattan Beach and in furtherance of their health, safety and welfare to prohibit medical marijuana dispensaries within the City of Manhattan Beach;
- I. The proposed ordinance is consistent with the General Plan of the City of Manhattan Beach;

- J. This ordinance is not subject to the California Environmental Quality Act pursuant to Section 15061(b)(3) in that the activity will not result in direct or indirect or reasonably foreseeable direct or indirect physical change to the environment.
- K. The proposed amendments will have no impact on Fish and Game resources pursuant to Section 21089(b) of the Public Resources Code.

SECTION 2. A new Section 10.60.160 is hereby added to Chapter 10.60 of Title 10 of the Manhattan Beach Municipal Code to read as follows:

**"10.60.160 Medical Marijuana Dispensaries**

(a). Except where the context otherwise requires, the definitions given in this subsection govern the construction of this section:

A. 'Identification card' is a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.

B. 'Marijuana' means all parts of the *Cannabis Sativa* plant, whether growing or not, including but not limited to: the leaves; the flowers; the stems; the seeds thereof; the resin extracted from any part of the plant; every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. The term shall include marijuana infused in foodstuffs. The term shall not include fiber produced from the stalks, oil or cake made from the seeds of the plant or any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks (except resin extracted therefrom).

C. 'Medical marijuana dispensary' is any facility or location where medical marijuana is cultivated or made available to and/or distributed by any of the following: a qualified patient, a person with an identification card, or a primary caregiver. Each of these terms is defined herein and shall be interpreted in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7 et seq. as such sections may be amended from time to time.

C. 'Primary caregiver' is the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person.

D. 'Qualified patient' is a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have an identification card issued by the State Department of Health Services.

(b). Medical marijuana dispensaries shall be a prohibited use in all zones of the City.

SECTION 3. This ordinance shall apply to any application for such a use which has not yet obtained substantial vested rights as defined by the California Supreme Court in *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785.

SECTION 3. All other provisions of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.



SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 7. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk



Agenda Item #: 06/C 718.14

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Ward and Members of the City Council

**FROM:** Robert V. Wadden Jr., City Attorney

**DATE:** July 18, 2006

**SUBJECT:** Adoption of An Urgency Ordinance Establishing A Moratorium on Medical Marijuana Dispensaries

---

### RECOMMENDATION:

Staff recommends that the City Council adopt urgency ordinance No. 2086 establishing a moratorium on medical marijuana dispensaries.

### FISCAL IMPLICATION:

There is no fiscal impact from adoption of this ordinance.

### BACKGROUND:

At its 2006 Workplan meeting the City Council directed Staff to review and make recommendations concerning regulation of medical marijuana dispensaries in the City. Although there are no applications pending for such facilities at the present time a dispensary has been recently opened in Torrance and the City has received inquiries about how the City regulates them. In fact, the Municipal Code does not presently make provision for such facilities. The necessity to study the impacts of and options to regulate medical marijuana dispensaries makes it prudent to impose a moratorium on such facilities until a scheme of regulation appropriate to their impacts can be developed and adopted.

### DISCUSSION:

The City of Manhattan Beach has no land use or other ordinances which deal directly with medical marijuana distribution points. They are neither prohibited nor permitted explicitly under the City Code.

State law permits prescribing and distributing marijuana for medical purposes. (Health and Safety Code section 11362.5.) While a recent Supreme Court decision has ruled that such laws are preempted by Federal drug laws it appears that within the State law enforcement agencies will continue to acknowledge State law permitting use and distribution of marijuana for "medical" purposes.

One concern is that State law contains no definition of "medical" and prescriptions for marijuana use are often easily obtained for a wide variety of reasons. Many cities in Northern California have

experienced the opening of marijuana dispensaries with a very high volume of sales activity. Secondary effects from such high volume dispensaries such as loitering, crime, traffic and secondary drug dealing can impact surrounding neighborhoods.

Cities have taken three approaches to dealing with regulating medical marijuana dispensaries. One approach is to amend zoning ordinances to ban outright medical marijuana dispensaries. Nineteen California cities and two California counties have tried this approach. Among these are the cities of Concord, Fresno, Pasadena and Susanville each of which has been sued by marijuana advocacy groups.

The second approach is to amend zoning codes to limit the locations, signage, hours of operation and other aspects of operation of medical marijuana dispensaries. Twenty-three California cities and three California Counties have tried this approach. So far none has been sued. However developing such an ordinance takes staff time and study to determine the parameters of regulation.

The third course of action is to adopt a moratorium on medical marijuana dispensaries. At least 58 California cities and 6 California counties have already done so. These include the cities of Hermosa Beach and Lawndale. Redondo Beach and El Segundo are considering doing so in the near future.

The proposed ordinance adopts this third approach. Government Code section 65858 specifically provides that a city may enact a moratorium of a particular land use while its staff studies the appropriate way to regulate it. Because medical marijuana dispensaries appear to have significant negative secondary impacts, because it is unclear whether a city may permanently ban the use (the pending litigation may ultimately clarify this issue) and because there appears to be a conflict between Federal and State law it would appear that adopting a moratorium while staff studies the best way to permanently regulate the use is the most prudent course.

Government code 65858 permits a moratorium for up to two years. However, the statute requires that the initial moratorium be for no more than 45 days. Subsequently it may be extended for up to an additional 22 months and 15 days. Passage of a moratorium must be by a four fifths majority of the legislative body. The ordinance is authorized as an urgency ordinance and goes into effect immediately. Presently there are no applications pending to establish a medical marijuana dispensary in the City.

Attachments: Ordinance No. 2086

cc: Geoff Dolan, City Manager  
Rod Uyeda, Chief of Police

## ORDINANCE NO. 2086

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MANHATTAN BEACH, CALIFORNIA IMPOSING A MORATORIUM ON  
MEDICAL MARIJUANA DISPENSARIES IN THE CITY

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES  
ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. In order to protect the public health, safety and welfare, pursuant to Government Code Section 36937 the City may adopt urgency ordinances and pursuant to Government Code section 65858 of the City may adopt as an urgency measure an interim ordinance prohibiting land uses that may be in conflict with a contemplated General Plan, Specific Plan, or Zoning proposal that the City Council, Planning Commission, or Planning Divisions is considering studying or intends to study within a reasonable period of time;
- B. In 1996 the voters of California adopted the "Compassionate Use Act" which legalized possession cultivation and sale of marijuana for medical purposes;
- C. Based on the U.S. Supreme Court's decisions in *U.S. v. Oakland Cannabis Buyers' Cooperative* 532 U.S. 483 (9<sup>th</sup> Cir., CA 2001) and *Gonzales v. Raich* 545 U.S. 1 (9<sup>th</sup> Cir., CA 2005) the "Compassionate Use Act" may be preempted by Federal Law;
- D. As a consequence of the passage of the "Compassionate Use Act" (although such facilities are not specifically authorized by the Act) medical marijuana dispensaries, which sell marijuana to those with prescriptions have begun to appear in cities throughout California;
- E. There is some indication from other California cities which have operating medical marijuana dispensaries that those facilities may have secondary impacts on surrounding neighborhoods. These include the cities of Atascadero, San Marcos, Concord and Willets. Such secondary effects included a higher incidence of crime including burglary and loitering;
- F. The City of Manhattan Beach currently has no regulations or provisions of any kind with regard to medical marijuana dispensaries and City staff has not studied the impacts or secondary effects of such establishments;
- G. Prior to permitting any medical marijuana dispensaries in the City of Manhattan Beach staff would like to have the opportunity to study the effects of such establishments and to develop appropriate regulations to mitigate any such effects;
- H. There is a current and immediate threat to the public health, safety or welfare by allowing medical marijuana dispensaries to locate in the City of Manhattan Beach in that: (1) such establishments appear to have negative impacts on surrounding neighborhoods which could affect the public health safety and welfare unless properly mitigated by appropriate regulations; (2) no such regulations presently exist; (3) staff requires time in order to adequately study the impacts of medical marijuana dispensaries and develop such regulations; (4) allowing medical marijuana dispensaries prior to these actions occurring could result in serious negative impacts;
- I. This interim urgency ordinance is necessary to mitigate or avoid the specific, adverse impact identified in "H" above;
- J. There is no feasible alternative to satisfactorily mitigate or avoid the specific adverse impact identified above as well or better with a less burdensome or restrictive effect than the adoption of this interim urgency ordinance;
- K. Based on the foregoing it is in the best interest of public health, safety and welfare to allow adequate study of the impacts resulting from operation of medical marijuana dispensaries and the development of regulations to mitigate any such impacts, therefore it appropriate to adopt a moratorium on medical marijuana dispensaries consistent with the authority granted by Government Code section 65858.

SECTION 2. The City Council of the City of Manhattan Beach hereby adopts a moratorium against the establishment of medical marijuana dispensaries or any similar or related use anywhere within the City pending further study by City staff and development of appropriate regulations. This moratorium shall apply to any application for such a use which has not yet obtained substantial vested rights as defined by the California Supreme Court in *Avco Community Developers, Inc. v. South Coast*

Regional Com. (1976) 17 Cal.3d 785.

SECTION 3. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 5. This Ordinance shall go into effect and be in full force and operation immediately.

SECTION 6. This Ordinance shall be effective for 45 days from the date of adoption after which it may be extended for up to an additional 22 months and 15 days.

SECTION 6. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate, posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 18th day of July, 2006.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

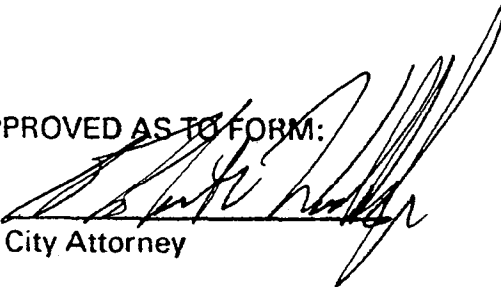
\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

By

  
City Attorney

1 RESOLUTION NO. 6045

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
3 OF MANHATTAN BEACH, CALIFORNIA, AMENDING  
4 RESOLUTION NO. 5995, ESTABLISHING A FEE TO BE  
5 CHARGED FOR STAGGERED PARKING RESIDENT  
6 OVERRIDE PARKING HANGTAGS, SUPERSEDING ALL  
7 PRIOR APPLICABLE INCONSISTENT RESOLUTIONS OR  
8 ORDERS IN CONCERT THEREWITH

9 06/0718.14 Adoption of an Urgency Ordinance of the City Council of the City of Manhattan  
10 Beach, California Imposing a Moratorium on Medical Marijuana Dispensaries in  
11 the City

12 Referring to an article in the June issue of *California Lawyer*, City Attorney Robert Wadden  
13 reported on the reasons why staff believes imposing a moratorium on medical marijuana  
14 dispensaries is an appropriate action for Council to take at this time. He briefly detailed the  
15 article reporting that a dispensary in the San Francisco area had up to 300 customers per day  
16 (mostly young males under the age of 35 with no discernable handicaps or disabilities), did  
17 approximately \$45,000 per day in sales and, after many complaints from residents, was closed  
18 but ultimately reopened in another part of the city. He relayed staff's concern regarding possible  
19 negative impacts of such a dispensary in Manhattan Beach; noted that the state law authorizing  
20 the legal use of marijuana for medical purposes doesn't define 'which' medical purposes;  
21 reviewed the reasons a moratorium is the best strategy at this time; noted that an alternative  
22 strategy would be to adopt a Zoning Ordinance restricting their location, and voiced his concern  
23 about the immediate impact because there have already been three inquiries from interested  
24 parties. He added that the federal government considers this type of dispensary illegal; however,  
25 there isn't much enforcement. He concluded that a moratorium would help the City determine  
26 whether there is a federal pre-emption and allow time to prepare an adequate Zoning Ordinance;  
27 explained that the recommended moratorium would require a 4/5 vote and would go into effect  
28 immediately; and noted that, initially, it would be for a period of 45 days, with an extension  
29 allowed up to 24 months.

30 In response to Councilmember Montgomery's inquiry as to whether there is a proven cause and  
31 effect between these dispensaries and increased crime, City Attorney Wadden stated that there are  
32 cities that believe they can demonstrate a correlation; that the general feeling among cities is that  
33 there is a significant negative impact; and that these types of businesses ultimately cause  
34 legitimate businesses to move out.

35 Mayor Ward opened the Public Hearing at 7:24 p.m.

36 Viet Ngo, No Address Provided, spoke of a raid on the Los Angeles Cannabis Resource Center  
37 in West Hollywood and the "crack down" on drug manufacturing labs. He urged the Council to  
38 modify the current request and totally prohibit medical marijuana dispensaries in the City.

39 Patrick McBride, 5<sup>th</sup> Street & Peck Avenue, stated that while he found City Attorney Wadden's  
40 presentation interesting, there was no mention of any studies proving that these dispensaries  
41 increase crime. He voiced his opinion that medical marijuana is beneficial to many people; that  
42 bars and cigarettes are more dangerous than marijuana; and that these dispensaries are part of a  
43 State law passed by the people.

Mayor Ward closed the Public Hearing at 7:30 p.m.

Councilmember Fahey shared that one of the most troubling trends in the courts is the number of juveniles being picked up for marijuana and possessing bogus prescriptions; that the relationship between marijuana and juvenile probationers who re-offend is 85%; that there is a legitimate reason for this type of Ordinance; and cited her strong belief that this type of establishment would be a nuisance to the community and urged adoption of the Ordinance.

Urging adoption of this Ordinance, Councilmember Aldinger stated that the 45 days will allow staff time to draft the proper Ordinance.

Mayor Ward conveyed his belief that a moratorium is appropriate, noting that no one wants to see children have access to drugs; agreed that the moratorium will give staff time to study how it can be further regulated or banned; and suggested contacting West Hollywood for statistical information on their plan.

**MOTION:** Councilmember Aldinger moved to adopt Urgency Ordinance No. 2086 establishing a moratorium on medical marijuana dispensaries. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

Ayes: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.  
Noes: None.  
Absent: None.  
Abstain: None.

#### ORDINANCE NO. 2086

### AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA IMPOSING A MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES IN THE CITY

#### GENERAL BUSINESS

#### 06/0718.15 Consideration of Initial Recommendations for the Grandview Elementary School Traffic and Parking Study

Traffic Engineer Erik Zandvliet addressed Council with a PowerPoint presentation explaining the initial recommendations for the Grand View Elementary School Traffic Parking Study, which is the third management program area in the neighborhood Traffic Management Plan. He reviewed the proposed plan including general area-wide recommendations and specific recommendations as well as additional recommendations which were the result of meetings with some Councilmembers and the school Principal.


In response to Mayor Pro Tem Tell's comment that the lack of drop-off and pick-up space causes the traffic congestion problem, Traffic Engineer Zandvliet agreed that getting the loading zone to work efficiently is the most important factor and will require a cooperative agreement between the School District and City.

In response to Councilmember Fahey's concern regarding potential traffic flow issues if left-turns are prohibited into the school from eastbound traffic on 24<sup>th</sup> Street, Traffic Engineer Zandvliet explained that staff believes that the greater safety issue was to relieve congestion at 24<sup>th</sup> Street and Manor Drive.

**MANHATTAN BEACH POLICE DEPARTMENT  
MEMORANDUM**

April 22, 2008

To: Richard Thompson, Community Development Director

From: Lieutenant Derrick Abell 

Subject: Marijuana Dispensary Opposition

The purpose of this memorandum is to provide information about the Police Department's opposition to marijuana dispensaries in Manhattan Beach. Police Department staff believe it is important to identify some of the potential problems and secondary effects on public safety by the operation of marijuana dispensaries in the City.

These concerns include, but are not limited to the following:

- Street-level dealers attempting to sell to patrons entering the business
- The smoking of marijuana in public areas
- Adverse impact on school children in the community
- Increased potential for burglaries and robberies of the marijuana establishments
- Robberies of clients as they leave the marijuana dispensaries with their purchase
- An adverse impact on neighboring businesses
- Increased loitering and associated nuisances
- Complaints from community members which would require a police response and thereby reducing police resources
- Falsely obtained identification cards
- Fraudulent prescriptions

Although some individuals have benefited from the use of medicinal marijuana, experience has shown that many buyers are people who abuse marijuana and seek prescriptions for minor and fake ailments.



**Cities with Established Ordinances (29)**

Albany  
Atascadero  
Angels Camp  
Berkeley  
Citrus Heights  
Cotati  
Diamond Bar  
Dixon  
Elk Grove  
Fort Bragg  
Hayward  
Jackson  
Martinez  
Oakland  
Placerville  
Plymouth  
Ripon  
San Francisco  
San Jose  
Santa Barbara  
Santa Cruz  
Santa Rosa  
Sebastopol  
Selma  
Sutter Creek  
Tulare  
Visalia  
West Hollywood  
Whittier

**Counties with Established Ordinances (8)**

Alameda  
Calaveras  
Kern  
Los Angeles  
San Luis Obispo  
Santa Barbara  
Santa Clara

Sonoma

**Cities with Moratoria (79)**

Adelanto  
Agoura Hills  
American Canyon  
Antioch  
Arroyo Grande  
Baldwin Park  
Bellflower  
Brentwood  
Buellton  
Buena Park  
Carpinteria  
Carson  
City of Industry  
Claremont  
Clearlake  
Coachella  
Corona  
Desert Hot Springs  
El Monte  
Galt  
Gardena  
Glendora  
Goleta  
Grover Beach  
Hawaiian Gardens  
Hawthorne  
Hermosa Beach  
Indio  
La Habra  
La Mirada  
Lake Forest  
Lawndale  
Livermore  
Long Beach  
Los Angeles  
Malibu  
Manhattan Beach  
Manteca

Marin City  
Mill Valley

Milpitas  
Monrovia  
Monterey Park  
Moreno Valley  
Morgan Hill  
Newman  
Newport Beach  
Norwalk  
Oakley  
Oxnard  
Palm Springs  
Palos Verdes Estates  
Patterson  
Perris  
Petaluma  
Pico Rivera  
Placentia  
Pomona  
Porterville  
Rancho Cordova  
Rancho Cucamonga  
Redondo Beach  
Rialto  
Riverbank  
Rosemead  
Salinas  
San Dimas  
San Leandro  
Santa Clarita  
Santa Maria  
Sausalito  
Seaside  
Solvang

**Headquarters**

1322 Webster St, Suite 402, Oakland, CA 94612  
PHONE: 510.251.1856 FAX: 510.251.2036

**National Office**

1730 M Street NW, Washington DC 20036  
PHONE: 202.857.4272 FAX: 202.857.4273

**General Information**

WEB: [www.AmericansForSafeAccess.org](http://www.AmericansForSafeAccess.org)  
TOLL FREE: 1.888.939.4367

Taft  
Truckee  
Turlock  
Watsonville  
Windsor  
Yucaipa  
**Counties with Moratoria  
(7)**  
El Dorado  
Madera  
Merced  
Riverside  
Sacramento  
Sonoma  
Tulare

**Cities with Bans (63)**  
Anaheim  
Auburn  
Ceres  
Cloverdale  
Clovis  
Concord  
Costa Mesa  
Cypress  
Davis  
Dublin  
El Cerrito  
Fairfield  
Folsom  
Fremont  
Fresno  
Grand Terrace  
Healdsburg  
Hercules  
Hesperia  
Huntington Beach  
Indian Wells  
Laguna Hills  
La Quinta  
Lake Elsinore  
Livermore  
Lincoln  
Lompoc  
Los Banos  
Marina  
Mission Viejo  
Modesto  
Montclair  
Moorpark  
Murrieta  
Newark  
Norco  
Ontario  
Palm Desert  
Pasadena  
Paso Robles  
Pinole

Pismo Beach  
Pleasant Hill  
Pleasanton  
Ridgecrest  
Rocklin  
Rohnert Park  
Roseville  
San Jacinto  
San Juan Capistrano  
San Marcos  
San Pablo  
San Rafael  
Simi Valley  
South San Francisco  
Susanville  
Temecula  
Torrance  
Ukiah  
Union City  
Upland  
Willits  
Yuba City

**Counties with Bans (4)**  
Amador  
Contra Costa\*  
Stanislaus  
Sutter

\*Contra Costa County's  
ban allows M.E.D.  
Dispensary in El Sobrante  
to remain open.

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## **Medical Marijuana Dispensaries and Associated Issues**

**Presented to the California Chiefs of Police Association**

This report is respectfully presented to you with the following disclaimers;

- This report does not attempt to address the merits of Medical Marijuana or the concept of its use as an alternative medicine as discussed or proposed in Proposition 215.
- This report contains compilations of data collected by others in Law Enforcement as well as media coverage and this data is identified as such.

This report contains information on three topics;

- Reported Crimes Associated with Medical Marijuana
- Doctor's Involvement in the Medical Marijuana Equation
- One Example of a Medical Marijuana Entrepreneur

Areas that currently act as a hindrance to a true study of this topic are;

Under Reporting: With few exceptions, agencies contacted stated that they felt that the crimes related to Medical Marijuana Dispensaries were under reported, if reported at all. Confidential Informants have provided information that these additional crimes (Robberies, Assaults and Burglaries involving Marijuana or large amounts of cash) are not reported so as to not draw additional Law Enforcement and Media scrutiny to this very lucrative trade. This is not unlike the thought processes employed by Organized Crime as well as street gangs here in California.

Crime Classification: Another barrier to collection of this data is the lack of classification of this data as Medical Marijuana related. In years past, statistical analysis of domestic violence and hate crimes was difficult. These crimes now receive their own classification so tracking them is much easier. However until such time as Medical Marijuana crimes receive their own classification, separating these crimes from non Medical Marijuana related crimes is very difficult.

Over Reliance on Typical Statistical Data: Gathering statistical data on this topic would appear to be a simple task. One would imagine that you would look at crime in a given location prior to the arrival of a Medical Marijuana Dispensary and then look at crime after its arrival. This presents several difficulties. First, based on Internet research, there appears to be approximately 240 publicized Medical Marijuana Dispensaries ([www.canorml.org](http://www.canorml.org)) located in almost as many jurisdictions. No one agency can access data from all these locations and not all agencies compile this data. I spoke with several agency representatives and each had information regarding this issue, however few had specific crime statistics. Secondly, not all crimes related to Medical Marijuana take place in or around a dispensary. Some take place at the homes of the owners, employees or patrons. Lastly, not all the "secondary issues" related to Medical Marijuana Dispensaries are crimes.

Loitering, additional vehicle and pedestrian traffic, use of Medical Marijuana at or near the facilities are described as quality of life issues and are only really quantified when they appear in the newspaper or the complainants appear at a City Council meeting.

Prior to discussing the reports of other Law Enforcement agencies, I would like to present some information from our Department. While our City does not currently have a Medical Marijuana Dispensary, this does not mean that we are immune from their effects.

On January 7, 2004 a resident of El Cerrito was arrested for possession of marijuana for sale. The subject was found to be in possession of 133 grams (4.6 ounces) of marijuana, a small amount of cash, a "replica handgun" pellet gun and three Medical Marijuana Dispensary cards (Oakland Cannabis Buyers Collective, Cannabis Buyers Collective of Marin and "Compassionate Caregivers" of Oakland)

On February 25, 2005, the same subject mentioned above was discovered to be growing marijuana in his house. He was found to be in possession of 15 adult plants, 72 starter plants, 505 grams (1.10 lbs) of processed marijuana, 50 grams (1.75 oz) of hashish packaged for sale and two assault rifles as well as \$6,000.00 in cash. The subject claimed that these plants were Medical Marijuana. An investigation was conducted with the assistance of the West Contra Costa County Narcotic Enforcement Team and resulted in the conviction of the resident for Unauthorized Possession of Cannabis and Possession of an Assault Weapon.

On July 9, 2005, during a suspicious vehicle check, one of our Officers determined that a resident (Who is a member of the Oakland Cannabis Buyers Cooperative) possessed 55 immature plants with the intent of cultivating them and selling them to a Medical Marijuana Dispensary. The District Attorney has filed a complaint containing two felony charges of possession and cultivation of Marijuana. This case is awaiting adjudication as the subject has failed to appear in court (it is believed he has fled to the state of Oregon) and a bench warrant has been issued for his arrest.

On December 11, 2005, a traffic stop for speeding resulted in the arrest of the occupants for the possession on Marijuana packaged for sale and \$3,365.00 in cash.

On March 8, 2006 our School Resource Officer received information that several students were ill after eating cookies distributed by another student. Further investigation revealed that a student had made the cookies with a butter obtained outside (secondary sale) a Medical Marijuana Dispensary containing a highly concentrated form of Tetrahydrocannabinol (THC the active ingredient in Marijuana). The student used the "butter" to bake and then sell these cookies to other students. After the student discovered that the cookies were so potent that some of his fellow students had to be treated at local hospitals, instead of throwing them away, he gave them to other students without telling them what they were laced with. This incident resulted in at least four students requiring hospitalization and it is suspected at least two or three others were intoxicated to the point of sickness.

From March of 2004 to May of 2006, this Department has conducted seven investigations at our High School and Junior High School resulting in the arrest of eight juveniles for selling or possessing with intent to sell Marijuana on or around the school campuses.

Gathering the data from these incidents required hours of research and examination. Many agencies have neither the available resources nor the inclination to gather data of this kind. This makes presenting the data for consideration in this matter very difficult. Another area of importance is the possession of firearms in conjunction with large quantities of cash and marijuana. Those who have the money and drugs want to keep them and arm themselves to prevent robberies. Those who wish to relieve those in possession of cash and drugs use firearms and other deadly weapons to accomplish their task. When speaking to those involved in the drug trade, they will tell you violence and greed are "all just part of the game."

With the exception of those entries identified from other sources, I contacted and interviewed representatives from each of the listed agencies. I have included newspaper articles that either further describe events or provide additional information regarding some of the "secondary issues".

#### **ANAHEIM**

May 19, 2004 a Medical Marijuana Dispensary "420 Primary Caregivers" obtained a business license and began operations.

Fall 2004, The Police Department began to receive complaints from neighboring businesses in the complex. The complaints centered around the ongoing sales of Marijuana to subjects who did not appear to be physically ill, the smell of Marijuana inside the ventilation system off the building and the repeated interruption to neighboring businesses.

January 2005, The Medical Marijuana Dispensary was robbed at gunpoint by three masked subjects who took both money and marijuana from the business.

April 5, 2005, The Department met with the property Management Company, owners and representatives from the businesses in the complex which housed the Medical Marijuana Dispensary. The meeting focused on the safety of the employees and patrons of adjacent businesses. Many neighboring businesses complained of Marijuana use on the premises and in the surrounding area as well as a loss of business based on the clientele of the Medical Marijuana Dispensary "hanging around the area".

Since this meeting, two businesses have ended their lease with the property management company. A law firm that had been in that location for ten years left citing "Marijuana smoke had inundated their office....and they can no longer continue to provide a safe, professional location for their clientele and employees." A health oriented business terminated their lease after six years and moved out of the complex citing "their business is repeatedly interrupted and mistaken multiple times a day for "the store that has the marijuana."

The owner fears that "he or his employees may be shot if they are robbed by mistake and the suspects do not believe they do not have Marijuana." The Property Management Company indicated "at least five other businesses have inquired about terminating their lease for reasons related to 420 Primary Caregivers." Arrests have been made supporting the belief that some "qualifying patients" purchase Marijuana with a doctor's recommendation, then supply it to their friends for illicit use. Criminal investigations have revealed the business is obtaining its Marijuana from a variety of sources including Marijuana smuggled into the United States from South and Central America. The Police department has conservatively estimated the "420 Primary Caregivers" business to be generating approximately \$50,000.00 a week in income.

(Source Declaration of Sgt. Tim Miller Anaheim P.D. Street narcotic Unit)

#### **ALAMEDA COUNTY**

January 12, 2005 a Medical Marijuana customer was robbed after leaving the "The Health Center" Medical Marijuana Dispensary (San Leandro). The victim was accosted by two subjects who possibly followed the victim away from the dispensary.

February 6, 2005 a Medical Marijuana Dispensary, the "Compassion Collective of Alameda County" was robbed by two subjects armed with handguns. The robbery took place at 4:50 pm in the afternoon and the suspects took an unspecified amount of cash and Marijuana.

April 27, 2005 a Medical Marijuana Dispensary, "The Health Center" (San Leandro) was burglarized at approximately 3:05 am. No specifics were provided as to the loss sustained as a result of the burglary. Many investigators believe that the victims do not truthfully report the loss of cash or marijuana.

May 24, 2005 a patron of a Medical Marijuana Dispensary, "A Natural Source" (San Leandro) was robbed by three subjects in the parking lot of the dispensary after making a purchase of Marijuana.

August 19, 2005: Five subjects armed with assault rifles conducted a take over robbery of a Medical Marijuana Dispensary "A Natural Source" (San Leandro). They engaged in a shoot out with two employees and one of the suspects was killed in the exchange of gun fire.

Sept. 12, 2005: Both money and marijuana were stolen from the Alameda County Resource Center (16250 East 14th St.) when burglars chopped through the wall of an adjacent fellowship hall during the night.

(Source Declaration by Lt. Dale Amaral Alameda County Sheriff's Department)

**Calls for Service Related to Medical Marijuana Dispensaries (Unincorporated San Leandro and Hayward)** Officer Initiated events may be vehicle stops or on-view arrests. 16043 East 14<sup>th</sup> Street: 2003: 2 Officer Initiated activity events, 2004: 1 Officer Initiated activity events. This business is now closed.

21227 Foothill Blvd "Garden of Eden" 2003: 1 Officer initiated activity events, 2004: No calls for service, 2005: 1 Theft call, 4 alarm calls, 1 Officer Initiated activity events.

913 E. Lewelling Blvd. "We are Hemp" 2003: 1 Officer initiated activity event, 2004: 1 Assault call, 2 Officer Initiated activity events, 2005: 1 Assault cal, 1 Officer Initiated activity event.

16250 East 14<sup>th</sup> Street: 2003: 11 Officer initiated activity events, 2004: 3 loitering calls, 9 Officer initiated activity events, 2005: 5 Officer initiated activity events.

15998 East 14<sup>th</sup> Street: "The Health Center" 2003: 1 Officer initiated activity event, 2004: 1 Trespassing call, 1 Assault, 2 Disturbance calls, 2 Miscellaneous, 26 Officer initiated events, 2005: 1 Robbery, 1 Aggravated Assault, 1 Grand Theft, 3 Petty Thefts, 2 Vehicle Thefts, 4 Trespassing calls, 5 Loitering calls, 1 Weapons Possession, 2 Controlled Substance cases, 4 Alarm calls, 9 Disturbance calls, 3 Miscellaneous calls and 21 Officer Initiated events.

16360 Foothill Blvd: 2003: 1 Officer initiated activity event, 2004: 2 Officer initiated activity events, 2005: 1 Homicide, 2 Aggravated Assaults, 1 Grand Theft, 1 Controlled Substance case, 13 alarm calls, 2 Officer Initiated events.

21222 Mission Blvd: "Compassionate Collective of Alameda County" 2003: 2 Officer Initiated events, 2004: 5 Officer Initiated events, 2005: 1 Attempted Homicide, 2 Robberies, 2 Burglaries, 2 Controlled Substance cases, 10 Alarm calls, 2 Disturbance calls, 1 Miscellaneous calls and 2 Officer Initiated events.  
(Source Alameda County Sheriff's Department Report)

### **Car Jacking Latest Pot Club Crime**

Linda Sandsmark San Leandro Times (Excerpt from the article)

San Leandro, CA Sept 29, 2005 -- A woman was carjacked and robbed Monday afternoon after she left The Health Center (THC) marijuana club at 15998 East 14th Street. The unidentified woman, who is from Garberville in Humboldt County, walked back toward the clinic and her car was found on nearby Liberty Street. "She doesn't want to pursue a criminal complaint in spite of the fact she was carjacked," says Alameda County Sheriff's Department spokesman Lt. Dale Amaral. "When you have this kind of drug distribution center it's an absolute magnet for every thug in the nine Bay Area counties. We're running from call to call." Crimes including burglaries and robberies at many of the dispensaries have caused widespread community concern. ....It's a target-rich environment," says Amaral. "The sheriff's department is devoting a tremendous amount of resources to these clubs. Though the clubs may not be selling directly to students, the county's School Resource Officers report a 36-percent increase in arrests on nearby school campuses for minors possessing marijuana, possibly due to increased supply in the area.

(Source [http://www.hempevolution.org/thc/dispensary\\_robbed040514.htm](http://www.hempevolution.org/thc/dispensary_robbed040514.htm))

## **ARCATA**

- There are two dispensaries in town that share a building.
- The two dispensaries have an ongoing disagreement with each other that has resulted in numerous calls for police services to settle disputes.
- The facilities do not have the correct electrical support and continuously blow out the electricity in the area. They have not complied with upgrading their electrical systems or responded to fire department concerns regarding proper exits and signage.
- There have been numerous instances where people have purchased marijuana at the dispensary and then resold it at a nearby park.
- A doctor has come to the dispensaries and, for a fee, will provide a medicinal marijuana recommendation for just about any complaint the patient makes.

(Source Staff Report to Davis City Council: Medical Marijuana June 13, 2005)

## **BAKERSFIELD**

Sep 8th, 2005. DEA arrested three subjects in raid on the Free and Easy cannabis dispensary. Kern County sheriffs summoned the DEA after being called to investigate a robbery at the facility. Police found plants growing at one subject's home plus 20 lbs of marijuana, and illegally possessed firearms. .

(Source) <http://www.canorml.org/news/fedMedicalMarijuanacases.html>

## **BERKELEY**

March 30, 2000: Two males armed with sawed off shotguns forced entry into a residence and forced the occupant at gun point to turn over a safe. A subsequent investigation revealed that a second resident who was not home at the time was a former director of a Medical Marijuana Dispensary and was the intended target of the robbery.

October 2001, December 2001 and June 2002: The Medical Marijuana Dispensary on University was robbed. Large sums of money and Marijuana taken.

March 2003: A home invasion robbery over marijuana cultivation escalated into a homicide.

December 2003: The Medical Marijuana Dispensary on Telegraph was robbed. (No further info provided)

April 2004: A home invasion robbery investigation resulted in the seizure of \$69,000.00, ten pounds of Marijuana and a "Tech 9" machine pistol.

"While recognizing the medical needs of the cannabis using patients, staff is concerned about the potential for crime and violence associated with the distribution and cultivation of Marijuana"

(Source) City Manager's report to the Berkeley City Council



*Pot club robbed for third time in a year (Excerpts from the Article)  
By David Scharfenberg, Daily Planet staff (06-07-02)*

**Club had promised to limit amount of cash, marijuana stashed there**

Four men stole \$1,500 and \$3,500 worth of marijuana from the Berkeley Medical Herbs pot club yesterday after two of them were allowed on site without proper identification. The afternoon heist renewed concerns about the integrity of the club's security and reignited some anger in the neighborhood. This incident marks the third time in a year robbers have stormed the medicinal marijuana club, located in a small brick building at 1627 University Avenue. The last robbery, in December, prompted a rash of concern from city officials about security at the club. "The guys who robbed it ran out with a big satchel," the neighbor said, adding that he disapproves of the marijuana club. "This is a very attractive place for other drug dealers to rob. It's not something we want in our neighborhood." Geshuri acknowledged that a few neighbors are opposed to the club, but said most of the residents support Medical Herbs in its mission. The club had pledged after the December robbery to keep no more than \$1,000 and one pound of marijuana on site. But Geshuri said the robbers on Wednesday made off with \$500 more than that and as much as a pound-and-a-half of marijuana. The witness opposed to the club said theft proves that management is not keeping its pledge to prevent robberies and ensure safety.

Berkeley

- Has had three to four facilities operating in the City. (Over the last 3-4 years).
- There have been several take over robberies of the dispensaries.
- There have been arrests where legitimate purchasers have resold marijuana on the street to well individuals.
- Obvious young people entering and purchasing marijuana from the dispensary.
- Recommended that if we did not currently have the dispensaries, we should not allow them.
- Police department has been given explicit instructions by their City Council not to take any kind of enforcement action against the dispensaries or people going in or out of the facility.
- Facilities will accept any Health Department cards, even those obviously forged or faked.

(Source Staff Report to Davis City Council: Medical Marijuana June 13, 2005)

**BUTTE COUNTY**

Butte County does not track statistics related to Medical Marijuana Dispensaries, however a Detective in the Investigations Unit knew of;

At least six robberies or attempts, one of which involved a shoot out between the suspect and victim occurred during the months of August to October 2005. Each of these robberies took place at the victim's residence and the target was the victim's marijuana cultivation. He stated that this is the busy time of year for these activities as it is harvest time for the Marijuana grows.

(Source Det. Jake Hancock Butte County Sheriff's Department)

## **CALAVARAS COUNTY**

Jan. 2005. Federal government files forfeiture suit after local sheriff finds 134 marijuana plants. Government seeks to forfeit a home and five acres of land. The defendant says he was growing for half a dozen friends and family members and had checked with local authorities to make sure he was within legal guidelines.

(Source <http://www.canorml.org/news/fedMedicalMarijuanacases.html>)

## **CHERRYLAND**

Cherryland, CA June 30, 2005 -- An employee of a marijuana dispensary narrowly escaped with his life after a gunman opened fire as he waited outside the establishment for co-workers to arrive. The employee, whom authorities declined to identify, was sitting inside his car in the rear parking lot of the Collective Cannabis Club at 21222 Mission Boulevard on Tuesday morning when a masked gunman appeared, said Lt. Dale Amaral, spokesman for the Alameda County Sheriff's Department.

(Source [http://www.hempevolution.org/media/santa\\_cruz\\_sentinel/scs041213.htm](http://www.hempevolution.org/media/santa_cruz_sentinel/scs041213.htm))

## **CLEAR LAKE**

There have been a few reported robberies of Medical Marijuana patients away from the dispensaries. One significant case involved home invasion robbery. Multiple suspects entered the home of a person who was known to be a Medical Marijuana user. During the robbery, one resident was beaten with a baseball bat while the suspects made inquiries regarding the location of the marijuana.

Two of the suspects were shot and killed by the homeowner.

(Source Clear Lake P.D. Inv. Clawson)

## **CLOVIS**

In December of 2005 the Clovis Police Department in conjunction with the Fresno County Sheriff's Department conducted an investigation which resulted in the arrest of a subject for possession of 120 pounds of marijuana. The subject of the investigation was found to have a Medical Marijuana card which helped facilitate his possession and sales of marijuana.

(source [www.ci.clovis.ca.us/PressRelesaseDetail.asp?ID=838](http://www.ci.clovis.ca.us/PressRelesaseDetail.asp?ID=838))

**DAVIS** (Excerpts from Staff Report to Davis City Council: Medical Marijuana June 13, 2005)

In summary, the experiences of other cities that already have dispensaries are bad. Dispensaries have experienced robberies themselves; legitimate patients have been robbed of their marijuana as they leave the facility; people purchasing marijuana at the dispensaries have been caught reselling the marijuana nearby; street level dealers have begun selling marijuana and other drugs nearby in an effort to undersell the dispensary; some dispensaries have doctors present in their facility who will recommend marijuana as a course of treatment for just about any patient complaint; and many dispensaries do not take serious steps to ensure they are selling only to legitimate patients or their caregivers. When asked, many of the police departments that already have facilities in their cities said that if Davis did not already have a dispensary, we should take steps to prohibit one from opening in the city.

## **DIXONVILLE**

August 25, 2006: Medical Marijuana cardholder caught with 200 pounds of pot. A Medical Marijuana cardholder was caught with 120 pounds of processed marijuana, 80 pounds of marijuana butter, 10 grams of hashish, 45 large cannabis plants and several psilocybin mushrooms. The Douglas Interagency Narcotics Team found some of the pot packaged for sale and \$7,000 worth of cash at the home of Dwight Ehrensing off Strader Road, north of Buckhorn Road in Dixonville. Ehrensing, 61, was arrested and booked at the Douglas County Jail on charges of delivery of marijuana and the manufacture and possession of marijuana. The narcotics team was given a search warrant after receiving a tip that Ehrensing was selling marijuana, which isn't allowed, even for Medical Marijuana cardholders. "We're finding it's becoming more common," said DINT Lt. Curt Strickland. "People are using the cards to circumvent the law." DINT was assisted at the scene by the Douglas County Sheriff's Office, Oregon State Police, parole and probation officers.

Source: <http://www.newsreview.info/article/20060825/NEWS/108250091>

## **EL DORADO COUNTY**

Medical Marijuana Dispensary operated Medical Marijuana clinic in Cool, California with 6000 patients; DEA raided Sep. 28, 2001; seized patient records. Indicted Jun 22, 2005 for marijuana found on premises.

(Source <http://www.canorml.org/news/fedMedicalMarijuanacases.html>)

## **FAIRFAX**

- Chief of Police Ken Hughes, advised the following:
- Fairfax has one marijuana dispensary
- Fairfax has had some problems with patients selling to non-patients
- They have had problems with purchasers from dispensary congregating at a baseball field to smoke their marijuana
- Fairfax police arrested one person who purchased marijuana at the dispensary and then took it to a nearby park where he tried to trade it to a minor for sex
- Very small town and low crime rate

(Source Rocklin P.D. report)

## **HAYWARD P.D.**

- Acting Chief Lloyd Lowe, advises the following:
- Hayward has three dispensaries total, two legal under local ordinance and one illegal.
- They have had robberies outside the dispensaries
- They have noticed more and more people hanging around the park next to one of the dispensaries and learned that they were users in between purchases
- They have problems with user recommendation cards – not uniform, anyone can get them
- One illegal dispensary sold coffee, marijuana and hashish – DA would prosecute the hashish sales and possession violations after arrests were made
- They have received complaints that other illegal drugs are being sold inside of dispensaries

- The dispensaries are purchasing marijuana from growers that they will not disclose
- Chief Lowe believes that the dispensaries do not report problems or illicit drug dealers around their establishments because they do not want the police around
- Hayward Police arrested a parolee attempting to sell three pounds of marijuana to one of the dispensaries
- Hayward has recently passed an ordinance that will make marijuana dispensaries illegal under zoning law in 2006

(Information provided by Rocklin P.D. report)

### **HUMBOLDT COUNTY**

One subject arrested in Humboldt County Aug 01, 2001 growing 204 plants for the Salmon Creek patients' collective; case turned over to the feds, pled guilty Dec 6; sentenced to 15 months for possession. Released from prison May 2003. This subject is now missing and presumed dead since Aug 2003; police suspect foul play.

(Source <http://www.canorml.org/news/fedMedicalMarijuanacases.html>)

12/12/2003 Subject: Attempted Murder Suspects Arrested

Contact: Brenda Gainey, Case No#: 200308180, Location: Garberville

Humboldt County Sheriff's Deputies arrested two Garberville men last night wanted in connection with an attempted murder case from Mendocino County. Yesterday afternoon the Mendocino Sheriff's Office received a report of a shooting in Willits. Detectives from Mendocino learned that the victim, Jarron Jackson, 38 of Antioch, had been shot once in the arm during a robbery at a residence in Willits. Mendocino County Sheriff's Detectives learned the identities of the two suspects and issued a "Be On the Lookout" bulletin to Northern California police agencies. The bulletin also indicated that the two suspects were residents of Garberville. Late yesterday evening Humboldt County Sheriff's Deputies and officers from the California Highway Patrol went to the suspects' residence on the 1400 block of Redwood Dr. in Garberville.

Arrested at the house were Charles Magpie, 26, and Rudolph King, 28. Both men were taken into custody without incident. While waiting for Mendocino County Officials to arrive at the scene, Humboldt County Deputies received consent to search the house from one of the residents. Deputies found a sophisticated indoor commercial marijuana grow. Members of the Sheriff's Drug Enforcement Unit were called and found the following:

- Twenty-eight pounds of processed marijuana; estimated street value of \$100,000.
- One thousand growing marijuana plants ranging in size from six inches to two feet; estimated street value of \$875,000.
- Two shotguns
- Approximately \$16,000 in cash

Date Released: 6/2/2006 Subject: Marijuana Investigation Contact: Deputy Campbell  
Case No#: 200603240 Locations: Swayback Ridge

On 6/1/06, Sheriff's deputies were conducting follow up to a residential burglary that occurred in the Swayback Ridge area of Humboldt County. While attempting to contact persons who may have had knowledge about the burglary, a commercial indoor marijuana operation was discovered.

The Sheriff's Drug Enforcement Unit, assisted by the Drug Enforcement Administration and the Bureau of Narcotics Enforcement, served a search warrant on the property. Law Enforcement seized 570 marijuana plants, 1.5 pounds of processed marijuana, and three rifles. Suspect information was obtained, and warrants are being sought at this time. (Source <http://www.co.humboldt.ca.us/sheriff/pressreleases>)

#### **KERN COUNTY**

July 20, 2005. The director of American Kenpo Kungfu School of Public Health was arrested for cultivating over 2,000 plants at three different locations. He was charged with conspiracy to distribute and possess more than 1,000 plants (10 year mandatory minimum).

(Source <http://www.canorml.org/news/fedMedicalMarijuanacases.html>)

#### **LAKE COUNTY TASK FORCE: (Bureau of Narcotic Enforcement)**

One recent case currently in federal litigation involves the seizure of 32,000 plants from one grow. The cultivator claims that he is a "provider" for Medical Marijuana patients and therefore exempt from prosecution for cultivation. The subject was arrested and released on bail pending trial on marijuana charges with possible sentence of 12 years to life. On Feb 16, 2005 this subject was re-arrested along with another subject after allegedly selling one pound of marijuana to DEA agents, who claim they did not mention medical purposes.

(Source) Lake County Narcotic Enforcement Team

One pound of high grade Marijuana sells for approximately \$4,000.00 dollars in the Bay Area. In the Mendocino area that price drops to approximately \$2,700 per pound based on availability. It is estimated that one plant can yield one to three pounds of Marijuana. Based on this information 32,000 plants times 1- 3 pounds = 32,000 – 96,000 pounds at \$2,700 per pound = \$86,400,000 to \$259,200,000.

#### **LAKE COUNTY IMPACTS**

Sheriff Rod Mitchell, advised the following:

- Lake County has one marijuana dispensary in Upper Lake (Two as of this writing)
- The biggest problem is the doctor, close by the dispensary who is known across the state for being liberal in his recommendations to use marijuana for a fee of \$175
- Many "patients" come from hours away and even out of state, Oregon specifically, to get a marijuana recommendation from the doctor
- Upper Lake has been impacted by the type of people coming for the marijuana doctor and dispensary. Citizens report to the Sheriff that the people coming to Upper Lake for marijuana look like drug users ("dopers").
- One quilt shop owner has told the sheriff that she does not feel safe anymore because of the type of people drawn to the marijuana doctor and the dispensary, which are located close together in the very small town.

- They also have a notorious marijuana grower who beat prosecution for cultivation by making a medical claim. Law enforcement has taken a hands off approach even though he is blatantly violating the law.
  - The Marijuana grower has recently claimed to be a church to avoid paying taxes.
- (Source Rocklin P.D. report)

## **LAYTONVILLE**

Crane by QUINCY CROMER/The Daily Journal (Excerpts from the article)

The owner of Mendo Spiritual Remedies in Laytonville and Hemp Plus Ministry in Ukiah -- who says he provides Medical Marijuana to more than a thousand people in Mendocino County -- will be in court next week to face charges for cultivation of marijuana.

Les Crane, founder and self-proclaimed reverend of the two churches where Medical Marijuana is available locally, said some 5,000 cannabis plants and his life savings -- about \$6,000 converted into gold -- were seized by the Mendocino County Sheriff's Office on May 16. "They came here because a guy was coming to rob my house. I called them to come and solve the problem and then they found out about the grow. We showed them all the documentation and they left and went and got a search warrant and came back and searched my church," Crane said.

(Source) <http://www.hightimes.com/ht/news/content.php?bid=1203&aid=10>

## **Laytonville marijuana guru shot to death (Excerpts from the article)**

2 others beaten in home; no suspects, but officials believe killing related to pot growing Saturday, November 19, 2005

By GLENDA ANDERSON  
THE PRESS DEMOCRAT

A Laytonville pot guru who founded two Mendocino County medicinal cannabis dispensaries was shot to death during an apparent robbery in his home early Friday morning. Les Crane, who called his pot dispensaries churches and referred to himself as a reverend, said he was in the business to help ailing people, not to make money. He had said he had nearly 1,000 patients. He was killed at about 2:30 a.m. Friday in his home, which is about a mile from the center of Laytonville.... Two other people in Crane's home at the time of the shooting were beaten....Crane's death is believed to be related to his marijuana-growing and dispensing activities, Mendocino County authorities said. "I am totally surprised we haven't had more robberies and violent crimes associated with these things because of the amount of money involved and the value of the product," Sheriff Tony Craver said. His religious credentials were issued by the Universal Life Church, which supplies certificates through the mail and the Internet. Sheriff's Lt. D.J. Miller provided few details of the crime, pending further investigation, including how many times Crane was shot or if any money or items were taken. Mendocino County officials had doubts about Crane's purpose for growing pot, and in May he was arrested for marijuana cultivation and several thousand pot plants were confiscated from his home. The criminal case was pending when he was killed....

(Source)<http://www1.pressdemocrat.com/apps/pbcs.dll/article?AID=/20051119/NEWS/511190303>

## **LOS ANGELES COUNTY**

January 2004, Approximately six to eight known Medical Marijuana Dispensaries operating in West Hollywood. Several of the Medical Marijuana Dispensaries have generated calls for service.

January 10, 2004, An Assault with a Deadly Weapon and a Vandalism are reported at one of the Medical Marijuana Dispensaries as well as calls generated reporting obstruction of the street or sidewalk.

February 19, 2005, A Medical Marijuana Dispensary "LA Patients and Caregivers" reported that two subjects armed with handguns robbed the dispensary.

May 6, 2005, A search warrant was served at one of the dispensaries by L.A.P.D. (no further information provided)

May 15, 2005, A Medical Marijuana Dispensary "Alternative Herbal Health Services" four to five subjects armed with handguns entered the business at 4:25 pm, one of the employees was "pistol whipped" as the suspects demanded access to the dispensary's safe.

(Source Declaration of Sgt. Robert McMahon Los Angeles County Sheriff's Department)

## **LOS ANGELES P.D.**

### Medical Marijuana Overview

The purpose of this fact sheet is to provide an overview of the issues concerning Medical Marijuana from its inception to the present and review the Los Angeles County Ordinance that permits Medical Marijuana providers (providers, collectives, cannabis clubs and clinics) in unincorporated areas of the county. Medical Marijuana providers have been popping up all over the City of Los Angeles at an alarming rate causing a myriad of enforcement dilemmas. Because the district attorney, city attorney and city council have no policy regarding Medical Marijuana, citizens and police are perplexed as what to do and who to turn to. Further exacerbating the problem, long lines of drug abusers, who are not sick, are purchasing marijuana at will. Based upon a number of findings, as described in this fact sheet, allowing Medical Marijuana providers in the City of Los Angeles is not in the best interests of the Department, the City, and especially, its citizens. Therefore, Medical Marijuana providers should be banned in the City.

The Compassionate Care Act of 1996, known as Proposition 215, made the possession and cultivation of marijuana legal for "qualified patients" and "primary caregivers." Qualified patients included those with serious illnesses that had a recommendation from a physician and primary caregivers were individuals designated by a patient who has consistently assumed responsibility for the housing, health and safety of the patient.

Senate Bill 420, enacted in 2004, implemented Proposition 215 and provided guidelines that included, a volunteer identification card system issued by county health departments for patients; immunity from arrest for possession, transportation, delivery or cultivation

with specified amounts of marijuana; and, expanded the definition of primary caregiver to employees of health care facilities. It also provided for limited compensation – no profiteering – for the primary caregiver, for “out of pocket” expenses and services, but not product. A “dispensary” is not a primary caregiver. Senate Bill 420 did not legalize providers. It stated primary caregivers cannot cultivate or distribute Medical Marijuana for profit. Sales and possession for sale are illegal. Commercial enterprises selling marijuana to any qualified public purchaser is not a primary caregiver and are subject to arrest and prosecution.

The Los Angeles County Ordinance does not specify who may dispense Medical Marijuana and what dosage is appropriate for a particular illness. One of the arguments for the legalization of Medical Marijuana is that marijuana relieves pain and suffering, aids digestion of food and nourishment and other benefits to persons suffering from cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine and other illnesses. A recent add in a magazine from Pacific Support Services, Inc., in advertising Medical Marijuana recommendations, usurped Proposition 215 by adding, “sports injuries, auto injuries, insomnia, chronic pain and nausea, and anxiety,” to the aforementioned serious illnesses. They also promised, “If you do not qualify for a recommendation your visit is free,” and provided a coupon for \$150 evaluation. When it comes to dosage, there is no specified dosage for a particular illness. The dosage is left to the decision of someone that has smoked or eaten marijuana products to speculate as to a person’s needs. These persons and providers do not have pharmaceutical experience.

In May 2005, officers from the LAPD served a search warrant upon a dispensary that was one of a chain of seven Medical Marijuana providers located throughout the state. The dispensary was targeted for blatant distribution and illegal sales of marijuana to adults and young people. Young people from all over southern California flocked to the business to buy marijuana and then returned to their respective communities to conduct street sales of the drug. No one on the premises had pharmaceutical training or licensing to distribute the drug. Furthermore, the business promoted the sale and cultivation of 60 strains of marijuana, of which, only six strains were for medical purposes. Evidence was also recovered at the scene that showed the dispensary was in business to make a profit and allegedly laundered their proceeds. **Fourteen persons were arrested and nearly 800 pounds of marijuana and over \$242,000 in cash was seized (the 14 arrested were never filed on by the district attorney). Evidence documented over \$1.7 million in cash was received from an average of 300 patients per day, during the month of March 2005. An email from the chain’s headquarters boasted \$2 million monthly and 800 patients daily.** The executive director chastised the dispensary for not bringing in more patients, which was a clear violation of Senate Bill 420 wherein providers are supposed to be non-profit. **It was estimated the corporation as a whole brought in over \$200 million annually that was allegedly laundered through the purchase of real estate, exotic automobiles, expanding business operations and foreign investment. Patients reportedly paid as much as \$6,400 for a pound of marijuana.**



During the aforementioned investigation, it was learned patients spent \$150-\$250 to be examined by a doctor to receive a recommendation, then another \$40-\$50 to obtain a patient identification card. According to Senate Bill 420, identification cards are only to be issued only by State or County health departments and not private entities. The cards were produced fraudulently. Next, patients had to spend from as little as \$30 to several thousand dollars for dried marijuana or marijuana products. Some questions arose, "How can someone on a fixed income or pension afford Medical Marijuana?" and "What dosage of marijuana is appropriate for an ailment."

The Los Angeles County Ordinance provides for the sales and consumption of edible marijuana. Edibles are food products, i.e. soda pop, peanut butter, candy, bakery items, jam and other liquids that contain various levels of Tetrahydrocannabinol (THC), the psychoactive agent of marijuana. There were no regulations in the Ordinance for the quality control, potency, dosage and legality of the products sold. There is no Food and Drug Administration (FDA) approval of the products. Furthermore, on April 20, 2006 the FDA rejected the use of marijuana for treating serious illnesses, stating they did not support the use of smoked marijuana for medical purposes.

On March 23, 2006 in Oakland, "Beyond Bomb," one of a handful of manufacturers and distributors of edible marijuana products, who distributed edibles to the Yellow House and Medical Marijuana providers in California and the U.S., was searched by the Drug Enforcement Administration. The owner was arrested for marijuana trafficking. The area of the company used for processing and packaging edibles was atrocious. No sanitary precautions were taken whatsoever and the area was absolutely filthy and vermin was present. In addition, the company sold edibles in packaging resembling copyrighted and trademarked food items. The company used the same logo, candy wrapper colors and derivatives of the names of legal products, i.e. "Buddafinga" had the similar color wrapper and logo as the NestleUSA candy bar "Butterfinger." Over 20 different marijuana candy items were found that violated state and federal laws pertaining to the infringement of copyrights and trademarks. In addition, legitimate candy bars were opened and the contents was laced with THC and then repackaged in the new labeling. There was no explanation for "3X," "6X," or "10X" markings on the wrappers of edible products (according to operators of providers the markings indicate the potency of THC in the product). Lastly, there are no directions on the edible packages for the uses, dosage, warnings (allergy alerts, stomach bleeding and use with alcohol), drug facts, expiration date and other information, as required for over the counter drugs.

On August 15, 2006, a newly established Medical Marijuana dispensary in Hollywood, in an effort to recruit patients, **handed out free samples of bakery items laced with THC. Two persons, an UPS driver ate a cookie and a security guard ate a piece of chocolate cake, and then fell violently ill and was hospitalized.** The LAPD is currently investigating the poisoning of the two victims.

The Los Angeles County Ordinance also provided for the smoking of marijuana on site with a ventilation system but states nothing about the dangers associated with such use and secondhand smoke.

According to the scientific studies, there are more than 4,000 chemicals in cigarette smoke including 43 known cancer causing (carcinogenic) compounds and 400 other toxins. These effects damage the heart and lungs and make it harder for the body to fight infections. Breathing secondhand smoke has been found to be as dangerous as smoking. Marijuana smoke and cigarette smoke contain many of the same toxins, including one which has been identified as a key factor in the promotion of lung cancer. This toxin is found in the tar phase of both, and it should be noted that one joint has four times more tar than a cigarette, which means that the lungs are exposed four-fold to this toxin and others in the tar. Marijuana smoking for patients with already weakened immune systems means an increase in the possibility of dangerous pulmonary infections, including pneumonia, which often proves fatal in AIDS patients. None of these effects are stated in the ordinance. In addition, citizens and businesses adjacent to providers complain of marijuana smoke that permeates into their working spaces and public hallways causing them distress and caused their businesses to loose customers.

It was learned during the West Hollywood investigation; physicians were allegedly handing out Medical Marijuana recommendations for profit without actually examining prospective patients. Proposition 215 and Senate Bill 420 provided doctors could not be prosecuted for issuing Medical Marijuana recommendations. **Evidence was recovered wherein one doctor saw 49 persons in one day, netting \$150 per patient. The same doctor allegedly saw 293 patients in one week earning over \$43,000 without ever personally examining them.** Medical doctors typically see an average of no more than 10 patients per day. It was learned the doctor allegedly examined patients from a closed circuit television while a clerk received the payment and handed out pre-signed recommendations. Projecting his earnings, he could receive over \$2.1 million annually without practicing medicine or worrying about malpractice insurance. An investigation last month in San Diego County proved this to be true regarding a different well-known physician. An undercover officer and a television crew, in separate incidents, obtained recommendations from the same physician, claiming maladies without begin examined and they paid for pre-signed recommendations. To further show there are no controls of who can receive Medical Marijuana, both persons then went to Medical Marijuana providers and obtained marijuana for their pets. They actually put their pet's names on the recommendations (one was a dog and the other was a bird). The providers commented that Medical Marijuana, in edible form, was good for them.

Another problem associated with Medical Marijuana recommendations is that there is no penalty for providers that do not check identification against the name listed on the recommendation. **Just last week, a high school coach in the San Fernando Valley allowed members of his team to use his recommendation so that they could purchase marijuana for recreational use. The dispensary made no effort to remove the recommendation from the 17-year-olds' possession and did not prevent them from obtaining marijuana.**

The Los Angeles County Ordinance called for a security system and guards for each dispensary. Medical Marijuana providers have had more extensive security systems than Sav-On, Ritz or Walgreen drug stores, and yet they still have been robbed and assaults have occurred because they keep exorbitant amounts of cash and marijuana on hand. In addition, the security systems and guards do nothing for the surrounding businesses or area. Many of the providers in LA County employ street gang members with extensive criminal histories as security guards. Despite the guards, the Department has seen a significant increase in Part I and Part II crime wherever providers have appeared. Surrounding merchants and residences have had to deal with intimidation, second-hand smoke, and vandalism to personal property and buildings, urinating and defecating in public, thefts from vehicles and businesses and the loss of business. On August 28, 2006 between midnight and 3 a.m., unknown suspects tunneled through an adjoining business (workout gym) into a Medical Marijuana dispensary and stole the marijuana inside. Lastly, several unincorporated areas within the County of Los Angeles border the City of Los Angeles and are causing problems for both cities. In San Francisco, a Medical Marijuana dispensary just lost its bid to open up a shop near Fisherman's Wharf. The City's Planning Commission meeting was packed by citizens who opposed the cannabis dispensary complaining that customers did not purchase pot for health problems, but to resell it on the street, and that the outlets are a magnet for general drug use and increases in overall crime, traffic and noise.

There were no provisions in the Los Angeles County Ordinance regarding advertising of Medical Marijuana providers. In August 2006, Medical Marijuana dispensary flyers were found on the Grant High School campus in Van Nuys, offering Medical Marijuana doctor evaluations and recommendations and free samples of marijuana. Medical Marijuana advertising has also been found on college campuses. On August 16, 2006 Time Warner Cable pulled the plug on three ads promoting Medical Marijuana that were scheduled to debut on four popular cable channels in the Coachella Valley.

There were no provisions in the Los Angeles County Ordinance for background verification of the owner's qualifications to run a Medical Marijuana dispensary. The owners of several Medical Marijuana providers have been found to be felons and in the case of one the largest Medical Marijuana corporations, the owner is a fugitive from another state for drug trafficking. **On August 17, 2006 the owner of a major Medical Marijuana dispensary in North Hollywood, with over 1,000 patients, was interviewed. He was anxious to speak with police because a Jamaican drug trafficking organization was trying to takeover his business and was threatening physical violence to him and his family.**

A new tact has been taken by a Medical Marijuana dispensary in Hollywood in representing themselves as a religious organization citing a recent decision by the U.S. Supreme Court, allowing certain hallucinogenic controlled substances to be used in religious ceremonies. Temple 420, in their interpretation of the court decision handed down in February 2006; purports marijuana is the sacrament of their religious experience. They offer prospective members unlimited supplies of marijuana to be picked up in person or sent through the mail after paying a \$100 membership fee.

They represent, "Membership cards will work like Medical Marijuana cards in California. If a member is ever pulled over with cannabis, anywhere in the nation, they can present their card and show the authorities that they are lawfully in possession of religious marijuana."

**Though issuing prescribed medications, providers do not have to meet the same standards as pharmacies. As news agencies have pointed out, State regulations are stricter for California's barbers than its Medical Marijuana providers.**

Lastly, Senate Bill 420 has a provision allowing cities and counties to decide whether or not to approve Medical Marijuana providers. On August 16, 2006 the city of Monterey Park joined several counties and cities around the state, including the cities of Roseville, Pasadena and Torrance, in banning Medical Marijuana providers. Just in the last few days, the city of Corona has begun examining whether or not to ban Medical Marijuana providers. These cities, along with 38 others throughout the state, have recognized the serious impact Medical Marijuana providers have had upon communities and do not want what is happening in the southern California to happen in their communities. According to representatives from these cities, the banning of Medical Marijuana providers has not adversely affected their constituents.

**Source Det. Dennis Packer Asset Forfeiture/Narcotics Vice Division L.A.P.D.)**

#### **MENDOCINO COUNTY**

##### **Marijuana: Marijuana Crop Worth \$1.5 Billion in One California County Alone, Paper Estimates 12/2/05 (Excerpts from the Article)**

Northern California's Mendocino County has been known for marijuana growing for at least 30 years. Part of the state's legendary Emerald Triangle of high-grade pot production along with neighboring Humboldt and Trinity counties, Mendocino has long profited from the underground economy. Last week, a local newspaper, the Willits News, tried to gauge just how large the profits may be, and the result is startling. According to the News, the local marijuana industry will add \$1.5 billion to the county's economy this year. With Mendocino's legal economy estimated at about \$2.3 billion, that means the pot economy is almost two-thirds as large as all other legal economic activities combined. When combining the aboveground and underground economies, the marijuana industry is responsible for roughly 40% of all Mendocino County economic activity, a figure approaching the proportions of the Afghan opium economy. The County of Mendocino Marijuana Eradication Team (COMMET) seized 144,000 plants this year, and District Attorney told the paper COMMET normally seized between five and eight percent of the crop, a little less than the 10% rule of thumb for estimating all drug seizures. The paper more than compensated for the lowball seizure rate by also factoring in a 20% crop loss to spoilage. Following the formula, the News estimated 1.8 million plants were sown in the county this year, with 1.32 million surviving droughts, floods, bugs, mold, and cops. And while both the DEA and Mendocino County law enforcement like to say that one plant produces one pound, the newspaper consulted local grower "Dionysius Greenbud," who said the average yield is closer to a half pound -- a very rough estimate, given a local crop that consists of both high-yielding outdoor plants and smaller, lower-yielding indoor plants. The paper's in-the-ballpark estimate for total pot production in the county is thus

some 662,000 pounds. The paper assumed a wholesale price of \$2200 a pound, based on reports from local growers, and a simple multiplication yields a total of \$1.5 billion. Is that figure out of line? It's hard to say. In last year's "Reefer Madness: Sex, Drugs, and Cheap Labor in the American Black Market," Eric Schlosser quoted former DEA officials as estimating the value of all marijuana grown nationwide at \$25 billion. While it is difficult to believe that one California County accounts for nearly 5% of all pot grown in the US, who is to say different? (Source <http://stopthedrugwar.org/chronicle/413/mendocino.shtml>)

March 16, 2006 Three suspects enter a Medical Marijuana Dispensary (Mendocino Remedies), pepper spray the employees and attempt to take property. A fight between the suspects and victims ensues and the suspects flee the scene. (Source <http://www.co.mendocino.ca.us/sheriff/pressreleases.htm>)

### **MODESTO**

July 18th, 2005. DEA arrests three subjects on charges stemming from a raid by Stanislaus Co sheriffs, who reported discovering 49 plants and 235 pounds of marijuana there. The main subject of the investigation and his wife had been providing Medical Marijuana for patients at a San Francisco dispensary. (Source <http://www.canorml.org/news/fedMedicalMarijuanacases.html>)

### **Soap store a front for pot outfit, cops say**

Patrick Giblin Modesto Bee (Excerpts from the article)

Modesto, CA June 17, 2006 -- Drug agents looked past the soaps and lotions at The Healthy Choice on McHenry Avenue in Modesto and sniffed out a marijuana store in the back, law enforcement officials said Friday. "The second store was just like a legitimate store, with shelves, prices listed and receipts given to the customers," said Rea, an agent with the Stanislaus Drug Enforcement Agency. "I've never seen anything like it." There were prescription bottles filled with pre-weighed amounts of marijuana. There also were 50 to 100 pre-wrapped, marijuana-laced brownies and an equal number of marijuana-laced cookies. The store had a menu of prices and types of marijuana, with the different varieties neatly packed in Tupperware containers, Rea said. "They offered full customer service," Rea said. Local, state and federal drug agents raided the store about 9 a.m. Friday and stayed until about 1 p.m., seizing property and cataloging the inventory, sheriff's spokeswoman Gina Legurias said. They also seized about \$20,000 in cash. Approximately 30 people came to the store looking to buy marijuana while officers were there, Rea said. About half of them had California Medical Marijuana cards, indicating they were suffering from cancer, glaucoma or other ailments. Marijuana is believed to help relieve the symptoms. However, the store isn't a licensed Medical Marijuana dispensary. The rest of the potential customers didn't have cards, Rea said. "They sold to anyone and everyone," he said. No customers were arrested. They were interviewed to give officers an idea of how much business the store did, Rea said

## OAKLAND

- Large criminal element drawn to the dispensary location
- Marijuana dealers who have a doctor recommendation are purchasing from the dispensary and then conducting illegal street sales to those who do not have a recommendation.
- Street criminals in search of the drugs are robbing medical use patients for their marijuana as they leave the dispensary.
- Thefts and robberies around the location are occurring to support the illegal and legal (by State law) drug commerce.
- Chief Word mentioned that a shoe repair business next door to a dispensary has been severely impacted because of the concentration of criminals associated with the dispensary. The shoe repair business owner is considering shutting down his business.
- They had more than 15 total in city, now limited to four by ordinance but control is not very strong. The fines are too small to control a lucrative business.
- Most of the crime goes unreported because the users do not want to bring negative publicity to the dispensary.
- The dispensaries have an underground culture associated with them.
- At least one of the dispensaries had a doctor on the premises giving recommendations on site for a fee.
- One location was a combination coffee shop and dispensary and marijuana was sold in baked goods and for smoking.
- Dispensary management has told the police that they cannot keep the criminal element out.

(Source) Rocklin P.D. report

June 30, 2004: Five subjects were arrested by DEA following a CHP raid on a warehouse where 4,000 plants were found. The subjects claim that the plants were for a licensed dispensary. Police gave conflicting accounts of the incident; **the CHP says it called on the DEA after Oakland police declined to help.** Two defendants have pled not guilty to manufacturing charges bearing a 10-year to life sentence.

March 16, 2006. DEA raids cannabis candy manufacturer, "Beyond Bomb," at three different East Bay sites, seizing over 5,000 plants, \$150K cash, and the company's stash of cannabis candies & soda pop. (Source) <http://www.canorml.org/news/fedMedicalMarijuanacases.html>

One Department representative was willing to speak with me, but did not wish to be quoted for this report. They advised me of a recent carjacking. This event involved an owner and three employees of a Medical Marijuana Dispensary. None of the four could agree on any fact relating to the case other than while property of the dispensary was stolen, no Marijuana or cash was taken. This leads us to believe that either a large quantity of Marijuana or cash was the target of the attack.

## PLACENTIA

### **Temporary ban on medical marijuana sale proposed**

#### **The 45-day moratorium would allow city staff to study ways to regulate marijuana distributors**

By SUSHMA SUBRAMANIAN Excerpts from the article

The Orange County Register Friday, August 11, 2006

Placentia -- The City Council on Tuesday plans to establish a 45-day moratorium on launching medical marijuana dispensaries. The effort was prompted by two recent cases involving the sale of marijuana. In May, police confiscated 15 mature marijuana plants from a man who was distributing the drug from his residence without a permit. City staff also received an inquiry about setting up a dispensary in Placentia. **Several California cities that have medical marijuana dispensaries have experienced an increase in crime, including resale of marijuana to people who don't have prescriptions and burglaries at the businesses, a city staff report says.** "You don't want become the hotbed for medical marijuana sales," Mayor Scott Brady said. "If you don't set up the proper rules and regulations, then you become the capital of fill in the blank - marijuana sales or massage parlors."

Eight massage parlors were operating in the city in March 2005, when the city set up stricter rules for massage therapists to show proof of certification. Many residents complained about illicit activity at the establishments. Since then, about half of the businesses have been shut down.

Source [http://www.ocregister.com/ocregister/homepage/abox/article\\_1241289.php](http://www.ocregister.com/ocregister/homepage/abox/article_1241289.php)

## PLEASANTON

The City of Pleasanton does not have any dispensaries operating in Pleasanton, whether legally or illegally. Pleasanton has a moratorium on dispensaries in place, has not prepared any reports on a ban, and staff will request that Council extend the moratorium for another 12 months. In support of the moratorium, the following health / safety / welfare information was cited;

Juveniles in Pleasanton found with marijuana which was re-sold to them after having been obtained from a dispensary.

A dispensary employee was the victim of a robbery at his home after he brought more than \$100,000.00 in cash from a Medical Marijuana Dispensary back to his home to Pleasanton.

(Source Larissa Seto Assistant City Attorney)

## ROSEVILLE:

- Street level dealers trying to sell to those going to the dispensary at a lower price
- People are smoking marijuana in public around the facility
- People coming to the community from out of town and out of state to obtain Marijuana (Nevada State, San Joaquin County, etc)
- Marijuana DUI by people who have obtained from dispensary
- At least one burglary attempt into building

(Source Rocklin P.D. report)

On January 13, 2006 the proprietor of the Roseville's Medical Marijuana Dispensary was indicated by a Federal Grand Jury on 19 counts of marijuana trafficking and money laundering. **The indictment alleges that in an eight month period the defendant made approximately \$2,750,849.00 from the sale of Medical Marijuana and of that figure \$356,130.00 was traced to money laundering activities.** The U.S. Attorney handling the case stated, "This case is a perfect example of a person using Medical Marijuana as a smokescreen to hide his true agenda, which is to line his pockets with illegal drug money."

(Source Press release California State Attorney Generals Office)

## SACRAMENTO

Sacramento has four dispensaries. Relatively few crimes other than at least two burglary attempts. Most of the complaints came to the council via citizens regarding quality of life issues i.e. loitering, traffic and use of marijuana in or near the dispensaries.

July 7, 2005. The director of Alternative Specialties dispensary, charged by feds following raid by Sacramento County Sheriff that uncovered two indoor gardens with an alleged 800 plants. Sheriffs say the subject had a criminal record for embezzlement and failed to file for a business license. He was charged with the manufacture of marijuana and illegal possession of weapons.

(Source [http://www.canorml.org/news/fedMedical\\_Marijuanacases.html](http://www.canorml.org/news/fedMedical_Marijuanacases.html))

## SAN DIEGO

### Armed Men Rob Pot From Medical Marijuana Store

Posted by Pierre Werner on August 1, 2005 10:41 am (110 reads)

SAN DIEGO -- Two men armed with a shotgun and rifle stole drugs from a Medical Marijuana store on Sunday, police said. The robbers went into Tender Holistic Care in the 2100 block of El Cajon Boulevard at about 8:30 p.m. Sunday. They took an unspecified amount of marijuana from the store and fled in a late model Isuzu Rodeo or Trooper with tinted windows, according to witnesses. The car was last seen heading east on El Cajon Boulevard, police said.

Source:

<http://medicalmarijuanareferrals.com/modules/news/index.php?storytopic=0&start=420&PHPSESSID=0c8a52777fa2204f4874a268edd4f580>

Dec 12, 2005 - Interagency task force raids 13 of 19 San Diego dispensaries. Task force led by DEA with state police. Raids conducted under state, not federal search warrant. No arrests, investigation ongoing.

(Source [http://www.canorml.org/news/fedMedical\\_Marijuanacases.html](http://www.canorml.org/news/fedMedical_Marijuanacases.html))



July 7, 2006: Medical Marijuana dispensaries charged with drug trafficking

ALLISON HOFFMAN Associated Press (Excerpts from the Article)

Federal prosecutors accused six people Thursday of illegally trafficking pot under the cover of California's Medical Marijuana. "They made thousands of dollars every day," Lam said. "Their motive was not the betterment of society. Their motive was profit." Prosecutors alleged that these dispensaries sold marijuana or marijuana-based products with little concern for legitimate medical need. "The party is over," District Attorney Bonnie Dumanis said at a news conference with federal prosecutors. She added that Proposition 215, the ballot measure that legalized marijuana for medical purposes, has been "severely abused by neighborhood pot dealers opening up storefronts." Complaints from residents living near dispensaries precipitated an investigation beginning in September 2005 by the San Diego police, the county sheriff's department, the Drug Enforcement Administration, Dumanis said. The San Diego County District Attorney's office released a complaint sent last week to the state medical board against four physicians alleging that they wrote "recommendations" for Medical Marijuana use - doctor's notes required by state law - to apparently healthy individuals.

(Source:

[Http://www.mercurynews.com/mld/mercurynews/news/breaking\\_news/14982395.htm](http://www.mercurynews.com/mld/mercurynews/news/breaking_news/14982395.htm))

**City hopes to close legal pot dispensary** (Excerpts from the Article)

July 8, 2006 By Linda Lou UNION-TRIBUNE STAFF WRITER SAN MARCOS – An existing medical-marijuana dispensary here survived a City Council vote in February that banned any more dispensaries from opening. It was able to receive a business license because it called itself a nutritional supplement store, city officials said. But the dispensary's ability to remain open is now uncertain. Now the city is intent on shutting down the business, run by Legal Ease Inc. of San Diego, because it's been burglarized several times since the council's vote, said City Manager Rick Gittings.

The city contends it's a threat to the community's health, safety and welfare, violating the provisions the city imposed in February when it allowed the dispensary to stay open, Gittings said. The concept of providing Medical Marijuana to patients who really need it has good intentions, but as indicated by state and federal prosecutors this week, Medical Marijuana dispensaries are fronts for drug peddling, Gittings said. The letter said that another business near the dispensary's current location was burglarized because it was mistaken for the dispensary. The letter also said Legal Ease had failed at least once to submit security tapes of its premises and has failed to reveal what was stolen in the burglaries. Sgt. Gary Floyd, supervisor of San Marcos' street narcotics and gang unit, said he's not aware that Legal Ease had talked with the Sheriff's Department about relocating. He said that after some recent early-morning burglaries, the dispensary installed roll-up metal security covers over the door and window because thieves had smashed the glass to get inside. In Thursday's raid, dozens of candy bars and cartons of ice cream containing THC, a marijuana byproduct, were confiscated, Floyd said. Bags of packaged marijuana and larger bags of the drug used to refill the smaller ones were also taken, he said. No one was arrested. In December, a federal drug agent said he was able to purchase marijuana at the site with a forged doctor's recommendation.

(Source: <http://www.signonsandiego.com/news/northcounty/20060708-9999-1mi8smmari.html>)

## SAN FRANCISCO

May 14, 2005--In a daring home-invasion robbery at around 10PM, the house of the owner of Alternative Health and Healing Services at 442 Haight St was robbed of several pounds of cannabis and the dispensary keys. Details are sketchy, but it is believed that the robbers burst into the owner's home at gunpoint. More on this story as details are known. (Source) [http://www.hempevolution.org/thc/dispensary\\_robbed040514.htm](http://www.hempevolution.org/thc/dispensary_robbed040514.htm)

June 23, 2005 3 S.F. pot clubs raided in probe of organized crime(Excerpts from the Article)

Medical Marijuana dispensaries used as front for money laundering, authorities say. Federal authorities raided three San Francisco Medical Marijuana dispensaries Wednesday, and investigators arrested at least 13 people as part of an alleged organized crime operation using the clubs as a front to launder money. Authorities said.....that the operation controlled at least 10 warehouses where marijuana was grown in large quantities and that those involved were bringing in millions of dollars. One warehouse in Oakland that federal agents raided earlier this month was capable of growing \$3 million worth of marijuana annually, investigators said. The marijuana ostensibly was for cannabis clubs, but the amount being grown was far more than needed to supply the dispensaries, authorities said.

(Source) <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2005/06/23/MNGRODDG321.DTL>.

Dec. 20, 2005 - DEA raids HopeNet Cooperative after first raiding home of HopeNet directors Steve and Catherine Smith. No arrests. Agents seize cash, medicine, a few hundred small indoor plants, mostly cuttings and clones.

(Source) <http://www.canorml.org/news/fedMedicalMarijuanacases.html>

June 27, 2006: Medical Marijuana dispensary robbed during S.F. Gay Pride Parade  
Adam Martin [San Francisco Examiner](#)

Thieves apparently took advantage of Sunday's 36th Annual San Francisco Gay Pride Parade and Celebration to commit this year's second robbery of a Medical Marijuana dispensary. According to police and the club's proprietor, two men entered Emmalyn's California Cannabis Clinic at 1597 Howard St. about 1:30 p.m. Sunday. They held up the clerk and stole cash and inventory while most of the staff was handing out fliers at the Gay Pride Parade. Sunday's holdup marked The City's second pot club robbery of the year. The Purple Heart dispensary at 1326 Grove St. was robbed Feb. 3, San Francisco Police Lt. John Loftus said. There were four such robberies in 2005, Loftus said. Loftus said clubs are attractive to thieves because "it's a big cash business, and marijuana is expensive." The two men who robbed the dispensary had been in about an hour prior to the crime and bought some marijuana. When they returned, Baumgartner said, "they put a gun to my clerk's head, had him lie down on the floor, then they robbed him and the store. He said the crime was captured on security cameras, whose tapes will be reviewed in the investigation.

(Source) <http://www.hempevolution.org/media/examiner/e060627.htm>

## **SAN JOSE**

### **Murder in a Head Shop** (Excerpts from the Article)

Will David Cruz's killer ever be found? By William Dean Hinton

ON MAY 10, right around 8:30pm, Jonathan Cruz dropped in on his brother at the Rainbow Smoke Shop on West San Carlos Street. Shortly after Jonathan departed, someone walked into the shop and killed David Cruz with a single bullet wound to the back of his head, just above the left ear. No money was taken from the register, and the store wasn't ransacked. The killing was essentially the end of Andrew's shop. After 10 years as owner, she was afraid to be in her own store. She began carrying a .38 with hollow-point bullets and closed the Rainbow's doors two hours earlier than before David's death. David Cruz's killer, meanwhile, has never been identified. The Cruz case is approaching the nine month mark with no credible theory why David was shot. (Source <http://equalrights4all.us/content/view/192/50/>)

## **SAN LEADRO**

San Leandro does not have any Medical Marijuana Dispensaries within their City Limits. They do however have employees of Medical Marijuana Dispensaries from other jurisdictions living in their city.

June 19, 2005: Suspects enter an unoccupied residence of a Medical Marijuana Dispensary employee taking jewelry and \$10,000.00 in cash.

June 28, 2005: Suspects return to the same residence and begin to force entry when they are confronted by the resident and flee before any loss is sustained.

September 20, 2005: A receptionist of a Medical Marijuana Dispensary was accosted by a lone suspect as she walked from her vehicle to her house. The receptionist was able to get into her home and call police before the robbery was completed.

October 26, 2005: A Detective on routine patrol observes a suspicious circumstance and stops two subjects. The stop results in the arrest of the subjects for robbery and possession of stolen property. The house the suspects were watching was the home of a Medical Marijuana Dispensary employee.

December 19, 2005: The same receptionist (9/20/05 event) is robbed as she walks from her vehicle to her home. The suspects took a bag containing receipts from the Medical Marijuana Dispensary (Paperwork only, no cash)  
(Source Mark Decoulode San Leandro PD)

## **SANTA BARBARA**

**MEDICAL MARIJUANA SHOP ROBBED:** By Indy Staff, August 10, 2006

The first reported armed robbery of a Medical Marijuana distribution center took place at Santa Barbara Hydroponics, 3128 State Street.

Owner Jack Poet said he has been robbed three times before but never reported the earlier robberies because "Medical Marijuana is such a controversial issue." Poet said the robber in his thirties, 160 pounds, with red hair and a goatee walked away with \$30 cash and 15 small display baggies of marijuana.

By Indy Staff | August 10, 2006 | 0 Comments | 0 TrackBacks

(Source

[http://www.independent.com/news/2006/08/medical\\_marijuana\\_shop\\_robbed.html](http://www.independent.com/news/2006/08/medical_marijuana_shop_robbed.html)

## **SANTA CRUZ**

**Four men sought in home robberies**

Santa Cruz Sentinel

Santa Cruz, CA Dec 13, 2004 -- Santa Cruz Police are asking for the public's help in finding four armed men who took marijuana grown for medicinal uses and electronics from two separate houses on Clay Street. Around 1 a.m. Sunday, a white, Asian and possibly two black males — all wearing masks and dark clothing — broke into two residences, rounded up their tenants, held them at gunpoint and ransacked their homes, all while demanding drugs and cash. Two of the victims were battered during the robbery. One of the suspects fired a single shot from a handgun when one of the victims tried to escape. No one was shot.

[http://www.hempevolution.org/media/daily\\_review/dr050824.htm](http://www.hempevolution.org/media/daily_review/dr050824.htm)

## **SANTA CRUZ COUNTY**

Capitola 2004: Three suspects entered the victim's home armed with a handgun in search of the residents Medical Marijuana grow. The resident and two guests were ordered to the floor. During the robbery the resident was shot and stabbed but managed to fight off the suspects who fled prior to the arrival of the responding Deputies.

Live Oaks October 1, 2005: Four suspects attempted to conduct a home invasion robbery of a home cultivator of Medical Marijuana. The homeowner fired a shotgun at the suspects who fled and were later captured by police following a vehicle pursuit and crash.

Ben Lomond March 5, 2006: Two suspects who identified themselves as "Police" forced their way into the victim's residence. The victim was assaulted, robbed and left tied up in his residence until the next day when he was discovered. Subsequent investigation revealed that the motive for the robbery was the victims Medical Marijuana supply.

## **SANTA ROSA**

May 29, 2002 Federal agents raided a Medical Marijuana buyers club here Wednesday and arrested two people. A U.S. Drug Enforcement Administration spokesman said two addresses were searched, including the club near downtown. Marijuana, cash, a car and a weapon were seized.

(Source) <http://cannabisnews.com/news/12/thread12999.shtml>

September 29, 2004 The father of the owner of a Medical Marijuana Dispensary was followed home from the dispensary and robbed at gunpoint in front of his residence. The owner of the club believed that his business was being "cased" and that "further robberies were eminent."

January 25, 2005 Suspects force entry into a closed Medical Marijuana Dispensary and burglarize the business taking three pounds of Marijuana and cash.

March 3, 2005 Suspects forced entry into a Medical Marijuana Dispensary a stole a laptop computer, Marijuana and smoking paraphernalia.

April 15, 2005 Employees of a Medical Marijuana Dispensary were robbed by a suspect armed with a shotgun as they were closing the business. The suspect stole a "duffle bag" of Marijuana.

April 18, 2005 Suspects forced entry into a closed Medical Marijuana Dispensary and stole a digital scale.

April 19, 2005 Suspects forced entry into a Medical Marijuana Dispensary and stolen one half pound of marijuana.

Mar 17, 2006 Suspects forced entry into a closed Medical Marijuana Dispensary, loss unknown at this time.

(Source) Lt. Briggs Santa Rosa P.D.

The Vice unit has been involved in the investigation of the following Medical Marijuana Dispensary related crimes;

- A homicide, during a residential robbery where the suspects sought Marijuana cultivated for a dispensary.
- Four residential robberies, where the suspects sought Marijuana cultivated for a dispensary.
- Twelve cases where individuals were cultivating Marijuana for dispensaries, but were found to be operating outside Medical Marijuana guidelines and in a "for profit" status. Each of these cases resulted in the arrest of the cultivators and disposition is pending.

- Instances where undercover officers have found subjects buying Marijuana from Medical Marijuana Dispensaries under the guise of Medical Marijuana and then reselling the Marijuana to non Medical Marijuana users.

(Source) Sgt. Steve Fraga Santa Rosa P.D.

### SONOMA COUNTY

A subject was arrested May 9, 2001 while growing for himself and other patients; convicted by a jury of cultivating more than 100 plants on Feb 11, 2002; sentenced to 5 yrs probation; He was re-arrested July 31, 2002 for cultivating while on probation. Convicted and sentenced to 44 months for growing 920 plants Dec 19, 2002. Released on bail April 2004; awaiting sentencing post-Raich 2005.

The proprietor of Genesis 1:29 club in Petaluma was arrested Sept 13, 2002. Agents uprooted 3,454 plants at the club's garden in Sebastopol. The suspect pled guilty July 2003; sentenced to 41 months, July 2005. Information provided by:

(Source) [http://www.canorml.org/news/fedMedical\\_Marijuanacases.html](http://www.canorml.org/news/fedMedical_Marijuanacases.html)

Friday, February 17, 2006 at 12:13, PM Commercial marijuana operation shut down. On 2/16/05, the Sonoma County Narcotic Task Force, SCNTF, and the County of Mendocino Marijuana Eradication Team, COMMET completed an investigation involving a large-scale commercial marijuana growing operation. At the first residence on Little Creek Rd., agents located a marijuana growing operation where "starter" plants were being cultivated. These plants would eventually be moved to the larger grow rooms as they matured. As agents collected evidence, Kenneth D. Brenner, 57 yrs, of Annapolis arrived at the residence. When agents contacted Brenner, they located grow equipment in the bed of his truck. He was detained and returned to his residence. At Brenner's residence, agents seized numerous firearms. Agents also seized an AK47, a Colt AR15, and a .308 sniper rifle. Additional documents linking Brenner to the growing operation were seized. The indoor grow operation included 4 buildings which were located approximately a quarter of a mile off Annapolis Rd. in the thick brush. The grow buildings ranged from 100'X 30' to 30'x 20'. The buildings were constructed of plywood, with the exteriors painted black, and concealed under the thick canopy of trees. The plants were growing in a hydroponics type system, under approximately 120 high intensity lights. The lighting equipment alone is valued at \$48,000.00. Agents located a camouflaged, insulated concrete bunker which housed a 125KW diesel generator. This generator was seized and valued at approximately \$75,000.00. The total number of plants was approximately 1700.

Agents determined the plants when harvested would yield approximately 50 pounds of marijuana. The marijuana would have a street value of \$150,000.00. As agents continued their searching, they seized over 3,000 live rounds of ammunition in one of the grow buildings. The ammunition matched the same type of assault rifles seized at Brenner's residence. Agents then discovered numerous metal military type ammunition cans hidden in the area. When the cans were opened, the agents discovered 22 solid bars of silver, and antique silver coins. The bars each weighed 9ozs., with an estimated value of \$30,000.00. The Drug Enforcement Administration was contacted to consider the adoption of this case on a federal level.

Mr. Brenner was released at his residence. The case will be under further review by the United States Attorney's Office. For further information contact Detective Sergeant Chris Bertoli at (707) 565-5441.

Prepared by Detective Sergeant Chris Bertoli.

Thursday, January 5, 2006 at 12:18, PM \$600,000 in marijuana seized.

On 1/4/06, the Sonoma County Narcotics Task Force completed a three month investigation involving the sales of methamphetamine in the City of Cloverdale. Through the use of undercover purchases, Task Force Agents identified a residence on South Cloverdale Boulevard as the source of methamphetamine. When agents served a search warrant at the residence, they located 212 pounds of manicured marijuana. The marijuana had been concealed in various locations on the property. Along with the marijuana, agents seized a half ounce of "crystal" methamphetamine, a scale, packaging material, and pay/owe records. As agents continued their search, they located an AK-47 assault rifle with 3 fully loaded 30 round magazines next to the rifle. A stolen sawed-off 12 gauge shotgun, 2 additional rifles, and one loaded semi-automatic handgun were also located in the same location. While searching the residence, agents encountered three children living at the residence with their parents. The ages of the children were 6, 7, and 8 years. As agents searched, they discovered approximately 3 pounds of marijuana within the same room as the children were discovered sleeping. The estimated street value of the marijuana is \$636,000.00 dollars. The methamphetamine is valued at \$450.00.

For further information contact Detective Sergeant Chris Bertoli at (707) 565-5441.

Prepared by Detective Sergeant Chris Bertoli.

(Source [www.sonomasheriff.org](http://www.sonomasheriff.org))

## STANISLAUS COUNTY

Lack of cash, risk to kids and more crime discussed (Excerpts from the Article)

By ROGER W. HOSKINS BEE STAFF WRITER

Last Updated: August 23, 2006, 03:14:33 AM PDT

Law enforcement officials compared the battle against methamphetamine to the war on terrorism and warned that American children were far more at risk to drugs. Wasden said any task force needed to set its sights on the real window that widens the drug trade generation after generation. "Nobody starts with methamphetamines," said Wasden. "Our youth are being confused by the mixed messages we are sending and we need to send youth a core message that marijuana is a drug." **From marijuana to meth: Officer after officer offered their witness and belief that the people buying medicinal marijuana in Stanislaus County were neither sick nor afflicted.**

**In their collective view, medicinal marijuana was a Smokescreen for recreational use. Sheriff's Sgt. Bob Hunt, a member of the Stanislaus Drug enforcement Agency, offered a frightening picture of the marijuana-meth link. "We have people buying \$300,000 and \$400,000 homes and they aren't moving in furniture but grow lights," said Hunt. "They are careful not to have more than 12 plants or sell more than \$10,000 at a time. "They are using the marijuana profits to fund their meth operations.**

We arrested one young dealer and he owned nine properties in Patterson." Cardoza called on the officers present to wage and win the public relations war on marijuana. "I voted against the federal bill to legalize pot," said Cardoza. "I'm bucking the public sentiment. I get 200 letters a year from people who want the United States to back off. I don't get any from people who want us to enforce the federal marijuana ban." So, he added, "It's up to you (officers) to educate the public."

(Source) <http://www.modbee.com/local/story/12623637p-13328561c.html>

### **TEHEMA COUNTY**

Two subjects were indicted by federal grand jury on Jan 8, 2004 after trying to assert Medical Marijuana defense in state court. Arrested with 100s of small seedlings, 33 mature plants, and a few pounds of processed marijuana in Red Bluff and Oakland. Defendants say they were for personal use. The Tehama DA turned the case over to the feds while pretending to negotiate a deal with their attorneys. Denied a *Raich* defense by Judge England.

(Source) <http://www.canorml.org/news/fedMedicalMarijuanacases.html>

### **TRINITY COUNTY**

A subject and his wife were arrested in 2003 for a sizable outdoors grow; they were re-arrested the next year after deliberately replanting another garden in public view. While awaiting trial, they were arrested once again, this time for a personal use garden of approximately ten plants.

(Source) <http://www.canorml.org/news/fedMedicalMarijuanacases.html>

### **TUSTIN**

After a Medical Marijuana Dispensary opened, undercover officers conducted an investigation in the business. During the service of a search warrant, 25 pounds of marijuana was seized and the dispensary was shut down. The District Attorney still has not made a decision as to whether to file charges or not.

(Source) Scott Jordan Tustin PD

### **UKIAH**

Over the last four years, the City of Ukiah has experienced an increase in crimes related to the Medical Marijuana Dispensaries. They are four Dispensaries in town as well as several citizens growing Marijuana for the purpose of providing Marijuana to dispensaries. There have been approximately ten robberies of either dispensaries or private grows. Some of these robberies have resulted in shootings. There has also been an arson of a dispensary which the police department believes was the result of a dispute with a customer.

(Source) Det. Guzman Ukiah P.D.

### Ukiah Daily News (Excerpts from the Article)

An arson fire burned the Ukiah Cannabis Club Saturday morning, causing extensive damage and blackening neighboring structures as well. A man who told The Daily Journal he was upset with the Ukiah Cannabis Club, claiming club members owed him money for the crop of marijuana he grew for them, was arrested at the scene.....



The man in the back of the store, later identified as William Howard Ryan, 51, of Willits, telephoned UPD dispatch, saying he was armed and that he would shoot anyone coming to get him. Officers and firefighters heard muffled shots from the interior of the store..... Ryan was arrested on charges of arson, burglary and possession of hashish. He was interviewed by The Daily Journal just days ago when he claimed he was going to sue the Ukiah Cannabis Club for the money he says he is owed. Some witnesses said they saw Ryan enter the building with what looked like grenades strapped to his body. There were also reports the suspect carried a weapon, though that was not corroborated by police. A spokesperson for the Forest Club said the bar would be closed for a short time only. (Source [http://www.hempevolution.org/media/ukiah\\_daily\\_news/udn020527.htm](http://www.hempevolution.org/media/ukiah_daily_news/udn020527.htm))

#### **VENTURA**

Two subjects were arrested Sept 28, 2001 for cultivating for the LACRC. Forfeiture filed against their property, including home they built for themselves, in July 02. Raided again and arrested for personal use garden of 35 plants in Aug 02; charged with cultivation. Pled guilty Sep 03. Ninth Circuit denied appeal March 2006. (Source) <http://www.canorml.org/news/fedMedicalMarijuanacases.html>

#### **CALIFORNIA NARCOTIC OFFICERS ASSOCIATION**

Agents have conducted sting operations on web sites such as "Craigslist" and recently conducted an investigation which resulted in the arrest of a subject for the sale of three pounds of marijuana as well as possession of an additional four pounds. This subject was an employee of a local Medical Marijuana Dispensary.

In all of these communities, law enforcement leaders were concerned with the impacts to the public health, safety and welfare by the commercial marijuana dispensing enterprise. All wished that they did not exist in their community. The trouble seems to occur when a large number of marijuana users, legal (under State law) and illegal gather at one location making them easy targets for illegal drug dealers; those freelance illegal drug dealers who are trying to recruit individuals with a doctors recommendation to legitimize (under State law) their sales and possession; and those who wish to prey upon the ill to steal their marijuana.

This is compounded by the vast amounts of cash and little or no oversight of the processes of prescription, procurement and sales of Medical Marijuana. All of these impacts are avoidable if the commercial marijuana dispensing business were not allowed to locate in our community.

#### **Medical Marijuana Doctor's**

Another area of contention is the apparent lack of oversight regarding who receives a physician's recommendation for Medical Marijuana and the process in doing so. One doctor who is touted as a "Medical Marijuana Doctor" is a practitioner in the City of El Cerrito. It is reported that our local doctor has issued over ten thousand recommendations for Medical Marijuana in the ten years since Prop. 215 was enacted in 1996. Research on the internet has revealed that the cost to patients to receive their initial recommendation ranges from \$125.00 to \$250.00.

If these figures are accurate, this one doctor has made \$1,250,000 to 2,500,000 over the past ten years just in issuing Medical Marijuana recommendations. These recommendations have to be renewed every one to two years at the cost of \$50.00 to \$100.00. This same doctor has repeatedly been the target of investigations regarding his practices related to Medical Marijuana and is currently on probation with the Medical Board of California as a result of investigations into 47 complaints, all of which were referred by law enforcement or district attorneys. This Doctor's Website offers the following explanation;

Medical Board of California v Tod H. Mikuriya, M.D.

Since 1993, the Medical Board of California have had various ongoing investigations into Dr. Mikuriya's use of cannabinoids in his medical practice. Beginning in 1993 with rural county probation officers turning him in to the medical board for prescribing Marinol to probationers. The initial investigation resulted in a letter in Dr. Mikuriya's file. With the passage of the Compassionate Use Act of 1996, outlying Sheriff Deputies and District Attorneys began flooding the Medical Board with bogus complaints. Nearly 50 complaints were filed, none came from patients, health care professionals or patient families--none alleged any harm to patients. The medical board initiated multiple investigations. In 2003 Dr. Mikuriya had a hearing in front of an Administrative Law Judge which resulted in the worst of the allegations being dismissed. (Dismissed charges included unprofessional conduct and incompetence.) However, Dr. Mikuriya was convicted for negligence and failing to keep adequate records. In April of 2004 he was placed on probation which includes a practice monitor, cost recovery (\$70,000), and various other indecencies. Appeals of all charges are pending and continue. This page and the associated links contain all of the legal documents in this matter, as well as interpretations of why it occurred and the politics that surround it by Dr. Mikuriya. All of these materials are being made available to the public and any interested party as a means for Dr. Tod to show that this entire production was--and remains--a political action and has nothing to do with patient care and/or harm.

(Source: <http://www.mikuriya.com/>)

**Another interesting concept is that even the doctors involved in this industry appear to do a "cash only" business.**

This is from Dr's Ellis' site; <http://www.potdoc.com/ProfilePage.html>

Occasionally the office will be closed due to Dr. Ellis' outside schedule. You must call to schedule an appointment to see Dr. R. Stephen Ellis, MD (CA License # G-40749). We are not a referral service for Medical Marijuana doctors in your area. We are a medical clinic with one medical doctor located in San Francisco, California.

We can see patients living anywhere in the State of California in our medical clinic located in San Francisco. A Prop. 215 recommendation written from our office is good anywhere in the State of California. We will ultimately require confirmation of your diagnosis from your MD (or DC, DPM, or DDS as appropriate). We work with our patients to develop appropriate case documentation as per the routine standards of medicine – the only acceptable standard of valid legal protection a 'Prop 215' recommendation can provide.

Please bring an official picture ID for proof of ID and age. ALL patients (and any caregivers) MUST be at least 18 years of age and no longer attending high school. Exceptions in extreme cases can be made, so please feel free to call and discuss your situation.

**The Initial New Patient Physical Exam and Evaluation with Dr. Ellis is \$250.00 total if you qualify and a recommendation is issued.**

There is an initial interview with Dr. Ellis to see if you qualify and the cost is included in the \$250.00 new patient total fee. All patients that we will be able to assist then continue to undergo a physician performed medical history and physical exam as part of the initial visit. Those patients that we will not be able to help are immediately refunded all but \$25 (for pre-screening assessment) of the total \$250 new patient fee. The \$250 new patient fee includes all follow-up visits needed as well as associated administrative services for the entire initial 6 month period. New Patients are covered for up to six months with their initial letter of recommendation. Once you are an established patient (six months after your initial visit), expired letters can be re-issued if the condition is still valid. You must see Dr. Ellis at a scheduled appointment in person in order to have an expired letter re-issued. Unfortunately, recommendations / physician statements can not be issued by telephone or mail at this practice. Any available updates to your medical records from your doctors confirming that your diagnosis is still valid are expected (and MAY be necessary) to complete the renewal process. The office visit and exam fee for established patients is currently \$125.00 and any includes and all follow-up visits needed as well as associated administrative services for entire 1 year period. Established patients recommendations can be issued for up to one year duration as indicated.

Due to potential patient privacy issues, **all fees are due and payable in full in CASH ONLY at the time of your visit.** Patients are to bring the entire \$250 payment at their initial visit. Multiple banks and ATMs are in the immediate vicinity. The San Francisco Clinic is very conveniently located in downtown San Francisco in the 450 Sutter St. Medical Building (Suite # 1415), between Stockton and Powell Streets, just one block North of Union Square. We are a short walk from Powell Street Station for convenient BART / MUNI (and hence SFO, OAK, & Cal Train) access from all of California. Multiple non-validated parking options on-site and very nearby. Call for simplified directions. Practice Profile page updated on February 27, 2006

This is what one reporter has to say about Dr. Ellis;

**Doctor's orders: Get high** (Excerpts from the Article)

**A trip into the Medical Marijuana demimonde smokes out America's confusion about drugs, pleasure and morality. By Chris Colin**

Jan. 31, 2001 | SAN FRANCISCO -- To get pot, you can stand on 16th and Mission and wait for someone to approach you, and wonder if he's a cop, and wonder if he's going to rob you, and wonder if his pot is laced with strychnine. Or you can have a dull pain in your right ear.

In a green box on the back page of the San Francisco Bay Guardian, Dr. R. Stephen Ellis advertises Medical Marijuana physician evaluations for just about anyone. The ad contains no explicit offers or promises, just a list of symptoms that presumably qualify one for legal pot: "Anorexia ... chronic pain ... arthritis ... migraine, or ANY other condition for which marijuana provides relief." This is from California Health & Safety Code 11362.5, implemented after California passed Proposition 215, also known as the Medical Marijuana/Compassionate Use Act, in 1996. At the bottom, boldfaced, underlined, in caps, we're reassured: "It's THE LAW!" **My ear hurts, I tell the assistant over the phone. He tells me to bring \$200 cash. No check or credit card? I ask. Cash, he says.** To my left are the ill; three men between 35 and 50 sink into their chairs and stare at things in the floor that I can't see. Their eyes are glassy, and two of their heads are chemo-bald. To my right are three young men, none over 22 surely. They slump too, but with attitude, not sickness. They have baggy jeans and each has acne. The young camp looks at its shoes. The man directly to my left says he has glaucoma. He's grumpy about waiting. The man to his left says he's new to medicinal marijuana and is shaking and giddy. The man to his left sells sports tickets for a living, and is doing so on a cell phone, apparently unfazed by his circumstances. To my right are frauds. "I hurt my back playing football," the big one next to me says. He grins conspiratorially, as if he's never touched a football in his stoner life. Across from us a raver taps his toes. He grins, too, when I make eye contact. The surfer next to him grins too. "I better get this before my man Nate's party Friday," he says to no one in particular. "How long does it take to get the prescription filled?" I ask. "My other friend got some from a San Francisco dispensary two days after his evaluation," he says. I wonder how many scammers it would take to undermine the Medical Marijuana cause. Not that fakers are taking pot from the legitimately ill -- there's plenty to go around. Ellis joins me in the bare room, slight, friendly and rushed. He seems breakable. He also has the air of celebrity, probably because he's the only man many people know who can legalize pot, albeit one smoker at a time. He talks fast, like someone who either has been in an E.R. for years or has a line of patients out the door, each with a wad of cash. He takes my money and puts it in his pants pocket. "My ear hurts," I say, and I explain the pain. My honed explication of the problem doesn't seem to interest him. He interrupts after a minute, telling me to take my shirt off so he can use his stethoscope. The checkup is rudimentary, There's a brief, touching moment where he pats my arm, not weirdly, and then he's signing his recommendation. For the next 12 months, I'll be a legal Medical Marijuana smoker. The police, depending on the county, generally don't arrest smokers who have a prescription, except when they do. Courts often drop cases, depending on the judge, or how a jury might respond. Getting a physician's recommendation from Ellis may have been easy, but getting him on the phone for an interview is another story. It isn't until a month after my visit that he agrees to talk. "What were you doing before this?" I ask. "I was at emergency rooms," he says. "Which ones?" "Various emergency rooms in the Bay Area," he says. He won't say how many patients he's seen since opening the office in July -- "let's say several hundred," he finally tells me. Nor will he say how many are ultimately granted recommendations. I get the impression most walk away satisfied. "What about fakers?" I want to know. Ellis assures me that fakers don't make it to the examination room. "They realize it's a legitimate medical setting and go home," he says. "They can't get in without supporting documentation."

I tell Ellis that I was not asked for supporting documentation. He says he has since changed that policy, though I sense that he did so reluctantly. "We don't [require supporting documentation] in the E.R.," he says. "People come in complaining of a headache, we go over to an open cabinet and they leave with a shot of Demerol in their butt." "And that's unfair?" I ask. "Marijuana is much more benign than conventional narcotics," he says. We talk about his history. Ellis graduated from the University of Illinois medical school at Chicago in 1978, he says. His work as an emergency physician exposed him to "a real need" for better pain management strategies. A few seminars on Medical Marijuana persuaded him to look into alternative treatments. If Ellis was uneasy at the beginning of our conversation, he's in a gallop by the end. I ask why so few California doctors are recommending marijuana for pain four years after the passage of 215. "They're afraid," he says. "They're afraid of the [California] Medical Board, and of their peers, and possibly of potential legal ramifications ... even though they're clearly protected by the law." It's the California Medical Board that gets Ellis fired up. "They've been officially silent [on Medical Marijuana], but behind closed doors they've been harassing physicians," he says. "That's the bottleneck on 215. Patients can't get their docs to prescribe medicinal marijuana, even though the law allows for this. In California, you might find 1 in 1,000 doctors" who would. Ron Joseph, the board's executive director, calls Ellis' charges ridiculous. "It's a nice fallback," Joseph says, "but I defy him to cite one case where the board has harassed a single doctor." As Joseph tells it, it's not the board's policy to have an official position on Medical Marijuana -- it would just as soon have a position on X-rays. "We don't say whether it's good or bad, appropriate or inappropriate," he says. "We simply ask, 'Has the physician applied good judgment?'" Because the board's procedure is simply to investigate a "physician's actions as they're brought to our attention [by a patient]," he says, it has no incentive to bother doctors who are prescribing marijuana. So why aren't more doctors prescribing marijuana? Joseph blames the government. "The chilling effect has come from federal [agencies]," he says. "Doctors might be afraid of losing their DEA permit" (which allows them to prescribe controlled substances). As for Ellis' objection to the liberal distribution of Demerol in the E.R., compared with the paucity of marijuana prescriptions in the doctor's office, Joseph says an E.R. deserves its own standards. "It's a much different situation," he says. "There's little time to make the diagnosis [in the E.R.]. This is not the case in an office visit where the patient has the opportunity to explain his medical history." If a patient is able to obtain a physician's recommendation, he or she must next join a buyer's club. The Oakland Cannabis Buyer's Club is a mile from my house, so I swing by on a Saturday. Like Ellis' office, the OCBC is also low-rent, but it makes up for it in atmosphere. If Ellis' operation was film noir, the "Co-op" is Cheech & Chong plus "Beaches." The store mixes earnest compassion for the ill with a healthy appreciation for fat, leafy weed. Inside, past the pipes and bongos and vaguely pomographic poster of a luscious green bud, a woman at a counter sorts membership files. (The club has roughly 4,000 members, executive director Jeffrey Jones tells me later, but it's hard to count. Why? I ask. "We don't know how many are dead," he replies.) The woman at the counter gives me paperwork and takes my physician recommendation, a copy of which I'd already faxed in for approval. I do the paperwork and pose for my photo and pay the fee. My \$21.95 entitles me to a list of active dispensaries, support in the event of police trouble, free massages and regular cultivation seminars. Cultivation? I ask.

I can grow up to 48 plants, they say -- beyond that it's risky. My new member I.D. is my "shield." If a cop stops me for possession, I need only flash the card. If that doesn't work, the officer is to call the 24-hour phone number on the back, and the club will vouch for me. "But this is legal, right?" I ask. "Well," they reply, "yes. But call if there's a problem." I'm out in 10 minutes, but still without pot. This is because an injunction keeps the club from selling it. The unmarked dispensary two blocks away is to pharmacy as Bates Motel is to Ritz-Carlton. Metal gratings cover the windows of the old building, which begs for a paint job or some dynamite work. The next room is un-American. It's how Amsterdam is described among teenagers, a perversely legal assortment of illegal things: pot plants, pot brownies, pot cookies, pot seeds and, of course, pot. Half a mile from the Oakland Police Department, two glass counters full of dope and a promising back room await anyone with an OCBC card and some cash. There is no catch. I experience the brief heartbreak of poorly timed access -- this kind of opportunity would've been great back when I liked pot -- but mainly I'm glad people who need it can get it. I buy an eighth of an ounce of the good stuff, not the great stuff. It's \$45. The guy behind the counter is nice like a nurse. The place isn't a neighborhood drugstore -- no matter how medicinal your marijuana, it's still pot, and pot culture is irrepressible -- but there's no Pink Floyd or opium-den decadence. Ellis, like many Medical Marijuana advocates, is breathless on the subject. Finally, what will happen to a doctor in a tiny office who flouts federal law on the back page of the San Francisco Bay Guardian? Is he in danger? "I don't know," Jones from the OCBC had said. "Is a bug that flies into the light in danger?" Because he's working with other information, or because he's blinded by the light, Ellis himself isn't scared. "They'd be crazy if they bothered me," he'd told me, before getting off the phone to see another patient.

(Source <http://drugandhealthinfo.org/page02.php?ID=6>)

#### **Another Doctor found through Internet research;**

**Hanya Barth, M.D.**

Wellness Counseling & Alternative Medicine  
California License #A031974

#### **your Appointment**

***There are four things you should bring with you:***

- 1) Any paperwork regarding your condition, including doctor reports, treatment notes, and paperwork with your diagnosis. The doctor is here to give you a second opinion. Any health history paperwork helps the doctor understand what your primary diagnosis is. Our doctors are here to provide you with a second opinion, therefore you must have seen a physician recently for the condition you use marijuana to treat in order to be evaluated. We are happy to refer you to a low cost medical clinic so that you may receive a check up. Please call and ask our office staff for the number to one of these locations.
- 2) Any medications or prescriptions (you may bring the bottles with their prescription labels), any supplements or over-the-counter herbs, vitamins, etc. We are interested in knowing what you regularly use to alleviate your condition.

3) California Driver's License or California I.D. Card. You must be able to prove California residency. This is a California law. We must see a photo I.D. proving residency here in the state of California.

**4) Please bring the appropriate fees to pay for your visit. At this time, our office is not accepting checks or credit cards. If payment is an issue, please speak with our office staff.**

<http://www.howardstreethealthoptions.com>

**This is Dr. Milan Hopkins in Upper Lake;**

Are you concerned about your health and looking for an old-fashioned doctor who will take the time to listen? One who is up-to-the-minute on new medical developments and understands your needs? You'll find a caring non-judgmental doctor accepting Medi-Cal, Medi-Care, Tribal Healthcare & other types of insurance. Also included on site is Leah, a certified massage and bodywork therapist. Please call to get affordable fees (Fees based on a sliding scale).

**Cannabis Fees and Requirements**

Due to the legalities surrounding a medical recommendation for cannabis, patients are required to provide Dr. Hopkins with the following documentation:

**Primary Physician Information:** If you have a primary care physician, we request that you discuss with him/her your desire for a cannabis recommendation. We require the name, telephone number, and mailing address of your physician. If possible please bring any medical records you may have that would support your medical conditions.

The California State Medical Board has decreed that the physician issuing a recommendation for medical cannabis must either assume responsibility for all aspects of the patient's care, or must consult with the patient's primary physician prior to issuing the recommendation.

**Identification:** Please bring with you some form of pictured identification.

**Fee:** **The initial consultation and recommendation fee for medical cannabis is \$175.00 to be paid at the time of service. (We do not except checks or bank card payments)**

**Six Month Check-Up:** **The doctor requests that his patients return ever 6 months, the fee for this visit is \$60.00 to be paid at time of service. It is require by the California State Medical Board that cannabis patients be under the continual care of the prescribing doctor.**

**Annual Renewal:** **Your recommendation will need to be renewed every year for \$125.00 with a 6 month check-up. If you missed your 6 month check-up it will be \$175.00.**

<http://www.dochop.com/>

## 10News Exposes 'Marijuana Doctors' (Excerpts from the Article)

POSTED: 4:39 pm PDT July 6, 2006, UPDATED: 12:41 pm PDT July 7, 2006

SAN DIEGO --

### Doctors Offer Legal Pot

Proposition 215 -- the Medical Marijuana initiative approved by voters ten years ago, has been subverted, abused and misused say law enforcement agencies our I-Team has spoken with. Prop. 215 is supposed to provide seriously ill people access to marijuana to help relieve their pain but a 10News investigation discovered just about anyone can get pot legally if they want. 10 News became interested in Medical Marijuana after seeing a large number of advertisements for doctors prescribing pot. These pot docs' ads appear every week in the San Diego Reader. Discussions with 10News sources both in and out of law enforcement seemed to confirm a disturbing pattern of increasing sales by the pot docs as well as an increase in the number of distributors for the Medical Marijuana. We used staff members to go into doctor's office and see how difficult it was to get a referral for pot. It was very easy. Too easy in fact, say law enforcement sources. It turned out both federal and local agencies are also looking into the process. The 10News I-Team was able to acquire some government surveillance tapes used to document how different doctors would discuss with patients the benefits of marijuana. One shows an undercover officer and a Dr. Robert Steiner, discussing pot. "I assure you Tylenol is more of a risk to you and a hazard than is cannabis," said Dr. Robert Steiner. Steiner was doing one of his "legitimate and affordable" Medical Marijuana evaluations as advertised in the Reader. "It's open drug dealing with legitimacy," said Deputy District Attorney Dana Greisen. Greisen said doctors are recommending marijuana to just about anyone who can afford a doctor's visit. "It's being recommended for insomnia, depression (and) anxiety," said Greisen. "The law is being abused in a massive scale," said Greisen. The people using the marijuana aren't suffering from cancer, AIDS or other serious illnesses, which Proposition 215 is supposed to address. Dr. Steiner claimed no downsides to using marijuana on the law enforcement video. "We have two convincing studies that cannabis does not cause lung cancer. Cannabis regenerates brain cells," said Steiner. **The undercover agent then asked if he could also get pot for his dog. "He's got arthritis. He whines at night because of the pain," said the undercover agent. "Again, it is perfectly acceptable for pups," said Steiner.** Dr. Alfonso Jimenez has a Web site -- Medical Marijuana of San Diego -- where patients can register for his services online. What happened when we sent our testers in? "He was just laid-back and friendly. (He) didn't really seem to worry about if he was giving me this for the right reasons or not," said tester number one. He went to Jimenez for back pain he doesn't have. He got his referral and could have purchased pot legally. "There's a line behind me coming out of the door," said tester number one. DDA Greisen said it's all about the money. **"We had a doctor recently (who) testified he gave out about 2,000 recommendations in last year -- that's what he testified to in court -- at \$230 approximately. You do the math -- that's \$500,000 in cash,"** said Greisen. Greisen said most office calls are paid for in cash. That's what another 10News employee had to do. He paid \$125 to have Steiner recommend marijuana for his "sleeping problems." "They just let me in the office. (They) kind of started giving me all these facts about Medical Marijuana before they even knew what was wrong with me," said tester number two.



Tester two would get his marijuana if he went to another doctor first to document his condition. "He (Dr. Sterner) referred me to a doctor who would have me in and out real quickly. I could come right back, (and) he would be able to sign off on the recommendation. Once people get their recommendations, 10News discovered there's no limit or control as to how much marijuana they can buy from storefronts called dispensaries, and unlike a regular prescriptions, a patient can use the recommendations more than once. Dr. Jimenez has several offices and we talked to him by phone at his Hawaii location, he told 10News that he only provides a referral for patients with medical illnesses. Jimenez's operates a Web site MedicalMarijuanaOfSanDiego.com. When 10News visited Dr. Sterner, he explained he had to see patients and closed his office door. But there is another loophole in the system, called the primary care giver form. "Over the last year, we saw a proliferation of these recommendations," said Greisen. He says just about anyone can get marijuana. And to make matters worse, he says, doctors hand out blank primary caregiver forms. These forms allow patients to list anyone they want to be a caregiver. It allows this person to purchase or grow marijuana for them. 10News Investigations sent in two staffers to check Greisen's claims. And it was as the assistant district attorney had claimed. Our staffers were given blank caregiver forms. 10News learned that one person named his dog as a caregiver. As part of the investigation, 10News nominated a bird named Riggo as a caregiver. "The doctors -- because they're giving it to so many people -- are basically legalizing marijuana one doctor and patient at a time," said Greisen.  
(Source: <http://www.10news.com/news/9480300/detail.html>)

## Medical Marijuana abuses reported among teens

By Stephanie Bertholdo [bertholdo@theacorn.com](mailto:bertholdo@theacorn.com) (Excerpts from the Article)

Part I of two parts on local teen drug abuse

A decade has passed since Californians voted to legalize marijuana for medicinal purposes. At the time, one of the arguments against legalizing the drug was that the law might open the door to abuse, especially among teens. Indeed, many teenagers in the area have found that the marijuana grown and dispensed by medical groups can be easily obtained, and is perhaps of even higher quality than what can be purchased on the street. "Know the right doctor" To safeguard against abuse, people who suffer from cancer, AIDS, chronic pain and other conditions must obtain a prescription from a licensed physician, the first step to possessing a Medical Marijuana identification card. Once a Medical Marijuana identification card is in hand, a citizen can drop in to any local Medical Marijuana dispensary throughout California and legally purchase up to eight ounces of marijuana or other cannabis products. **One Oak Park teen who wished to remain anonymous for this article said that at least 10 of his friends have fraudulently obtained Medical Marijuana identification cards. "It's really easy to get," said the 19-year-old. "You just have to know the right doctor."** According to several experts interviewed by The Acorn, if a person cannot convince their own physician that the drug is necessary for a particular medical condition, the dispensaries will often recommend a doctor who is more likely to write a prescription. The process to obtain a Medical Marijuana identification card is fairly straightforward.

Once a doctor's prescription is obtained, a form is filled out and after the prescription becomes verified a patient is legally eligible to purchase marijuana in limited quantities. "It's better pot, I guess, than a lot of the street stuff," said the Oak Park teen. Each dispensary devises guidelines on how much marijuana a patient can purchase. A spokesperson for Herbal Independent Pharmacy in Woodland Hills said that the store allows individuals to purchase only two ounces within a two-week period. "Someone could reasonably smoke an ounce in a week," the HIP employee said. For those who want to bypass such limitations, a regular supply of marijuana can be obtained by visiting different dispensaries in the Conejo and San Fernando valleys. Cannabis "clubs" do not check with other dispensaries, another HIP spokesperson said. The onus is on the patient, who by law may possess only eight ounces of marijuana at a time. But "they could hit 50 dispensaries in one day if they wanted to," the employee said. Some marijuana issued with 'little or no justification' Dep. Matt Dunn, a member of the Lost Hills Juvenile Intervention Team in Agoura Hills, said law enforcement officers often deal with teens in possession of Medical Marijuana. Randi Klein, the alternative education counselor with the Las Virgenes Unified School District, has seen a rise in Medical Marijuana usage over the past 18 months and believes that Medical Marijuana cards are being obtained by students who should not qualify. Klein said many of the clinics have doctors on staff who will write the prescriptions for such ailments as insomnia or anxiety. Klein considers doctors who prescribe marijuana for minor ailments, especially for teens who fabricate complaints of back pain, insomnia or anxiety, to be negligent. "I do think that kids are starting (to use drugs) younger and younger," Klein said. She said parents must take a more proactive role in supervising their children, from monitoring computer usage to making sure their teens are where they say they are. There are thousands of web pages outlining the drunken escapades of students, and thousands of pictures of students who appear drugged or drunk, Klein said. "It looks cool to so many kids," Klein said. She recommends that parents ask to see their children's profiles on the site. "It's important to know what your kids are doing," Klein said.

(Source: [http://www.theacorn.com/news/2006/0727/Front\\_Page/004.html](http://www.theacorn.com/news/2006/0727/Front_Page/004.html))

Who is Ken Estes you ask? Ken Estes is a long time proponent of Medical Marijuana who has or has had interests in at least four Medical Marijuana Dispensaries, all of which have come under law enforcement and media scrutiny. His dispensaries have been robbed, the focus of law enforcement scrutiny and when ordered by two cities (Oakland June/04 and Richmond currently) to close his dispensaries has refused to do so.

**When Pot Clubs Go Bad: Ken Estes just wants to share the miracle of Medical Marijuana. Everyone else just wants him to go away. (Excerpts from the Article)**

By Chris Thompson

Article Published Jul 24, 2002

Neighborhood lore has it that before Ken Estes set up his medical-marijuana club, the property used to be a whorehouse. The neighbors wish it still was. Back then, the customers walked in, took care of business, and got out. Bad shit never went down at

central Berkeley's local brothel -- certainly nothing like what happened on the afternoon of June 5. At 2:37 p.m., roughly ninety minutes before closing According to the police report, they forced the guard through the door, rushed into the club, and screamed at everyone to lie face down on the floor. Everyone did except for one man, a wheelchair-bound patient who had come to get his legally prescribed dose of reefer and now had a gun in his face. The two men trashed the place and finally found the stash after prying open a locked file cabinet. It was the third armed robbery at 1672 University Avenue in ten months. You get into a lot of creepy stuff when you hang out with Ken Estes. You get burglaries, armed robberies, police raids, and felony charges. You also get allegations of cocaine dealing, tax fraud, and spousal abuse. Shortly after a motorcycle accident left Estes paralyzed below his chest, he became a devoted advocate of Medical Marijuana. He carefully organized his club to offer every possible comfort to the sick or dying. And unlike other East Bay pot clubs, most of which stress a clinical pharmacy's atmosphere, patients can sit down and light up right there, beneath rustic paintings of Jimi, Janis, and Jerry. If it weren't for the crime that has plagued his club's operation, Estes might be the patron saint of Berkeley stoners. "We have the best prices and the best medicine." he boasts. "If you know buds, we have the bomb." But ever since Estes first got involved in the medical-marijuana movement, men with drugs, guns, and evil intent have followed him everywhere he goes. They have robbed him, exploited his generosity, and endangered the lives of everyone around him -- even his three children. He always picks the wrong friends. At least that's Ken's side of the story. His estranged lover, Stacey Trainor, told a darker version to the Contra Costa district attorney's office. She alleged that Estes is a former coke dealer who lied to secure his club's lease, that he has a Berkeley doctor in his pocket who will sell pot prescriptions for \$215 a pop, and that up to thirty percent of his customers buy his product without any medical notes at all. Police and University Avenue merchants, meanwhile, claim that high-school kids used to line up for a taste outside Estes' club, and that his security guards scared away neighborhood shoppers and even got involved in fights on the street. His fellow cannabis-club operators even tried to drive Estes out of town. **In the six years since its passage, mayors, district attorneys, and state officials have been so focused on protecting patients from federal prosecution that they've neglected to implement any sort of regulations about how pot should be distributed. No state or local agency or mainstream medical group has offered any comprehensive guidelines on who should hand out pot in what manner. As a result, medical pot is not just legal, but superlegal, perhaps California's least-regulated ingestible substance. In the absence of official regulation, it has fallen to pot-club operators themselves to craft some sort of system** All they have is a gentlemen's agreement. Ken Estes broke that agreement, whether by design or neglect. And no one may have the legal power to make him stop. In 1992, he signed over his share of the salons to his business partner and started distributing pot, going to demonstrations, and working to decriminalize medical cannabis. Yet as Estes became a fixture in the medical cannabis scene, his life became increasingly chaotic and dangerous. At the very time that Proposition 215 liberated thousands of medical-marijuana smokers from prosecution, Estes began a long, almost farcical slide into crime. Even scoring on street corners didn't compare to what was to come. "No guns in the face at that point," he says of his early years. "That came later, with the medical-marijuana movement."

Estes began his cannabis activism by volunteering at the Oakland Cannabis Buyers cooperative. Jeff Jones, the co-op's executive director, doesn't even smoke pot. If Estes is a creative but befuddled libertine, Jones is rigid and dogmatic. From the start, the two rubbed one another the wrong way. After passage of Proposition 215, the co-op emerged from the shadows and began distributing pot out in the open. But no one had any idea how to go about it. **There were simply no rules; one day medical pot was illegal, the next day it wasn't. Proposition 215 is one in a long series of brief, poorly conceived initiatives whose implementation has proven to be a giant headache. The "Compassionate Use Act of 1996" offers no guidance on how pot should be distributed;** indeed, the initiative is a single page in length and merely encourages the federal and state governments to "implement a plan to provide for the safe and affordable distribution of marijuana to all patients." Six years later, no one in Sacramento has figured out what this means. No state agency has ever issued binding directives on how to distribute pot, or to whom. With the state paralyzed, it has fallen to local governments to regulate Medical Marijuana. The portion of the Berkeley municipal code governing medical pot, for example, is so ridiculously lax that it plays right into the city's worst stereotypes, and yet it's as strict as virtually any other Bay Area city. Although the code limits the amount of pot a club can have on hand, there are no provisions limiting how close a pot club can be to a school, or requiring doctors to conduct an actual evaluation of patients, or requiring background checks for pot distributors -- which is standard practice for anyone who wants to run a liquor store. Yet the code does encourage pot clubs to "use their best efforts to determine whether or not cannabis is organically grown." The end result is that medical pot is actually less regulated than candy bars, which must at least have their ingredients printed on the wrapper. Club operators disagree on whether this is good or bad. Jeff Jones wants the government to step in and bring some common sense to pot's distribution. "We thought the government would get involved in distributing Medical Marijuana as per the state law," he says. "I never thought that five or ten years later, we'd still be operating in a vacuum." Others worry that if the state takes a firmer hand, a conservative governor or attorney general might interpret the law so narrowly as to effectively recriminalize medical cannabis. But everyone agrees that since the government hasn't set up rules, club operators must police themselves. Even the police, hamstrung by a city council cognizant of the overwhelming public support for medical pot, can do virtually nothing to crack down on rogue clubs. If someone wanted to hand out pot like candy, no one could stop him. His neighbors along University Avenue soon figured this out. Accounts differ as to what Estes did when he first showed up at the Oakland co-op's door in 1995. Some say he taught the co-op's pot cultivation classes; others claim he weighed out the baggies and sampled the wares to categorize their potency. Estes says he did both. Whether the Oakland co-op itself was entirely above-board is a matter of some dispute. According to Trainor's statement to the Contra Costa DA, the co-op paid Estes in pot and unreported cash. "Part of the marijuana he received as payment from the club he would sell to other people, including persons who had no medical prescription for marijuana," her statement reads. In October 1998, the feds managed to get an injunction prohibiting the Oakland co-op from dispensing marijuana and Estes jumped in to fill the void. But he needed customers, so Trainor says Estes called a friend who worked there.

This employee gave Estes the names, addresses, and phone numbers of five hundred patients, and Estes soon started drumming up customers. Estes concedes he made no effort to call their doctors and confirm their medical condition he just started making deliveries to anyone with a card from the Oakland club. By the time that Estes went into business for himself, he, Trainor, and their three children had moved to a house in Concord, where he began growing pot to supply his growing army of patients. On September 20, Concord police officer David Savage took a call: Estes' neighbor claimed that she could see a bumper crop of pot plants growing in his backyard. Savage stopped by and peeked over the fence. Later that afternoon, he returned with a search warrant. Savage's police report indicates that he found pot everywhere. He found roughly fifty plants in a makeshift greenhouse in the backyard. He found an elaborate hydroponics system in the garage; behind sheets of dark plastic, dozens of plants were growing on plastic trays and in children's swimming pools; grow lights wheeled back and forth on a track hanging from the ceiling. He found baggies of weed stuffed in desk drawers and scattered along the floor, and plants hanging in the closets. In the master bedroom, underneath a crib where one of the children slept, Savage found two garbage bags with dried marijuana in them. "None of the growing and dried marijuana was in a secure place," Savage wrote in his report. "Most of the marijuana was accessible to the children in the residence. But Savage didn't know what to do with Estes. Estes had an Oakland co-op card certifying him as a patient, as well as patient records indicating he was a legally valid caregiver. How much dope did Proposition 215 allow him to have? By then, Estes had bought some property near Clear Lake, and Trainor had moved up north with the kids, growing more dope in a shed behind the house. Meanwhile, Estes' cousin Tim Crew had moved into the house to help him grow a crop that dwarfed his prior stash. **This period marks the beginning of one of Estes' most foolish habits: keeping massive amounts of drugs and money lying around. "People told me, 'Don't put more than a certain amount in the bank, or you could get in trouble,'" he says. "We had a lot of money, and I kept it with me. I'd hide it in my closet, hide it in my suitcase. I just didn't want to put it in a bank."** As more and more people got hip to Estes' stash, his cavalier attitude would provoke a spate of armed robberies that left his University Avenue neighbors terrified. The first robbery happened in Concord on January 1, 2000. Neighbors called the cops and reported that several men had burst out of Estes' house and raced down the street, leaving the door ajar. When Concord officers arrived at the scene, they found that the front door had been forced open. They also found no fewer than 1,780 marijuana plants in various stages of cultivation, even after the break-in. This time, the cops wouldn't be satisfied with confiscating his stash. The DA charged Estes with four felony counts of possession and cultivation of marijuana for sale, and will probably argue that the volume of pot on hand proved that he was an outright dealer, not a medicinal caregiver. With the heat coming down in Concord, Estes eyed Berkeley. Taking out a business license and a zoning permit to sell "herbs and other homeopathic remedies," Estes set up shop at 1672 University Avenue. From the very beginning, Berkeley Medical Herbs was characterized by his permissive business style. Michael "Rocky" Grunner showed up at Estes' door just months into his new operation and handed him a bag of quality product. But over time, a tense, nervous atmosphere infected the club. Finally, Estes claims, a friend came to him and broke the bad news: Grunner was dealing crank out of the back room.

Estes says he promptly threw Grunner out of the club. But the club's neighbors were beginning to worry about the sketchy new element. Machinist Richard Graham is a longtime area resident and has been known to take a hit upon occasion. But he even he draws the line at Estes' way of doing business. A few months after Estes opened the club, Graham dropped off a package mistakenly delivered to the wrong address. When Graham asked the man behind the counter how business was holding up, he offered to set him up with a physician for \$200. "I asked them how their operation works, and they told me you just need a note from the doctor, and we have a doctor, and you can get a note for just about anything," Graham says. "Then he told me the prices, the registration fee to get the note, \$200 per year. I just got the impression that these are people in it to sell marijuana as a business. I didn't feel that these were people motivated to help sick people, which I think other people are. It was a decidedly unclinical atmosphere, let's put it that way." In fact, Estes' operation was so unclinical that it even advertised in the Berkeley Daily Planet. Superimposed over the image of a big fat bud, the club announced that it had plenty of pot for sale, listing killer strains such as "Jack Frost, Mad Max, Romulin, G-Spot, and more." Other club operators groaned in dismay when they read the notice: "One-source shopping for all your medicinal needs! First visit, first gram free with mention of this ad!" Soon, kids were lining up outside, neighbors and police report, and the club's busiest hour was between three and four in the afternoon, when Berkeley High students got out of class. "The biggest complaint was the kids going in and out of there," says Lieutenant Al Yuen, head of the Berkeley Police Department's Special Enforcement Unit, which handles narcotics investigations. "We looked into that and watched kids going in and out. We never caught him selling to kids without a card. He claims that the kids had medicinal cards, but he doesn't keep records on who he sells to." In fact, Trainor told the DA's office that Estes sold his product to anyone with the cash. She estimated that seventy percent of the club's buyers were patients from the Oakland co-op, and that the other thirty percent were recreational users. And Trainor alleged that even many of the so-called patients may have had fraudulent doctor's notes. She claimed that Estes referred everyone without a card to Dr. Frank Lucido, a Berkeley family practitioner who allegedly charged a fee for every note. "Estes would tell his buyers to go to Lucido, give him \$215, and he would give the person a prescription. For a while, Estes says, he even accepted photocopies of Lucido's notes, and neighbors used to find them littering the sidewalk in front of his club. Lucido says he used to write such notes and rely on patients to provide verification later. But he says he discontinued that practice two years ago, and now requires independent verification of his patients' ailments from another physician. Lucido says Estes has been a headache for his medical practice. Two years ago, the doctor says, Estes printed business cards that claimed he was working in conjunction with Lucido. The physician says that as soon as he found out, he had a lawyer call Estes and tell him to stop making that claim immediately. Why is Trainor telling so many tales out of school? It all began two years ago, when she began an affair with Rocky Grunner. The feud culminated on August 31, 2000, when Trainor swore out a temporary restraining order against Estes, claiming that Estes threatened to kill her. When the Lafayette cops arrived at his house to serve it, they found more plants growing in the basement. Back went Estes into the pokey, and the cops even raided the club and seized product and financial records. Two months later, Lafayette narcotics agents raided Grunner's own house and seized seventeen pounds of marijuana.

Trainor eventually broke off her affair. Grunner could not be reached for comment. Six months ago, as Estes became the subject of a Contra Costa district attorney investigation, Trainor met with assistant district attorney Phyllis Franks and county investigator Tony Arcado. Over the course of several hours, she told the story of their life together. According to her statement, Estes didn't start his new career dealing medical pot -- but cocaine. "After selling the tanning salon, Estes earned income by selling cocaine," Arcado wrote in his summary of Trainor's interview. "Trainer [sic] said the income from the cocaine business ran out in 1993, and Estes switched to selling marijuana." On the evening of Friday, October 12, 2001, the club was winding down after a long day when someone knocked on the door. An employee pulled the door open and stared straight down the barrel of a silver handgun. "We opened up the door, same as for everybody: 'Hey, what's up?'" Estes says. "The guys came in. They put everybody on the ground and took everything." Time was running out for Estes. The kids and the police raids were bad enough, but now men were waving guns around and racing off with drugs. At the time, Estes had no security guards, no iron gate on the door, just a lot of cash and pot. Neighbors and police representatives claim that this just made things worse. The men were not professional guards, and scared people away from the neighborhood by loitering on the sidewalk during business hours. Estes says the neighbors are giving way to their own racist fears. "If you talk to them, they're big, soft, easygoing guys," he says. "But unfortunately they're black. And in this society, you think of black as criminal. So the moment you see black people standing around, looking at your ID, I guess it looks like a crack house. I have black friends, and that seems to be held against me. None of the other clubs seems to be scrutinized as much as me." Not only did the guards not sit well with the neighbors, they also didn't stop the crime. On the evening of December 13, 2001, one last patient, a young woman, knocked on the door. As an employee opened the door for her, he glanced down to his left and saw three men crouched low. The woman turned and walked back to the sidewalk and the men rushed through the door. One pulled out an Uzi submachine gun, and the second robbery in two months was under way. The thieves probably wouldn't have kept coming back if there hadn't been so much to steal. Estes refuses to say how much pot was lost during the first robbery, but he says he kept an average of three pounds of dried marijuana in his store at all times. "Plus we had hash, we had kief, we had oils and other extracts from marijuana. We had baked goods, brownies, carrot cakes, Reese's peanut butter cups that were done like that. We had everything." At \$65 an eighth, that meant thugs could make off with about \$25,000 with one quick hit, to say nothing of the cash he kept on hand. With this, the city had finally had enough. City Council member Linda Maio convened a neighborhood meeting about the club -- which Estes didn't bother to attend -- and told the rest of Berkeley's cannabis dispensaries to bring their colleague to heel. On January 2, Geshuri agreed to the following terms: the club would only operate five hours a day; less than a pound of dope would be on the premises; newspaper advertising would stop immediately; a professional security company would be retained; and security cameras would be installed. The final robbery on June 5 spelled the end for Ken Estes. Despite his promise not to keep more than a pound of pot at the store, neighbors report that during the getaway, the robbers' duffel bag was so heavy that they had to drag it down to the car. As for the security cameras, club officials claimed that they had mysteriously broken down that day, and there was no film of the incident.

Estes had used up his last store of good faith, and even the other clubs agreed he had to go. He, his brother Randy Moses, and Geshuri have signed a lease at a new club in Oakland, near the corner of 18th Street and Broadway, where he promises to tighten up security. If this the best local government can do, Estes is in the clear. Of course, good old-fashioned drug laws may solve the Ken Estes problem for us. Assistant district attorney Phyllis Franks of Contra Costa County is preparing to try Estes on four felonies stemming from the Concord raids, and if convicted, he'll be out of business. This brings up the final legal question unresolved by Proposition 215: how do prosecutors determine whether someone is a legally sanctioned caregiver, or a drug dealer? The answer is there is no answer. When Estes turned himself in, forty demonstrators accompanied him to the station, and his image -- the martyr of Medical Marijuana, persecuted by vindictive prosecutors -- was flashed across the nightly news throughout the Bay Area. Estes admits he's made some mistakes, and vows to improve his operation. I believe I know who's behind this, the robberies. All this stuff that's gone on has happened since Stacey went to the police, and the police believed her. They told me that many times women turn on their drug-dealing boyfriends, and this seems like a case of that. I wish I could have hired better people, but I can't say that I would have done anything different. I really didn't foresee the criminal element making its presence like it did. But I can only do so much." And should Estes revert to his old, seat-of-his-pants ways, we may have no choice but to put up with him.

(Source) [www.compassionatecoalition.org/comment/reply/3789](http://www.compassionatecoalition.org/comment/reply/3789)

**Medical Marijuana merchant defies Oakland order to close. Others might go underground, as city's new rule gets mixed reaction from consumers, business owners** (Excerpts from the Article)

Oakland Tribune (CA) Wednesday, June 02, 2004 By Laura Counts, STAFF WRITER  
OAKLAND -- Medical Marijuana patients who packed into the Dragonfly Holistic Solutions dispensary on Telegraph Avenue on Tuesday seemed unaware the business had been told by the city to shut down. They said they were seeking the most potent medicine in town -- a strain of marijuana called "Barney Purple" -- and didn't like hearing that new city rules will limit them to four city-sanctioned establishments. Those that received licenses will have to pay a \$20,000 annual fee. Those that did not were supposed to close Tuesday. **Dragonfly did not make it, but owner Ken Estes said he will continue to operate in defiance of city rules until he is arrested.** He planned a protest outside the dispensary Tuesday morning, but the only signs of one emerged when the doors to the club opened 15 minutes late. "There is some kind of discrimination going on behind the scenes," Estes said. Still, no one except Estes continued business as usual. There are too many people who appreciate getting marijuana in a civilized way," said Lee, one of the backers of an initiative now collecting signatures for the November ballot that would all but decriminalize adult use of marijuana in Oakland. Sparky Rose, operator of Compassionate Access on Telegraph -- which also was approved -- said he serves 7,000 patients and is expecting more. He plans to soon move to a larger location nearby. The city will review the new rules in six months. Jeff Jones, director of the Oakland Cannabis Buyers' Cooperative -- which issues identification cards but does not dispense -- said he has been advising clubs to follow the rules.



"The city is our friend, and we are in this together. They are doing what they feel they need to do," Jones said. "I think the best practice is to close down quietly, and we'll spend the next six months lobbying to increase the limit."

<http://www.marijuana.org/OaklandTrib6-02-04.htm>

**Marijuana Clubs Question Ethics Of City's Order To Close** Friday, May 19, 2006 by Tom Lochner Contra Costa Times (Excerpts from the Article)

Richmond, CA -- With the crafting of a Medical Marijuana regulating ordinance stalled, the Richmond City Attorney's office has ordered the immediate closure of two cannabis clubs, the only ones known to operate in the city. One, Natural Remedies Health Collective on Macdonald Avenue, promptly closed. The other, Holistic Solutions on Hilltop Mall Road, remained open Thursday. Owner Ken Estes said he hopes to persuade Richmond officials and council members that his business benefits both patients and the city at large. In a cease-and-desist order dated May 16, Assistant City Attorney Trisha Aljoe told Natural Remedies owner Linda Jackson that failure to comply will result in the filing of criminal charges. Estes said he received a similar letter. Jackson closed her shop Wednesday, but on Thursday, she questioned the legality and ethics of the city's order. **"This is taking away my livelihood and putting my patients in harm's way,"** said Jackson. On Thursday, the committee declined to adopt a recommendation by the city staff to declare cannabis clubs a "non-permitted use" and referred the matter to the city council to consider as part of a general plan overhaul. Police Chief Chris Magnus said Thursday that cannabis clubs are a drain on police resources. Magnus said there was a burglary at Natural Remedies in May 2005. But Jackson said that occurred under a previous owner. And at Holistic solutions, Magnus said, Richmond officers observed a steady stream of young people coming and going, causing him to doubt they were there for medical reasons. But Estes said many younger people use Medical Marijuana for pain resulting from injuries and that police should come inside to observe how he checks out his patients.

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[www.hemp.net/news/index.php?article=1149877045](http://www.hemp.net/news/index.php?article=1149877045)

**Clearlake, CA: Moratorium on marijuana dispensaries (June 6, 2006)**

Submitted by Nathan on Mon, 06/12/2006 - 9:24am. [Lake County, California](#)

Moratorium on marijuana dispensaries (Excerpts from the Article)

06/06/2006 Denise Rockenstein, Lake County Record-Bee

Source: [http://www.record-bee.com/oanews/ci\\_3906208](http://www.record-bee.com/oanews/ci_3906208)

Yet, 10 years after the passage of the Compassion Use Act, barriers are still blocking patients' access to medicinal marijuana. It is the city's hope that the issue will be resolved in Federal Court before the moratorium, which has been extended to 10 months, 15 days, is complete. According the staff report submitted to the council on May 25, "Clearlake currently has no permitted Dispensaries, but the Police Department believes there may be businesses distributing Medical Marijuana in the City, and that it is likely that persons will seek land use entitlements and permits from the City to distribute Medical Marijuana." Holistic Solutions, a natural healing center that provides medicinal marijuana, has been operating on Lakeshore Drive in Clearlake for more than a year under City of Clearlake Business License No. 4535.

Another distributor, **Barrett Consulting**, which operates Alternative Patient Services out of the Java Express Mall, has been a permitted business in the City of Clearlake for more than four years. Both Holistic Solutions and Barrett Consulting have been successful in obtaining a business license as well as renewals of those licenses. "If something doesn't change before (Sept. 30) I will be out of business," said James Barrett, Barrett Consulting proprietor who began his business after recognizing a need for local access. He further identified the elderly as being most affected by access barriers, stating that the teenage population basically has unlimited street access to marijuana. "The thing with the moratorium is that there is going to be a lot of (elderly) patients that can't get their medicine." Barrett agrees that zoning regulations on Medical Marijuana dispensaries are needed as does Holistic Solutions co-owner Dave Moses. "Zoning regulations are badly needed," Barrett said, "but, in my opinion, that should have been taken care of in 1997." Moses has extended his assistance to the city staff in establishing regulations on businesses providing medicinal marijuana to patients. **Moses, along with his brother Ken Estes, have been involved in the marijuana movement for more than 13 years.** Estes, president of Holistic Solutions, began using Medical Marijuana following a paralyzing motorcycle accident in 1993. "When I was going through my rehab I tried marijuana for the first time and it really worked. It did something that the pills weren't doing. It gave me my appetite back and I could sleep," Estes explained from his wheelchair. "The pills were breaking me down and the marijuana was kind of filling me up. Making me eat; giving me a good positive attitude. There are some good characteristics to marijuana that pharmaceuticals long to have." **Estes and Moses were instrumental in the establishment of regulations in the San Francisco area where they operate two more dispensaries.** An outline of those regulations has been submitted to city staff. As of Tuesday, June 6, the city has made no attempt to contact either Estes or Moses although they are eager to help put zoning regulations in place. "We want regulation and control because we believe in that," Moses said. "We don't think that we should be within 100 feet of a school, or operate all hours of the night, for example, and we would be like to be contributing our fair share to the city's coffers." Although Moses had requested that the council include in its moratorium authorization for renewal of existing business licenses, his request was denied. However, Mayor Joyce Overton recommended that the item be brought back before the council for a progress update in August. Contact Denise Rockenstein at [drockenstein@clearlakeobserver.com](mailto:drockenstein@clearlakeobserver.com).

### **Pot club owner unable to retrieve seized items 09/02/2006**

By Tom Lochner

CONTRA COSTA TIMES

The owner of a cannabis club and his deliveryman have struck out at Richmond police headquarters trying to retrieve confiscated property: the club owner's 27 pounds of marijuana and the driver's personal effects, which include more than \$23,000 in cash he called his life's savings. "They're denying patients their medicine," said Ken Estes, who owns Holistic Solutions on Hilltop Mall Road and the marijuana that was in the truck. On Thursday, a WestNET officer handed the deliveryman, Richard Barrett, a notice of intended forfeiture of the cash. **Barrett said he has carried his savings with him since the Sept. 11, 2001, terrorist attacks.**

Estes described as "pure harassment" a police action that began Tuesday with a traffic stop and culminated in Barrett's arrest on suspicion of illegally transporting narcotics and confiscation of the truck's cargo. Barrett was released later Tuesday after the cannabis club's legal team posted \$15,000 bail. Barrett has an Oct. 2 date to appear in court but has not been charged with any crime. By then, Estes said, the marijuana, which he described as top-grade with the name "Ken's granddaddy," likely will be useless. "The product can go bad," Estes said. "It's like any kind of perishable." Richmond has no cannabis club-regulating ordinance. Administrative officials have said the clubs are therefore illegal, but they have not enforced a cease-and-desist order against Holistic Solutions issued May 16. Other cities have held that without an ordinance, there is no legal basis to control or ban the clubs. Estes said he considers Richmond's cease-and-desist order illegal.

Source: <http://www.contracostatimes.com/mld/cctimes/news/15425405.htm>

In closing, what we have learned over the ten years since the adoption of Proposition 215? We have learned that what was intended as "Compassionate use" has turned into an unregulated multi-million dollar cash and carry industry. There are appears to be little or no controls in place to govern the issuance of "medical recommendations" from doctors, the cultivation and transportation of marijuana to the dispensaries, as well as the operation of the dispensaries themselves. In those rare instances when the blurry line has been egregiously crossed, there is seldom a successful prosecution as a result.

We as the Law Enforcement component of our society must find a means of controlling this situation within our communities. The first step in the process must be the accurate recording of data relating to Medical Marijuana. Each of us at some point will be expected to inform our local governments as to the actual extent of the problem and our suggested course of action. Only by being well informed, with quantifiable and defensible statistics, will be able to broach this sensitive issue and make our recommendations to either ban these activities or at the very least put in place reasonable restrictions to reduce their impact.

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