

Los Angeles Medical Marijuana Outlets Defy City

Two weeks after the "ban," dispensaries are waiting to hear from their lawyers

By Clarissa Wei and Dennis Romero

In the wake of a new city ordinance that outlawed most medical-marijuana dispensaries in Los Angeles as of June 7, *L.A. Weekly* has found that many retailers targeted for closure remain open and plan to use possible legal loopholes to keep doling out pot, either through personal delivery or by distributing cannabis to "members" only.

The *Weekly* contacted several dispensaries on a list of now-outlawed pot outlets provided by the Los Angeles City Attorney's Office. The operators and landlords of those 439 retailers were targeted by the office, having received letters warning that they would be in violation of the city's new pot-shop ordinance and would have to close by June 7 or face \$2,500 a day in fines and up to six months in jail.

Most are ineligible to operate because they didn't register with the city prior to the Los Angeles City Council's approval of a 2007 moratorium designed to prevent further dispensaries from opening.

Others among the city's 580-plus pot outlets are apparently violating new rules approved during contentious City Council debates. Those rules mandate a 1,000-foot distance between the 100-plus premoratorium dispensaries and the city's schools, churches, parks and other "sensitive-use" sites.

The *Weekly* found that many shops on the list appear to have chosen to defy the law. Some are going the members-only route, some claim they were wrongly identified by the City Attorney's Office as dispensaries when they are really doctors and therapy centers or related businesses, and many seem to be turning to personal delivery.

A self-described "ex-bud tender" from the 99 High Art Collective dispensary in Venice said the outlet is still "operating" but on a "delivery-only status."

"We are licensed caretakers, and we're only prohibited to sell here at this destination," the woman, who did not want to be identified, reasoned.

Beach House Collective, also in Venice, appears to be in business, although a representative stated that the shop would only deal with members. "We actually are closed to the public," said an employee who did not want to give his name. "We still offer medical cannabis to people with memberships."

As with some of the other dispensaries contacted, King Collective Caregivers in the Crenshaw district seemed to be taking a wait-and-see stance regarding the city's impending crackdown on shops that violate the ordinance. A worker named Arphur said they are "generally not open" but

that "we're waiting for our lawyers to see what is happening, to give us the yes or no."

He added: "We didn't give up our location."

Ditto from Green Oasis in Del Rey, where a worker says the shop is going to reopen this week after initially closing following the new law's implementation last week.

"We are not open until sometime next week," the woman, who would only identify herself as Caroline, said last week. "Right now, a bunch of different laws are being passed and the clubs that are [staying] open, the government needs to make sure they are legit. We're just getting all of our paperwork straight. Our lawyers are taking care of everything."

At Green Valley Collective in Northridge, manager Shawn White seemed defiant of the city's new rules. "I mean, to be honest, it's completely unjust and unfair," White said. "Not only [is the city] losing a lot of tax dollars, you have to think of people who are losing business: People we order [drug prescription] bottles from. The landlord loses money. The city loses money. The DWP loses money on electricity. It's hurting everybody."

The City Attorney's Office acknowledged that, two weeks after the city's law went into effect, shops that had been told to close remain open. "We understand a large number have closed," said Assistant City Attorney Asha Greenberg. "There are a few rogue dispensaries still open. We are aware of that."

Even if a collective is nonprofit and distributing pot only to the "seriously ill," as is allowed under state law, it would be subject to the city's ordinance if four or more people were receiving cannabis from one source, L.A. officials said.

Greenberg said dispensaries that close their doors but still distribute pot, even if only to members, are violating city law and will be prosecuted.

"It will be addressed by the LAPD and prosecuted by our office," she said.

The City Attorney's Office, however, seemed to be stumped by those dispensaries that turn to delivery, and Greenberg said, it's "something our office is looking at right now." The practice is so widespread that City Councilman Jose Huizar last week proposed an amendment to the pot-shop ordinance that would specifically ban delivery.

Los Angeles District Attorney Steve Cooley said delivery is illegal in California regardless of the city's rules, and is vowing to go after pot shops that take to the road. "Selling medical marijuana for profit continues to be a felony crime under California law," said Cooley, who is running for California attorney general.

Kris Hermes of the pro-medical marijuana group Americans for Safe Access, said that as long as "collectives" are nonprofit and abiding by the state's legislation, they should legally be allowed to distribute cannabis to members and via delivery — regardless of the city's rules.

"As long as [they're] in compliance with state law, there should be no reason why they can't engage in delivery or operate a private patient collective," he said. "At most you'd have people come by to pick up their portion of the harvest. But it wouldn't be a storefront as such."

Melrose-area resident Peter Nichols, who co-founded the Melrose Action Neighborhood Watch, said he voted for the 1996 initiative that approved marijuana for medical use. But he has argued that the number of pot shops in his neighborhood — he counts 14 — is too many, and that the voters never approved this kind of commercial, retail, and for-profit environment.

With many dispensaries still open or morphing into delivery services since City Hall essentially banned 429 of the 583 shops, Nichols noted, "I'm not surprised. Is this just another ploy to skirt the law? It's just hard to believe the city has still failed on this policy."

L.A. local government might face other problems, beyond the battle of words breaking out over whether city rules trump state law, and whether delivery is illegal.

Some businesses said they were wrongly targeted and aren't weed dispensaries at all. A man who said he was the owner of the Green House Smoke Shop on Abbot Kinney Boulevard in Venice claimed that the "district attorney has written a letter of apology" for including his shop on the closure list (the document was actually put together by the city attorney). "They really have us wrong," said the man, who did not want to be identified.

A representative of the Green Medical Group in Canoga Park added, "The list is wrong. We are a doctor's office" that provides "medical-marijuana recommendations."

A man who identified himself as Robert answered at the Medical Advisory Center, a business in the Park Mile area of Wilshire Boulevard, which was cited by the City Attorney's Office as nonlegit. "We're not a dispensary," he said. "We're a [counseling] consolation center.?... We already talked to the D.A."

At Clinic, located across the street from Venice High School, a representative denied that pot is sold there, saying, "There was a mistake with the City Attorney's Office. We are not a medical-marijuana clinic."

Meanwhile, some dispensaries that have closed down made the best of the situation.

"We had a big party and we invited all of our patients and sold them the remaining [pot]," a worker at Sherman Way Collective, who only wanted to be identified as Billy K., said. "Whatever is left over is for personal use."

He quickly added that he is a patient himself.