

County of El Dorado

BOARD OF SUPERVISORS

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330 FAIR LANE PLACERVILLE, CA 95667
TELEPHONE (530) 621-5390
FAX NO. (530) 622-3645



December 6, 2007

Matt Vaughn
Medical Marijuana Caregivers
Association of El Dorado County
Post Office Box 1352
Placerville, CA 95667

Re: Business License Renewal

Dear Mr. Vaughn:

Your request appealing the "Notice of Refusal of Business License Renewal" will be considered on Tuesday, January 8, 2008, at 10:00 a.m., in the Board of Supervisors Meeting Room, 330 Fair Lane, Placerville, CA 95667.

If you have any questions, please contact this office at (530) 621-5394.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Keck".

Cindy Keck
Clerk of the Board of Supervisors

Cc: Treasurer/Tax Collector
County Counsel

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY

**MEDICAL MARIJUANA CAREGIVERS
ASSOCIATION OF EL DORADO COUNTY**

P.O. Box 1352
Placerville, CA 95667
530.677.5362
Fax 530.677.5201

2007 DEC -3 PM 2:16

3 December 2007

Rusty Dupray
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

RE: NOTICE OF REFUSAL OF BUSINESS LICENSE RENEWAL
Business license No. 2007-032593

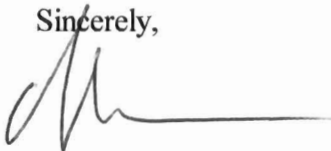
Dear Sir:

This letter is to acknowledge the receipt of the "NOTICE OF REFUSAL OF BUSINESS LICENSE RENEWAL" from the El Dorado County Treasurer & Tax Collector's office dated 28 November 2007. This letter also serves as the written notice of appeal to the County Board of Supervisors with regard to said "NOTICE".

California's courts have consistently ruled that local governing agencies do not have the authority to interpret and enforce federal law. If MMCA were in violation of federal law, it would be the duty of federal authorities to enforce federal law and issue a notice of violation. At that point, the county has the right to deny a business license due to "violation of federal law" pursuant to Section 5.08.090F of the El Dorado County Ordinance Code.

MMCA looks forward to bringing this appeal to a public hearing and we do expect the Board of Supervisors to set a hearing date within the required thirty days. The first BOS meeting, 8 January 2008, would be the practical choice to hear this matter. Also, concerns regarding the delay in working with this issue in a timely, public manner brings up questions of Brown Act and due process violations, and will be addressed in conjunction with this appeal.

Sincerely,



Matt Vaughn
Founder and CEO



360 FAIR LANE
PLACERVILLE, CA 95667

November 28, 2007

MMCA of El Dorado County
Attn: Matt Vaughn / Nicholas Vaughn
PO Box 1352
Placerville, CA 95667

RE: Business Location: 3031 Alhambra Drive, Cameron Park, CA 95682
NOTICE OF REFUSAL OF BUSINESS LICENSE RENEWAL

Dear Sirs:

This letter is to acknowledge the receipt of your check #1254 in the amount of \$32.00 intended for the renewal of County Business License #032593, and your letter dated October 26, 2007 inquiring about the status of the renewal. The check is being returned at this time because the license will not be renewed.

In a recent audit of medical / pharmaceutical business applications received and issued in the County, it was discovered that the existing license lists the type of business as: "druggists, pharmacy: retail, wholesale, sundries." The business was approved by the County Planning department with the conditions that no dispensing of medical services or prescription drugs were to take place on site. In the review of the internet website for MMCA (aka Medical Marijuana Caregivers Association of El Dorado County), it was noted that as of January 11, 2007, the last webpage update, the Association claims to provide medical marijuana (cannabis) to eligible patients under the California Compassionate Use Act of 1996.

Dispensing marijuana is a violation of federal law. Section 5.08.090F of the El Dorado County Ordinance Code provides for refusal to issue a business license for violation of federal law, namely dispensing marijuana.

County Ordinance 5.08.050 provides the right to appeal to "any person owning or having an interest in any business for which a county business license was refused or revoked..." The written notice of appeal must be filed with the County Board of Supervisors within 10 days following the date of the refusal or revocation.

Regards,

A handwritten signature in cursive script that reads "Cami Roberts".

Cami Roberts
Accounting Division Manager

Enclosures: Copy of Original Business License Application, endorsed as "Renewal Refused"
Renewal Certificate Endorsed as "Refused"
MMCA Check #1254 (original)

Renewal Refused
Nov. 28, 2007
C. Roberts, Deputy

C. L. RAFFETY, C.P.A.
TREASURER AND TAX COLLECTOR
360 FAIR LANE
PLACERVILLE, CALIF. 95667-4197
(530) 621-5800 Placerville
(530) 573-3011 So. Lake Tahoe

County of El Dorado BUSINESS LICENSE

Business License No. 2007-032593

ORDINANCE 3515

Indicate one:

INDIVIDUAL	PARTNERSHIP	CORPORATION
		XXX

Business Name MMCA OF EL DORADO COUNTY

Mailing Address PO BOX 1352

City PLACERVILLE CA 95667 Phone (530) 677-5362

Type of Business DRUGGISTS, PHARMACY; RETAIL, WHOLESALE, SUNDRIES

Business Street Location 3031 ALHAMBRA DR., CAMERON PARK, CA 95682

Business Owners (Attach list of additional owners, partners or corporate officers)

VAUGHN, MATT
VAUGHN, NICHOLAS

Contractor's License Number

Signature of Owner

Date

MARK ANY CHANGES ON THIS FORM AND RETURN WITH REMITTANCE.

IF THIS BUSINESS IS NO LONGER DOING BUSINESS IN EL DORADO COUNTY, PLEASE CHECK THE BOX TO THE RIGHT AND RETURN THIS FORM

APPLICATION DATE	DATE DUE	FEE DUE
08-04-2004	08-01-2007	\$32.00

MAKE CHECKS PAYABLE TO:
C.L. RAFFETY, C.P.A.

Renewal Refused
11-28-07
C. Roberts, Deputy
C. L. RAFFETY

THIS IS NOT A BUSINESS LICENSE, PLEASE RETURN WITH REMITTANCE

RENEWAL

Renewal Refused Change of Location
11/28/2007
by Cami Rotun, Deputy Treasurer and Tax Collector

C. L. Raffety, C.P.A



360 Fair Lane, Placerville, Calif. 95667
Tax Collector (530) 621-5800

BUSINESS LICENSE APPLICATION
ORDINANCE 5.08.010

BUSINESS LICENSE # 032593 (Tax Collector's Use Only)

CHECK ONE:

INDIVIDUAL	PARTNERSHIP	CORPORATION
		<input checked="" type="checkbox"/>

Business Name (DBA) MMCA OF EL DORADO COUNTY Phone # 677.5362

Individual/Corporation/Partnership Name (MEDICAL MARIJUANA CAREGIVERS ASSOC. OF EDC)
(If different from above)

Mailing Address P.O. Box 1352 Placerville CA 95667
Street or P.O. Box # City, State Zip Code

Business Street Location 3031 Alhambra Dr. Cameron Park.
Business Street Location is in: Residential Zone Commercial/Industrial Zone

Business Description(s) PATIENT SUPPORT GROUP
(If more than one, list each)

Business Type Code _____ (Tax Collector's Use Only)

Business Owner's Names, Titles, and Addresses: (List all owners/partners/officers; if more space is needed, attach list)

NAME	TITLE	ADDRESS

Assessor's Parcel # 083-420-09-100 Contractor's License # _____
(Obtain from Assessor's Office) CG-DC (Required by State Law)

Clearance (if applicable):

PLANNING <u>2/17/05</u>	BUILDING <u>6/17/05</u>	ENVIRON. HEALTH	FIRE DISTRICT	SHERIFF
<u>Steve Allan</u>	<u>RDG.</u>		<u>1/10/05</u>	

Comments Professional Offices only - Medical Referral business only no medical marijuana dispensing medical services prescriptions on Dec 05.
(County use only)

Print Applicant's Name Matt Vaughn Title Pres.

Applicant's Signature [Signature] Date 2/2/05 Phone # 677.5362

MAKE CHECKS PAYABLE TO: **C. L. Raffety, C.P.A.**
Treasurer/Tax Collector
360 Fair Lane, Placerville CA 95667-4197

CALIFORNIA STATE BOARD OF EQUALIZATION

SELLER'S PERMIT



ACCOUNT NUMBER

2/1/2004 SR KH 100-349754

MMCA
MMCA OF EL DORADO COUNTY
3031 ALHAMBRA DR STE 102
CAMERON PARK, CA 95682-8850

*NOTICE TO PERMITTEE:
You are required to obey all
Federal and State laws that
regulate or control your
business. This permit does
not allow you to do
otherwise.*

IS HEREBY AUTHORIZED PURSUANT TO **SALES AND USE TAX LAW** TO ENGAGE IN THE
BUSINESS OF SELLING TANGIBLE PERSONAL PROPERTY AT THE ABOVE LOCATION.
THIS PERMIT IS VALID ONLY AT THE ABOVE ADDRESS.

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED AND IS NOT TRANSFERABLE. IF YOU SELL YOUR BUSINESS
OR DROP OUT OF A PARTNERSHIP, NOTIFY US OR YOU COULD BE RESPONSIBLE FOR SALES AND USE TAXES
OWED BY THE NEW OPERATOR OF THE BUSINESS.

Not valid at any other address

For general tax questions, please call our Information Center at 800-400-7115.

For information on your rights, contact the Taxpayers' Rights Advocate Office at 888-324-2798 or 916-324-2798.

BOE-442-R REV. 15 (2-06)

A MESSAGE TO OUR NEW PERMIT HOLDER

As a seller, you have rights and responsibilities under the Sales and Use Tax Law. In order to assist you in your endeavor and to better understand the law, we offer the following sources of help:

- Visiting our website at www.boe.ca.gov
- Visiting a district office
- Attending a Basic Sales and Use Tax Law class offered at one of our district offices
- Sending your questions in writing to any one of our offices
- Calling our toll-free Information Center at 800-400-7115

As a seller, you have the right to issue resale certificates for merchandise that you intend to resell. Conversely, you have the responsibility of not misusing resale certificates. While the sales tax is imposed upon the retailer,

- You have the right to seek reimbursement of the tax from your customer
- You are responsible for filing and paying your sales and use tax returns timely
- You have the right to be treated in a fair and equitable manner by the employees of the Board
- You are responsible for following the regulations set forth by the Board

As a seller, you are expected to maintain the normal books and records of a prudent businessperson. You are required to maintain these books and records for no less than four years, and make them available for inspection by a Board representative when requested. You are also expected to notify us if you are buying, selling, adding a location, or discontinuing your business, adding or dropping a partner, officer, or member, or when you are moving any or all of your business locations. If it becomes necessary to surrender this permit, you should only do so by mailing it to a Board office, or giving it to a Board representative.

If you would like to know more about your rights as a taxpayer, or if you are unable to resolve an issue with the Board, please contact the Taxpayers' Rights Advocate Office for help by calling toll-free, 888-324-2798 or 916-324-2798. Their fax number is 916-323-3319.

Please post this permit at the address for which it was issued and at a location visible to your customers.

STATE BOARD OF EQUALIZATION

Sales and Use Tax Department



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
PHILADELPHIA PA 19255-0023

Date of this notice: 02-18-2004

Employer Identification Number:
73-1694439

Form: SS-4

Number of this notice: CP 575 C

For assistance you may call us at:
1-800-829-4933

MEDICAL MARIJUANA CAREGIVERS
MMCA OF EL DORADO COUNTY
580 SKYLINE DR
PLACERVILLE CA 95667

IF YOU WRITE, ATTACH THE
STUB OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 73-1694439. This EIN will identify your business account, tax returns, and documents even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, please use the label IRS provided. If that isn't possible, you should use your EIN and complete name and address shown above on all federal tax forms, payments and related correspondence. If this information isn't correct, please correct it using the tear off stub from this notice. Return it to us so we can correct your account. If you use any variation of your name or EIN, it may cause a delay in processing and may result in incorrect information in your account. It also could cause you to be assigned more than one EIN.

Based on the information from you or your representative, you must file the following form(s) by the date shown next to it.

Form 1120

03/15/2005

If you have questions about the form(s) or the due date(s) shown, you can call us at 1-800-829-4933 or write to us at the address at the top of the first page of this letter. If you need help in determining what your tax year is, you can get Publication 538, Accounting Periods and Methods, at your local IRS office.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a determination of your tax classification, you may seek a private letter ruling from the IRS under the procedures set forth in Revenue Procedure 98-01, 1998-1 I.R.B.7 (or the superceding revenue procedure for the year at issue).

MEDICAL MARIJUANA CAREGIVERS ASSOCIATION OF EL DORADO COUNTY

MISSION

Our mission is to assist those Qualified Patients in our community whose medical condition is helped by Medical Marijuana, as allowed by and compliant with State of California Health and Safety Code Sections 11362.5 and 11362.7.

VISION

Medical Marijuana Caregivers Association of El Dorado County is envisioned as a comprehensive forum through which Qualified Patients in our community may freely associate not only with other Qualified Patients, but also with those who as Caregivers are involved with the growing, processing, and delivery of the natural herb Cannabis, also known as Medical Marijuana.

This forum would provide:

- **A facility** available to all Qualified Patients in which the exchange of information and the use of Medical Marijuana, as provided by Health and Safety Code, are freely allowed.
- **A facility** available to all Qualified Patients that would provide a safe and protected environment to grow or otherwise generate Medical Marijuana specific to the individual Patient's needs.
- **A facility** occupied by a Resident Caregiver who, along with assistants, provide help and guidance to Qualified Patients and Primary Caregivers with growing or otherwise generating Medical Marijuana specific to the individual Patient's needs.
- **A facility** to provide a market in which Medical Marijuana, produced in excess may be exchanged for compensation of costs, and in which supplies necessary to the growing, processing, and ingesting of Medical Marijuana may be sold.

D. By posting the notice in a conspicuous place upon the premises of the fixed place of business specified in the license. The notice of revocation shall identify the license affected by number, date and name of business and specify the grounds for which the license was revoked and be dated and signed by the tax collector or any authorized employee. The revocation shall be effective at the time the notice of revocation is delivered personally or posted or forty-eight (48) hours after the notice is deposited in the United States mail as shown by the postmark on the envelope and the date the revocation becomes effective shall be stated in the notice. (Prior code §6254)

5.08.050 Appeals. Any person owning or having an interest in any business for which a county business license was refused or revoked by the tax collector may appeal the refusal or revocation to the board of supervisors by filing a written notice of appeal stating the name and address of the appellant and his desire to appeal the refusal or revocation of the license, to which is attached a copy of the application for the license with the refusal endorsed thereon or a copy of the notice of revocation with the board of supervisors within ten (10) days following the date of the refusal or revocation. The board of supervisors shall fix a date for hearing the appeal not more than thirty (30) days following the date the notice of appeal is filed and shall mail notice of the time and place of the hearing to the person filing the notice of appeal not less than five days prior to the date of hearing. The appellant may appear in person or by counsel and present any relevant evidence relating to grounds for refusal or revocation of the license or the lack of such grounds and the tax collector may present evidence in rebuttal thereof. The hearing may be continued from time to time not to exceed thirty days in all. The board of supervisors shall find and determine from the evidence submitted whether one or more of the grounds specified in section 5.08.090 for the refusal or revocation of the license existed and by order entered in the minutes directing the reinstatement or issuance of the license if the finding is that no such grounds existed or affirming the refusal or revocation if their finding is that the grounds do exist. The decision of the board of supervisors shall be final. (Prior code §6255)

5.08.060 Businesses Subject to License. It is unlawful for any person to transact any kind of business in the

separate business license is required for each individual engaged in any itinerant business even though any two or more of the individuals are employed by the same person or are associated together in the same business. (Prior code §6223)

5.08.090 Grounds for Refusal or Revocation. No person shall be refused a county business license nor have the license revoked except for one or more of the following grounds:

A. Failure or refusal to complete and submit the application required for the license;

B. Failure to pay the required fee for the license unless the applicant is exempt from the payment of the fee by state law or the provisions of this title;

C. Failure to pay unsecured property taxes upon property used in the business before the taxes become delinquent;

D. Failure to present with the application the unrevoked and unexpired certificates and permits required by chapter 5.12;

E. Making false statements in the application for the license;

F. The violation of any state or federal law or any county ordinance regulating the business, the construction, alteration or repair of buildings and sewage disposal systems used in the business or regulating the use of the land upon which the business is operated;

G. The purchase or receipt for trade, pawn or resale of any secondhand merchandise without reporting each such transaction to the sheriff's office not later than noon of the day following acquisition of the property;

H. Failure to file with the county clerk of the county in which the principal place of the business is located, as stated in the application for the license, a fictitious name certificate with respect to any name used to identify the business as required by section 2466 of the Civil Code;

I. Failure to file with the county clerk a copy of the articles of incorporation of any corporation having its principal office or owning land in the county as required by sections 311 or 312 of the Corporations Code;

J. Revocation or expiration of a permit or certificate required by chapter 5.12. (Prior code §6224)

5.08.100 Term. The term for a business license shall be for a period of one (1) year commencing with the first day of the calendar month during which the license is issued and