

LAW OFFICE OF KURT E. BOEHL, PLLC
1001 4th Avenue, Suite 3200
Seattle, WA 98154

April 7, 2011

Scott Passey
City Clerk
City of Shoreline
17500 Midvale Avenue N.
Shoreline, WA 98133

Re: A Green Cure Wellness Center

Dear Mr. Passey:

RECEIVED
APR 08 2011
CITY CLERK
CITY OF SHORELINE
APM
12:23 p.m.

I represent the above referenced entity regarding the denial of a business license by the City of Shoreline. A Green Cure Wellness Center cannot operate within the City of Shoreline without a city business license. According to the City, this license has been denied for non-compliance with applicable health laws (SMC 5.05.090(a)), specifically because the Non-Profit Collective is not operating within the laws of the State of Washington (RCW 69.50.401 – Sale of Marijuana). A Green Cure Wellness Center is a members only collective and denies any allegations that it is selling marijuana for a profit. As such, we ask that the City reconsider its decision to deny a business license to A Green Cure Wellness Center.

First, my client was never provided proper notice of the denial of its application for a business license from the City. Pursuant to City of Shoreline Municipal Code Section 5.05.090(B), the clerk is to notify the applicant via certified mail of the denial or suspension of any business license requested within the city. On Monday, March 4, 2011, A Green Cure Wellness Center did receive a Notice and Order of License Denial for a Green Star Collective UBI # 602- 916-566-0003. However, this is not my clients business name or UBI number. As of April 7, 2011, A Green Cure Wellness Center has received no Notice of License Denial. Assuming that there was a typographical error in the Notice and Order sent by the City on March 24, 2011, we are responding with this appeal letter.

Second, should the City reconsider the license denial, as requested in this letter, it should bear in mind that there is an apparent misconception on the part of the City with regard to the nature of A Green Cure Wellness Center's operations. It appears that the City believes that A Green Cure Wellness Center will operate in the manner of other so-called "marijuana dispensaries" currently doing business elsewhere in the state. These dispensaries ask medical marijuana patients to sign documentation designating their businesses or employees as a designated provider for the limited amount of time the patient is on the premises. These designations then expire when the patient leaves the building; however, the Cooperative is not following this business model.

Instead, the Cooperative, will be operating as a supportive group of designated providers and medical marijuana patients whose intent is to join together to facilitate the access to legal and safe medical marijuana. As the City is no doubt aware, not all patients whose physicians have determined that they will benefit from the use of medical marijuana are in a position, either due to age, disability, illness, or residence location, to grow their own supply of marijuana. This leaves these patients with the Hobson's choice of foregoing necessary medical care or resorting to purchasing their medicine from drug dealers who may or may not be selling safe products. The Cooperative seeks to provide a third, and safer, choice, by providing access to locations and labor that will allow medical marijuana patients to grow their supply of medicine in a protected environment.

The Cooperative wishes to stress to the City that none of the designated providers involved in the Cooperative will be serving as a designated provider to more than one medical marijuana patient at any one time, as allowed by RCW 69.51A.010(1). As well, I have advised the Cooperative, and they have agreed, that they will never have more than 24 ounces of marijuana and fifteen plants, or a presumptive sixty day supply of marijuana pursuant to WAC 246-75-010(3) and RCW 69.51A.040(3), on the premises at one time.

By so operating, A Green Cure Wellness Center will be in compliance at all times with the medical marijuana statutes of the State of Washington, and thus remain eligible to invoke the compassionate use affirmative defense, preventing a conviction for possession or use of marijuana. We would add that this is consistent with and pursuant to King County Prosecuting Attorney, Dan Satterberg's public statements regarding collectives and safe access for medical marijuana patients (See King County Prosecuting Attorney's Office: Memorandum Regarding Medical Marijuana Case Review Standards). It is our hope that this explanation sufficiently allays the City of Shoreline's concerns that A Green Cure Wellness Center would not be operating legally within the State of Washington and the City of Shoreline.

The Cooperative is filing, concurrent with this letter, a notice of appeal of the denial of its business license. A copy of this letter and A Green Cure Wellness Center Notice of Appeal will be filed with the City as of the date of this letter, to be heard by the Hearing Examiner. Pending review of the denial of the license by the City, my client would continue operations in its present location, provided the remaining safety concerns are addressed.

Sincerely,

Kurt E. Boehl
Attorney at Law

CC: Shoreline Hearing Examiner