



U. S. Department of Justice  
Drug Enforcement Administration  
400 Second Avenue West  
Seattle, Washington 98119

[www.dea.gov](http://www.dea.gov)

AUG 23 2012

[REDACTED]  
[REDACTED]  
[REDACTED]

*Via Registered Mail*

RE: Illegal Marijuana Enterprise at [REDACTED] Within School Zone or Other Prohibited Area

To Whom It May Concern:

The Drug Enforcement Administration has determined that there may be a marijuana enterprise operating under the name [REDACTED] at the real property located at [REDACTED]. In addition, it appears that [REDACTED] is within 1,000 feet of an educational facility or other prohibited area. It is our understanding that you may own or have the *property* of the marijuana enterprise under your management or control, or that you own and/or operate the marijuana enterprise itself.

Please be advised that distributing, possessing with intent to distribute, or manufacturing controlled substances, or aiding and abetting such an offense violates federal law. Doing any of these activities in close proximity to an educational facility or playground, subjects the persons involved to enhanced penalties pursuant to Title 21, United States Code, Section 860.

This letter serves as notice to you that, under United States law, the sale and distribution of marijuana is illegal and subject to criminal prosecution and civil enforcement actions. Property involved in such operations, including real property, is subject to seizure by, and forfeiture to the United States. Specifically, Title 21, United States Code, Section 856(a) provides in relevant part:

[I]t shall be unlawful to . . . knowingly and intentionally rent, lease, profit from, or make available for use, with or without compensation, the place for the purpose of unlawfully manufacturing, storing, distributing or using a controlled substance.

Section 881(a) of Title 21 provides in relevant part:

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

United States law takes precedence over state law and applies regardless of the particular uses for which an enterprise is distributing marijuana. Accordingly, it is not a criminal defense or a defense to the forfeiture of property that an enterprise is providing "medical" marijuana. Even under these circumstances, an owner of real property with knowledge or reason to know of illegal marijuana distribution occurring on real property that he/she owns or controls may have the interest in that property forfeited to the government without compensation.

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 within 30 days of this letter. If you have questions, you may wish to obtain legal counsel. If your counsel has questions, he/she may contact the U.S. Attorney's Office for the Western District of Washington.

Sincerely,

A handwritten signature in cursive script that reads "M. Barnes".

Matthew G. Barnes  
Special Agent in Charge  
Seattle Field Division

CC: Jenny A. Durkan  
U.S. Attorney  
Western District of Washington