



Department of Justice

United States Attorney Dwight C. Holton
District of Oregon

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U.S. ATTORNEY, DISTRICT ATTORNEYS, SHERIFFS AND POLICE CHIEFS SERVE NOTICE ON OREGON MARIJUANA DISPENSARIES

PORTLAND, Ore. – United States Attorney Dwight C. Holton and District Attorneys, Sheriffs and Police Chiefs from across Oregon today joined together to serve notice on Oregon businesses selling marijuana that the sale of the drug for any purpose -- including for medical purposes -- violates both Federal and Oregon law. Law enforcement officials stressed that individuals and businesses that conduct sales of marijuana face the risk of prosecution, civil enforcement action, and seizure of assets.

“Oregon and Federal law make it illegal to sell marijuana – period, end of story,” said Holton. “The breathtaking surge in manufacture and distribution of marijuana in Oregon is putting marijuana in the hands of more and more healthy kids -- and dispensaries are fueling this crisis. We are confident that responsible landlords and property owners will remove the operators of illegal dispensaries and ‘cannabis clubs.’”

District Attorney Walt Beglau explained that Oregon District Attorneys are seeing the problem statewide: “Drug traffickers are hiding behind the medical marijuana law to protect their sham operations. We have to rein in this outlaw atmosphere before any kid can walk into a storefront on Main Street in any town in Oregon and buy marijuana illegally.” Beglau, the District Attorney for Marion County, is the President of the Oregon District Attorneys Association. “This is a growing crisis we need to meet head on.”

Sheriff Tom Bergin, the Sheriff of Clatsop County and the President of the Oregon State Sheriff’s Association, and Chief Mark Miranda, the Chief of Police in Newport and the President of the Oregon Association of Chiefs of Police, also joined the statement.

The notice to businesses is in keeping with the Department of Justice guidance to federal prosecutors and agents in States that have enacted laws authorizing the medical use of marijuana. That guidance articulates the Department’s balanced approach, which effectively focuses the limited federal resources on drug traffickers and organizations as opposed to individuals with serious illnesses who use marijuana as part of a recommended treatment regimen consistent with applicable state law. The guidance also makes clear that federal officials will not tolerate those who hide behind claims of compliance with state laws to mask activity that is clearly illegal.

A copy of the notice is attached.



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NOTICE TO OWNERS, OPERATORS AND LANDLORDS OF
OREGON MARIJUANA DISPENSARIES

JUNE 3, 2011

The sale of marijuana for any purpose -- including as medicine -- violates both Federal and Oregon law and will not be tolerated. People and businesses that conduct sales of marijuana face the risk of prosecution, civil enforcement action, and seizure of assets.

Knowingly financing a marijuana dispensary or allowing one to operate on your property also violates federal law and could subject financiers and landlords to civil and criminal penalties -- including forfeiture of any assets used in support of the criminal enterprise.

The Oregon Medical Marijuana Act, adopted by Oregon state voters in 1998, does not permit the sale of marijuana in any form. Although its provisions protect medical marijuana users who comply with its requirements from state criminal prosecution for drug crimes, the Act does not restrict seizure of marijuana plants, nor does it protect individuals or organizations from federal criminal prosecution under the federal Controlled Substances Act.

Prosecuting individuals and organizations involved in the cultivation and distribution of controlled substances, including marijuana, are core priorities of the United States Department of Justice. Consistent with federal law, the United States Attorney's Office for the District of Oregon may pursue criminal and civil actions for violations of the Controlled Substances Act when such action is warranted. Such criminal actions may include charges for the illegal manufacture, distribution or possession with intent to distribute marijuana in violation of Title 21, United States Code, Section 841; charges for knowingly opening, leasing, renting, maintaining, or using property for the manufacture, storage, or distribution of marijuana, in violation of Title 21, United States Code, Section 856; as well as charges under the federal money laundering statutes.

Similarly, under Oregon law, violators may be prosecuted for manufacturing marijuana under ORS 475.856, delivery of marijuana under ORS 475.860, and money laundering under ORS 164.170. Instrumentalities or proceeds associated with unlawful activity may be subject to Civil Forfeiture under ORS 131A.005 or Criminal Forfeiture under ORS 131.550.

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Thomas J. Bergin
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Mark J. Miranda
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Matthew B. Shirtcliff
Baker County

John M. Haroldson
Benton County

John S. Foote
Clackamas County

Joshua Marquis
Clatsop County

R. Stephen Atchison
Columbia County

R. Paul Frasier
Coos County

Daina Vitolins
Crook County

Everett Dial
Curry County

Patrick J. Flaherty
Deschutes County

Richard Wesenberg, Jr.
Douglas County

Marion T. Weatherford
Gilliam County

Ryan Joslin
Grant County

Timothy J. Colahan
Harney County

John T. Sewell
Hood River County

Mark Huddleston
Jackson County

Steven F. Leriche
Jefferson County

Stephen Campbell
Josephine County

Edwin Caleb
Klamath County

David A. Shutt
Lake County

Alex Gardner
Lane County

R. E. Bovett
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Jason Carlile
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Dan Norris
Malheur County

Justin W. Nelson
Morrow County

Stan Butterfield
Polk County

Wade M. McLeod
Sherman County

William B. Porter
Tillamook County

Timothy R. Thompson
Union County

Mona K. Williams
Wallowa County

Eric J. Nisley
Wasco County

Bob Hermann
Washington County

Dan Ousley
Wheeler County

Brad Berry
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