

From: Matthew Wilk [<mailto:matthew.wilk@sbcglobal.net>]

Sent: Tuesday, March 27, 2018 5:09 PM

To: Planning <Planning@a2gov.org>

Subject: Special Exception Use Permit -- 1202 Packard

Dear Planning Commission:

I write to STRONGLY OPPOSE the application for a Special Exception Use Permit and Site Plan for an illegal marijuana distribution facility. It should be obvious to the commission that illegal uses should not be permitted under any zoning or planning review, but apparently that is not the case. The reasons to oppose this plan are numerous:

1. Marijuana is illegal under federal law. The Controlled Substances Act (21 USC § 801 et seq), and the classification by the Attorney General of marijuana and its by-products as a Schedule 1 substance, renders possession, growing, distribution and sale of marijuana illegal. This is true whether or not the State, the City, or the Planning Commission thinks this is a wise policy. The Supremacy Clause of the US Constitution makes clear that federal laws reign supreme.
2. The Attorney General has indicate that the policy of willful ignorance of duty undertaken over the last eight years and longer will cease. See attached memo.
3. As a result, that means that the operation at this location remains subject to raids, arrests and other enforcement at any time. Such a possibility renders the use unsuitable for a residential neighborhood such as that. I'm sure parents do not want to be explaining to their children why the FBI and ATF are at a home in this neighborhood.
4. The National Institutes of Health has indicated that marijuana is indeed a gateway drug.

“Some research suggests that marijuana use is likely to precede use of other licit and illicit substances⁴⁶ and the development of addiction to other substances. For instance, a study using longitudinal data from the National Epidemiological Study of Alcohol Use and Related Disorders found that adults who reported marijuana use during the first wave of the survey were more likely than adults who did not use marijuana to develop an alcohol use disorder within 3 years; people who used marijuana and already had an alcohol use disorder at the outset were at greater risk of their alcohol use disorder worsening.⁴⁷ Marijuana use is also linked to other substance use disorders including nicotine addiction.”

5. Additionally, marijuana is extremely dangerous for children. Use permanently modifies brain architecture, rendering the child more likely to abuse other drugs in the future. Allowing a marijuana distribution facility in a neighborhood with children will repeatedly expose them to this dangerous drug.
6. Because the sale, possession, distribution and manufacture of marijuana are illegal, transactions involving marijuana are only conducted through cash. Credit card providers and banks will not conduct business with marijuana facilities because federal regulators prohibit them. As a result, not only will there be a dangerous drug in the vicinity of children, but the presence of cash will make it significantly more likely that robberies and burglaries will be attempted. This is the wrong type of activity to be invited to this neighborhood.

Sincerely,

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Office of the Attorney General
Washington, D. C. 20530

January 4, 2018

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: Jefferson B. Sessions, III
Attorney General

SUBJECT: Marijuana Enforcement

In the Controlled Substances Act, Congress has generally prohibited the cultivation, distribution, and possession of marijuana. 21 U.S.C. § 801 *et seq.* It has established significant penalties for these crimes. 21 U.S.C. § 841 *et seq.* These activities also may serve as the basis for the prosecution of other crimes, such as those prohibited by the money laundering statutes, the unlicensed money transmitter statute, and the Bank Secrecy Act. 18 U.S.C. §§ 1956-57, 1960; 31 U.S.C. § 5318. These statutes reflect Congress's determination that marijuana is a dangerous drug and that marijuana activity is a serious crime.

In deciding which marijuana activities to prosecute under these laws with the Department's finite resources, prosecutors should follow the well-established principles that govern all federal prosecutions. Attorney General Benjamin Civiletti originally set forth these principles in 1980, and they have been refined over time, as reflected in chapter 9-27.000 of the U.S. Attorneys' Manual. These principles require federal prosecutors deciding which cases to prosecute to weigh all relevant considerations, including federal law enforcement priorities set by the Attorney General, the seriousness of the crime, the deterrent effect of criminal prosecution, and the cumulative impact of particular crimes on the community.

Given the Department's well-established general principles, previous nationwide guidance specific to marijuana enforcement is unnecessary and is rescinded, effective immediately.¹ This memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion in accordance with all applicable laws, regulations, and appropriations. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal.

¹ Previous guidance includes: David W. Ogden, Deputy Att'y Gen., Memorandum for Selected United States Attorneys: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana (Oct. 19, 2009); James M. Cole, Deputy Att'y Gen., Memorandum for United States Attorneys: Guidance Regarding the Ogden Memo in Jurisdictions Seeking to Authorize Marijuana for Medical Use (June 29, 2011); James M. Cole, Deputy Att'y Gen., Memorandum for All United States Attorneys: Guidance Regarding Marijuana Enforcement (Aug. 29, 2013); James M. Cole, Deputy Att'y Gen., Memorandum for All United States Attorneys: Guidance Regarding Marijuana Related Financial Crimes (Feb. 14, 2014); and Monty Wilkinson, Director of the Executive Office for U.S. Att'ys, Policy Statement Regarding Marijuana Issues in Indian Country (Oct. 28, 2014).