



# San Diego City Attorney Jan I. Goldsmith

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## NEWS RELEASE

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### **Crackdown on Hard-Core Dispensary Operators Begins**

*Criminal charges filed against pot shop operators who defy city permitting laws*

The City Attorney's Office and San Diego Police Department this week began a crackdown on illegal marijuana dispensaries that continue to operate without city permits and in competition with the city's 14 permitted providers.

Operators of two such dispensaries, in Mira Mesa and Mount Hope, were arraigned Monday on criminal charges of illegally operating an unpermitted marijuana dispensary in violation of zoning regulations. The defendants faced penalties of six months in jail and a \$1,000 fine for each count.

Evidence for a third criminal prosecution was obtained Tuesday when San Diego Police executed a search warrant on a Pacific Beach dispensary that was ordered closed in August 2015.

The City Attorney's Office has closed nearly 300 illegal dispensaries, including 242 that were shut down through court orders. Additionally, it has secured more than \$2 million in civil penalties against the most flagrant violators.

The success of the civil enforcement effort has led illegal operators to change tactics, and the City Attorney's Office has responded in kind, seeking tougher sanctions and targeting holdout dispensaries that flout the law and defy court orders.

**"These last remaining illegal pot shops are being run by criminals and we're not messing around with them,"** City Attorney Jan Goldsmith said. **"These outlaw dispensary operators and their landlords need to know their time is up. There will continue to be raids and arrests, and we will seek convictions and jail time for operators and landlords."**

Goldsmith noted that San Diego has 14 permitted medical marijuana dispensaries that underwent a lengthy approval process to ensure their premises are safe, their employees have clean records, and that community concerns were addressed. Legal marijuana dispensaries pay taxes, meet health and safety codes and are subject to inspection.

Illegal dispensaries lack safeguards, and past raids have discovered narcotics, weapons and employees with warrants.

**"These illegal dispensaries create an unsafe environment within our communities,"** said Police Chief Shelley Zimmerman. **"I have a message for those who continue operating illegally and in defiance of court orders: You should expect enforcement action will be taken until every one of these illegal drug houses are removed from our neighborhoods."**

Councilmember Lori Zapf said Pacific Beach residents have long complained about the dispensary raided Tuesday.

**"I would like to thank City Attorney Goldsmith for sending a message and protecting our neighborhoods from this absolute lawless behavior that has impacted the quality of life, especially in Pacific Beach,"** Zapf said.

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That dispensary, Limitless Care Collective at 1737 Garnet Avenue, operates directly behind the Baldwin Academy, a private child care center and preschool. City zoning regulations prohibit dispensaries within 1,000 feet of schools and child-care centers.

In support of a court order issued last year, the academy's director told the judge:

**“With the dispensary very close in proximity to the school, I see lots of people loitering, dispensing trash everywhere, people throwing beer bottles that shatter glass on the cement, cars passing by playing loud and inappropriate music, more and more graffiti on the wall, vulgar language from people exiting the dispensary, people parking their vehicles in the middle of the alley (so) as to block traffic, smoking marijuana outside our back gate, displaying off behaviors (such) as to yell at nearby pedestrians... Since the dispensary opened I feel the alley isn't safe to anyone.”**

The first complaint against Limitless Care Collective was received in 2014, and a case was assembled by the Code Enforcement Division of the Development Services Department, the San Diego Police Department and the Code Enforcement Unit of the City Attorney's Office.

A brief history:

- On August 21, 2015, the City obtained a preliminary injunction ordering the manager Todd Lesser and any of his agents, employees or partners to cease operations immediately. The order was signed by Judge Gregory Pollack.
- On March 10, 2016, San Diego Police Department visited the site and determined the dispensary was continuing to operate in violation of Judge Pollack's order. Four employees were told of the court order and warned that they would be arrested if they were later seen working at the dispensary.
- On April 7, 2016, officers returned to the location and found it was operating. Two employees on site – manager Farod Assofi and security guard Ernesto Vasquez – were among those who had been previously warned and were arrested for 166(a)(4) PC violation of a court order. Assofi and Vasquez were booked into County Jail.
- On April 21, 2016, Limitless Care Collective ran a full-page ad in the *San Diego Reader*, advertising itself as a 24-hour dispensary and directing customers to “Enter through the back alley.” A subsequent police operation confirmed the dispensary was still operating.
- On May 6, 2016, Judge David M. Gill approved the City Attorney's request for a search warrant of the premises.
- On May 10, 2016, San Diego Police Department executed the warrant, which authorized them to seize all marijuana product; firearms and weapons; paraphernalia; buyer lists; financial instruments; membership records; computers; employee records and other evidence needed to prove that the business was an illegal marijuana dispensary. Six people were inside, including one customer, who was allowed to leave. Three employees were cited. Police seized a significant amount of high-grade marijuana, \$40,000 in edible products, \$5,000 in cash and 1,000 packets of “spice” a highly dangerous synthetic cannabinoid that has sent hundreds of San Diegans to emergency rooms in recent weeks.

Arraignments were held Monday before Judge Marion Gaston in the two other criminal cases.

The first, *People v. Wamidh Yousif and Alian Matti*, concerns the ongoing operation of the illegal dispensary Exclusive Alternatives Inc. at 8514 Commerce Avenue, near the Marine Corps Air Station Miramar. After the defendants were served, the dispensary was reported to have been shut down. Yousif and Matti are executives of Exclusive Alternatives Inc., and Matti signed a lease identifying himself as the owner.

The second, *People v. Mehdi Tahmouresie, Alexander Scott Johnson, and Sadegh Vazeri*, concerns the ongoing operation of the illegal dispensary All-Star Meds at 4227 Market Street. Tahmouresie and Vazeri are identified on corporate documents as property owners, through Standard Trading and Investment Inc., of the property at 4227 Market Street. The court was told that Tahmouresie has likely left the country and is now living in Iran. Johnson is the registered agent for All-Star Meds.

The defendants in these two cases are free on their own recognizance, but remain under court orders that prohibit them from involvement in any illegal dispensary. Both matters were set for readiness conferences on June 13, 2016.

Goldsmith said that many of these remaining dispensaries are employing new tactics, such as paying homeless individuals to sign their lease in an effort to shield themselves from prosecution. He said where evidence is found of felony conduct, cases will be referred to the District Attorney's Office.

**“The hard-core offenders are brazen and persistent,” Goldsmith said. “Some have felons on site, some have weapons and they are not nice people. No one should do business with these people when there are permitted dispensaries that follow the law, do background checks on their employees and take security precautions to protect the customer.”**

The criminal dispensary cases are being prosecuted by Chief Deputy City Attorney Mark Skeels, the DCA in charge of Special Prosecutions.

Citizens who wish to report an illegal dispensary in their neighborhood are urged to contact the Code Enforcement Division of the Department of Development Services at (619) 236-5500.

A list of San Diego's 14 permitted marijuana dispensaries is attached, as are photos from the interior of Limitless Care Collective.

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## Approved Medical Marijuana Consumer Cooperatives (April 15, 2016)

PTS	Address	Business Name	CUP/SDP No.	CUP Approved	Contact
<b>Council District 1</b>					
390943	10671 Roselle Street	Torrey Holistics Clinic	1371299	10/29/2015	Tony Hall
<b>Council District 2</b>					
368344	3452 Hancock Street	Point Loma Patients CC	1377388	3/19/2015	Adam Knopf
368309	4645 De Soto Street	N/A	1292098	5/28/2015	Un Chong
368302	3500 Estudillo Street	Sustainable Therapeutics	1292799	12/17/2015	George Diaz
369290	1028 Buenos Ave	N/A	1605038	4/7/2016	Willie Senn
<b>Council District 3</b>					
378883	3703 Camino Del Rio South	The Healing Center	1330834/1420871	8/13/2015	Raymond Taylor
<b>Council District 6</b>					
373481	8888 Clairemont Mesa Blvd	Zen SD	1310456	3/12/2015	Victoria Dupont
368343	7128 Miramar Rd	Green Nectar EJM	1296361	6/18/2015	James Schmachtenberger
369478	5125 Convoy St	SD Health & Wellness	1291580	6/25/2015	Rakesh Goyal
368347	8863 Balboa Ste E	N/A	1296130	7/9/2015	Michael D. Sherlock
<b>Council District 8</b>					
368304	2335 Roll Drive	A Green Alternative	1298258	1/29/2015	David Blair
368312	658 E. San Ysidro Blvd	SD Alternative Treatment	1298246	3/12/2015	Wayne Alexander Scherer
381308	2405 Harbor Drive	Harbor Collective	1337996	6/25/2015	Noel Shamoun
368337	3385 Sunrise Street	Alternative Health Cooperative	1298376/1319996	9/17/2015	Ralph Pyatt

# Images inside Limitless Care Collective

Warrant Executed on May 10, 2016 at Limitless Care Collective, 1737 Garnet Avenue.

