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August 10, 2011

Dear Mayor and Council:

The City staff is demanding a wide variety of information about the operations of medical marijuana dispensaries – even before our new ordinances take effect.

Several of my clients received the attached form letter, dated July 1, with the accompanying form affidavit. The letter purported to set a “hard” deadline of 4 p.m. Friday, July 15 for the receipt of information proving the dispensary was operating before August 5, 2010. The stated reason was to determine when a dispensary would be allowed to submit an application as operating before the moratorium. My clients complied with the letter.

There is no authority in the ordinances (even assuming that they were in effect) for City staff to set deadlines and demand such information.

This initial letter was bad enough. But now my clients have received another letter (attached) dated August 3, as a follow-up to the information submitted on or before July 15. As you will see, this letter asked for:

“Specific proof indicating that medical marijuana was being dispensed by the business prior to August 5, 2010 or that marijuana was acquired for purposes of dispensing. (For example, business records, invoices, or receipts showing transactions involving medical marijuana. Personal information may be redacted.)”

Again, an arbitrary deadline was set, accompanied by various threats. There is also nothing in this demand letter stating with specificity why the information (including the affidavits) submitted in response to the July 1 letter was not adequate.

This latest demand is particularly troubling because the “specific proof”, once in the City’s hands, would be available to be subpoenaed or otherwise made available to the federal authorities. Council bent over backward to insure that such information would **not** wind up with the City. However, the staff is now demanding it.

Such demands create the impression that the City does not want the program we all worked so hard on to operate effectively, since some dispensaries may legitimately not feel safe in submitting such detailed internal business records to the City.

In addition, several clients have received letters claiming that their locations do not qualify based on arguable zoning conclusions. The clients were given no means of discussing or disputing the staff’s assertions.

I ask that you have your staff withdraw its August 3 demand for information, or similar demands, and discard any information it may have received in response to it. It appears that the staff is

continuing their resistance to people serving medical marijuana patients. This is contrary to the council's efforts and will hinder patients or caregivers in serving them .

Sincerely

Dennis M Hayes

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CC: clients