



**NOT PRIVILEGED
OR CONFIDENTIAL**

JAN I. GOLDSMITH
SAN DIEGO CITY ATTORNEY

January 9, 2013

Via Hand Delivery

Honorable Mayor Bob Filner
City of San Diego
202 C Street, 11th Floor
San Diego, CA 92101

Dear Honorable Mayor Filner:

I understand you addressed a meeting of marijuana advocates last night during which you criticized my office's code enforcement actions against marijuana dispensaries. You called our efforts "persecutions", suggested demonstrations and stated you will work to stop us.

As you know, these actions were taken at the request of Neighborhood Code Compliance and the San Diego Police Department, both under your authority. We do not investigate code violations on our own and do not pursue legal action without direction from Neighborhood Code Compliance.

Both of these City agencies came to us and requested that we mount an aggressive code enforcement action to address the proliferation of illegal marijuana dispensaries that were impacting our neighborhoods. They sent over some 100 cases and, through civil injunctions, we were able to close virtually all of them. Working with these agencies and others, we were able to get this problem under control.

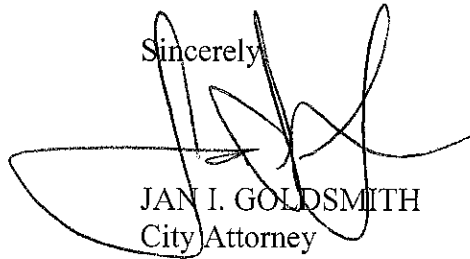
Other California jurisdictions have since tried to follow our lead with mixed results. Our success depended upon good cooperation, strategic lawyering and hard work.

Rather than pursue the drama last night and call for a demonstration, you could have achieved your goal in less than 30 seconds. Neighborhood Code Compliance and San Diego Police Department are under your authority. As you know, you can direct them to stop sending cases to us and, instead, direct us to cease and dismiss all enforcement actions against marijuana dispensaries. We will, of course, comply with that direction.

Until that happens (and there has been no official indication it has), our office is obligated to review any cases we receive from Neighborhood Code Compliance for possible enforcement action.

Given your comments last night, I ask that you give written direction to Neighborhood Code Compliance, the San Diego Police Department and our office as to how you want to proceed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jan I. Goldsmith', is written over the typed name and title. The signature is stylized with large loops and a long horizontal stroke extending to the left.

JAN I. GOLDSMITH
City Attorney

JG:cbs

cc: Honorable City Council members (*via electronic and hand delivery*)
Robert Vacchi, Neighborhood Code Compliance (*via electronic delivery*)
William Lansdowne, Chief of Police (*via electronic delivery*)