

Pacific Law

Law Office of Steven Schectman

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October 19, 2007

Mr. Timothy J. Landrum
US Department of Justice
Drug Enforcement Administration
Los Angeles field division
255 E. Temple St., 17th floor
Los Angeles, CA 90012

By Fax and U.S. Mail

Dear Mr. Landrum;

Please be advised that my office has been retained to represent Arts District Healing Center in matters relating to their leasehold and their use of the premises located at 620 E. 1st St, Los Angeles, CA.

As I am sure you and or other agents are aware, my clients have been litigating the issue of whether the lease that my clients and the owner of 620 E 1st Street entered into is for a legal purpose pursuant California law. The case has been venued in Judge Goodson's courtroom in Los Angeles Superior Court downtown division was filed on September 5, and was based on a notice that was sent on or about August 5, 2007. The trial was set initially for October 2, then continued to October 15, 2007.

Prior to the trial, the parties stipulated that the sole issue to be determined in the trial would be the legality of the letter you caused to be sent to the owners of the property. Consequently, the determination of the central substantive issue in that case was framed in direct response to your assertion that "federal law takes precedence over state law". However, because of a procedural mistake made by the plaintiffs, Judge Goodson dismissed the matter without making any decisions on these substantive issues. Judge Goodson did, however, take the time in open Court to explicitly state to the parties that the issues in this case must be decided in court. The judge also opined that she felt confident both the property owner and the tenant in this matter should be protected while this matter proceeds in the courts.

The concerns expressed by the court, coupled with the events that preceded the trial, cause me to write this letter at this time. On October 11, 2007, agents from your office executed a search warrant at 620 E. 1st St. As a result of the execution of that warrant, a property list was created which indicated that an un-known quantity of marijuana and currency was seized. Additionally, several bank accounts were frozen and the funds seized.

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Given that the Arts District Healing Center has been openly operating at that location for the past approximately 18 months and is in close physical proximity to both your office and a Los Angeles Police department substation, it seems reasonable to presume law enforcement was aware of their existence.

The timing of the raid, based on its temporal proximity to the pending trial, and the relatively small amount of medicinal marijuana seized creates the inference that the execution of a warrant may have been sought and executed for impermissible purposes.

Strengthening the reasonableness of this assertion is the fact that it is well known that Los Angeles has many other larger medical marijuana access entities that are and have been operating in very open and visible manner. In addition, there are many publications that contain pages of advertisements informing anyone who cares to read those advertisements of their existence and location. Thus, the question arises, why was the Arts District Healing Center chosen, at this particular point in time, to be the subject of the search warrant.

The apparent selectiveness of the raid on Arts District Healing Center is reinforced by the fact that your office has sent out many dozens of the same type of letter received by the owners of 620 E. 1st St to other property owners in the LA region. Each one of those letters contains the statement that the, "DEA has determined there is a marijuana dispensary, operating at the property (the name of the specific property is inserted). This is a violation of federal law". Thus, your agency had, by its own admission, identified through its investigatory powers the location of dozens and dozens of other entities engaged in the same conduct alleged as the basis of your search of my clients' premises. However, there is one fact that distinguishes my client from all the other medical "marijuana dispensaries" in the entire state of California. The Arts District Healing Center was the only one that had availed itself of the California judicial system in order to litigate the legality of your conduct.

That is not to say I am suggesting that your agency does not have the right to seek search warrants when there is a reasonable basis to believe that a crime may have been committed. However, it is well known that selective enforcement of the law in retaliation for the exercise of legal rights is unconstitutional. I am concerned that your agency apparently determined to seek and execute that search warrant because of the fact that my clients were asserting their constitutional rights to seek redress in our court system. Absent another explanation, the impression left to a reasonable person aware of these facts is that your agency intended to single out my clients for retaliatory and selective treatment seemingly motivated by political reasons.

Such a result is, in my opinion, antithetical to the mission of law enforcement, which must depend on the public's faith that your agency will use its police powers in a fair and nondiscriminatory manner. Furthermore, it appears to me, that your agency may have exceeded

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its scope of authority and intruded into the authority reserved for our judiciary. Specifically, I am referring to your legal conclusion that federal law takes precedence over state law in matters relating to the Controlled Substance Act and California's Compassionate Use Act. Your assertion that federal law takes precedence over state law is, in my opinion, far too abstract to justify implicitly threatening owners of commercial property with potential prison terms up to 20 years and forfeiture of their property. This is particularly true given that the underlying lease in this case is legal under California law, and I do not believe that you can point to a single case where a property owner in similar circumstance has been punished as your letter threatens. I would also suggest your office review relevant portions of California's Penal and Civil Codes as they relate to the circumstance that limit a landlord's ability to recover real property under certain conditions. Conditions, which may well have been already established in this case.

Please be advised that my clients will be filing an action in state court this coming week in which they will be seeking declaratory relief regarding the unresolved issues in this case that still require judicial determination. The action will be filed as a general civil case and as such, will proceed without any special status regarding its preferences on the trial counter. As such, it may be six months to 18 months before the Superior Court of California issues its ultimate determination regarding the issue presented by the pleadings. I believe it would be legally inappropriate for the parties to this action to be singled out by your agency for an application for a search warrant, if such decisions were actuated by impermissible and retaliatory reasons.

Based on the above, I am hereby requesting that your agency agree to disclose to the Court, in any further applications seeking a warrant to search my clients' premises, the good faith basis that actuates your decision to seek that warrant at that particular time. I am not asking that you disclose to me or anyone else other than the court, what those reasons may be. By agreeing to do so, I believe my clients, as well as the general public, will be assured that any further applications made by your office for a search warrant for my clients' leasehold, will not be actuated by impermissible, retaliatory purposes.

I realize that this may be a rather unique request, perhaps even the first your office has ever received. However, I am hopeful that you or those who are properly authorized to do so, will agree to this request. I believe that this request is both reasonable and necessary to assure the public that your agency is not in fact, attempting to discourage certain classes of persons from availing themselves of our judicial process.

I would greatly appreciate it if you or some other authorized agent of the DEA apprise me of your response to this letter no later than October 24, 2007. If your agency chooses not to respond to this letter or deny the request I have made please be advised that I will be forced to file an action in the Federal District Court venued Los Angeles. In such action we will seek declaratory and injunctive relief based on the issues and circumstances and the applicable law that supports these claims, as described above.

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The issues I have raised in this letter are serious ones that go to the heart of our democracy. It is necessary that our system of checks and balances between the judiciary and law enforcement remain intact and enforced. I hope you agree with the statement and will seriously consider your response.

Please feel free to contact me at the numbers listed below if you have any questions or comments or wish to discuss this matter in greater detail. I thank you for your time and consideration and look forward to working with you or the legal representative of your agency in a professional manner in order to address these most serious issues.

Sincerely,

Steven Schectman

Cc: Deanne Reuter