



San Diego City Attorney Mara W. Elliott

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\$200,000 Pot Shop Judgment Affirmed

Court of Appeal upholds civil penalties against landlord of illegal marijuana dispensary

An appellate court has affirmed \$200,000 in civil penalties against a San Diego landlord for allowing an illegal marijuana dispensary by the name of “Limitless Care Collective” to operate on his property for nine months in open defiance of a court order. The penalty is based on San Diego Municipal Code section 12.0202(b), which provides that a court may assess a civil penalty of \$2,500 per violation per day.

The attached unanimous decision by the Fourth District Court of Appeal affirmed the trial court’s granting of summary judgment against property owner Todd Lesser and his business entity 1735 Garnet, LLC. Lesser was ordered to pay civil penalties for maintaining the unpermitted use of his property at 1737 Garnet Avenue in Pacific Beach in violation of local zoning laws. Lesser is also permanently enjoined from operating or maintaining a marijuana dispensary anywhere in the City of San Diego without proper permits.

The City Attorney’s Office will continue to seek civil penalties against property owners that lease to illegal marijuana dispensaries. While some landlords take steps to evict law-breaking tenants, many, as in this case, choose instead to break the law and collect rent from an illegal use.

“Landlords who rent to owners and operators of illegal dispensaries have committed a crime and will be held accountable. We will find these individuals and prosecute them to the fullest extent of the law,” City Attorney Mara W. Elliott said.

The civil case was prosecuted for the City by Deputy City Attorney Patricia Miranda.

Since September 2011, the Code Enforcement Unit of the City Attorney’s Office has shut down 237 dispensaries by obtaining court orders against operators and landlords. The City Attorney’s Office has now won civil penalties of more than \$8.9 million against dispensary operators and landlords.

In this case, the property owner and operators also faced separate misdemeanor criminal charges for operating a marijuana dispensary without a permit. All of the operators have pled guilty, but the criminal case against property owner Todd Lesser continues. (San Diego Superior Court case number M219385.) The dispensary on his property has not reopened. Since May 2016, the City Attorney’s Criminal Division has worked closely with the San Diego Police Department to shut down more than 60 marijuana dispensaries through the use of search warrants in conjunction with criminal prosecution.

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