

Feds threaten to seize property where South Lake Tahoe pot clubs do business

By Kathryn Reed

The federal government has written letters to the property owners of the three South Lake Tahoe medical marijuana dispensaries threatening to seize their property, fine them or send them to jail if they keep those particular tenants.



“The letter didn’t direct us to shutdown. It put the landlord on notice about the dispensary,” Cody Bass, who runs Tahoe Wellness Collective, told *Lake Tahoe News*. “We are open every day and we’ll remain that way. We have no intention to close.”

What his landlord Patty Olson does remains to be seen. In a terse conversation with *Lake Tahoe News* on March 21, Olson said she wants to talk to Bass about what his collectives in Sacramento and Berkeley are going to do. She could not explain how that would be relevant to what she, as the property owner in South Lake Tahoe, would do.

Darcy De Tarr of De Tarr Properties in Burlingame was sent a letter dated Feb. 27 from the U.S. Attorney’s Office in Sacramento that says, “This letter is formal notice that continued use of the property in violation of federal law may result in forfeiture and criminal or civil penalties. You should consult an attorney concerning this letter.”

De Tarr was not reachable and Gino DiMatteo, who operates City of Angels 2 on De Tarr’s property, did not return a phone call.

Kevin Khasigian, assistant U.S. attorney, who co-signed the letter with U.S. Attorney Benjamin Wagner, provided his number in the body of the letter to De Tarr. He did not return a phone call from *LTN*.

Erika and Matt Triglia run Patient2Patient and own the property.

"We are always concerned about being shut down, but we are committed to patients getting plant based medicine," Erika Triglia told *Lake Tahoe News*.

She believes the three South Tahoe dispensaries are on the fed's radar because city officials have legalized the businesses by issuing them business licenses and having created an ordinance that will permit each facility.

City Attorney Patrick Enright said he was not surprised the letters were sent after the federal government sent the first batch of letters in October to larger collectives in bigger cities. But the city also was not given a heads up the letters were in the mail.

Enright said he does not foresee South Lake Tahoe being threatened by the feds even though the city has approved medical marijuana being cultivated, sold and possessed. The city is going with state law under the voter approved Proposition 215. It's the federal government that believes all marijuana is illegal.

Police Chief Brian Uhler echoed Enright's belief, saying he had been talking to federal authorities while the city was writing its ordinance.

El Dorado County Assistant District Attorney Hans Uthe had heard about the letters, but had neither seen one nor had his federal counterparts contacted him.

The letter to property owners says, "It is also a felony for a

property owner to rent, lease or otherwise make a place available for cultivation or distribution of marijuana. Violation can result in imprisonment and a fine up to \$500,000; or a civil penalty of \$250,000 or twice the gross receipts, whichever is greater.”

Lauren Horwood, spokeswoman for the Sacramento U.S. Attorney’s Office, said follow-up with landlords would be done on a case-by-case basis. She said the intent of the letter was to get people to “comply on their own” and not have her office file a forfeiture complaint with the court.

Triglia doesn’t believe the feds can do much more than write threatening letters at this point because of a lawsuit filed late last year by NORML against the four U.S. attorneys in California, Attorney General Eric Holder and DEA Administrator Michele Leonhardt to keep them, as the suit says, “from arresting or prosecuting plaintiffs or those similarly situated, seizing their medical cannabis, forfeiting their property or the property of their landlords or threatening to seize property, or seeking civil or administrative sanctions against them or parties whose property is used to assist them.”

Triglia said, “We are here to help people and we’re going to continue to do that.”