

DEA Threatens LA Dispensary Landlords With Forfeiture

California NORML Release July 11, 2007 / Updated July 16th

Los Angeles: In an attack on access to medical marijuana in the nation's second largest city, the LA DEA office has mailed notices to landlords of Prop 215 coops warning them that they are liable to forfeiture and criminal penalties for allowing marijuana facilities on their property. The letters were sent on July 6th.

DEA sources say they mailed 120 letters, of which some 50 are so far know to have been reported to dispensaries. Included are numerous well regarded, established facilities with no known complaints. The action is aimed at coercing landlords to evict cannabis coops despite state law allowing them.

California NORML regards this as an unwarranted federal attack on patients' access to medical marijuana under Prop. 215. "The DEA has no business interfering in California's medical marijuana law," says California NORML coordinator Dale Gieringer, "This action will only serve to drive patients to the illegal market and aggravate marijuana crime". In addition to serving over 100,000 patients, medical cannabis coops currently generate thousands of legal jobs and millions of dollars in tax revenues in the LA area.

So far, the DEA's letters have been targeted to the city of LA. No letters have been reported in surrounding counties. The operation appears timed to co-opt a pending LA dispensary ordinance intended to regulate and cap the number of dispensaries. At this point, Cal NORML sees no basis for expecting a larger state-wide sweep. Little DEA surveillance has been observed outside LA. The L.A. District Attorney, and Sheriff's office said they received no prior notice about the operation.

Cal NORML attorneys warn that there is no legal defense to federal forfeiture charges. Once landlords have received notice from the DEA, they can no longer claim to be "innocent owners." Forfeiture attorneys typically advise landlords who have received such notices to promptly insist their tenants desist from illegal activity and/or evict them. The validity of federal forfeiture has been repeatedly upheld by the federal courts, most notably in the case of the LA Cannabis Resource Center, where the government successfully forfeited the LACRC's funds plus a \$300K loan from the City of West Hollywood that was used to buy their building.

It is unclear to what extent the DEA is prepared to follow through on their threat of charging landlords. Any forfeiture sweep would have to be conducted in cooperation with the US Attorney's office. DEA spokeswoman Sarah Pullen told the press that the letters should not be viewed as a threat. "We are literally just serving notice that these property owners are violating the law," she said. Indications are that the operation was ordered by DEA headquarters in Washington, DC, which presented testimony to Congress against the LA clubs on July 12th.

The most likely scenario is that there will be a wave of evictions and shutdowns, followed by a few selected forfeiture prosecutions to scare remaining landlords. Some 20 dispensaries have announced their closure as of July 16th. Several others are remaining open. Many are relocating to new addresses where landlords have not been put on notice.

The DEA's attack on medical marijuana comes just as Congress is about to vote on a measure to deny federal funding for federal medical marijuana raids, namely the Hinchey-Rohrabacher amendment. A vote on the amendment is expected by the end of July - contact your Congress member at <http://capwiz.com/norml2/issues/alert/?alertid=9998376>.

Cannabis cooperatives who are moving or suspending operations are requested to advise Cal. NORML of any change in listings at [Cal NORML's website](#). Notifications may be sent to mcddirectory@um.att.com.

COPY OF DEA LANDLORD LETTER

(Sent by Certified Mail July 6, 2007)

DEA, LA Field Division, 255 E. Temple St, 17th Fl, LA 90012 (213) 621-6700

The DEA has determined you own, or have under your management or control, a building located at [ADDRESS]. The DEA has determined there is a marijuana dispensary, [NAME], operating on the property. This is a violation of federal law. Federal law 21 U.S.C. Sec. 56 (a) states:

"It shall be unlawful to knowingly and intentionally rent, lease or make available for use, with or without compensation, a building, room, or enclosure for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance."

Federal law takes precedence over State law. It is not a defense to this crime or to the seizure of the property that the facility operating on the property is providing "medical marijuana" under California law including the provisions of California Prop. 215. Violation of this law is a felony crime, and carries with it a penalty of up to 20 years in prison.

In addition, federal law allows for the seizure of assets, including real property, which have been used in conjunction with the distribution of controlled substances. Specifically, 21 U.S.C. 881 (a) (7) states:

"The following shall be subject to forfeiture to the United States and no property right shall exist in them: All real property, including any right, title and interest (including any leasehold interest) in the whole of any lot or tract of land which is used in any manner or part, or to facilitate the commission of, a violation of this sub-chapter."

This letter shall serve as notice that, after a thorough investigation, the DEA has determined there is a marijuana dispensary operating on the above described property. By this notice, you have been made aware of the purposes for which the property is being used. You are further advised that violations of federal laws relating to marijuana may result in criminal prosecution, imprisonment, fines and forfeiture of assets.

For further information, please contact Acting Group Supervisor Deanne Reuter at (213) 621-6789.

Sincerely, Timothy J. Landrum, Special Agent in Charge.