



U.S. Department of Justice

United States Attorney
Northern District of California

#1

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VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED)
AND FIRST CLASS MAIL

April 26, 2013

[REDACTED]
[REDACTED]
Cupertino, CA [REDACTED]

Re: Marijuana Dispensary at [REDACTED] Drive, San Jose, CA
Santa Clara County APN: [REDACTED]

Dear Ms. [REDACTED]:

This office has been advised that there is a marijuana dispensary, [REDACTED] Collective, operating at the real property located at [REDACTED] Drive, San Jose, California, which property you own or have under your management or control. The dispensary is operating in violation of federal law, and persons and entities who operate or facilitate the operation of such dispensaries are subject to criminal prosecution and civil enforcement actions. Since the dispensary is operating within a prohibited distance of a school, [REDACTED] Art Academy, the unlawful operation of the dispensary is subject to enhanced penalties. Additionally, property involved in such operations, including real property, is subject to seizure by and forfeiture to the United States. These penalties and remedies apply regardless of the purported purpose of the dispensary or the uses for which marijuana is purportedly sold. Specifically, Title 21, United States Code, Section 856(a) provides:

It shall be unlawful to knowingly and intentionally rent, lease, or make available for use, with or without compensation, [a] building, room, or enclosure for the purpose of unlawfully manufacturing, storing, distributing or using a controlled substance.

Section 881(a)(7) of Title 21 provides:

The following shall be subject to forfeiture to the United States and no property right shall exist in them: All real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land which is used in any manner or part, to commit, or to facilitate the commission of, a violation of this sub-chapter.

Violation of the federal law referenced above is a felony crime, and carries with it a

Violation of the federal law referenced above is a felony crime, and carries with it a penalty of up to 40 years in prison when operating within a prohibited distance of a school. An owner of real property with knowledge or reason to know of illegal drug sales on real property that he owns or controls may have his interest in the property forfeited to the government without compensation.

This letter is formal notification to you that there is a marijuana dispensary operating on the above described property within a prohibited distance of a school. You are further advised that the violations of federal law relating to the marijuana dispensary operating on your property may result in criminal prosecution, imprisonment, fines, and forfeiture of assets, including the real property on which the dispensary is operating. Any money you receive (or have received) from the dispensary operator may also be subject to seizure and forfeiture. Your prompt attention to this matter is strongly advised. Please take the necessary steps to discontinue the sale and/or distribution of marijuana at the above-referenced location. You may wish to seek independent legal advice concerning this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Melinda Haag', with a large, stylized flourish at the end.

MELINDA HAAG
United States Attorney