

JEFFREY S. KAUFMAN, ESQ.
5725 N. Scottsdale Rd., Ste. 190
Scottsdale, AZ 85250

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5 (480) 994-8000
6 Bar No. 003269
7 Attorney for Plaintiff

COPY

JUN 19 2012



MICHAEL K. JEANES, CLERK
J. FERRO
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

8 WHITE MOUNTAIN HEALTH CENTER, INC.,)
9 an Arizona non-profit corporation,)

Case No. **CV2012-053585**

10 Plaintiff,)

COMPLAINT

11 v.)

(Special Action and Regular Action for
Mandamus, Declaratory Judgment,
Injunctive Relief and Other Relief)

12 COUNTY OF MARICOPA; WILLIAM)
13 MONTGOMERY, ESQ., Maricopa County)
14 Attorney, in his official capacity; ARIZONA)
15 DEPARTMENT OF HEALTH SERVICES, an)
16 agency of the State of Arizona; WILL HUMBLE,)
17 Director of the Arizona Department of Health)
18 Services, in his Official Capacity; and DOES I-X,)

17 Defendants.)

19 COMES NOW Plaintiff, by and through its attorney, undersigned, and for its

20 Complaint against Defendants herein; alleges as follows:

COMMON ALLEGATIONS

THE PARTIES¹

24 1. Plaintiff White Mountain Health Center, Inc. is an Arizona non-profit
25 corporation, licensed to transact business and transacting business in Maricopa County,
26

27 1 Headings are provided in order to aid the reader. They are not intended to limit the scope
28 of any paragraph or its contents.

1 Arizona.

2 2. Plaintiff desires to own and to operate a non-profit medical marijuana
3 dispensary and cultivation site, as defined in the Arizona Medical Marijuana Act, at 15249
4 North 99th Avenue, Suite B, Sun City, Arizona 85351, which is located within the Sun City
5 CHAA (as herein after defined) or any other location in the Sun City CHAA that is in
6 compliance with Maricopa County restrictions. The Sun City CHAA, CHAA #49, is located
7 entirely within unincorporated portions of Maricopa County, Arizona.
8

9 3. Defendant William Montgomery is the County Attorney of Maricopa County,
10 Arizona. In that capacity Defendant Montgomery is responsible for advising the Maricopa
11 County Board of Supervisors with regard to the adoption and enforcement of laws, among
12 other things.
13

14 4. Defendant Will Humble is the Director of the Arizona Department of Health
15 Services (“DHS”), a political subdivision of the State of Arizona. Defendant Humble is
16 responsible for the DHS employees who are implementing and overseeing the Arizona
17 Medical Marijuana Act, A.R.S. §§36-2801, *et. seq.* This includes, but is not limited to, the
18 review, approval and denial of applications for medical marijuana Dispensary Registration
19 Certificates and approvals to operate medical marijuana dispensaries and cultivation sites,
20 after a Dispensary Registration Certificate is obtained.
21

22 5. Defendants DOES 1-X are fictitious names, used to denote other persons or
23 entities whose acts and/or omissions caused or contributed to Plaintiff’s injuries. Plaintiff
24 hereby requests leave of this Court to amend its Complaint to reflect the true names and
25 statuses of Defendants DOES 1-X, when the same have been ascertained.
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JURISDICTION AND VENUE

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2 6. This action is brought as an ordinary action in the Superior Court and as a
3 Special Action, pursuant to the Rules of Procedure for Special Actions including, but not
4 limited to Rule 2 thereof. The acts and events complained of herein occurred in Maricopa
5 County, Arizona.
6

ARIZONA MEDICAL MARIJUANA ACT

7
8 7. On or about November 2, 2010, the citizens of the State of Arizona passed and
9 adopted Proposition 203, a voter initiative, known as the Arizona Medical Marijuana Act
10 (the "AMMA"), A.R.S. §§ 36-2801 through 36-2819. Governor Jan Brewer signed the
11 AMMA into law on December 14, 2010. The AMMA states, in pertinent part, that the
12 People of State of Arizona find and declare that modern medical research has confirmed
13 beneficial uses for marijuana in treating or alleviating pain, nausea and other symptoms
14 associated with a variety of debilitating medical conditions, as found by the National
15 Academy of Sciences' Institute of Medicine. These benefits include relief from neuropathic
16 pain caused by a variety of illnesses that often fail to respond to conventional treatments and
17 relief from nausea, vomiting and other side effects of drugs used to treat various illnesses.
18 Marijuana's medical utility has been recognized by a wide range of medical and public
19 health organizations. Arizona voters have declared that "the health and welfare of its
20 citizens" would be enhanced by the adoption of the AMMA. The purpose of the AMMA is
21 stated, at least in part, to protect medical marijuana patients with debilitating conditions from
22 arrest and prosecution, criminal and other penalties, if such patients engage in such use of
23 the medical use of marijuana.
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1 8. The AMMA provides for a limited number of highly regulated dispensary and
2 cultivation sites. Stringent dispensary license regulations include, but are not limited to full
3 vetting of the applicant, verification of substantial financial resources, possible reasonable
4 zoning restrictions that limit the locale of the dispensaries, comprehensive background
5 checks, audited inventory controls which regulate the origin, distribution, transfer and sale of
6 the cannabis, and a \$5,000.00 application fee.
7

8 9. Pursuant to A.R.S. § 36-136 (F), and/or the AMMA the Arizona of Department
9 of Health Services was granted rulemaking authority with regard to the AMMA. The current
10 rules (the “Rules”) adopted by the Arizona Department of Health Services aid in the
11 implementation of the AMMA and are contained within R9-17-101 through R9-17-323. The
12 effective date of the current Rules is on or about April 12, 2012.
13
14

15 10. DHS-adopted Rules, among other things, divide the State of Arizona into 126
16 separate geographical areas, known as “CHAAs, where only one medical marijuana
17 dispensary may be located. One such geographical area is known as the Sun City CHAA
18 (CHAA #49).
19

20 11. Neither the AMMA nor the Rules place geographic restrictions upon the
21 locations of medical marijuana dispensaries and cultivation facilities vis a vis churches,
22 places of worship, parks, libraries, day care centers and other places, businesses and
23 institutions.
24

25 12. The only geographical restriction that the AMMA and the Rules place upon the
26 location of a medical marijuana dispensary and/or a medical marijuana cultivation facility is
27 contained in A.R.S. § 36-2804 (B)(1)(ii), which states, in essence, that neither dispensaries
28

1 nor cultivation sites may be located within 500 feet of a public or private school, existing
2 before the date of the non-profit medical marijuana dispensary application.

3 13. Plaintiff alleges, upon information and belief and after investigation, that there
4 are no such schools in the Sun City CHAA. Plaintiff does not seek to operate its business
5 within 500 feet of the boundary of the Sun City CHAA and any other CHAA.
6

7 14. One of the relevant Rules, R9-17-304, provides, in pertinent part, that an entity
8 that desires to operate a medical marijuana dispensary or cultivation site must first file an
9 application for a Dispensary Registration Certificate (“Certificate”) with DHS.
10

11 15. Among other things, pursuant to Rules, R9-17-305, after a Certificate is issued,
12 the holder of the Certificate must then submit an application to DHS for approval to operate
13 a dispensary at a certain location, with or without a cultivation site, at least 60 days before
14 the expiration of the Certificate.
15

16 16. The State of Arizona unsuccessfully sought to delay or to prevent
17 implementation of certain portions of the AMMA, and/or the Rules including, but not
18 limited to, those portions that apply to dispensaries and cultivation sites. The United States
19 District Court for the District of Arizona ruled against the State of Arizona and refused to
20 accept jurisdiction of said matter. The State of Arizona has now commenced to implement
21 those portions of the AMMA that provide for dispensaries and cultivation sites.
22

23 17. Defendants DHS and Humble are currently processing applications for
24 Dispensary Registration Certificates (“Certificates”) aka dispensary applications, pursuant to
25 R9-17-304 or otherwise.
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MARICOPA COUNTY'S INVOLVEMENT

1
2 18. In order to obtain a Certificate and in order to operate a dispensary or
3 cultivation site, A.R.S. §36-2804 (B)(1)(d) and Rules, Rule R9-17-304, state that an
4 applicant must submit to DHS documentation issued by the local jurisdiction where the
5 dispensary's proposed location is located, in this case Maricopa County, stating that either
6 there are no zoning restrictions for the dispensary's proposed location or that the
7 dispensary's location and/or cultivation site is in compliance with any and all zoning
8 restrictions.
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10

11 19. For all relevant purposes, a cultivation site cannot be opened without first or
12 simultaneously opening a dispensary. In order to obtain a "license" to operate a dispensary,
13 an applicant must first obtain a Certificate. After a Certificate is obtained from DHS, the
14 holder of the Certificate must comply with Rules, R9-17-305 (A)(2). This rule states that the
15 holder of the Certificate must submit to DHS a "copy of documentation issued by the local
16 jurisdiction authorizing occupancy of the building as a dispensary and, if applicable, as the
17 dispensary's cultivation site...."
18
19

20 20. On or before May 25, 2012, Plaintiff filed a timely application for a Certificate
21 with DHS.
22

23 21. On or about June 1, 2012, DHS issued a Notice of Deficiencies to Plaintiff,
24 attached Exhibit B. Exhibit B was issued to Plaintiff because, in pertinent part, Plaintiff was
25 unable to obtain documentation from Defendants Maricopa County and/or Montgomery,
26 stating that either there are no zoning restrictions for the dispensary's proposed location or
27 that the dispensary's location is in compliance with any and all zoning restrictions.
28

1 22. Pursuant to A.R.S. § 36-2806.01, cities, towns and counties may enact
2 reasonable zoning regulations that limit the use of land for registered non-profit medical
3 marijuana dispensaries to specific areas.

4 23. Defendant Maricopa County, acting by and through its County Attorney,
5 Board of Supervisors and others, has taken the position that neither Defendant Maricopa
6 County nor Defendant Montgomery will issue, supply or state written reasons for failing to
7 supply the sworn statement (and/or any other documentation or evidence) certifying or
8 refusing to certify that Plaintiff's proposed dispensary and/or cultivation site and/or any
9 other non-profit medical marijuana dispensary and/or cultivation site in CHAA #49 is (or is
10 not) in compliance with Maricopa County zoning and/or all other building occupancy
11 restrictions, if any, for the opening of a medical marijuana dispensary and or cultivation site.

12 24. On more than one occasion Defendant Montgomery has stated or written that
13 he and Maricopa County will not comply with the AMMA or with DHS' relevant Rules
14 because marijuana is illegal under federal law. Upon information and belief, Mr.
15 Montgomery has so advised the Maricopa County Board of Supervisors and the Maricopa
16 County Planning and Development [zoning] Department. Consequently, no person with
17 authority to act for Maricopa County will confirm or deny whether Plaintiff's proposed
18 location, 15249 North 99th Avenue, Suite B, Sun City, Arizona 85351, or any other location
19 in the Sun City CHAA, is or is not in compliance with Maricopa County restrictions and/or
20 whether said address' location is allowed as a medical marijuana dispensary and/or
21 cultivation site, as required by Rules, R9-17-304 and/or R9-17-305 (A)(2). See attached
22 Exhibit A, a letter from Mr. Montgomery to the undersigned, dated June 13, 2012.
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1 25. Defendants Maricopa County and Montgomery have willfully, wrongfully,
2 arbitrarily, capriciously and/or without cause, failed and refused and still fail and refuse to
3 accept and process requests for zoning, location and/or building compliance and/or to
4 confirm whether Maricopa County has adopted any reasonable or unreasonable restrictions
5 upon the location of medical marijuana dispensaries and/or cultivation sites in
6 unincorporated portions of Maricopa County.
7

8 26. The refusal of Defendants Maricopa County, Montgomery and/or other
9 Defendants to process and issue dispensary and/or cultivation site zoning and/or building
10 location approval and/or compliance is wrong, arbitrary, capricious and/or an abuse of
11 discretion, for a number of reasons including, but not limited to:
12

13 a. The AMMA has not been declared to be pre-empted by federal law, nor
14 has any federal court issued an Injunction or Order blocking implementation of the AMMA.
15

16 b. No court has ruled that Maricopa County may refuse to accept and
17 process requests for location compliance.
18

19 c. No court has ruled that Maricopa County or any other county, city, town
20 or entity may act to thwart any purpose of the AMMA or the Rules.
21

22 d. Defendants DHS and Humble have already determined that one medical
23 marijuana dispensary shall be located in each CHAA.
24

25 e. The restrictions, if any, currently force and effect in unincorporated
26 Maricopa County violate A.R.S. § 36-2806.01 because they are unreasonable.
27

28 f. It is clearly unreasonable, unsafe and contrary to the terms and
intentions of the AMMA and the Rules to require the permanent and other residents of the

1 Sun City CHAA, all of whom are believed to be over the age of 55, to travel long distances,
2 outside of the CHAA in which they reside, in order to obtain medical marijuana that the
3 State of Arizona has authorized them to obtain and use, under appropriate circumstances.

4
5 27. Except to the extent that Judge Bolton's decisions, in *State of Arizona v. US*,
6 No. CV11-7072-PHX-SRB (D. Ariz. 2012), effect this dispute, no court has ruled upon the
7 issues raised in this Complaint.

8
9 28. Eric Holder, the United States Attorney, and the local United States Attorney's
10 Office have indicated that county and government employees in Arizona are not at risk of
11 prosecution. They have refuted all such claims of risk of prosecution and/or penalty because
12 Arizona is one of the states that have adopted medical marijuana legislation and are
13 complying with state law.

14 15 **PLAINTIFF'S STATUS AND DAMAGES**

16 29. No other application for a Certificate to operate a dispensary in the Sun City
17 CHAA will be accepted in the near future because the deadline for applying was May 25,
18 2012.

19
20 30. Plaintiff submitted the only application for a medical marijuana dispensary
21 Certificate in the Sun City CHAA. Up to 16 applications were filed for one other CHAA.
22 Thirteen applications were filed in at least four other CHAAs. The time for filing such
23 applications has passed. Plaintiff would be awarded the Certificate, which is an authorization
24 to commence construction of a dispensary and cultivation site and a license to open not-for-
25 profit businesses, after inspection by DHS, if not for the sole reason that Defendants
26 Maricopa County and Montgomery have failed to act upon Plaintiff's request for zoning and
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1 building location approval.

2 **MARICOPA COUNTY'S PRIOR/CURRENT ZONING ORDINANCES**

3 31. On or about December 28, 2010, Maricopa County duly adopted changes to its
4 Zoning Ordinance ("Ordinance"), Article 1301.1.44, to provide for medical marijuana
5 dispensaries and cultivation sites. The only restrictions upon the locations are that they may
6 not be located within 1,500 feet of another dispensary; a church, a private elementary or
7 secondary school, a public or private day care center, preschool, nursery, kindergarten or
8 similar use; a public park or playground; or an adult oriented facility. Article 1301.1.44
9 further provided that medical marijuana dispensaries shall be located only within the C-2 or
10 C-3 Commercial Zoning Districts.
11

12 32. Article 1301.1.44 is very similar to the restrictions placed upon medical
13 marijuana dispensaries and cultivation sites throughout Phoenix and in incorporated areas in
14 close proximity to Phoenix.
15

16 33. Plaintiff's proposed location complies with each and every one of the above
17 described (former) provisions of Article 1301.1.44.
18

19 34. Article 1301.1.44 was subsequently repealed. Upon information, and belief, it
20 was repealed upon the advice of Defendant Montgomery and/or his subordinates, with his
21 permission.
22

23 35. Plaintiff is entitled to collect their reasonable attorney fees from Defendants
24 pursuant to A.R.S. §12-348 and §12-349 and/or pursuant to the Rules of Procedure for
25 Special Actions, Rule 4(g).
26
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FIRST CLAIM FOR RELIEF

(Declaratory Judgment)

36. Plaintiff hereby realleges paragraphs 1 through 35 of its Common Allegations, as though the same were fully set forth herein.

37. Plaintiff is entitled to a judgment declaring that there are no local or Maricopa County zoning restrictions for a proposed dispensary in the Sun City CHAA #49 and/or, in the alternative, that any and all locations in the Sun City CHAA #49 are in compliance with the Maricopa County Zoning Ordinance and regulations relating to a where a dispensary may be located, except for those locations that are within 500 feet of a public or private school, existing before the date of the non-profit medical marijuana application and/or, in the alternative, that Maricopa County has not enacted any "reasonable" zoning restrictions with regard to medical marijuana and/or, in the alternative, that the only "reasonable" restrictions that Maricopa County has enacted or could enact, with regard to medical marijuana dispensaries and cultivation sites in the Sun City CHAA, are those restrictions that are or were previously set forth in Article 1301.1.44 of the Maricopa County Zoning Ordinance and/or, in the alternative, that Plaintiff has otherwise complied with all requirements for obtaining a Dispensary Registration Certificate in the Sun City CHAA and has complied with all Maricopa County requirements for opening a medical marijuana dispensary and cultivation in the Sun City CHAA #49, subject only to proper construction of improvements at Plaintiff's site.

SECOND CLAIM FOR RELIEF

(Injunctive Relief)

1 marijuana dispensaries and/or cultivation sites in the Sun City CHAA and/or, in the
2 alternative, that Plaintiff's proposed location at 15249 North 99th Avenue, Suite B, Sun City,
3 Arizona and/or any other location selected by Plaintiff within the Sun City CHAA that
4 complies with the provisions of the current version or former version of Article 1301.1.44 of
5 the Maricopa County Zoning Ordinance is in compliance with the restrictions adopted by
6 Maricopa County and that occupancy of the building(s) where Plaintiff intends to open a
7 dispensary and/or cultivation site in CHAA #49 comply with all of the above identified
8 requirements.
9

10
11 WHEREFORE, Plaintiff demands relief from all Defendants, individually, jointly and
12 severally, as follows:

13
14 1. For the issuance of a declaratory judgment ruling that there are no local or
15 Maricopa County zoning restrictions for a proposed dispensary and/or cultivation site in the
16 Sun City CHAA #49 and/or, in the alternative, that any and all locations in the Sun City
17 CHAA #49 are in compliance with the Maricopa County Zoning Ordinance and regulations
18 relating to a where a dispensary may be located, except for those locations that are within
19 500 feet of a public or private school, existing before the date of the non-profit medical
20 marijuana application and/or, in the alternative, that Maricopa County has not enacted any
21 "reasonable" zoning restrictions with regard to medical marijuana and/or, in the alternative,
22 that the only "reasonable" restrictions that Maricopa County has enacted or could enact, with
23 regard to medical marijuana dispensaries and cultivation sites in the Sun City CHAA, are
24 those restrictions that are or were previously set forth in Article 1301.1.44 of the Maricopa
25 County Zoning Ordinance and/or, in the alternative, that Plaintiff has otherwise complied
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1 with all requirements for obtaining a Dispensary Registration Certificate in the Sun City
2 CHAA and has complied with all Maricopa County requirements for opening a medical
3 marijuana dispensary and cultivation in the Sun City CHAA #49, subject only to proper
4 construction of improvements at Plaintiff's site;
5

6 2. If requested in a separate pleading, for the issuance of a Temporary
7 Restraining Order, Preliminary Injunction and/or Permanent Injunction, enjoining
8 Defendants and their agents from deeming Plaintiff's application for a Dispensary
9 Registration Certificate and/or Plaintiff's application to actually operate a medicinal
10 marijuana dispensary and/or cultivation site to be "withdrawn," being deficient or denying
11 said application, until the conclusion of this case upon its merits;
12

13 3. If requested in a separate pleading, for the issuance of a Writ of Mandamus,
14 requiring Defendants Maricopa County and/or Montgomery to provide Plaintiff and the
15 Arizona Department of Health Services with a sworn statement and/or other materials
16 required by the Arizona Department of Health Services, *et al.*, declaring that Maricopa
17 County has not adopted any restrictions upon the location of medical marijuana dispensaries
18 and/or cultivation sites in the Sun City CHAA and/or, in the alternative, that Plaintiff's
19 proposed location at 15249 North 99th Avenue, Suite B, Sun City, Arizona and/or any other
20 location selected by Plaintiff within the Sun City CHAA that complies with the provisions of
21 the current version or former version of Article 1301.1.44 of the Maricopa County Zoning
22 Ordinance is in compliance with the restrictions adopted by Maricopa County and has
23 complied with all Maricopa County requirements for opening a medical marijuana
24 dispensary and cultivation in the Sun City CHAA #49, subject only to proper construction of
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1 improvements at Plaintiff's site.

2 4. For the issuance of an Order to Show Cause directing the Defendants to appear
3 before this court and show cause, if any they have, why the relief requested should not be
4 granted.
5

6 5. For damages, in an amount in excess of the minimum jurisdictional
7 requirements of this Court, the exact amount of which will be determined and proved at the
8 time of trial;
9

10 6. For Plaintiff's reasonable attorney fees, in an amount to be determined by the
11 court before or after the time of trial;

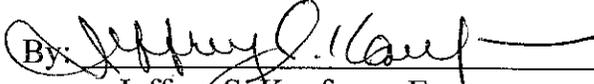
12 7. For Plaintiff's accrued court costs;

13 8. For interest on all sums due and owing to Plaintiff, at the highest rate
14 authorized by law, from the date of judgment, until paid in full; and
15

16 9. For such other and further relief as is just and proper.

17 Dated this 19th day of June, 2012.

18
19 JEFFREY S. KAUFMAN, LTD.

20 By: 
21 Jeffrey S. Kaufman, Esq.
22 5725 N. Scottsdale Road, Ste. 190
23 Scottsdale, AZ 85250
24 Attorney for Plaintiff
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VERIFICATION

STATE OF ARIZONA }
County of Maricopa } ss.

Jeffrey S. Kaufman, Esq., being first duly sworn upon his oath, deposes and states:

1. That he is the attorney for Plaintiff in the above entitled action;
2. That he has read the foregoing Complaint and knows the contents thereof, and

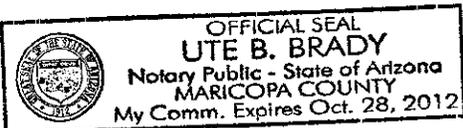
that the matters and things contained therein are true and correct to the best of his knowledge, information and belief.


Jeffrey S. Kaufman, Esq.

SUBSCRIBED AND SWORN to before me this 19 day of June, 2012, by Jeffrey S. Kaufman, Esq.


Notary Public

My Commission Expires:



JEFFREY S. KAUFMAN, ESQ.
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Maricopa County Attorney

BILL MONTGOMERY

301 WEST JEFFERSON STREET, SUITE 800
PHOENIX, ARIZONA 85003
WWW.MARICOPACOUNTYATTORNEY.ORG

PH. (602) 506-1260
TDD (602) 506-4352
FAX (602) 506-8102

June 13, 2012

Jeffrey S. Kaufman, Esq.
5725 North Scottsdale Rd., Suite 190
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Re: Medical Marijuana Dispensary Zoning Issue

Dear Mr. Kaufman:

I have received and reviewed your letter dated June 5, 2012, wherein you request that "the County immediately issue written preliminary zoning verification and approval of our client's medical marijuana dispensary and/or cultivation site in Sun City." Your letter also indicates that you have "received inconsistent opinions from the County" on this issue "none of which seem to be definitive." To be clear, Maricopa County is unable to take the action you request at this time.

As your letter correctly notes, the County is not issuing zoning verification for medical marijuana dispensaries due to the fact that doing so would potentially subject the County and its employees to prosecution under federal law. Based on our review and analysis of the state and federal statutes involved, available state and federal case law, and U.S. Attorney General opinion letters and news articles on the subject, it is reasonably clear that Arizona citizens who use, possess, cultivate or distribute marijuana, or facilitate such use, possession, cultivation or distribution, including Maricopa County employees or agents acting in accordance with the provisions of the AMMA, could be subject to federal prosecution under the federal Controlled Substances Act. There is no safe harbor from federal criminal prosecution based on, for example, the fact that distribution of marijuana, or the facilitation of that distribution, is legal under state law. Accordingly, the County will not be accepting any further applications for medical marijuana dispensaries or cultivation sites, further processing any pending applications, or issuing any certificates, permits or other authorizations or justification for medical marijuana dispensaries or cultivation sites until the threat of federal prosecution is conclusively removed.

I trust that this definitively answers the questions set forth in your letter. If you have further questions or concerns, please do not hesitate to contact me.

Sincerely,


Bill Montgomery
Maricopa County Attorney

BM/jd





Arizona Department of Health Services
Arizona Medical Marijuana Program

Notice of Deficiencies

Friday, June 01, 2012

Your application for a Dispensary Registration Certificate has been received by the Arizona Medical Marijuana Program ('Program'), Arizona Department of Health Services ('Department').

The following deficiency(s) with your application was/were identified by the Program, making your application incomplete:

1. A copy of documentation from local jurisdiction that there are no local zoning restrictions for the dispensary's location, or if local zoning restrictions apply, the dispensary's location is in compliance with all local zoning restrictions was missing. R9-17-304(C)(6). Please submit.

2. A document containing a sworn statement certifying that the dispensary is in compliance with local zoning restrictions was missing. R9-17-304(C)(5). Please submit.

Please resolve the above identified deficiency(s) and submit the requested information and/or document(s) to the Program. The requested information and/or document(s) should be mailed to the Arizona Department of Health Services (ATTN: Dispensary Program), P.O. Box 19000, Phoenix, AZ, 85005, or e-mailed to M2Dispensaries@azdhs.gov.

APPLICATION: AZDS000000346

DISPENSARY: ELEMENTS THERAPEUTIC DISPENSARY

ADDRESS: 49 - Sun City

You are advised that pursuant to Arizona Administrative Code (A.A.C.) R9-17-107, you have 10 working days from the date of this Notice of Deficiencies ('Notice') to submit the information and/or document(s) to the Program that are necessary to complete your application. If you do not submit the information and/or document(s) within 10 working days, the Program will consider your application to be withdrawn. If your application is withdrawn and you still wish to apply for a Dispensary Registration Certificate, you will be required to pay the application fee and submit a new application during the next available Dispensary Registration Certificate Application submission time-frame.

Thank You,
Arizona Medical Marijuana Program



**PRINCIPAL OFFICER'S ATTESTATION OF COMPLIANCE
WITH LOCAL ZONING RESTRICTIONS**

STATE OF ARIZONA)
) ss.
County of Maricopa)

Ari Schafer, being first duly sworn upon his oath, deposes and states:

My name is Ari Schafer. I am a resident of Maricopa County, Arizona.

I am the Principal Board Member of White Mountain Health Center, Inc.

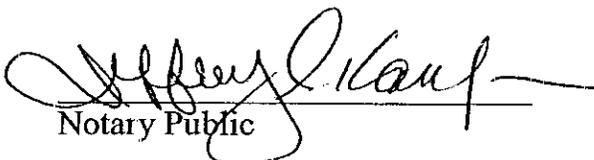
There are no local zoning restrictions that pertain to the dispensary to be located at 15249 North 99th Avenue, Suite B, Sun City, Arizona, County of Maricopa or within any portion in the entire Sun City CHAA, CHAA #49, wherein 15249 North 99th Avenue, Suite B, Sun City, Arizona is located.

Further your Affiant sayeth naught.

DATED this 13th day of June, 2012.


Ari Schafer

SUBSCRIBED AND SWORN to before me this 13 day of June, 2012, by Ari Schafer.


Notary Public

My commission expires: 12/21/14

