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BY EDWIN FOLVEN / AUGUST 26, 2010

WeHo Files Lawsuit to Force Pot Store to Close

The City of West Hollywood has filed a lawsuit against a medical marijuana dispensary on Sunset Boulevard alleging that it is operating in violation of a city ordinance that limits the number of dispensaries in the city to four.

The dispensary, called the Sunset Super Shop, is located at 8921 Sunset Blvd. and is operated by George Lanning, Nansee Lanning and Justin Lanning. The city filed a civil lawsuit against the Lannings to force them to close the dispensary. Michael Chernis, an attorney representing the family, is planning to file a cross-complaint, alleging that the city should allow the shop to stay open because his clients have complied with the regulations

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The Sunset Super Shop remains open for business while a City of West Hollywood lawsuit is pending. (photo by Tim Posada)

established by the city.

West Hollywood City Attorney Michael Jenkins said the matter is a code enforcement issue and it was a legal procedural matter that a civil lawsuit was filed. The city could have filed either a criminal or civil complaint, because Jenkins said either way, the owners of the Sunset Super Shop are in violation of the law. The city opted for a civil lawsuit, however, because it was determined that type of complaint would have the greatest chance of

success for the city. Bill Litvak, who handles prosecutorial services for the city, filed the lawsuit in Los Angeles Superior Court.

“[The lawsuit] deals with the fact that they are not licensed by the city of West Hollywood,” Litvak said. “They are taking the position that they have the right to be there, and we are saying they are in violation of the city ordinance.”

According to Lisa Belsanti, a senior management analyst for the City of West Hollywood who worked on creating the city’s medical marijuana ordinance, a different medical marijuana dispensary that was legally operated by a different owner previously occupied the space where the Sunset Super Shop now exists. The Lannings own the building at 8919-8923 Sunset Boulevard, which houses the Sunset Super Shop. When the dispensary’s previous owner closed his shop approximately two years ago, he notified the city, and the shop was considered to be permanently out of business, Belsanti said. The Lannings took over the dispensary and have been running it since. The city contends that because the previous owner closed the dispensary, the Lannings are required to go through the process of obtaining a new business license and permit. Because there are already



four other dispensaries in West Hollywood, they would not be allowed to obtain the new licenses.

Chernis claims the Lannings were issued a business license and a business permit by the City of West Hollywood in 2008 and 2009, and contends that they have a right to operate the dispensary. The city passed its medical marijuana ordinance in November 2009, stipulating that only four dispensaries would be allowed in the city.

“My clients are clearly not being treated fairly,” Chernis said. “We are alleging our clients had a business license and a business permit, and the city decided to shut them down despite the permit and license.”

Belsanti said the previous owner was issued a permit in 2008, but that is not transferable to a new owner. She said the Lannings applied for, and were given, a business license tax certificate in May 2009, but that does not allow for the operation of a medical marijuana dispensary. The business license tax certificate is an agreement that a business will be paying taxes in the City of West Hollywood, and requires only that someone go the city cashier and pay a fee. If the owner of a medical marijuana dispensary was seeking to open in the city, they would have to participate in a public hearing. Because there are already four dispensaries operating, they would not be denied the request to open, Belsanti added.

“Under the ordinance, there is a very specific process,” Belsanti said. “This is something the city was very concerned about with the proliferation of dispensaries in Los Angeles and the passage of their ordinance. We didn’t want to see a collective that had been shut out of Los Angeles coming into West Hollywood and telling the property owners we will pay you five times the amount of money that an existing collective pays. We didn’t want to see a revolving door of operators.”

Chernis claims his clients were not told about the specifics of the process and were not aware they did anything wrong, and maintains that they have the proper permits and licenses. He said there is other evidence that supports his claim that

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he cannot divulge because of attorney/client privilege, but will come out when the cross complaint is filed.

“We plan to be very aggressive. I think the city will have an uphill battle,” Chernis said. “The city’s position is we were wrong, and one of our assertions is we were wrong because [the city] misled us when they issued the permits.”

A hearing is scheduled on September 30, and a judge will determine how the lawsuit should move forward.

In the meantime, Mayor John Heilman said he believes the city is standing on firm ground with its lawsuit.

“We created those regulations because we thought they were appropriate for the size of our city,” Heilman added. “We are supportive of medical marijuana, but we didn’t want to be saturated with these types of establishments.”



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