



San Diego County SHERIFF'S DEPARTMENT

LICENSE & REGISTRATION DIVISION -9621 Ridgeway Ct - P.O.
San Diego, Ca 92193-9062

MEDICAL MARIJUANA COLLECTIVE OPERATIONS STANDARD OPERATING PROCEDURES

Reference: Zoning Ordinance §6935 – Title 2, Division 1, Chapter 25, SDCC Medical Marijuana Collective Facilities – Uniform Licensing Procedures §21.107 et seq – Attorney General Guidelines – Senate Bill 420 – Proposition 215

Application Submitted to: Sheriff's Department – License Division

Fee: Annual Fee - \$11,017.00

Application Accepted by: Sheriff's License Background Unit

Operations Certificate Issued by: Sheriff's Department - License Division

Term of Cert: One-year from date of issue

Investigated by:

Sheriff's License Background Unit & Crime Prevention Unit	
Fire Dept	Dept of Env Health- Haz-Mat Division
DOJ – Fingerprints	DPLU – Zoning/Building/ Noise
FBI – Fingerprints	Dept of Agriculture – W&M

APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY

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A coordinated effort and work plan has been developed with DPLU-Zoning and the Building Inspector for the County Of San Diego in processing applications from medical marijuana collective facilities. Potential applicants must obtain written zoning approval for the collective parcel(s) before they can obtain any permit for TI with the Building Inspector.

In the initial states, there may be individuals who may claim they have been operating prior to the moratorium (August 2009) and may think they are exempted from the regulations – Individuals have the burden of proof to demonstrate to DPLU-Zoning that they have been operating prior to the moratorium and still have to comply with the other infrastructure requirements (TI). Interpretation of Zoning Code 6935 h is totally up to DPLU.

DPLU-Zoning has been sending zoning verification forms of pre-approved parcels from individuals securing locations. These pre-approved forms are filed in a binder and will be utilized by staff when applicants are interviewed during the application process. These pre-approved forms are valid for a 30 day period. If after 30 days the application for tentative improvement (TI) and/or Sheriff's Operations Certificate have not been submitted, that parcel thru zoning will no longer be secured and will become available. Encourage the applicant(s) to meet first with the Sheriff's Dept. to go over the ordinance requirements and what the County proposes on regulating. Explain both the infrastructure requirements and the operating requirements of the ordinance.

INTERVIEW PROCESS:

The interview process is to explain and outline the County procedure and process for the operation of medical marijuana collectives in accordance with the Compassionate Use Act (CUA) and Attorney General Guidelines. The County Regulatory Ordinance provides the frame work and tools to County officials and law enforcement to ensure compliance with State law in the unincorporated areas of the County. Regardless of how other jurisdictions or municipalities regulate, the County is bound by the ordinance adopted by the San Diego Board of Supervisors.

Explain to the applicants the type of records and the recommended forms/information we intend to seek out. Explain the requirements for all marijuana cultivation sources; another important aspect of the regulating ordinance. Any collective/member who knowingly and intentionally tries to circumvent the reporting requirements or fails to provide information necessary to audit and/or inspect the cultivation sites from member sources of marijuana is not immune or protected from arrest.

APPLICATION PROCESS

- Verify that the parcel number and address location on the application is the same as zoning approval. Applicants ready to submit the operations certificate application to the Sheriff should have already been interviewed with staff to go over requirements of the ordinance and must have the application complete with ALL requested documentation.
- Verify that the TI permit for establishment has been applied for with the "County" Building Inspector (ALL Medical Marijuana establishments must go through TI). No operations certificate will be issued by the Sheriff until an occupancy permit has been issued by the building inspector. The 30 day timeframe for processing the regulatory application has been exempted from the Uniform Licensing Procedure (ULP). The timeframe for completion of applications involving building may vary and can take up to 18 months.
- Verify fictitious name registration for the collective name and type of association structure in filing. If corporation, require documentation as we do for other establishments we process (e.g. corporation filing, statement of officers, etc). Each officer will be required to go through the background process; the same applies for LLC's.

- Obtain written consent from the property owner(s). Do not accept a lease agreement absent any specific mention of the type of activity for medical marijuana collective. No subleases will be accepted. All consents from the property owner(s) will be individually verified during the background clearance process.
- Request and obtain information, background sheets and a copy of their California Identification Card or Driver's License for ALL members of the collective; who assume certain levels of responsibility in the operation of the collective. Responsible persons include those managing/running the establishment; responsible for the transactions of marijuana/money and verification of qualified patients or primary caregivers. If only one person is named as the responsible person, make notes on the comment sheet for the background unit and the deputies conducting the inspections.
- Verify that each background application is completed and signed. Provide the release and waiver to the applicant. Fingerprint and photograph each responsible person and obtain the appropriate live scan fee (money order). Obtain a set of inked prints (hard card) for the file.
- Request a copy of the operations plan which should describe the layout of the facility. It does not have to be the blue prints or design plans submitted to DPLU-Building but a site map of the establishment.
- Request a copy of the Collectives By-Laws and their rules/regulations for their collective members. If they do not have any, make notes on the comment sheet and ask the applicant if the members are familiar with California State laws governing medical marijuana.
- Obtain a copy of the Collectives Seller's Permit issued by the California State Board of Equalization.
- Explain and provide a blank Medical Marijuana Source Agreement form for every member of the collective that proposes to cultivate marijuana for the collective. Explain §21.2505(c) (4) and §21.2505(c) (8) of the County Code. Each member source or sources of marijuana must comply with the infrastructure requirements of the ordinance if located in the unincorporated area(s) of the County. If cultivating from a residential or home address, member source(s) must provide proof they are the owners(s) of the property or provide written consent from the property owner(s) as prescribed in §21.2503(c) and §21.2606 SDCC. Member sources located outside the jurisdiction of the Sheriff, Zoning and County Building Inspector shall be subject to inspection for physical verification by the appropriate law enforcement agency pursuant to §21.2505(c)(8)(B) SDCC.
- Request copies of the weights and measures scale certification for the collective facility. Explain that during the site inspection any member sources cultivating marijuana must have their scale(s) certified by the Dept. of Agriculture, Weights and Measures.
- Once the application process is complete and all the necessary documents and information have been received, collect the application processing fee and begin the background investigative process.

BACKGROUND/INVESTIGATIVE PROCESS:

- Remove and complete PIN for posting
- Enter applicant information into County mainframe SR14
- Label and prepare file with agency routing slips
- Run responsible persons through local jurist system including E-SUN, ARJIS and Lexus Nexus
- Prepare notification letters to SID
- Prepare notification letters to other agencies and local fire districts for member cultivation sources if outside the jurisdiction of the County (unincorporated areas)
- Prepare routing slips to other county agencies we require approvals from (see sign off sheet of application) and route out with application.
- Contact property owner to verify and confirm their approval for medical marijuana collective facility.
- Confirm and verify that a member source agreement form has been received for the number of member sources listed on the application. Off-site cultivation sites managed by collective in the unincorporated areas of the County must comply with the infrastructure requirements as well as the approved zoning location. For off-site cultivation locations within an incorporated area, prepare notification letter to Chief and local fire department.
- Verify and confirm PPO security contract with collective. Per BSIS guidelines security guards cannot independently hire themselves out.
- Verify and confirm that ASP (alarm system permit) has been issued.

Follow-up as necessary with other County agency if we haven't received feedback from them in 2 weeks
– Continuously follow-up with building inspector for status of TI – No Operations Certificate will be issued until the Occupancy Permit has been issued by the Building Inspector

COMPLIANCE INSPECTION/RECORD KEEPING AUDIT PROCESS:

NOTE: Due to the nature of the activity being proposed at the location, there are several infrastructure requirements that must be met; tentative improvements to the facility must be completed before the building inspector will issue the Occupancy Permit (required before Sheriff can conduct inspection and issue Operations Certificate). Per the building inspector, these can take up to 18 months (max). We may also not have received the approval from other agencies, who may also be waiting for their inspection e.g. Fire Dept., DEH – Follow-up if we haven't received input. Although we may have completed the background process, we must wait for the building clearance before scheduling a compliance inspection with Crime Prevention for CPTED and compliance with infrastructure

requirements. Upon receipt of notification from the building inspector the process will entail the following:

- Schedule an appointment with Crime Prevention and the applicant for a site compliance check – Crime Prevention will conduct a CPTED and assist License personnel with the infrastructure requirements outlined in §21.2504 (a) (b) (c)(d)(f)(g) (h) &(i) . In addition, the inspection will also include compliance with the operating requirements under §21.2505 et al and as outlined in the inspection form. However, verification of records may not be available at the time since they shouldn't be in operation.
- Any discrepancies or inconsistencies should be noted and a reasonable time frame to correction should be provided on the inspection form. If noted still at the time of follow-up issue a “Notice of Violation” again providing another reasonable time frame correction. If they fail to correct, provide a Notice of Intent to take Administrative Action and provide file and reports to supervisor for action.

RECORD KEEPING/AUDITS:

- Once the Collective is up and running and the Medical Marijuana Collective Operating Certificate has been issued by the Sheriff's Department, inspections and records check/audits will be performed at both the Medical Marijuana Collective location and at the Collective Grow sites on a regular basis by the Licensing Specialists and Licensing Detective. These inspections will include a complete investigative search of all records at the collective (membership records, product transactions) as well as a physical check of all product inventories on hand to ensure that all is accounted for and documented. Furthermore, product that is obtained through collective members at various Grow Sites will be individually inspected at those respective locations by the Licensing Detective and at least one additional sworn officer. (§21.2505 (c), 8(A) (B), 9).