SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

July 20, 2015

James Bigelow
780 Vista Del Rio
Nipomo, CA93444

Ethnobotanica
1961 Main Street #239
Watsonville, CA 95076

SUBJECT: **APPEAL OF ETHNOBOTANICA**
COUNTY FILE NUMBER: DRC2014-00070
HEARING DATE: JULY 20, 2015

We have received your request on the above referenced matter. In accordance with County Real Property Division Ordinance Section 21.04.020, Land Use Ordinance Section 22.70.050, and the County Coastal Zone Land Use Ordinance 23.01.043, the matter will be scheduled for public hearing before the Planning Commission. A copy of the appeal is attached.

The public hearing will be held in the Board of Supervisors' Chambers, County Government Center, San Luis Obispo. As soon as we get a firm hearing date and the public notice goes out you will receive a copy of the notice.

Please feel free to telephone me at 781-5718 if you have any questions.

Sincerely,

Nicole Retana

Nicole Retana, Secretary
County Planning Department

CC: Airlin Singewald, Project Manager
Bill Robeson, Deputy Director
Whitney McDonald, County Counsel

976 OSOS STREET, ROOM 300 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805)781-5600
EMAIL: planning @co.slo.ca.us • FAX: (805) 781-1242• WEBSITE: http://www.sloplanning.org

ATTACHMENT 2

#904

INLAND APPEAL FORM

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING
976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

PROJECT INFORMATION Name: ETHNOBOTANICA File Number: DRC-2014-00070

Type of permit being appealed:
☐ Plot Plan ☐ Site Plan ☒ Minor Use Permit ☐ Development Plan/Conditional Use Permit
☐ Variance ☐ Land Division ☐ Lot Line Adjustment ☐ Other: _____

The decision was made by:
☐ Planning Director (Staff) ☐ Building Official ☐ Planning Department Hearing Officer
☐ Subdivision Review Board ☒ Planning Commission ☐ Other _____

Date the application was acted on: 7-9-15

2015 JUL 17 PM 2:53
SLO CNTY PLANNING/BUILDING DEPT

The decision is appealed to:
☐ Board of Construction Appeals ☐ Board of Handicapped Access
☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL
State the basis of the appeal. Clearly state the reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed). (Attach additional sheets if necessary)
THE BASIS OF THE APPEAL ARE THE ATTACHED OPPOSITION LETTERS TO A MEDICAL MARIJUANA DISPENSARY IN NIPOMO.

List any conditions that are being appealed and give reasons why you think it should be modified or removed.

Condition Number _____ Reason for appeal (attach additional sheets if necessary)

APPELLANT INFORMATION
Print name: James K. Bigelow
Address: 780 Vista del Rio Nipomo, CA 93444
Phone Number (daytime): 805-550-3905

We have completed this form accurately and declare all statements made here are true.
Signature: [signature] Date: 7-16-2015

OFFICE USE ONLY
Date Received: 7/16/2015 By: KMD.
Amount Paid: $850.00 Receipt No. (if applicable): 0118

Santa Maria
All-America City

CITY OF SANTA MARIA
OFFICE OF THE MAYOR
AND CITY COUNCIL

110 EAST COOK STREET, ROOM #1 • SANTA MARIA, CA 93454-5190 • 805-925-0951 • FAX 805-349-0657 • www.ci.santa-maria.ca.us

July 8, 2015

Chairman Topping and San Luis Obispo Planning Commission

Dear Chairman Topping and San Luis Obispo Planning Commission:

The proposed medical marijuana dispensary at the Nipomo site bordering Santa Maria is unsafe and unhealthy not only for San Luis Obispo (SLO) County, but for Santa Maria as well. It will be a prime target for violent crime and encourage disorderly and unhealthy behavior in both communities with high social and monetary costs. For this reason, Santa Maria has banned brick and mortar dispensaries.

The proposed site in Nipomo is a space where SLO County has not had to maintain a significant law enforcement presence due to the lack of development and the city of Santa Maria is just across the bridge in Santa Barbara County. Allowing a target for violent crime to be built so far from SLO County's current patrols, but so close to Santa Maria would be irresponsible as it would likely place a burden upon Santa Maria Police and the Santa Barbara Sheriff's Department.

The proposed dispensary at 2122 Hutton Road boarders the city of Santa Maria. It is assumed that a significant number of customers of the dispensary could be from Northern Santa Barbara County. To allow this dispensary to be established would be dangerous for the surrounding communities, as neither community is staffed for this specific law enforcement issue.

Sincerely,

Alice M. Patino

ALICE M. PATINO
Mayor of Santa Maria

DATE: June 20, 2015

TO: San Luis Obispo County Planning Commissioners

FROM: Dick Wright, Nipomo Resident

SUBJECT: **DRC2014-00070 - Ethnobotanica MUP Application**

On July 9, 2015, the Planning Commission is scheduled to consider an application for a Minor Use Permit (MUP) to establish a Medical Marijuana Dispensary at 2122 Hutton Rd. in Nipomo. The applicant company, Ethnobotanica, is headquartered in Santa Cruz County and along with 39 other companies currently "home delivers" medical marijuana in San Luis Obispo County. Thus medical marijuana is readily available for authorized patients in this County. The applicant, however, desires to open a retail outlet to expand operations.

The applicant previously presented the MUP application to the South County Advisory Council (SCAC) and after a discussion, with input from the audience, the SCAC voted 8-2 to recommend denial of the application.

The most important aspect of this recommended denial of the application was the concern for public safety. The proposed location is near the intersection of Highways 166 and 101, just north of the Santa Barbara County line where the increased traffic would have a negative impact on that frequently congested intersection. Santa Barbara County has prohibited Medical Marijuana Dispensaries in their County and if this application is approved in SLO County, this retail outlet would be the only dispensary on the Central Coast. It would certainly attract the widespread interest of legitimate users as well as the criminal element. Sheriff Brown of Santa Barbara County has publicly stated that this dispensary is a "bad idea". This is particularly true since it would be of interest to the large criminal street gang population located across the river.

Medical marijuana dispensaries have been the target of robberies and burglaries at numerous locations within California. In a number of instances, violence has occurred. For example, in February of this year in San Bernardino, an armed security guard at a medical marijuana dispensary was shot and killed during a robbery. On January 31, 2015, in Upland, a police SWAT unit arrested four armed suspects following a dispensary robbery in which the suspects pistol-whipped an employee and shot another in the leg. And in Bakersfield, trial is beginning for a defendant who shot and killed two individuals at a dispensary there. The target for these criminal acts is not only the marijuana, but the large amount of cash generated by the dispensaries.

Commander Donovan, SLO Sheriff's Department, stated that due to the remote location of the proposed dispensary the estimated response time of deputies to a crime at that location would be from 10 to 30 minutes. Obviously, this delay of emergency response puts the safety of the public in greater jeopardy.

It should be noted that on May 5, 2013, The California Supreme Court ruled that Cities and Counties had the authority to ban Medical Marijuana Dispensaries (City of Riverside v. Inland Empire Patients' Health Center, Inc. 2013 Cal Lexis 4033).

I urge the Planning Commission to deny this application for a retail Medical Marijuana Dispensary based on the threat to public safety. There is no legitimate reason to authorize an unnecessary crime target in a location that provides freeway access for criminals and lacks timely law enforcement response to criminal acts.

Dick Wright
Nipomo resident
(805)479-5444

Fw: Medical Marijuana Dispensary Proposol
Airlin Singewald to: Ramona Hedges 07/06/2015 01:34 PM

Ramona,

More correspondence on Ethnobotanica MUP this Thursday...

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us
----- Forwarded by Airlin Singewald/Planning/COSLO on 07/06/2015 01:34 PM -----

From: Mary Oliver <marystat@yahoo.com>
To: asingewald@co.slo.ca.us
Date: 07/06/2015 01:29 PM
Subject: Medical Marijuana Dispensary Proposol

Dear SLO County Planning Commission and SLO County Supervisors,

As a new resident to Nipomo, I would like to express my opposition to the medical marijuana dispensary that is being proposed at a location in Nipomo near my home.
My husband and I moved to one of the 40 newly completed homes in the Costa Pacifica Estates Nipomo in Sep 2014, from Diamond Bar (LA County), CA. We were excited to experience a slower pace of life and living in a quiet, rural setting. We were surprised when we read in a local paper that a medical marijuana dispensary was being proposed down the road from our community.

Having retired after 38 years in the health field, I am aware of the medicinal use of marijuana. As an ER nurse, I am also aware of the mis-use of the drug and the harm it can cause, and the potential for diversion to illegal use.

I have listened to the Ethnobotanica Representatives and about their proposed dispensary. I understand that currently, their "patients" are able to get their "medicine" via mobile dispensary services; which in my mind, would be more convenient to an ailing person, than having to drive to make appointments and drive to a dispensary at the far end of the SLO County.

My concerns, (as well as my neighbors), for the establishment of this dispensary in the location they have selected , is that it has potential to affect the safety of our community; and as residents of the community closest to the proposed dispensary site, I would hope that you consider our concerns. Many of us were in attendance at the February 2015 meeting of the SCAC and voiced our concerns .

Attached is a petition requesting your rejection of this application. The concerns for the safety of our community are addressed. The petition has been signed by 36 voters, and they represent 28 of the 40 current homes in this community. Our community is new, and this month, building will commence to add an additional 37 homes (for a total of 77 homes). As we are the people who will be living closest to the dispensary, I hope that you take our concerns seriously.

Thank you for your consideration,

Mary Oliver
1824 Vista Del Pueblo
Nipomo, Ca

951 733-8627 Dispensary.Nipomo.pdf

NAME (print)	ADDRESS	SIGNATURE	DATE

Petition Against the Proposed Medical Marijuana Dispensary

San Luis Obispo County is currently processing a Minor Use Permit (MUP) application (DRC2014-00070) to establish a Medical Marijuana Dispensary at 2122 Hutton Rd. in Nipomo. The applicant company, Ethnobotanica, is headquartered in Santa Cruz County and currently home delivers medical marijuana in San Luis Obispo County.

On February 23, 2015, the applicant presented the MUP application to the South County Advisory Council (SCAC) and admitted that there are approximately 40 different companies that are currently selling home delivery medical marijuana in SLO County. Thus, the availability of marijuana to those individuals who require it for medical reasons is not in question. The applicant however, desires to open a retail outlet to expand operations and "possibly" offer other services such as massage. After a thorough discussion, with input from the audience, the SCAC voted 8-2 to recommend denial of the application to the SLO Board of Supervisors.

The most important aspect of this recommended denial of the application is the concern for public safety. The location involved is near the intersection of Highways 166 and 101, just north of the Santa Barbara County line. Santa Barbara County has prohibited Medical Marijuana Dispensaries in their County and if this application is approved in SLO County, this retail outlet would be the only dispensary on the Central Coast. It would certainly attract the widespread interest of legitimate users as well as the criminal element. It should be noted that officials in the City of Santa Maria have previously acknowledged that they have 2500 documented criminal street gang members in their community.

Medical marijuana dispensaries have been the target of robberies and burglaries at numerous locations within California. In a number of instances violence has occurred. For example, in February of this year in San Bernardino, a security guard at a medical marijuana dispensary was shot and killed during a robbery. On January 31, 2015, in Upland, a police SWAT unit arrested four armed suspects following a dispensary robbery in which the suspects pistol-whipped an employee and shot another in the leg. And in Bakersfield, trial is beginning for a defendant who shot and killed two individuals at a dispensary there. The target for these criminal acts is not only the marijuana, but the large amount of cash generated by the dispensaries.

The SLO Sheriff's Department's representative at the SCAC Council meeting indicated that due to the remote location of the proposed dispensary the estimated response time of deputies to a felonious situation would be from 10 to 30 minutes. Obviously, this delay of emergency response puts the safety of the public in jeopardy.

On May 5, 2013, The California Supreme Court ruled that Cities and Counties had the authority to ban Medical Marijuana Dispensaries from their jurisdictions. (City of Riverside v. Inland Empire Patients' Health Center, Inc. 2013 Cal Lexis 4033).

This petition requests that the San Luis Obispo County Planning Commission and the San Luis Obispo County Board of Supervisors reject this application (DRC2014-00070) for a Medical Marijuana Dispensary at 2122 Hutton Rd. in Nipomo and permanently ban Medical Marijuana Dispensaries in the County.

(see attached signature pages)

ATTACHMENT 2

NAME (print)	ADDRESS	SIGNATURE	DATE
Jason Ingham	1836 Vista Del Pueblo		5/14/15
James Bigelow	780 Vista Del Rio		5-14-18
Paul & Susan Richert	1855 Vista Del Pueblo		5/17/18
Dan & Carol Hiee	1848 Vista del Pueblo Nipomo	Carol Hiee	5/17/15
DALE HUSTINLI	1828 Santa Maria Vista Nipomo, CA		5/17/15
CLETUS RAMEY	1831 SANTA MARIA VISTA NIPOMO	Cletus Ramey	5-17-15
Linda Sawson	675 Vista Del Rio Nipomo CA 93444	Linda Sawson	5-17-15
L. Patrick Sawson	625 Vista Del Rio Nipomo CA 93444		5-17-15
Jeremy Acres	880 Vista Del Rio Nipomo CA		5/17/15
EILEEN CLAWSON	1821 SANTA MARIA VISTA NIPOMO	Eileen Clawson	6/12/15
CHRIS CLAWSON	1821 Santa Maria Vista Nipomo CA 93444		6/12/15
Gina L. Works	1860 Santa Maria Vista Nipomo 93444		6-12-15
Miyuki Moriarty	1861 Santa Maria Vista Nipomo		6-5-15

page 2

ATTACHMENT 2

NAME (print)	ADDRESS	SIGNATURE	DATE
Richard Hernandez	1875 Vista Del Pueblo	R Hernandez	5/14/2015
Mary A Oliver	1824 Vista Del Pueblo Nipomo	Mary A Oliver	5/14/15
Dave Oliver	1824 Vista Del Pueblo Nipomo	[illegible]	5/14/15
Lauren Lewis	1856 Santa Maria Vista	[illegible]	5/14/15
Garrett Fraser	680 Vista Del Rio	[illegible]	5/14/15
Bill LaBone	1841 Santa Maria Vista	[illegible]	5/14/15
Karlagn LaBone	1841 Santa Maria Vista	[illegible]	5/14/15
William Epps	820 Vista Del Rio	[illegible]	5-14-15
P Jon Epps	820 Vista Del Rio	[illegible]	5-14-15
Amy Joy	1935 Vista Del Pueblo	Amy Joy	5/14/15
David Joy	1935 Vista Del Pueblo	[illegible]	5-14-15
Nic Elmquist	1915 Vista Del Pueblo	[illegible]	5/14/15
Karen Rappleye	1885 Vista Del Pueblo	Karen Rappleye	5-14-15

page 3

ATTACHMENT 2

NAME (print)	ADDRESS	SIGNATURE	DATE
Jennifer Porcher	1855 Santa Maria Vista Lane		6.15.15
PATRICIA HATFIELD	1811 Santa Maria Vista		6-15-15
Maria Griselda Ramirez	780 Vista del Rio		6-15-15
Johnny C. Chen	790 Vista Del Rio		6/15/15
Tom Jones	875 Vista Del Rio		6/16/15
Susan Bunton	750 Vista Del Rio		6/17/15

see page 5

ATTACHMENT 2

NAME (print)	ADDRESS	SIGNATURE	DATE
Mike Hrnck	730 Vista Del Reon	[signature]	6/20/201
Arlyn Bunton	750 Vista Del Rio	[signature]	6/17/2015
Karen Porter	770 Vista del Rio	Karen Porter	6/18/2015
Janet Bigelow	780 Vista Del Rio	Janet Bigelow	6/18/2015

page 5

Planning Commission Agenda Item: PLC 39/2015 - Ethnobotanica MUP
Pastor JR Reyes
to:
rhedges, jbrennan
07/06/2015 02:59 PM
Cc:
sonnette adame
Hide Details
From: Pastor JR Reyes <fullgospelnipomo@gmail.com>

To: rhedges@co.slo.ca.us, jbrennan@co.slo.ca.us

Cc: sonnette adame <sonnyadame@gmail.com>

Monday, July 6, 2015

Supervisor Lynn Compton
County Government Center
San Luis Obispo, CA 93408
Phone: (805) 781-4337
Fax: (805) 781-1350
jbrennan@co.slo.ca.us

Dear Supervisor Lynn Compton, Legislative Assistant Jocelyn Brennan and

Planning Commissioner James Harrison,

I address this email letter to your attention based on a very disturbing proposal scheduled to go before the Planning Commission on July 9, 2015. A medical marijuana dispensary seeks approval to open a brick-and-mortar facility (2,600 square-foot) at 2122 Hutton Road in Nipomo and the Department of Planning and Building is recommending the approval of a minor use permit for Ethnobotanica.

It is my understanding the South County Advisory Council voted not to recommend approval of the dispensary and as a representative member of the Nipomo faith-based community, I too am asking this proposal be denied. Numerous south county adult and youth residents have shared with local clergy that their struggles with life, lack of employment and negative habitual behaviors are a result of marijuana use. I plead with you to please consider the view of south county district residents and agree with our disapproval. As a commissioned representative for the residents of this district help us keep Ethnobotanica a mobile dispensary service without roots in our small town community. Thank you.

Phillip D. Reyes JR

Full Gospel Tabernacle of Nipomo, Pastor

P.O. Box 1983 Nipomo, CA 93444

Cell: (805) 264-8333

Opposition to the application for a minor use permit
for a medical marijuana dispensary in Nipomo

April 27, 2015

San Luis Obispo County Planning Commission
976 Osos Street, Room 200
San Luis Obispo, CA 93408

Dear San Luis Obispo County Planning Commission:

I am a resident of Nipomo. I oppose the application for a minor use permit for a medical marijuana dispensary located at 2122 Hutton Road, Nipomo, CA 93444. The minor use permit file number is DRC2014-00070. The name of the applicant is Ethnobotanica.

I oppose the application for a minor use permit for a medical marijuana dispensary in Nipomo, based on the following:

A medical marijuana dispensary will be detrimental to the public health, safety and welfare of the community

A medical marijuana dispensary will be detrimental to the public health, safety and welfare of the community. A medical marijuana dispensary will adversely impact the quality of life in the community.

There will be negative impacts on residences, businesses and schools in the community. There will be an increase in traffic. There will be an increase in crime. There will be an increase in robberies, burglaries and assaults. There will be an increase in loitering, littering, trespassing, graffiti, noise and marijuana odors. There will be an increase in the diversion of medical marijuana for recreational use. There will be an increase in marijuana trafficking to a medical marijuana dispensary. Nipomo will be known as a green light district, a place to buy and sell marijuana, instead of a place to raise a family. There will be a negative impact on public health due to the harmful mental and physical effects of marijuana. There will be a decrease in academic achievement. There will be a decrease in residential and commercial property values. There will be an increase in indoor and outdoor cultivation sites. There will be an increase in butane hash oil processing houses.

Recently, there were incidents of butane hash oil processing houses exploding and severely burning the occupants in the cities of Grover Beach, Morro Bay, San Luis Obispo and Atascadero, and in the unincorporated communities of Los Osos and Templeton. Butane is a flammable solvent used to extract resin from marijuana leaves. The marijuana resin is called hash oil, shatter and wax. It is illegal to use a flammable solvent to extract resin from marijuana in California. (People v. Bergen).

There will be an increase in accidents caused by driving under the influence of marijuana. It is illegal to drive under the influence of marijuana in California. (California Vehicle Code Section 23152 (e). To date, California does not have a marijuana intoxication threshold. Colorado and Washington have a marijuana intoxication threshold of 5 nanograms of THC per milliliter of blood. (5 parts of THC per billion parts of blood). THC is a psychoactive ingredient in marijuana.

A medical marijuana dispensary will endorse the use of marijuana as safe and harmless. Scientific research indicates the use of marijuana is unsafe and harmful. Endorsing the use of marijuana sends the wrong message to the community.

In nature, marijuana contains 483 chemicals. Marijuana contains 80 chemicals known as cannabinoids. Research scientists are studying the effects and side effects of these cannabinoids. To date, two cannabinoids have been studied, detla-9-tetrahydrocannabinol (THC) and cannabidiol (CBD). THC is a psychoactive ingredient in marijuana. CBD is a non-psychoactive ingredient in marijuana. Marijuana may contain more chemicals from fertilizers, pesticides, fungicides, bacteria, fungi, mildews, molds, yeasts, insects, hairs, heavy metals, contaminants and debris. Research scientists are studying the effects and side effects of these chemicals and pathogens.

Research scientists have studied marijuana contaminated with fungus. Aspergillus is a fungus that grows on marijuana. There are 60 species of aspergillus that are pathogens. Any person using or working with marijuana may be subject to an allergic reaction or infection from the fungus. An aspergillus infection can cause diseases including invasive aspergillosis, allergic bronchopulmonary aspergillosis, chronic pulmonary aspergillosis and aspergilloma. An aspergillus infection can be lethal in people with a compromised immune system due to leukemia, cancer, chemotherapy, organ transplant, acquired immune deficiency syndrome (AIDS) or other conditions that make it difficult to fight infections.

In 1978, marijuana contained an average of 1.37 percent THC. In 1988, marijuana contained an average of 3.59 percent THC. In 1998, marijuana contained an average of 4.43 percent THC. In 2008, marijuana contained an average of 8.49 percent THC. Ethnobotanica sells marijuana containing up to 22 percent THC. Ethnobotanica sells marijuana resin containing up to 88 percent THC. Research scientists are studying the effects and side effects of these high levels of THC.

I am worried about our children using marijuana. The Colorado Department of Health and Environment is warning teenagers about the dangers of marijuana with a "Don't be a Lab Rat" campaign. (www.dontbealabrat.com). In 2014, a survey by the National Institute on Drug Abuse, found that 34 percent of 10th graders and 44 percent of 12th graders have used marijuana. Nancy Reagan had the right message: "just say no to drugs." This is not reefer madness, this is common sense. Nipomo does not want to be a lab rat for a medical marijuana experiment. The San Luis Obispo County Sheriff and Santa Barbara County Sheriff oppose a medical marijuana dispensary in Nipomo. The South County Advisory Council opposes a medical marijuana dispensary in Nipomo.

Harmful effects of marijuana

In 2009, marijuana smoke was listed as a carcinogen. There are 33 chemicals in marijuana smoke listed as carcinogens. (California Environmental Protection Agency - Chemicals Known to the State to Cause Cancer or Reproductive Toxicity).

"Marijuana smoke contains many of the same carcinogens as tobacco smoke. Marijuana smoke contains bronchial irritants, tumor promoters and carcinogens. The risk of respiratory effects from inhaling marijuana smoke are heightened by the intensive way in which marijuana is smoked. Marijuana cigarettes do not have filters. Marijuana burns at a higher temperature. Marijuana is smoked to a smaller butt size. Marijuana is smoked with a prolonged and deeper inhalation. Marijuana smoke contains 5 times more carbon monoxide, 3 times more tar, higher levels of ammonia and hydrogen cyanide, compared to tobacco smoke." (University of Washington Alcohol and Drug Abuse Institute).

"Marijuana smoke contains about 50 percent more benzopyrene and 75 percent more benzanthracene, both carcinogens, than a comparable quantity of tobacco smoke. Lung biopsies from marijuana users have revealed widespread alterations to the tissue, some which are precursors to the development of cancer." (University of Washington Alcohol and Drug Abuse Institute).

"Secondhand marijuana smoke contains many of the same toxins and carcinogens found in tobacco smoke. While there is no data on the health consequences of breathing secondhand marijuana smoke, there is concern that it could cause harmful health effects, especially among vulnerable children in the home." (University of Washington Alcohol and Drug Abuse Institute).

The Surgeon General of the United States provides Americans with the best scientific information on how to improve their health and reduce the risk of illness and injury. The Surgeon General has issued a warning on the health hazards of marijuana use, based on scientific reviews by the Institute of Medicine of the National Academy of Sciences, the Canadian Addiction Research Foundation, and the World Health Organization.

"Acute intoxication with marijuana interferes with many aspects of mental functioning and has serious, acute effects on perception and skilled performance, such as driving and other complex tasks involving judgement or fine motor skills. Among the known or suspected chronic effects of marijuana use are short-term memory impairment and slowness of learning, impaired lung function similar to that found in cigarette smokers, indications are more serious effects, such as cancer and other lung disease follow extended use, decreased sperm count and sperm motility, interference with ovulation and pre-natal development, impaired immune response, possible adverse effects on heart function, by-products of marijuana remaining in body fat for several weeks, with unknown consequences. The storage of these by-products increases the possibilities for chronic, as well as residual, effects on performance, even after the acute reaction to the drug has worn off. Of special concern are the long-term developmental effects in children and adolescents, who are particularly vulnerable to the drug's behavioral and

psychological effects. The "amotivational syndrome," characterized by a pattern of energy loss, diminished school performance, harmed parental relationships, and other behavioral disruptions, has been associated with prolonged marijuana use by young persons." (Institute of Medicine of the National Academy of Sciences).

The Surgeon General concludes that marijuana has a broad range of psychological and biological effects, many of which are dangerous and harmful to health, and it supports the major conclusion of the Institute of Medicine of the National Academy of Sciences.

"A number of recent studies have indicated that marijuana use has severe and pervasive impact on public health. Studies show immune system damage, birth defects, infertility, cardiovascular disease, stroke and testicular cancer. Researchers have found that exposure to marijuana smoke can increase the risk of developing respiratory obstruction, emphysema, lung cancer, collapsed lungs, and bullous lung disease. A recent study shows that marijuana smoke has ammonia levels 20 times higher than tobacco smoke. Marijuana smoke has hydrogen cyanide, nitric oxide and aromatic amines at 3-5 times higher than tobacco smoke." (Journal of Global Drug Policy and Practice).

Harmful mental effects of marijuana

"When marijuana is smoked, the THC passes from the lungs and into the bloodstream, which carries the chemical to the organs throughout the body, including the brain. In the brain, the THC connects to specific sites called cannabinoid receptors on nerve cells and influences the activity of those cells. Many of these receptors are found in the parts of the brain that influence pleasure, memory, thought, concentration, sensory and time perception, and coordinated movement. The short-term effects of marijuana include problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, and loss of coordination. The effect of marijuana on perception and coordination are responsible for serious impairments in driving abilities. Long-term chronic marijuana use is associated with Amotivational Syndrome, characterized by apathy, impairment of judgment, memory and concentration, and loss of motivation, ambition and interest in the pursuit of personal goals. High doses of marijuana can result in mental confusion, panic reactions and hallucinations. Researchers have found an association between marijuana use and an increased risk of depression, an increased risk and earlier onset of schizophrenia and other psychotic disorders, especially for teens that have a genetic predisposition." (Drug Fact Sheet - United States Drug Enforcement Administration).

"Marijuana impairs short-term memory and judgment and distorts perception. It can impair performance in school or at work and make it dangerous to drive an automobile. It also affects brain systems that are still maturing through young adulthood, so regular use by teens may have a negative and long-lasting effect on their cognitive development, putting them at a competitive disadvantage and possibly interfering with their well-being in other ways. Contrary to popular belief, marijuana can be addictive, and its use during adolescence may make other forms of drug abuse or addiction more likely." (National Institute on Drug Abuse).

Harmful physical effects of marijuana

"Short-term physical effects from marijuana use may include sedation, blood shot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure. Like tobacco smokers, marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system. Because marijuana contains toxins and carcinogens, marijuana smokers increase their risk of cancer of the head, neck, lungs and respiratory track. Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, stomach pains and nausea, as well as behavioral signs including restlessness, irritability, sleep difficulties and decreased appetite." (Drug Fact Sheet - United States Drug Enforcement Administration).

Medical marijuana is illegal in California

In 1996, the California voters approved Proposition 215, also known as the Compassionate Use Act (CUA), codified as California Health and Safety Code Section 11362.5.

In 2003, the California State Legislature approved Senate Bill 420, also known as the Medical Marijuana Program Act (MMPA), codified as California Health and Safety Code Section 11362.7 et seq.

Medical marijuana is illegal in California. The CUA and MMPA do not legalize medical marijuana. Thousands of people are arrested every year for possession and cultivation of marijuana in California. The CUA provides a limited defense in court for qualified patients and designated primary caregivers who possess and cultivate marijuana for medical purposes. (California Health and Safety Code Section 11362.5).

Medical marijuana dispensaries are illegal in California

Medical marijuana dispensaries are illegal in California. The CUA and MMPA do not legalize medical marijuana dispensaries. Thousands of people are arrested every year for operating medical marijuana dispensaries in California. The MMPA provides a limited defense in court for qualified patients and designated primary caregivers who associate collectively or cooperatively to cultivate marijuana for medical purposes. (California Health and Safety Code Section 11362.775).

It is illegal for landowners to rent or lease property to a medical marijuana dispensary in California. California law makes it illegal to knowingly rent or lease property for the purpose of unlawfully manufacturing, storing, or distributing any controlled substance. (California Health and Safety Code Section 11366.5 (a)), and provides that real property used in such a manner can be forfeited to California. (California Health and Safety Code Section 11470 (g)). Marijuana is classified as a Schedule I controlled substance in California. (California Health and Safety Code Section 11054 (d)(13)).

Retail sales of medical marijuana are illegal in California

In 2013, the California Court of Appeal issued a decision in People v. Sandercock. Thomas Sandercock, Christopher Austin and Amy Austin operated a medical marijuana delivery service in San Luis Obispo County. They alleged the delivery service was in compliance with the CUA and MMPA. They were charged with selling marijuana and possession of marijuana for sale. (California Health and Safety Code Section 11359 and 11360). The Court of Appeal ruled "Nothing in the CUA or the MMPA authorizes the retail sale of marijuana. Had the Legislature intended to authorize retail sales, it could have done so. Instead, it prohibited retail sales. Section 11362.765, subdivision (a) provides in part, "nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit." Thus not only must the group or organization be nonprofit, no individual may benefit financially from the cultivation or distribution of marijuana." In 2014, the California Supreme Court denied a Petition for Review. The case stands as legal precedent in California. (See attached People v. Sandercock, p. 4).

Ethnobotanica medical marijuana delivery service and the proposed medical marijuana dispensary are not in compliance with the laws of California and the United States

Ethnobotanica is the applicant for a medical marijuana dispensary in Nipomo. Ethnobotanica is located in Santa Cruz County. Ethnobotanica operates a large medical marijuana delivery service in Monterey County and San Luis Obispo County. In newspaper articles, Ethnobotanica says they delivery marijuana to 3,500 medical marijuana patients in the county. Ethnobotanica says the medical marijuana delivery service has $2,000,000 in sales per year. Ethnobotanica says the proposed medical marijuana dispensary will have $3,000,000 to $8,000,000 in sales per year.

In 2010, RAND Drug Policy Research Center estimated the costs of cultivation, harvesting and processing marijuana are $280 to $600 per pound. The estimate is for indoor cultivation of marijuana at a wage rate of $25 per hour. Ethnobotanica medical marijuana delivery service website says they sell marijuana for $5,376 per pound. At a cost of $600 per pound, the markup is 796%. At a cost of $280 per pound, the markup is 1,820%.

In 2014, Ethnobotanica filed a Summary Business Plan for a medical marijuana dispensary in Nipomo. Ethnobotanica says the medical marijuana delivery service has a markup of 65% and an operating reserve of $25,000 per month. Ethnobotanica says the proposed medical marijuana dispensary will have an operating reserve of $45,294 to $858,294 per year. Ethnobotanica says the proposed medical marijuana dispensary will have $1,800,000 to $5,000,000 in sales per year.

The CUA and MMPA do not authorize an operating reserve. The CUA says "nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit." (California Health and Safety Code Section 11362.765 (a)). The Court of Appeal ruled that "any money received must be no more than a cooperative or collective member's proportionate share of the actual cost of cultivating and distributing the marijuana." (People v. Sandercock).

The California Attorney General says "marijuana grown at a collective or cooperative for medical purposes may be: a) provided free to qualified patients and primary caregivers who are members of the collective or cooperative, b) provided in exchange for services rendered to the entity, c) allocated based on fees that are reasonably calculated to cover overhead costs and operating expenses, d) any combination of the above." (California Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use Section IV (b)(6)).

Ethnobotanica medical marijuana delivery service and the proposed medical marijuana dispensary are not in compliance with the laws of California and the United States. The CUA and MMPA do not authorize the retail sale of marijuana. (California Health and Safety Code Section 11362.765 (a)), (People v. Sandercock), (21 U.S.C. Section 801 et seq.).

The business plan says the funding for the proposed medical marijuana dispensary will be from a $300,000 loan. Any person providing a loan will be conspiring to distribute marijuana. It is illegal to conspire to distribute marijuana in California and the United States. (California Penal Code Section 182 (a)(1). (21 U.S.C. Section 846).

In 2011, Ethnobotanica filed Articles of Incorporation with the California Secretary of State. Ryan Booker was the incorporator. Ryan Booker was the agent for service of process. The address is 7960 B Soquel Drive, #361, Aptos, CA 95003. This address is a post office box. The California Secretary of State does not allow post office box street addresses.

In 2014, Ethnobotanica filed Statement of Information with the California Secretary of State. The chief executive officer is Ryan Booker. The secretary is Stephanie Kiel. The chief financial officer is Stephanie Kiel. The agent for service of process is Stephanie Kiel. The address is 1961 Main Street, #239, Watsonville, CA 95076. This address is a post office box. The California Secretary of State does not allow post office box street addresses.

In 2014, Ethnobotanica filed a Land Use Application for a medical marijuana dispensary in Nipomo. The landowner name is Nass-Touey, LLC. The address is PO Box 2417, Nipomo, CA 93444. The applicant name is Ethnobotanica. The agent name is Stephanie Kiel. The executive director of Ethnobotanica is Stephanie Kiel. The address is 1961 Main Street, #239, Watsonville, CA 95076. This address is a post office box.

The street address for the principal office of Ethnobotanica is unknown. The street address for the agent for service of process of Ethnobotanica is unknown. Ryan Booker is not mentioned in the land use application and business plan. The business plan does not contain the names of the board of directors and the bylaws of the corporation. Ethnobotanica should be required to provide a street address for the principal office, a street address for the agent for service of process, names of the board of directors and the bylaws of the corporation.

In newspaper articles, Ethnobotanica says the medical marijuana delivery service is operated by Ryan Booker. He is cultivating marijuana in a warehouse in violation of City of Watsonville ordinances. The city says he is violating its marijuana ordinance as well as zoning rules that

prohibit agriculture in industrial areas. The city issued orders to cease and desist. He filed a lawsuit against the city. In 2007, the City of Watsonville banned medical marijuana cultivation and dispensaries. (Watsonville Municipal Code Section 6-5.102).

The identity, character and background of the applicants should be evaluated to protect the public health, safety and welfare of the community. Ethnobotanica operators and employees should be required to have resumes, personal references, background checks and criminal history investigations by the Sheriff's Department. Ethnobotanica should be required to provide business references, bank references, accountant references, attorney references and insurance references. Ethnobotanica should be required to provide financial records. Ethnobotanica should be required to provide state and federal tax returns.

The business plan says there are 4,147 medical marijuana patients in San Luis Obispo County. Ethnobotanica says the number of medical marijuana patients is 1.5 percent of the population. Ethnobotanica says they delivery marijuana to 3,500 medical marijuana patients in the county. Ethnobotanica delivers marijuana to 84 percent of the medical marijuana patients in the county. Ethnobotanica says they are the largest medical marijuana delivery service in the county.

Who delivers marijuana to the remaining 16 percent (647) of medical marijuana patients in the county? Ethnobotanica says there are 28 other medical marijuana delivery services in the county. That leaves 23 medical marijuana patients for each of the other medical marijuana delivery services. Ethnobotanica says "these organizations do not maintain compliance records, are not caring for those members most in need, and do not pay their taxes." Ethnobotanica does not mention any names of the other medical marijuana delivery services.

Ethnobotanica medical marijuana delivery service advertises with print, internet and social media. Medical marijuana delivery services are not open to the public. Why are they advertising to the public? Our children are influenced by marijuana advertising. Marijuana advertising endorses the use of marijuana as safe and harmless. Scientific research indicates the use of marijuana is unsafe and harmful. Endorsing the use of marijuana sends the wrong message to the community. The United States Controlled Substances Act (CSA) classifies marijuana as a Schedule I controlled substance and is not approved for medical use and has a high potential for abuse. The United States Food and Drug Administration (FDA) has not approved marijuana as a safe and effective drug for any medical condition. It is illegal to advertise marijuana in the United States. (21 U.S.C. Section 843 (c)).

Ethnobotanica medical marijuana delivery service operates without a business license in San Luis Obispo County. It is illegal to operate a business in San Luis Obispo County without a business license. (San Luis Obispo County Code Section 6.00.020).

Ethnobotanica medical marijuana delivery service sells drug paraphernalia. It is illegal to sell drug paraphernalia in California and the United States. (California Health and Safety Code Section 11364 et seq.), (21 U.S.C. Section 863).

Ethnobotanica medical marijuana delivery service operates in the cities of Arroyo Grande and Atascadero. Medical marijuana delivery services are illegal in the cities of Arroyo Grande and Atascadero. (Arroyo Grande Municipal Code Section 9.26.010 et seq.), (Atascadero Municipal Code Section 5-13.103).

In newspaper articles, Ethnobotanica says the proposed medical marijuana dispensary will sell marijuana to medical marijuana patients in Santa Maria. Medical marijuana dispensaries and medical marijuana delivery services are illegal in Santa Maria. (Santa Maria Municipal Code Section 12-54.01 et seq.). Ethnobotanica purpose will be detrimental to the public health, safety and welfare of their community.

Traffic and parking

The land use application says the proposed medical marijuana dispensary will be open 365 days a year from 11:00 am to 6:00 pm. The dispensary will have 12 employees. The dispensary will have 30 customers from 4:00 pm to 6:00 pm.

The business plan says the proposed medical marijuana dispensary will have $1,800,000 to $5,000,000 in sales per year. If the average sale per customer is $40, then the dispensary will have 45,000 to 125,000 customers per year. This is 123 to 342 customers per day. This will cause traffic and parking problems in the area.

In newspaper articles, Ethnobotanica says the proposed medical marijuana dispensary will have $3,000,000 to $8,000,000 in sales per year. If the average sale per customer is $40, then the dispensary will have 75,000 to 200,000 customers per year. This is 205 to 548 customers per day. This will cause traffic and parking problems in the area.

Adults (21 years and older)

The business plan says "Ethnobotanica shall not allow any person under the age of 18 onto the dispensary property unless accompanied by their parent or legal guardian." Ethnobotanica should not be allowed to have children on the dispensary property under any circumstances. Ethnobotanica should not be allowed to sell marijuana to any person under the age of 21. Marijuana is classified as a Schedule I controlled substance in the United States. Marijuana is illegal in the United States as per the Controlled Substances Act. (21 U.S.C. Section 801 et seq.). The distribution of marijuana to a person under the age of twenty-one is illegal in the United States. (21 U.S.C. Section 859).

In 2015, a Northwestern University study showed that young adults who used marijuana as teenagers performed 18 percent worse on long-term memory tests than young adults who never used marijuana. Marijuana caused abnormal shapes of the hippocampus. The hippocampus is located in the medial temporal lobe of the brain and is associated with long-term memory and spatial navigation. In Alzheimer's disease, the hippocampus is one of the

first regions of the brain to suffer damage with symptoms of memory loss and disorientation. Previous marijuana research on young adults showed poor short-term and working memory performance, and abnormal shapes of brain structures in the sub-cortex including the striatum, globus pallidus and thalamus. (Department of Psychiatry, Behavioral Sciences and Radiology, Northwestern University Feinberg School of Medicine, Warren Wright Adolescent Center, Center for Addiction Medicine, Massachusetts General Hospital).

Scenario: In 2006, the City of Morro Bay approved a use permit for a medical marijuana dispensary, Central Coast Compassionate Caregivers. Charles Lynch, 44, was the operator of the dispensary. He alleged the dispensary was in compliance with the CUA, MMPA and City of Morro Bay ordinances. The use permit indicated "Persons under the age of 18 shall not be allowed on the premises of a collective unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian."

In 2007, the dispensary was raided by the United States Drug Enforcement Administration (DEA). In 2008, Charles Lynch was convicted of five marijuana charges including distributing a controlled substance to a person under twenty-one years of age. (21 U.S.C. Section 859).

In 2009, Charles Lynch was sentenced to one year in federal prison and four years of supervised release. Federal prosecutors appealed the one year sentence insisting that he receive a five year mandatory sentence. He is currently out of custody on $200,000 bail pending a decision on the appeal. In 2009, the City of Morro Bay banned medical marijuana dispensaries. (Morro Bay Municipal Code Section 9.06.020).

Medical marijuana dispensaries are illegal in central coast cities

Medical marijuana dispensaries are illegal in the cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, San Luis Obispo and Santa Maria. Medical marijuana delivery services are illegal in the cities of Arroyo Grande, Atascadero, Lompoc and Santa Maria.

Liability for a medical marijuana dispensary

Medical marijuana dispensaries have large amounts of cash and marijuana. Medical marijuana dispensaries are all cash operations. Medical marijuana dispensaries cannot have bank accounts. Marijuana is classified as a Schedule I controlled substance in the United States. Marijuana is illegal in the United States as per the Controlled Substances Act. (21 U.S.C. Section 801 et seq.). It is illegal for banks to process transactions for medical marijuana dispensaries under the Bank Secrecy Act of 1970 (31 U.S.C. Section 5311 et seq.) and Money Laundering Control Act of 1986 (18 U.S.C. Sections 1956-1957 et seq.). Marijuana is a valuable controlled substance. Medical marijuana dispensaries are targets for robberies. The proposed medical marijuana dispensary is in a remote location and a target for robberies. In newspaper articles, the San Luis Obispo Sheriff said the location is isolated at the far end of a territory patrolled by

just two deputies. He said it could take 10 to 30 minutes for deputies to respond to a robbery.

Scenario: In 2010, a medical marijuana dispensary was robbed in Los Angeles. Higher Path Holistic Care was robbed by two members of the dispensary. The robbers shot two employees lying on the floor. Matthew Butcher, 27, dispensary clerk, died from a bullet to the head. Urban Jones Jr., dispensary security guard, survived from two bullets to the head. The robbers ransacked the dispensary and escaped with thousands of dollars of cash and marijuana.

Scenario: In 2011, a medical marijuana dispensary was raided in Stockton. Pathways Family Health Cooperative was raided by the United States Drug Enforcement Administration (DEA). The dispensary was a California Nonprofit Mutual Benefit Corporation. Matthew Davies was the chief executive officer of the dispensary. He was a 34 year old father with two daughters. He had a master's degree in business. He had no criminal record. The dispensary had been open for two years. He alleged the dispensary was in compliance with the CUA, MMPA and City of Stockton ordinances. The dispensary had a use permit, business license, paid city sales tax, state sales tax, state and federal income tax. The dispensary had employee work permits, and completed quarterly financial audits and reporting requirements for the city. The city required dispensary operators and employees be photographed, fingerprinted and have background and criminal history investigations by the Police Department.

In 2013, Matthew Davies, 35, chief executive officer, was sentenced to five years in federal prison for conspiracy, manufacturing and sales of marijuana. Lynn Smith, 63, business partner, was sentenced to 3.5 years in federal prison. Robert Duncan, 30, cultivator, was sentenced to 2 years in federal prison. Matthew Davies blamed state lawmakers for failing to set clear rules for medical marijuana dispensaries. He said the ambiguity of state medical marijuana laws left him exposed to federal prosecution. In 2013, the City of Stockton banned medical marijuana dispensaries. (Stockton Municipal Code Section 16.80.195).

Scenario: In 2015, Luke Goodman, 23, was on a ski and snowboard vacation with family members in Colorado. He purchase and consumed marijuana candies. Goodman did not feel any immediate effects and consumed five marijuana candies. After a few hours he became incoherent. He committed suicide with a bullet to the head. Kim Goodman, mother, said her son was well adjusted and had no signs of depression or suicidal thoughts. She said the suicide was caused by an overdose of marijuana candies.

The murder, arrests and suicide were a tragedy. These scenarios can happen to a medical marijuana dispensary in Nipomo. Tragedy generates civil and criminal prosecution. Who is liable? Is the county liable? Is the dispensary liable? Is the landlord liable? Who is going to compensate the victims and their families?

Recreational marijuana in California

In 2016, California voters may legalize tax and regulate marijuana for adults. Recent successful marijuana legalization initiatives in Colorado (2012), Washington (2012), Oregon (2014), Alaska

(2014) and District of Columbia (2014), indicate a similar initiative may succeed in California. In 2010, California voters defeated California Proposition 19, Regulate, Control and Tax Cannabis Act.

Medical marijuana dispensaries are illegal in the United States

Marijuana is illegal in the United States. In 1970, the United States Congress enacted the Controlled Substances Act (CSA). (21 U.S.C. Section 801 et seq.). The CSA prohibits the manufacture, distribution and possession of a controlled substance (21 U.S.C. Section 841 (a)(1)). The CSA classifies controlled substances into five schedules. Schedule I substances are not approved for medical use and have a high potential for abuse. Schedule II substances are approved for medical use and have a high potential for abuse. Schedules III, IV, and V substances are approved for medical use and have a lower potential for abuse. Marijuana is classified as a Schedule I controlled substance and is not approved for medical use and has a high potential for abuse. (21 U.S.C. Section 812 Schedule I (c)(10)).

Medical marijuana dispensaries are illegal in the United States. The CSA does not legalize medical marijuana dispensaries. Thousands of people are arrested every year for operating medical marijuana dispensaries in the United States. It is illegal to manufacture, distribute and possess medical marijuana in the United States. The CSA provides no defense in court for medical marijuana dispensaries.

It is illegal for landowners to rent or lease property to a medical marijuana dispensary in the United States. Federal law makes it illegal to knowingly and intentionally rent or lease property for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance (21 U.S.C. Section 856 (a)(2)), and provides that real property used in such a manner can be forfeited to the United States. (21 U.S.C. Section 881 (a)(7)). Marijuana is classified as a Schedule I controlled substance in the United States. (21 U.S.C. Section 812 Schedule I (c)(10)).

The United States Food and Drug Administration (FDA) has not approved marijuana as a safe and effective drug for any medical condition. Physicians cannot prescribe marijuana for any medical condition. Physicians cannot prescribe a Schedule I controlled substance in the United States.

Physicians can prescribe two detla-9-tetrahydrocannabinol (THC) medications. Marijuana contains THC. Marinol (dronabinol) and Cesamet (nabilone) are prescribed in pill form for the treatment of nausea in patients undergoing cancer chemotherapy and to stimulate appetite in patients with wasting syndrome due to acquired immune deficiency syndrome (AIDS). Marinol is classified as a Schedule III controlled substance. Cesamet is classified as a Schedule II controlled substance. Marinol and Cesamet are sold by pharmacies with a prescription.

Marinol (dronabinol) warnings and precautions: "May impair mental and physical abilities. Seizure and seizure-like activity reported; discontinue immediately if seizures develop. Caution

in patients with history of seizure disorders, and history of substance abuse, including alcohol abuse or dependence. Caution in patients with cardiac disorders due to occasional hypotension, possible hypertension, syncope, or tachycardia. Caution in patients with mania, depression or schizophrenia; exacerbation of these illnesses may occur. Caution in pregnancy and nursing. Adverse reactions: Abdominal pain, nausea and vomiting, dizziness, euphoria, paranoid reaction, somnolence, abnormal thinking." See source for dosage and drug interactions. (Physicians Desk Reference).

Cesamet (nabilone) warnings and precautions: "High potential for abuse. Adverse psychiatric reactions can persist for 48-72 hours following discontinuation of treatment. May cause dizziness, drowsiness, euphoria, disorientation, depression, hallucinations, psychosis, tachycardia, and orthostatic hypotension. May alter mental states; keep patients under adult supervision, especially during initial use and dose adjustments. May impair mental/physical abilities. May elevate heart rate and cause postural hypotension. Caution with hypertension, heart disease, elderly, current or previous psychiatric disorders (manic depressive illness, depression, schizophrenia) and history of substance abuse. Caution in pregnant, nursing patients and pediatrics. Adverse reactions: Drowsiness, vertigo, dizziness, dry mouth, euphoria, ataxia, headache, concentration difficulties, dysphoria, sleep and visual disturbance, asthenia, anorexia, depression, hypotension." See source for dosage and drug interactions. (Physicians Desk Reference).

In 2014, the United States Congress enacted the *Consolidated and Further Continuing Appropriations Act* to fund the federal government. United States Attorneys in California had sent letters to city and county officials saying they could face criminal and civil prosecution for enabling medical marijuana dispensaries to violate the Controlled Substances Act. Elected officials in medical marijuana states were concerned about the criminal and civil liability of enacting medical marijuana laws. In response, Congress added an amendment to the *Appropriations Act*. The amendment was a one year moratorium to prevent funding for criminal prosecution of elected officials in medical marijuana states. (*Appropriations Act Section 538*). Section 538 does not prevent civil prosecution of elected officials in medical marijuana states. Section 538 does not prevent criminal and civil prosecution of medical marijuana patients and providers. Section 538 does not end federal prohibition of medical marijuana. Section 538 expires September 30, 2015.

In 2015, the United States Department of Justice provided an interpretation of the amendment. Patrick Rodenbush, spokesman for Department of Justice, says they can still prosecute medical marijuana cases against individuals and organizations. The amendment merely stops the Department of Justice from "impeding the ability of states to carry out their medical marijuana laws."

In 2015, two members of the United States Congress disagreed with the Department of Justice interpretation of the amendment. Congressmen, Dana Rohrabacher (Republican - Orange County) and Sam Farr (Democrat - Monterey, Santa Cruz), wrote the Department of Justice a letter saying the purpose of the amendment was to prevent prosecutions and asset forfeiture

actions against medical marijuana patients and providers. They insisted the Department of Justice comply with federal law by ceasing medical marijuana prosecutions and asset forfeiture actions against those acting in accordance with state medical marijuana laws. The congressmen mentioned pending criminal prosecutions of five medical marijuana patients in the City of Kettle Falls, Washington, and pending asset forfeiture actions against two medical marijuana dispensaries in the San Francisco Bay Area, California. (Berkeley Patients Group in the City of Berkeley and Harborside Health Center in the City of Oakland).

To date, the Department of Justice has not responded to the letter from the congressmen and is continuing the prosecutions and asset forfeiture actions against medical marijuana patients and providers.

Consolidated and Further Continuing Appropriations Act Section 538. "None of the funds made available in this Act to the Department of Justice may be used, with respect to the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Washington, and Wisconsin, to prevent such States from implementing their own State laws that authorize the use, distribution, possession, or cultivation of medical marijuana."

In 2015, the United States Congress is considering the *Compassionate Access, Research Expansion and Respect States Act (CARERS)* to end federal prohibition of medical marijuana. *CARERS* will reclassify marijuana as a Schedule II substance, allow veterans to have access to medical marijuana, allow medical marijuana research, allow interstate commerce of cannabidiol, allow bank accounts for medical marijuana businesses and allow deductions for expenses for medical marijuana businesses.

In 1982, the United States Congress enacted Internal Revenue Code Section 280E. It prohibits the deduction of expenses for any business trafficking in Schedule I and Schedule II controlled substances. Marijuana is classified as a Schedule I controlled substance in the United States. It is illegal for a medical marijuana business to deduct expenses like payroll, rent, utilities, phones, office supplies, advertising, etc. (26 U.S.C. Section 280E).

In the United States, twenty-three (23) states and District of Columbia have approved medical marijuana. Fourteen (14) other states have approved a non-psychoactive component of medical marijuana (cannabidiol). Four (4) of those states (Colorado, Washington, Oregon, Alaska) and District of Columbia have approved recreational marijuana. Nineteen (19) states have decriminalized the possession of small amounts of recreational marijuana.

In 2010, the California State Legislature approved Senate Bill 1449 which amended California Health and Safety Code Section 11357 (b) as follows. "Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated

cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars ($100)."

Nipomo does not want or need a medical marijuana dispensary

Nipomo is an unincorporated community in San Luis Obispo County. Nipomo has a population of 16,714. Nipomo has a small town atmosphere. Nipomo has excellent schools and residential neighborhoods. Nipomo has five preschools, three elementary schools, one middle school and one high school. In 2012, Nipomo opened a new tech high school. Nipomo has three world class golf courses: Black Lake, Monarch Dunes and Cypress Ridge. Nipomo does not want a medical marijuana dispensary.

It is difficult to estimate the number of medical marijuana patients in Nipomo. Medical marijuana patients are not required to register in California. Medical marijuana patients are required to have a physician recommendation or medical marijuana identification card. There is not a record of the number of physician recommendations. There is a record of the number medical marijuana identification cards. In 2014, the San Luis Obispo County Public Health Department issued 70 medical marijuana identification cards. Physician recommendations cost $70 to $130. Medical marijuana identification cards cost an additional $133.

Therefore, the number of medical marijuana patients in California is extrapolated from other states. Medical marijuana patients, as a percent of the population, from Rhode Island are 0.3 percent, Hawaii are 0.4 percent, Michigan are 0.6 percent, Oregon are 1.0 percent, Colorado are 2.5 percent and Montana are 3.0 percent. The average number of medical marijuana patients in these states are 1.3 percent of the population. Using this data, Nipomo has an estimated 217 medical marijuana patients. Ethnobotanica says the number of medical marijuana patients are 1.5 percent of the population. Using this data, Nipomo has an estimated 250 medical marijuana patients. Nipomo does not need a medical marijuana dispensary.

Land use ordinance

Title 22 of the San Luis Obispo County Code, Section 22.01.010 - Title and Purpose, says the following: "These regulations are hereby established and adopted to protect and promote the public health, safety and welfare of the community." A medical marijuana dispensary will be detrimental to the public health, safety and welfare of the community.

Title 22 of the San Luis Obispo County Code, Section 22.30.225 - General Retail, requires a minor use permit to establish a medical marijuana dispensary. In 2006, the medical marijuana dispensary ordinance was adopted by the Board of Supervisors. A minor use permit is discretionary permit. In 2008, the county denied a minor use permit for a medical marijuana dispensary in the unincorporated community of Templeton. In 2010, the county denied a minor use permit for a medical marijuana dispensary in the unincorporated community of Nipomo. In 2012, the county denied a minor use permit for a medical marijuana dispensary in the unincorporated community of Oceano. In 2013, the Court of Appeal ruled "Nothing in the

CUA or the MMPA authorizes the retail sale of marijuana. Had the Legislature intended to authorize retail sales, it could have done so. Instead, it prohibited retail sales." (People v. Sandercock). The medical marijuana dispensary ordinance is not in compliance with the laws of California and the United States. The medical marijuana dispensary ordinance should be rewritten or rescinded.

Request

The laws about medical marijuana are constantly changing based on city ordinances, county ordinances, state laws, state court decisions, federal laws and federal court decisions. The laws about medical marijuana are conflicting, vague and ambiguous. To date, there are seventeen (17) medical marijuana bills pending in the California State Legislature. To date, there are nineteen (19) medical marijuana bills pending in the United States Congress. More clarity of the law is required before permitting a medical marijuana dispensary.

California has 482 cities and 58 counties. Medical marijuana dispensary regulations are as follows: 245 cities have no dispensary regulations. 193 cities have banned dispensaries. 44 cities have dispensary regulations. 28 counties have no dispensary regulations. 20 counties have banned dispensaries. 10 counties have dispensary regulations. In 2015, many cities and counties are shutting down medical marijuana dispensaries. Recently, the City of Los Angeles, City of San Diego and City of Vallejo have shut down medical marijuana dispensaries.

The state and federal governments are funding scientific research to study the effects and side effects of medical marijuana. More scientific research is required before permitting a medical marijuana dispensary.

In 2015, John Hickenlooper, Governor of Colorado, said the decision by voters to legalize marijuana was a bad idea and reckless. He said voters lacked the data to make an informed decision. Hickenlooper tells other governors to wait a couple of years before legalizing marijuana as Colorado continues to navigate the unknown consequences and landscape of the industry.

I request the San Luis Obispo Planning Commission wait a couple of years for more clarity of the law and more scientific research on medical marijuana. Nipomo does not want or need a medical marijuana dispensary.

I request the San Luis Obispo Planning Commission deny the application for a minor use permit for a medical marijuana dispensary in Nipomo.

Sincerely,
Resident of Nipomo

Filed 10/16/13

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE, Plaintiff and Appellant, v. THOMAS ANTHONY SANDERCOCK, JR., et al., Defendants and Respondents.	2d Crim. No. B238858 (Super. Ct. No. F455771) (San Luis Obispo County)

Defendants Thomas Anthony Sandercock, Jr., Christopher Austin and Amy Austin were charged with selling marijuana and possession of marijuana for sale. (Health & Saf. Code, §§ 11359 & 11360).[1] In a pretrial motion, the trial court approved a defense instruction that would allow the retail sale of marijuana. The People declared they could not proceed under the instruction. No wonder. Neither the Compassionate Use Act (CUA) nor the Medical Marijuana Program Act (MMPA) allows for the sale of marijuana for profit. (§§ 11362.7 et seq. & 11362.5) The People sought to exclude any defense under the CUA and the MMPA. The trial court entered judgments of dismissal and the People appeal.

[1] All statutory references are to the Health and Safety Code unless stated otherwise.

We reverse. The MMPA is not a defense to retail sales. Any money received must be no more than a cooperative or collective member's proportionate share of the actual cost of cultivating and distributing the marijuana.

FACTS[2]

In 2010, police officers worked with the San Luis Obispo County Narcotics Task Force in an undercover investigation of marijuana delivery businesses. Detective Amy Chastain obtained a medical marijuana recommendation under an assumed name. She used an apartment in the city of San Luis Obispo for purposes of the investigation.

Hopeful Remedies - Steven Gordon

On November 4, 2010, Chastain called Hopeful Remedies, a collective, and arranged for delivery of marijuana to the apartment. Steven Gordon arrived and identified himself as "Mike." He verified that Chastain had a physician's recommendation for marijuana. He asked Chastain to sign a form stating she was part of his collective. After she signed the form, he sold her one-eighth ounce of marijuana for $50. Chastain made another one-eighth ounce purchase from Hopeful Remedies on November 17, 2010. On December 15, 2010, Chastain purchased one-half ounce from Hopeful Remedies for $80.

Open Access Foundation - Austin & Sandercock

On November 4, 2010, Chastain called the Open Access Foundation and requested "a marijuana delivery." Christopher Austin arrived at the apartment and checked Chastain's driver license and medical marijuana recommendation. After Chastain completed Open Access Foundation's forms, Austin sold her one-eighth ounce of marijuana for $50. On November 18, 2010, Chastain purchased another one-eighth ounce of marijuana for $40. Chastain promised to pay Austin the remaining $10 the next time she saw him.

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[2] By stipulation of the parties, the facts are taken from police reports.

West Coast Caregiving Consulting - Hosking

On November 9, 2010, Detective Chastain arranged to purchase marijuana from West Coast Caregiving and Consulting, an entity owned by David and Valarie Hosking.

Valarie Hosking arrived at Chastain's apartment and checked her driver's license and marijuana recommendation. Hosking asked Chastain to sign a document stating that the Hoskings are Chastain's caregivers. Hosking sold Chastain one-fourth ounce of marijuana for $120. On November 18, 2010, David Hosking sold Chastain one-fourth ounce of marijuana for $110.

Jury Instruction

Prior to trial, the trial court ruled that it would give a jury instruction as follows: "Providing money in exchange for harvested marijuana may, in itself, constitute 'associating for the purpose of collectively cultivating marijuana.' Associating for the purpose of collectively cultivating marijuana does not require any prior relationship between the parties."[3]

The People declared they could not proceed under the instruction. The trial court dismissed the cases and the People appeal. (See *People v. Chacon* (2007) 40 Cal.4th 558, 565 [where the prosecution announces it is unable to proceed as a result of a pretrial ruling, the People may appeal the order of dismissal].)

DISCUSSION

In November 1996, the voters approved Proposition 215, enacting the CUA, now codified as section 11362.5. The purposes of the CUA are: to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where recommended by a physician; to ensure such patients and their caregivers are not subject to criminal prosecution; and "[t]o encourage the federal and state governments to

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[3] The instruction does not appear of record, but Sandercock and the Austins do not dispute its wording. After oral argument they assert, for the first time in a supplemental brief, that the record is insufficient for a consideration of the instruction. Suffice it to say, their argument is not timely.

implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana." (§ 11362.5, subd. (b)(1)(C).)

The CUA provides that "[s]ection 11357, relating to the possession of marijuana, and [s]ection 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician." (§ 11362.5, subd. (d).)

In 2003, the Legislature enacted the MMPA (§ 11362.7 et seq.) to clarify the CUA and add provisions that were not included in the CUA. Here defendants rely on section 11362.775. That section provides: "Qualified patients, persons with valid identification cards, and the designated primary caregivers of qualified patients and persons with identification cards, who associate within the State of California in order to collectively or cooperatively cultivate marijuana for medical purposes, shall not solely on the basis of that fact be subject to state criminal sanctions under [s]ection 11357, 11358, 11359, 11360, 11366, 11366.5, or 11570."

It is a defendant's burden to produce evidence sufficient to raise a reasonable doubt that his or her acts are protected under the MMPA. (*People v. Mower* (2002) 28 Cal.4th 457, 477, 481.)

Nothing in the CUA or the MMPA authorizes the retail sale of marijuana. Had the Legislature intended to authorize retail sales, it could have done so. Instead, it prohibited retail sales. Section 11362.765, subdivision (a) provides in part, "nor shall anything in this section authorize any individual or group to cultivate or distribute marijuana for profit." Thus not only must the group or organization be nonprofit, no individual may benefit financially from the cultivation or distribution of marijuana.

Section 11362.775 provides immunity only for patients and caregivers who "associate . . . in order to collectively or cooperatively cultivate marijuana for medical purposes . . . ." The Legislature did not intend such immunity to apply where the purchaser simply signs a paper stating she is a member of the seller's collective or naming the seller as her caregiver. Chastain's purchase does not establish she grew or processed

the marijuana she purchased, nor that she had any connection with the collective other than to buy its product. We acknowledge, however, the MMPA does not require the patient or caregiver to actually participate in the cultivation. (See *People v. Jackson* (2012) 210 Cal.App.4th 525, 530 [that collective had 1600 members, very few of them who participated in the actual cultivation process, did not prevent defendant from presenting MMPA defense].) Nor does the MMPA require any period of prior association with the collective or cooperative.

The defendants suggest that we look to the California Attorney General's 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use (Guidelines) for help in interpreting the MMPA. The Guidelines provide permissible methods for reimbursement to the cooperative or collective.

Section IVB6 of the Guidelines, page 10, states: "Marijuana grown at a collective or cooperative for medical purposes may be: a) [p]rovided free to qualified patients and primary caregivers who are members of the collective or cooperative; b) [p]rovided in exchange for services rendered to the entity; c) *[a]llocated based on fees that are reasonably calculated to cover overhead costs and operating expenses*; or d) [a]ny combination of the above." (Italics added.)

When a member pays for marijuana, the defendant must show the member paid no more than the member's proportionate share of the actual cost of cultivating and distributing the marijuana, and that there was no profit for the collective, cooperative or any individual. That the sales price is limited to the member's proportionate share of the cost and that no person or entity profited from the sale, are crucial to show that the purchaser was associated for the purpose of collectively cultivating marijuana. This is far different then being associated for the purpose of collective cultivation and ordinary retail sales.

The instruction approved by the trial court contains no such limiting factors. It simply provides that paying for marijuana may "in itself" constitute associating for the purpose of collectively cultivating marijuana. The instruction does not inform the jury of the law's ban on sales for profit and, in effect, allows any entity or

person to make a profit with impunity. The law does not sanction sales for profit even between members of the same collective who each have a physician's marijuana recommendation. (§ 11362.775; see also *People v. Solis* (2013) 217 Cal.App.4th 51, 54 [defendant who admitted receiving $80,000 in personal income from marijuana collective not entitled to MMPA instruction]; *People v. Jackson, supra,* 210 Cal.App.4th at p. 538 ["there is little doubt the Legislature did *not* intend to authorize [MMPA] profit-making enterprises"]; *People v. Colvin* (2012) 203 Cal.App.4th 1029, 1040-1041, quoting Guidelines § IVB5 at p. 10 ["'[a]ny monetary reimbursement the members provide to the collective or cooperative should only be the amount necessary to cover overhead costs and operating expenses'"].)

The judgment is reversed and the matter remanded for further proceedings.

CERTIFIED FOR PUBLICATION.

GILBERT, P. J.

We concur:

PERREN, J.

HOFFSTADT, J.*

* (Judge of the Superior Court of Los Angeles County, assigned by the Chief Justice pursuant to art. 6, § 6 of the Cal. Const.)

Fw: Contact Us (response #16)
Airlin Singewald to: Ramona Hedges 07/06/2015 01:37 PM

Ethnobotanica MUP

Airlin Singewald
San Luis Obispo County
Department of Planning and Building
(805) 781-5198
asingewald@co.slo.ca.us
---- Forwarded by Airlin Singewald/Planning/COSLO on 07/06/2015 01:37 PM ----

From: Jocelyn Brennan/BOS/COSLO
To: Airlin Singewald/Planning/COSLO@Wings
Date: 07/06/2015 01:18 PM
Subject: Fw: Contact Us (response #16)

Sincerely,
Jocelyn Brennan
Legislative Assistant to Supervisor Lynn Compton
San Luis Obispo County, District 4
805 781-4337
---- Forwarded by Jocelyn Brennan/BOS/COSLO on 07/06/2015 01:18 PM ----

From: "Internet Webmaster" <webmaster@co.slo.ca.us>
To: "jbrennan@co.slo.ca.us" <jbrennan@co.slo.ca.us>
Date: 03/05/2015 10:20 PM
Subject: Contact Us (response #16)

Contact Us (response #16)

Survey Information

Site:County of SLO
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Submission Time/Date:3/5/2015 10:19:45 PM

Survey Response

Your Name:
Holly James

Your Phone (e.g. (999) 999-9999):
805-343-9364

Your Email:
holly2012@live.com

Comments / Questions (8192 characters max):
Dear So. County Council,

Please do not approve the marijuana dispensary in Nipomo. I live in Nipomo, it is wonderful place to live. This is a family oriented community with

lots of children being raised to have positive and productive futures. Marijuana may help some people with specific health conditions, but it is not the cure all drug these pothead pushers are trying to make it out to be nor is it an acceptable way of lifestyle. Keep the pot out of Nipomo. The sheriff deputies have a hard enough time keeping up with other problems why add this to the area.

Vote No.

Holly James

Ethnobotanica Dispensary
Ryan Rowland to: RHedges@co.slo.ca.us 06/22/2015 09:06 AM

I understand the want/need for a store in SLO county but I am concerned about the shady business practices by Ethnobotanica. Stephanie Kiel is the name that Ethnobotanica operates under but it is Ryan Booker who actually runs it and he is a Felon for illegal drug sales. I am a believer in medical marijuana but I don't feel it's right to allow a felon to run a establishment in this industry. Especially when they are trying to be the first to do so. They also make their own oil which is dangerous and illegal. Again, I just feel that there are better companies out there that would be a lot more legit/legal than Ethnobotanica and I hope you reject their proposal.

Sent from my iPhone

San Luis Obispo County Department of Planning and Building
County Government Center San Luis Obispo, California 93408 Telephone: (805) 781-5600

Receipt #: 22201500000000000118

Date: 07/17/2015

Line Items:

Case No	Last Name	Tran Code	Description	Revenue Account No	Amount Paid
		APPEAL	Appeal to Board of Supervisors Fee -	1420000-1000000000-142S23 PDA -4350106	850.00
				Line Item Total:	**$850.00**

Payments:

Method	Payer	Bank No	Account No	Confirm No	How Received	Amount Paid
Cash	JAMES BIGELOW				In Person	850.00
					Payment Total:	**$850.00**
					Balance	