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# San Diego City Attorney Jan I. Goldsmith

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## NEWS RELEASE

**FOR IMMEDIATE RELEASE: October 23, 2014**

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### **Four Marijuana Dispensaries Shuttered This Week**

*Enforcement action by City Attorney's Office has closed more than 200 unpermitted shops since 2010*

**San Diego, CA:** The City Attorney's Office this week obtained court orders to close four marijuana dispensaries operating in violation of San Diego zoning regulations. The unpermitted dispensaries were operating in the neighborhoods of Mission Valley, Mount Hope and Pacific Beach.

In the past four years, more than 200 unpermitted marijuana dispensaries have been shut down through enforcement action by the City Attorney's Office.

The majority of those closures have occurred since September 2011, when the City Attorney's Office began aggressively filing civil lawsuits against property owners and dispensary operators who violate City zoning regulations. Typically, the City succeeds in obtaining a temporary restraining order against the defendants, who then have 24 hours to close the dispensary.

**"This enforcement of City zoning regulations is necessary to protect neighborhood standards and safety,"** City Attorney Jan Goldsmith said. **"Marijuana dispensaries, like any other business, must obtain proper permits and conform to zoning regulations. There is now a process for legally zoned dispensaries and that process should be followed."**

In addition to protecting neighborhood standards, the City Attorney's Office enforcement actions have resulted in court awards of more than \$947,000 in civil penalties and more than \$108,000 to reimburse the City for investigative costs.

**"We've had success at shutting down illegal dispensaries using the swiftest and most effective due process available through the courts,"** Goldsmith said. **"Our lawyers have achieved a nearly 100 percent success rate in cases referred to us for prosecution."**

The four dispensaries closed this week were:

- **Planet Greens**, 936 Garnet Avenue in Pacific Beach. Defendants were Lemoin Corp., a California corporation; Matthew Bell, its CEO; John I. Nobel and Mahin Nobel as individuals and co-trustees of the property owner Nobel Family Trust; and David N. and Melody N. Abeles as individuals and co-trustees of the property owner Abeles Family Trust. The property had been leased to three different marijuana dispensaries since 2011.

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- **Dank on Turquoise**, 841 Turquoise Street in Pacific Beach. Defendants were D.O.T. Inc., a California corporation; Matthew Miller, its CEO; and John I. Nobel and Mahin Nobel as individuals and co-trustees of the property owner Nobel Family Trust.
- **Kindest Meds**, 3455 Camino del Rio South in Mission Valley. Defendants were Kindest Meds, Inc., a California nonprofit mutual benefit corporation; Charles Boudreau, its CEO; and Leroy Dan Bain and Thelma Jean Harmon Bain, as individuals and trustees of the property owner Bain Family Trust.
- **Market Greens**, 4255 Market Street in Mount Hope. Defendants were Kenneth B. Stance, Artile Stance and Flora M. Stance, as individuals and trustees of the property owner Stance Family Trust.

Planet Greens and Dank on Turquoise were ordered closed by Superior Court Judge Ronald S. Prager on Monday, Oct. 20. Kindest Meds and Market Greens were ordered closed by Judge Prager on Tuesday, Oct. 21. The complaints against each dispensary are attached.

Typically, each case begins when a potential zoning violation is brought to the attention of the City's Code Enforcement Division, which researches the zoning codes for the property and conducts a site inspection. Once the facts are determined, the defendants are issued a notice of violation and the case is referred to the City Attorney's Office, which may petition the court to close the dispensary. A hearing is held and a court order is issued. Should the dispensary not cease operations within 24 hours, the order is enforced by the San Diego Police Department. If the order is later violated, the City Attorney's Office may file contempt actions for violating court orders.

A flow chart of the code enforcement process is attached.

This enforcement model has been followed since September 2011, except for a period of about nine months when then-Mayor Bob Filner instructed the Code Enforcement Division to stop bringing cases to the City Attorney's Office. During that period, the number of illegal dispensaries in the City grew.

The City Attorney's Office has approximately 45 enforcement cases pending involving marijuana dispensaries. The dispensaries have already shut down in 30 of these cases.

**“We believe there are other dispensaries operating illegally in San Diego beyond those that have been referred to us for prosecution,” Goldsmith said. “When cases on those other dispensaries are investigated and brought to us by the San Diego Police Department or Code Enforcement Division, we will close them down and obtain monetary sanctions.”**

Complaints regarding marijuana dispensaries may be referred to the Code Enforcement Division of the City at (619) 236-5500.

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