



# San Diego City Attorney Jan Goldsmith

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## NEWS RELEASE

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### **CITY ATTORNEY FILES COMPLAINTS TO SHUT DOWN 12 MARIJUANA DISPENSARIES CLOSE TO SCHOOLS**

**San Diego, CA:** The San Diego City Attorney's Office on Wednesday filed civil complaints in San Diego Superior Court to shut down 12 marijuana dispensaries operating within 600 feet of schools.

"I've instructed my office to seek injunctions against these dispensaries that are flouting city zoning laws and doing so in a manner that puts our children at great risk by operating so close to schools," San Diego City Attorney Jan Goldsmith said. "We are asking the court to shut them down now."

In 2009, the City's Development Services Department, which is responsible for applying our zoning laws, issued a memo determining that marijuana dispensaries do not fit into any zoning category in the city. When Code Compliance officers receive complaints from the public about such businesses, they forward them to the City Attorney's Office for review.

In 2010, the City Council adopted an ordinance that created a legal zoning category for medical marijuana dispensaries. However, medical marijuana advocates said the ordinance was too restrictive and qualified a referendum for the ballot that sought to repeal the law. The Council then rescinded it.

With the rescission of the ordinance and no ongoing discussions with the City Council, the circumstances revert back to the previously applied standard that marijuana dispensaries are not allowed in any zone.

"We have an untenable situation right now and a lot of policy conflicts," Goldsmith said. "Marijuana distribution is illegal under federal law. If the federal government enforces its laws, there can be serious consequences to dispensaries and the owners of their buildings. Yet, medicinal marijuana is legal under state law under certain circumstances. In the City of San Diego, dispensaries aren't permitted in any zone."

During the period that the City Council was working to craft a compromise ordinance, the number of dispensaries grew at a significant rate in the City without proper zoning or regulations.

"This situation cries out for ultimate policy direction from the state and federal levels that local communities can rely upon," Goldsmith said. "Absent that, we are left to enforce the law as it is written. That is our job and we will do it."

The City Attorney's Office has chosen to proceed with civil injunctions rather than criminal cases. Under the law, a judge has discretion to balance equities in crafting civil injunctions. Using this discretion, a judge could craft an interim measure that would shut down troublesome violators and protect the City's neighborhoods while respecting state laws allowing access to medical marijuana in a legal manner.

“We are looking to the courts for help on this issue as there really is nowhere else to turn,” Goldsmith said. “Exercising judicial discretion can help our community deal with this issue.”

Since August 2010, approximately 31 marijuana dispensaries have been shut down due to City Attorney’s office involvement, demand letters, or court action. It is expected that all or nearly all of the dispensaries will be brought before the court. It is estimated that the number currently exceeds 160.

“It will take some time to bring large numbers of dispensaries before the court. We will continue with our next group of filings shortly and more will follow thereafter,” Goldsmith said. “Although we realize not all will necessarily be shut down immediately, we and the community are turning to the courts to help us get a handle on this problem.”

The 12 dispensaries that the City Attorney’s Office filed civil complaints on include:

1. **Trichomes R Us/4009 Park Blvd.**

**Healing Arts Cooperative, Inc./ 4009 Park Blvd.**

**Medical Miracle Collective/4009 Park Blvd.**

**(This action is against 3 dispensaries all operating at same address)**

**Name of case:** *City v. Trichomes R Us, Inc.; Shane Ray Keenom; Charles David Jensven; Healing Arts Cooperative, Inc.; Daniel Guerrero; Gerren D. Hill; Luong Q. Thang; Thomas Kristofer Scott; Omni Care Solutions, Inc.; Medical Miracle Collective; Duane Keith Bernard; Courtney Allen Bernard*

2. **Ocean Beach Wellness/4851 Newport Avenue**

**Name of case:** *City v. Ocean Beach Wellness Center Cooperative, Inc.; Lynn Ballantyne; Mario Panos; Toulia Panos Trust, U.D.T. 5/31/83; Toulia Panos; Anastasious Panos*

3. **Absolute Collective Inc./ 2801 4th Avenue**

**Name of case:** *City v. Absolute Collective Inc.; Duane Keith Bernard; Tommy G. Dyke*

4. **Redwood Collective/1516 W. Redwood Street #101**

**Name of case:** *City v. Richard Sells; The Richard Sells 2003 Trust; Anthony Gaussoin; Sibannac Alternative Inc.; The Redwood Collective*

5. **Herbameds/4724-4760 Federal Blvd.**

**Name of case:** *City v. Herbameds, Inc.; Jordan Michael Abeyta; Christopher Michael Aquilante; Saieb Abdulmeseh*

6. **Allgreen/3740 5th Avenue**

**Name of case:** *City v. R. Bruce Kleege; Allgreen Health Cooperative, Inc.; Brenda F. Kleege; Russell W. Hayden; David Fosbinder; Dale Bellavance*

**7. Oasis Herbal Center/3441 University Avenue**

**Name of case:** *City v. Bankim M. Shah; Nita B. Shah; Shah Revocable Trust; Oasis Herbal Center, INC.; Gukas Folyan*

**8. West Coast Wellness/6956 El Cajon Blvd.**

**Name of case:** *City v. Michael D. Collins; Garrett Michaels; West Coast Farmacy Cooperative Inc.; aka West Coast Wellness Inc.*

**9. Medimart Collective/6787 El Cajon Blvd.**

**Name of case:** *City v. Heffler Holdings; Patrick H. Heffler; Wild Fire Holistic Care (D.B.A. Medimart Collective); Courtney Allen Bernard*

**10. Green Hope Collective/5971 El Cajon Blvd.**

**Name of case:** *City v. Wong Sung Cha; Hee Jung Cha; Impact Patient Care (d.b.a. Green Hope Collective); Courtney Allen Bernard*

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