

SKUNK MAGAZINE; Interviews Darryl Cotton, Activist and Founder of 151 Farms
By Pebbles Trippet

PT: Let's start off with you telling us a little bit about yourself and where you're from?

DC: I'm originally from La Grange, IL which is a suburb just outside Chicago. Both of my parents were from the Southern Illinois farm country where they met and married while in college. My father was a mechanical engineer and my mother was a PhD chemist. I was the oldest of their 3 children and growing up I led a fairly typical comfortable middle class life.

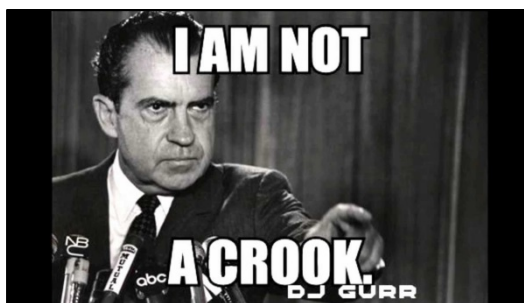


PT: You're based out of San Diego now. Can you tell us when you decided to leave the Chicagoland and venture west?

DC: I remember it vividly. It was 1979 and I was apprenticing in the electricians union in Chicago. I'll never forget the morning when I got to the job and it was so cold, something in the order of 100 below zero with the wind chill, I knew right then and there that working as an electrician in Chicago, no matter how good the pay was not how I wanted to do for the rest of my life. I decided to pack my van and head west without any real destination in mind. My plan was to make it to the west coast by starting in San Diego and working my way north. What ended up happening is I made it to San Diego where this Midwestern boy was first introduced to all its natural beauty and work was plentiful. I didn't see any reason to continue further explorations. I had found my new home and never left.

PT: When were you first introduced to cannabis and how would you say it has influenced your life and your outlook on its place in society?

DC: I first discovered cannabis in the early 1970's when groups of us would sit around the forest campfires we frequented as a place to bond, talk about politics and just be. Those were the days of great [social and political upheaval](#) as we were experiencing the [Viet Nam war](#), the false flag [Gulf of Tonkin Incident](#) that got us into that war, [President Nixon and Watergate](#), [Mayor Daley and his pay to play cronyism machine](#), the loss of what we saw as our generation's leaders such as [President John F Kennedy](#) and [Dr. Martin Luther King](#) and a growing resistance to governments overreaching oppression that I first saw for myself during the [1968 Democratic Convention](#) that was held in Chicago and later in the [Ohio National Guard shootings of innocent student protestors at Kent State University](#). This had been our government's response to silencing the first amendment right to free speech for those unfortunate student protestors of the Viet Nam war. From the 70's to who I am today, cannabis has left an indelible mark by being the thread that has woven its way through my life.



PT: What would you describe as your earliest character influences?

My earliest memories were of the times there would be parties at our house and I would get to hang out and experience the tone and relations that existed between my mother's colleague's most of who were scientists with advanced academics. Even at a very young age I could see there was this marvelous sense of mental one-upmanship that went on during their wide ranging conversations. I didn't know it at the time but I was witnessing what amounted to a scientific pecking order being created in these social settings and even though it was fueled by a steady stream of alcohol there seemed to be no limits to the mental intellect that would assemble at these soirees.

While it was my father who got me interested in all things mechanical, such as building and creating things, it was definitely my mother who was responsible for my early interest in science. She would often take me to her work after hours at Argonne National Laboratory where we'd be walking through these enormous labs with hardly anyone there. I had all kinds of questions and she would take the time to explain what it was I was asking about in terms that even a child could sort of understand. Looking back it was quite impressive to see the size of this facility and the equipment being used in her research.



One of the most impressive pieces of equipment I got to watch being used were the lasers which she used in her pioneering work in [Raman Spectroscopy](#) for both biological and chemical research applications. In short her work involved using light as a non-destructive method to determine materials composition and in plant photosynthetic performance.

Looking back I would have to say that was her oft repeated philosophy of 'Never Give Up' which is what gave her, a young woman determined to gain entry into the largely male dominated field of science, the perseverance necessary to reach her career goals. [Goals that ultimately became her remarkable scientific gifts to the world](#) while setting the example on how to do so, as the gift she left to me, her oldest son.

PT: Can you tell us how you came to see cannabis in the broader spectrum of social rights and urban farming issues?

DC: There is a lot to this answer but it starts with a bit more background. Growing up I sort of lived in



two worlds. On the one hand I would spend my summers working on farms in Southern Illinois whereby I came to appreciate the hard work it took to run these farms and what these farms did in providing for our communities. On the other

hand I lived the rest of the year in these urban communities which in my freshman year of high school put me in the south side of Chicago where I



attended Saint Ignatius, a Jesuit college preparatory school located directly across the street from housing projects. It was during that time I became acutely aware of the city/state social engineering programs that targeted certain regions and ethnicities with benefits that created a level of dependence on government subsidies. Once accepting of these benefits it usually kept the recipients stuck in programs they would likely never escape from. In my mind at the time the social-economic lines had been drawn and there just didn't seem to be much that could be done about it. I made a mental note to file these observations away in the back of my mind thinking that perhaps someday, given the opportunity; I might be able to participate in addressing and helping in some way to improve these conditions.

What I bore witness to was the family units being broken apart by this cradle to grave type of government lifeline in which these communities came to depend upon a continuous cycle of social charity that comes at a recipient cost. While certainly not the only reason, there were a large percentage of fathers who maintained a reduced presence in these homes because I believed then as I do now that since they were not the family breadwinner, the family is less dependent upon them and consequently they have had less of an influence on their families. The family unit began to disintegrate with the importance of the father's role being marginalized over what has now been generations affected by this social experimentation.

Another truism is worth noting here and that is that 'idle hands become the devils workshop'. With little chance for gainful employment these fathers and the young men who grew up within these communities have always been looking for acceptance, a reason to get out of bed in the morning and something concrete they can identify with. Lacking these opportunities the cost of social charity became fertile ground for the development of gangs, illicit drug sales, addictions, and the violence that is necessary to hold all these activities together. If we want to change the conditions we need to change the culture. To that end I like to implore inner city youth to; 'put down the guns and pick up a shovel. You may very well live past 30 and not be locked up in the process.'

Throughout my life I have believed that if there came a time when real legal and socially acceptable economic opportunities were made available from within these communities there would be a chance that some, if not all of the socio-economic deterioration we've seen could be reversed. Whatever that plan ended up being though, it would take a transition in the way things had been working. For me, I saw that transition occurring years later when, contrary to federal law, various states would rethink their positions on cannabis. These states passed laws that made medical cannabis legal with, from my perspective, the greatest transitional shift towards mainstream acceptance of medical cannabis occurring with the passage of [California's Proposition 215, The Compassionate Use Act, back in 1996.](#)

It was a result of Prop 215 having passed that I predicted there would become a slow but steady trend towards cannabis gaining wider acceptance. What I was concerned with then and became even more so later, occurred when 20 years after the passage of Prop 215, [Proposition 64, the Adult Use of Marijuana Act \(AUMA\)](#) was introduced to California voters as a way to 'recreationalize' cannabis by making it available to anyone over the age of 21 without a doctor's recommendation.

The initial reaction by many to Prop 64 was that those who used cannabis for any reason would support its passage as a way to come together under greater social acceptance within a legal framework that

among other things 'protected' our children. That sounded good but having read the initiative I had grave concerns about what it represented and decided to oppose it. I believed we could do better than Prop 64 but I also felt that unless someone had a better idea, simply opposing it would not be enough and it would likely pass. That's when I made the decision that 151 Farms could be used as a vehicle that could stir the larger debate that AUMA alone had failed to address.



I have always believed that with our governments promotion and incentivization of programs that particularly in those areas such as the black, brown and Asian communities which have demographically and historically been on the receiving end of the War on Drugs, should serve to expand economic development, housing, jobs, fresh, unprocessed food and cannabis as a medicine within a burgeoning urban farms initiative. Prop 64 was never that initiative. I have always believed we needed to take advantage of this unique window in time where cannabis was A debate that should have

allowed for inclusionary transitioning opportunities of some 50K unlicensed cannabis growers into a still under development and evolving licensed exclusionary framework that had those who voted for AUMA known in advance that this is what recreational cannabis laws would look like, they would have no doubt campaigned and voted against it. While many of suffered since its passage it's not too late to take corrective action.

PT: So is it fair to say that with 151 Farms you saw early on with cannabis laws being enacted there was this confluence of events occurring that would allow every aspect of the plant to develop into a mega-industry whereby those who might have 'missed' previous economic growth opportunities within their communities may very well find a seat at this new emerging industry table?

DC: Most definitely! What I began in 2013 was to first develop a campaign of demonstrating growing techniques that included combining food and medical cannabis in closed loop systems of fish water feeding both traditional and cannabis crop plants. This method of cultivation is known as aquaponics and while there are many benefits, such as the substantial water savings and its soilless which makes it perfect for urban farms. I saw this as an opportunity to get this style of growing into our lay and policy maker's field of vision because the attributes it created would help to benefit other elements they needed to attend to and do so in a way that set the standards for sustainability and environmentally responsible farming techniques.



I was also drawn to cultivating cannabis plants because I grew them for my own medicinal purposes that required they never be exposed to synthetic nutrients, fungicides, pesticides or aerocides. Treating the plants with any of these chemicals could prove harmful to the fish, to me and to other patients so only organic methods of farming could be used with this style of gardening. My personal experience with medical cannabis has always been to use it to help combat a nocturnal seizure disorder I contend with. Cannabis acts as a wonderfully effective neuromodulator for me which relaxes my mind to a state where synapse misfiring is less likely to occur.

These early gardens were also an incubator where I could test and trial our Inda-Gro Grow Lights over a wide range of plants which of course included cannabis. It was through these trials I gained a greater understanding of the importance of broad spectrum lighting that benefits medical cannabis plants phenotype profiles. For the medical cannabis patient this is invaluable in terms of available and repeatable phenotype expression when treating any endocannabinoid related diseases. Benefits to the patient that came not only from the quality/quantity of the light the plants received but all the other environmental inputs that in turn optimized whole plant expression which could then be used in live resin extraction to increase plant:patient efficacies.



While I had many reasons for deciding to grow my food, hops and meds in aquaponics systems it was around 2015 I decided to turn what I had been working on within my own ideology to something that I could develop whereby others could see how these techniques come together in a real world working environment. It was from that desire 151 Farms was born.

PT: Why did you pick the name 151 Farms?

DC: Well the reality is our goal has always been to make urban farms economically self-sufficient. Most urban farms fail within the first year because the farmers can't keep up with expenses, can't pay a decent wage and they end up going belly up. That is NOT the message we need to convey to those who might consider getting into urban farming as a career, a career that would provide an increasingly valuable and important service to our communities. As cash crops, cannabis and hops help make the financial burdens of operating these farms less likely to fail and able to donate some of our products and services to those less fortunate and in need of them within our communities.



To that end 151 stands for our dedication to grow 1 pound of cannabis to 5 pounds of food for 1 community. Our community. It also stands for 1 pound of fish to 5 gallons of water for every 1 sq-ft of

media. This is another important way to look at the significance of 151 since the balance or ratio of fish/waste to water to media is one of the first questions people ask in trying to understand the ideal target ratios for these systems.

PT: Where was the first 151 Farm located?



DC: In 2015 I found a commercial rental property in the Barrio Logan portion of San Diego. I found the owner to be receptive to what I wanted to do with 151 and he allowed me to set the farm up and run it as I saw fit. I moved the various fish tanks I'd been accumulating and built greenhouses for all the leafy greens as well as our outdoor gardens for our hops. We also constructed indoor floating raft systems and medical cannabis gardens with all the water systems

being networked between the fish and the plants. Within 60 days of signing the lease we had the majority of our farm up and running and we began offering weekend tours and live stream podcasts to anyone interested in what these gardens represented to their communities.



What I found early on is that we attracted a wide and diverse group of interested parties who came to expand their minds as to what it is to be a 151 Farmer. From the politicians and judges to college students and housewives looking for

something to do, it was not unusual to see the diverse groups learning how to clone plants, harvest hops for their local microbrewery while getting the lettuce ready to donate to our local food bank.



By opening our 151 Farms up to the public I have been privileged to witness firsthand the fun, excitement and shared sense of community that comes from removing whatever cannabis preconceptions people might have had when they come in and they come to the realization of just what can be accomplished if we are not

manipulated and can come together with an intelligent plan of action. I really do believe we can help to [Change the World, One Garden at a Time!](#)

PT: While you and your work through 151 Farms have always espoused the virtues of cannabis for its medical benefits, what are your thoughts on cannabis being used for recreational purposes?

DC: If we start at the point where Prop 215 made it legal for physicians to recommend cannabis for certain medical conditions we can start with an understanding that the first objective reversal of a state governments position on cannabis was acknowledging its medical benefits and the sanctity of the

physician-patient relationship. Like any medicine its purpose is to Repair, Relieve or Prevent disease while promoting homeostasis that is the body finding its optimum equilibrium. [It is for that reason I don't believe there is any such thing as a 'recreational' use of cannabis.](#) To characterize cannabis as a recreational drug activity akin to having a beer after work is seriously marginalizing the medical benefits that so many cannabis users have come to rely on as a preferred option over opiates and pharmaceutical treatments.

Simply put; alcohol does not Repair, Relieve or Prevent disease. Cannabis, depending on its genetics, can do one or all of the above.

PT: Wouldn't you at least be willing to say that certain parts of Prop 64, such as the expungement of cannabis related sentences were good law?

On the face of it, the short answer is yes this was a benefit in passing Prop 64. However Prop 64 contained other elements that created these carrot and stick arguments as to why it should be approved. Elements that could be reduced to sound bites whereby certain lawyers, celebrities and those with their own agendas could point to these positives and spout how important these reforms were to our state. Yes there are important areas of cannabis law and regulation that Prop 64 attempted to improve upon but Prop 64 was never the vehicle to deliver these reforms. To accept Prop 64 was to accept the fact that what little good it proposed was far outweighed by the bad it set forth. Here's why;



As citizens we should not have had to decide yes on Prop 64 to enact what would be the moral and ethically corrective action that would have expunged cannabis related offenses from those who had been convicted of those 'crimes'. What Prop 64 proponents would have had you believe is that it was necessary to pass the initiative so that these important reforms would take place and everything else in the initiative were just 'issues' that could be fixed later once the regulatory framework was created. Is this what voters are left with? Is this the type of 'planning' that represents good government? Is this the type of 'planning' that asks the voters to approve initiatives that are admittedly so poorly crafted that they need to be 'fixed' by politicians with a 2/3 (Super Majority) house vote and who historically respond to whatever direction the prevailing political and special interest winds are blowing? Is this the type of planning that reduces the chances that our government officials will embrace cronyism and pay to play schemes? Is this the type of 'planning' that protects our democracy for generations to come? The answer to every one of these questions being posed here is not only no but HELL NO!

PT: Are there any other elements that in your opinion Prop 64 used in this carrot and stick approach to getting it passed?

Yes and this response will be kind of tricky because on the one hand I'm not advocating that no standards should apply when it comes to testing of cannabis for pesticides, mold, mildew or heavy

metals but what I am going take exception to is, like the expungement of prison sentences that 'needed' Prop 64 to pass, here we are with 20 years of legal medical cannabis when along comes Prop 64 and we are being proffered cannabis as a 'recreationally' legal drug. This begs the question who was behind this 'recreational' initiative and why?

Prop 64 told us that there would be no 'positive conflicts' with federal law and that state and federal

SECTION 11. CONSTRUCTION AND INTEPRETATION.

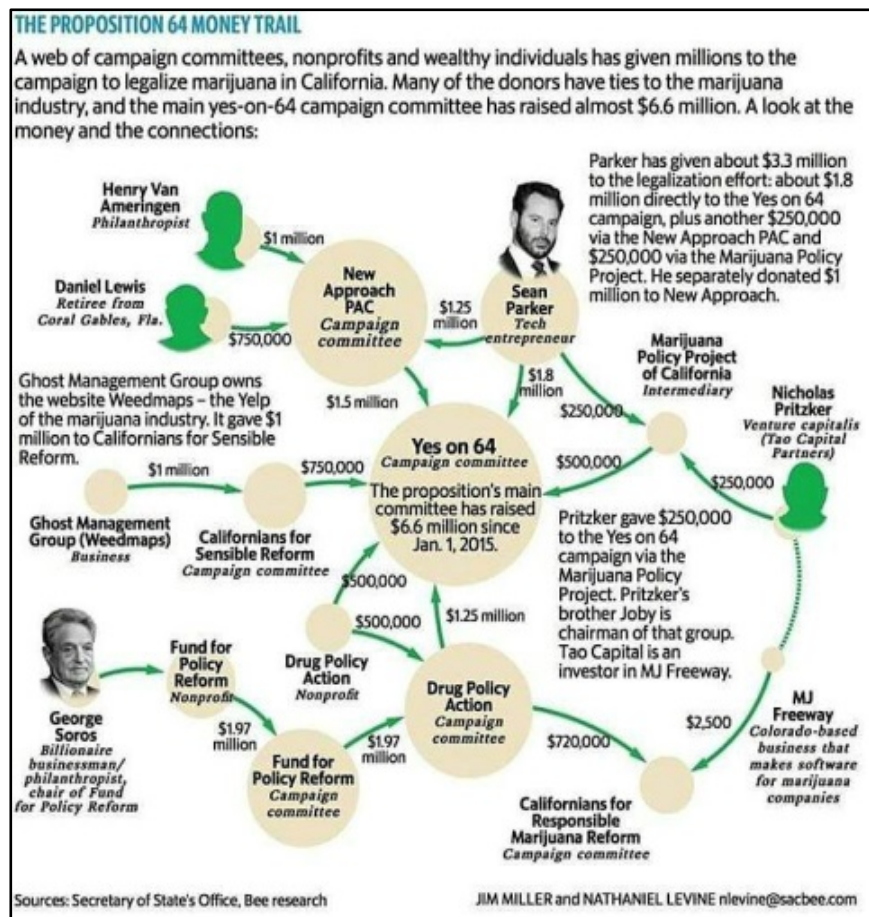
The provisions of this Act shall be liberally construed to effectuate the purposes and intent of the Control, Regulate and Tax the Adult Use of Marijuana Act; provided, however, no provision or provisions of this Act shall be interpreted or construed in a manner to create a positive conflict with federal law, including the federal Controlled Substances Act, such that the provision or provisions of this Act and federal law cannot consistently stand together.

law regarding marijuana could stand consistently together. That language is just completely untrue at so many levels but for now let's just consider

how the federal government's position on pesticide and toxicity limits for cannabis has changed with the passing of Prop 64. It hasn't.

Until the passage of Prop 64 California has never attempted to identify harmful levels of pesticide and toxicity limits for cannabis with their reason for not having issued these regulatory guidelines being that those levels were established federally by the EPA and with cannabis being a Schedule One drug the EPA could not and would not, test or publish safety threshold levels for cannabis. Well nothing has changed with the way the federal government tests for pesticide and toxicity limits when it comes to Schedule One drugs. They don't! The mere fact that the state has had to take on establishing these regulatory pesticide thresholds at all represents a positive conflict with the EPA.

What has changed with the passing of Prop 64 is that cannabis will now be taxed and regulated whereby the state must develop an overabundance of regulations seemingly overnight that may not always, insofar as how cannabis products are actually being consumed, be based on sound science. For example myclobutanil is a key ingredient in pesticide Eagle 20 which has been commonly in use by cannabis growers for years for its effectiveness



in combating powdery mildew and other pests. Why this pesticide is particularly noteworthy is that Eagle 20 is EPA/FDA approved for use on a wide variety of traditional agricultural crops and plants, including for example; turf grass, ornamental flowers, cherries and fruit trees all of which the U.S. Department of Agriculture carefully tests these plant species before issuing guidelines on when it is safe and in what dosage Eagle 20 may be used for oral consumption. These guidelines do not and have never taken into consideration what is safe exposure when products containing myclobutanil are consumed when smoking them.

So how did Prop 64 happen and why, over the course of 20 years of legal Medical cannabis, had there been no effort to establish these safety level thresholds? What it took is Prop 64. What it took was those with considerable power, influence and the desire to control this recreational industry while shutting down medical so as to not compete with the pharmaceutical industry. There are no other rational explanations. Just follow the Prop 64 money trail and then consider that at no point during the 20 years of Prop 215 did the state establish pesticide and toxicity thresholds that cannabis growers, who regularly use Eagle 20, could have used in their cultivation processes? Had growers known these levels and



responded accordingly it would have lessened the likelihood of medical cannabis patients, many with already compromised immune systems, from being exposed to unsafe levels of myclobutanil. A chemical that when burned turns into hydrogen cyanide or prussic acid, a colorless and extremely poisonous compound that can be lethal from its affects to organs most sensitive to low oxygen levels including the brain, cardiovascular system and lungs.

Why did it take the submission of Prop 64 to see these regulatory pesticide and toxicity limit thresholds are finally put into place? Good question. Prop 64 taxes cannabis and the state/local governments can control who gets to do what in this industry by setting environmental and safety regulatory thresholds that while no one would argue the importance of these thresholds can become so burdensome, strict and scientifically unsound that it puts the small to medium size grower out of business. And that, IMO has always been the end game when it comes to Controlling, Regulating and Taxing licensed cannabis activity in our states.

PT: Based on your previous response would it be safe to say you opposed Prop 64, The Adult Use of Marijuana Act, as it paved the way for a greater mainstreaming of cannabis through recreational use?

DC: I have always been an outspoken critic of Prop 64 for a number of reasons. I never felt that Prop 64 was, in the form it was presented to the voters, was first and foremost an initiative that would protect and benefit the medical cannabis patient. The language in that initiative was deceptive and overreaching. The question was what to do about it? Prior to the November 2016 vote on Prop 64, I invited Dennis Peron, another staunch opponent of Prop 64 and one of the original co-authors of Prop 215, to come visit our farm in San Diego so we might strategize



how to best inform the electorate of what would be the effects to Prop 215 if Prop 64 were to pass. Dennis graciously accepted our invitation and we had a wonderful get together tribute, The Dennis Peron Day which ended up being a pretty productive strategy session when it was all said and done.

Dennis knew of me from my having done the [151 Farms AUMA Analysis](#). This analysis took a step by step, paragraph by paragraph, line by line analysis of the language being offered in Prop 64. It was because I had taken the time to do that, and because Dennis's health was failing, which meant that the daily task of trying to swing voter's opinion which at the time was running over 65% in favor of approving Prop 64 for 'recreational' cannabis



use represented a herculean task that in his condition, Dennis was physically simply not up to it. However Dennis remained mentally adroit which led me to suggest to him that with his permission I be allowed to ghost write on his behalf to try and get our message out to as wide an audience as possible before the vote. Dennis agreed to that I began my work with him by developing the [Cannabis Manifesto](#) with its awesome TED Talk at the end and by steadily putting posts up on his Facebook page that would quietly but intelligently take exception to specific elements of Prop 64 that were not considered 'worthy' of debate by those so called activists who would publicly endorse Prop 64 for what we later came to find out was being done for their own benefits and financial gains.

During this process I stayed in close contact with Dennis and his loyal band of friends and followers, most notably, Wayne, Laura and Jeff who like Dennis desired nothing more than to get the Protect Prop 215 message out there by proclaiming the dangers of what lie ahead should Prop 64 pass. We got close. We made a difference. Prop 64 still passed but did so with only a 57% majority. Sadly, the reality is the premonitions we had back then have indeed come to pass.

It is now the 2 year anniversary of its passage and as Dennis advised me during our last meeting which occurred just months before he cut the ties that bound him to us that he believed Prop 215 will be saved but it would be up to the courts to do so. I took his advice. It made sense then and as I continue [my work on the legal front](#) and on the [Know More on 64](#) website that advice makes more sense with each and every passing day.

**PT: Isn't it a little late for us to Know More about 64? It's already passed.
Whether we like it or not it is the law of the land.**

Yes Prop 64 is the current law of the land but KnowMoreon64.org was created to help move the activist issues I am about to describe off of the 151 Farmers website and over to a more politically active venue. One that aims to not only educate but serve to provide real time dialogue between those who endorsed its passage and those who have been affected by it. Ultimately it is through this education and



shared dialogue that the Know More on 64 website will be instrumental in helping create a future for cannabis that protects the medical cannabis patients' rights.

PT: We agree that information is power. Can you tell us specifically how you intend to do this?

DC: As I've said previously, when Prop 64 was offered to the voters there were these sound bite sized attributes that caused high profile people to come out and endorse its passage. You had [celebrities](#),

[cannabis lawyers](#), [politicians](#), artists, [cannabis activist groups](#), [cannabis activists](#) and [major PAC's](#)

that lent their identities to seeing that regardless what language was being used in Prop 64 that it get passed. One of the national cannabis activist groups that I found their official position or better said their lack of an official position to be somewhat



disingenuous would have been Americans for Safe Access (ASA). Their reason for not taking an official position being that they are a medical cannabis organization and Prop 64 was, in their minds, a recreational measure that would not affect medical cannabis patients' rights. I went to their meetings and tried to enlist ASA to help debate the issues within Prop 64 but to no avail. The local meetings did allow those with a pro 64 viewpoint to present their reasons to vote for AUMA but if anyone were to descend from that rational they, i.e. me, were essentially excommunicated from those meetings.

For the most part I have always felt that anyone who was not a 'so called' cannabis activist and had publicly endorsed Prop 64 back prior to the November 2016 vote had not really done an in depth analysis of what was in the initiative. While it was unfortunate they may have contributed to its passing they were merely pawns being used in a campaign they could not fully appreciate. Those that [should have known better and continued to endorse](#) it I have come to hold them in a particularly low regard as they were either incompetent or a fraud by having publicly endorsed its passage.

PT: Those are some pretty harsh claims being made Darryl. How can you make a statement like that without proof?

DC: I have owned and ran businesses that required my clear understanding of every single element of any contract I would sign. When I read Prop 64 and decided to create the AUMA Analysis with Dennis Peron I knew that the situation being created was one where there were warning signs all over this document as to why it should not be agreed to by the voters. The fact that there were all these cannabis lawyers who staking their professional careers by giving advice as to what Prop 64 would and would not do if approved and the language they were claiming would protect medical cannabis patients' rights on the one hand was, within the very next



section of the initiative taking away those protections. Frankly I was astounded by what I saw developing. But there is only so much these lone voices can do when the howling winds of approval are drowning out our voices. With that being the case and since it did pass, my strategy since then has been to see what the ramifications were going to be as the regulatory process evolved and to weigh the Prop 64 we have today against the one that was voted on. The strategy going forward and as was recommended to me by Dennis Peron, begins with that.

PT: So I will ask you again, where is the proof that those who should have known better willfully and purposefully lied or mislead the voters when seeking that Prop 64 be approved?

DC: I believe all that is necessary to prove my statement is to [ask any lawyer to complete this survey](#). If the attorney you ask to complete it represents themselves as a cannabis attorney, who as a licensed CA attorney had traded on the fact that were an expert in all things Prop 64 and as a result of that had publicly endorsed the passage of Prop 64, I would be very surprised if they ever agreed to complete this survey as it is not in their best interests to do so. Read it for yourself and you'll see what I mean. Section 3 is all the proof one would need to expose this farce for what it is.

PT: Based on the questions you raise in the Attorney's Corner Survey you make a compelling case as to why Prop 64 should have never been eligible for the ballot in the first place. Who do you hold responsible for the fact that Prop 64 made it to the ballot?

DC: Ultimately it comes down to the [CA Attorney General Kamala Harris](#) who accepted the initiative and allowed it to reach the ballot. When an initiative is removed from the ballot, such as what happened to [CA Prop 9](#) (dividing the state into 3 parts) which was to be voted on in the 2018 midterms but instead was removed from the ballot by a Superior Court judge ruling over challenges to its constitutional validity. With Prop 9 the voters didn't get to vote on it at all. With Prop 64 no one challenged its foundational validity prior to its vote and to this day I still find utterly astonishing.

PT: Other than the points you raise in the Attorneys Corner Survey what would you say created the greatest conflict for the state in rolling out an acceptable, workable level of changes that would have allowed for a larger portion of satisfied licensee's participating in these programs?

DC: If I had to point to what I consider to be the biggest failures by the state in this endeavor it would have to be the unrealistic timelines it sets for themselves, applicants and licensees. Next would be the lack of a big tent transitions that would have encouraged more unlicensed growers to convert to licensed growers and finally what remains a patchwork quilt of local regulations that may or may not be in compliance with what will be state laws and regulations. IMO the state should have concentrated in defining primarily all things cultivation, and leaving dispensary/retail sales up to the local governments but with checks and balances that create the controls necessary to maintain compliance. I could go on but that's good for starters.



PT: Do you think Prop 64 can be saved?

DC: The question we should be asking is should it be saved? All I have ever cared about is medical cannabis patients' rights which had originally been granted and defined in Prop 215 be protected. Make medical cannabis safe and accessible for those that have come to rely on it and the concept of 'recreational' cannabis, where a physician's recommendation is not necessary and an entirely different set of rules should apply that taxes it would be the discussion we could have. Until then it looks like it may take a jury of our peers to rule on whether or not Prop 64 and its subsequent amendments were ever constitutionally correct.

PT: As a medical cannabis patient how has the passage of Prop 64 affected you personally?

DC: Since the passage of Prop 64 there have been numerous situations that have occurred which has made access to medical cannabis far more difficult and challenging for me. To describe this I'll need to cover what has happened and as of this interview is an ongoing legal battle I'm having with those who hold special relationships with those in charge of deciding who gets to own the limited licenses that are given out for cannabis ventures in the City of San Diego.

What it comes down to is that Prop 64 created an environment whereby local governments could use their enormous power to decide who gets to be a licensed business and who does not. Sweetheart deals are made behind the scenes and what may have once been a legal activity is no longer the case. You'll work to try and do everything properly, to go through the applications, to get the right permits and in the end what you'll come to find out is that the game was rigged right from the start. The powers that be never were going to grant you that license. They'll keep finding reasons to deny you that coveted license and you'll eventually come to the realization that from day one they were stealing your money, your hopes, your dreams and access to a plant that is in my case is a matter of life and death. Prop 64 was the initiative that created the fertile ground which allowed the 'pay to play' special interest cronyism to fester into unchecked systemic corruption at the local government levels within our state.

PT: Where can we learn more about your personal travails with cannabis cronyism?

DC: The entire story is detailed on the 151 Farmers website is constantly being updated as new events unfold. I call it [Canna-Greed. Be Awake. Be Aware. My Story.](#) If you have any kind of relationship at all with cannabis or you're simply a citizen of the United States expecting constitutional protections be observed by your government, you'll want to read it.

PT: Your Canna-Greed story is well documented and provides links to support those statements being made within it. Why did you feel the need to memorialize all this evidence? Did you foresee having to fight and defend your rights over what appeared to be at first pretty straightforward contracts and administrative functions with the City of San Diego?

DC: The first tip off I had as to how canna-law would be applied post Prop 64 was with the language in Prop 64 itself. I knew that it would be prudent to protect myself, my property, my family and my employees early on in these processes. Having been in business for over 30 years I knew that when it comes to contracts the devil is always in the details and the details in Prop 64 as well as how the local governments were deciding things like the ratio of license cultivators to licensed dispensaries were not,

at least in the case of the City of San Diego, making any business sense. I do the math that any prudent business person should have done in this paper titled [‘The Devil is Always in the Details’](#) and you’ll see that it makes zero economic sense to invest in one of the 40 cultivation licenses when the market the City has created through the number of licensed dispensaries it allows within the City cannot possibly justify the expense of getting into the business of licensed cannabis cultivation within the City of San Diego. Either City officials did a poor job of planning on how many licenses would be necessary to meet their local market needs or they intentionally created a situation that as a result of state and local laws and regulations the licensee would be driven out of business when they ran out of money. Neither shows good competent governance.

PT: So early on after the passage of Prop 64 and as a result of the civil lawsuit you are involved with over the sale of your commercial property being turned into a licensed dispensary you decided to track and archive anything that involved the City of San Diego’s Development Services Department (DSD) and certain parties to your lawsuit who you have claimed in court documents maintain a special position with certain power brokers and the City itself. Other than being in business for 30 years what gave you the clarity of vision, the premonition that saving things like the screen shots from the DSD website might be necessary in any future litigation?

DC: Having been a licensed CA contractor from [1987](#) through [2012](#) I was accustomed to dealing with many different cities building departments and the City of San Diego in particular. I knew from past experiences that it was critical to maintain good records of anything having to do with city actions should it become necessary to review or contest a decision at some point in the future that would affect one of my projects.

In the case of my property being sold where it would become a licensed cannabis dispensary it just made sense to sell my property to someone who had the experience and a track record of success in running retail cannabis dispensaries. That person was Larry Geraci. I negotiated a 10% percentage of the sales and the sale price of the property was contingent on the City of San Diego issuing Geraci or his agent a Conditional Use Permit (CUP) which Geraci would bear all costs associated with attaining the CUP. All was fine between Geraci and me until he showed his hand early on that he was not to be trusted and we entered into litigation over the sale of the property. Things got really interesting though when DSD started to trip over themselves by giving Geraci every opportunity to get out of his civil lawsuit and avoid paying the money he would owe me with a CUP being granted on my property by finding ways to see that it not be granted on my property. I won’t go into detail here, you can read about DSD actions in the Canna-Greed story but suffice it to say when all DSDs administrative attempts to derail the project had failed DSD/Geraci et al decided to fast track a competing CUP that within 6 months from the original application was granted an approval by the City Council that the Geraci CUP had not managed to do during the two plus years they had been in the application process.

Having dealt with DSD as a contractor for many years I knew that they had an enormous task in managing and approving projects. It wasn’t until the Geraci CUP application, of which he had control over the CUP application and I had none, that I came to realize how corrupt this department really is at least when it comes to how they approve or deny cannabis related ventures. Again I don’t make this type of statement lightly. Compare the two projects screen shots on the Canna-Greed story and you’ll

see that DSD did things to try and cover their tracks between the two project CUP applications that have no plausible explanations except they were in a situation where they were under orders that I was to be denied regardless of what it took to do so. It doesn't take a special Land Use Regulations attorney to reach that conclusion. The evidence is there.

PT: Ultimately the civil lawsuit saw you go through a number of different lawyers. What advice would you give those in need of representation when it regards cannabis matters in this post Prop 64 era of law?

DC: I replaced legal counsel when it became clear to me that the best interests of my case were not being presented to the court in a way that would have ended the matter sooner rather than later. Like the cities who take multiple application fees for a marijuana business venture license and only will issue one, with the others who applied having forfeited that money to the city, it is in short a cash grab industry right now. Lawyers and the specialist group of them I call canna-lawyers. will state that they can keep you compliant, take your money and then when you are found to be in violation of some real or imagined infraction, agree to represent you while the fight for your rights! They win by your loss.

What I came to find out is some of these lawyers are actually in on the legal and illegal cannabis operations. They make money on the sale of cannabis. When you can't trust your lawyer(s) because you don't absolutely know what their end game is you had better be prepared to challenge them in court. I did that when I filed a Pro Se motion in federal court that accuses certain lawyers and their firms of being involved in the Racketeering Influence and Corrupt Organization (RICO) charges that were used to take down organized crime syndicates. [My case was accepted](#) and is currently on a stay while the lower courts complete their work in my civil matter. You can read about it in its entirety in Chapter 12 of Canna-Greed.

I guess if I had an overriding opinion of what you as the client need to be aware of in this post 64 era of cannabis representation is that the rules and regulations change fast. What was legal one day may not be the next. You need to keep up on the law and be part of the team process that goes towards representing your best interests. I like to see where an attorney stands on Prop 64 before I hire them. To that end I ask that they complete this [Attorneys Corner Survey](#) on the Know More on 64 website which gives me some insight (see section 3) on how they see the law and the effects it might have on me. If they won't complete the survey I won't hire them and I don't recommend hiring one for your own needs unless they are willing to answer these types of questions.

PT: Having read your federal complaint I see that one of the charges includes violations of USC 1983. Can you tell us how you see that being applied in a cannabis related case such as yours?

DC: Certainly. USC 1983 aka the [Bivens Act](#) resulted in law being created which established that when government officials violate your 4th amendment rights they can be held personally liable for having done so. I have named certain individuals in my case and will attempt to see that those who would engage in these types of overreaching authority and unlawful seizures of property be made aware that they are not protected by their color of authority and the personal repercussions, regardless as to why they exerted these authorities i.e. they were under orders to do so, are real and substantial to the point

that the government employee can be bankrupted and unable to gain future employment should the charges stand.

PT: At what point can these civil charges become criminal?

DC: I'm not a lawyer and would not go on record as to what it takes for these types of activities to become criminal. What I can say is that in my case there have been attempts to silence me and those close to me. People I considered friends and allies were found out to be working against me. But at the end of the day time has a way of revealing what these true agendas are. When that happens it's like watching a rat trying to free itself from a trap by gnawing its leg off.

PT: How does time help illustrate that?

DC: Because there are these post Prop 64 unholy alliances that are being struck behind the scenes whereby only a select few can control the industry. It takes time to see them undone internally. It takes time to see some within the alliance will have a moral or ethical come to Jesus moment and the past activities will be exposed. This inevitably happens and when it does the actions can indeed become criminal.

PT: Do you have an example of that?

DC: Indeed I do. Recently there were 3 individuals here in San Diego who the FBI charged with a conspiracy to commit kidnapping and murder that as you read the [criminal complaint](#) you can see that the same 'pay to play' schemes occur whereby one person is put up as a front man for the license and as time goes on they get it in their head that once the license is granted in their name they now hold all the cards and the entire business operations are theirs. They decide to tell the 'financier' they have no standing and that whatever 'deal' they had is off. So much for honor amongst thieves. The financier cannot take legal action against the front man because what they agreed to do was illegal in the first place and the license(s) would be rescinded. They would have to be because the matter would be of public record. The financier has to resort to other solutions. In this most recent case it was to solicit the kidnapping and murder of the front man by a 'hit man' that happened to be an FBI Confidential Informant (CI) and the entire conversation(s) were recorded for evidence.

PT: So now the FBI is involved. They are already running a task force that targets local government corruption which one case that leaps to mind was the arrest of the [Mayor in Adelanto, CA](#). Do you foresee various federal agencies taking a larger role in managing to thwart these types of activities even though it is cannabis related?

DC: Indeed I do. At many state levels the cannabis train has already left the station and unless the fed and groups like the [American Bar Association](#) get immediately and actively involved in the enforcement of laws that our local and state governments are unwilling to defend than we as a country will not recover from the repercussions associated with those inactions. The fed needs to set examples right now and not contribute to the problems by selective enforcement of federal law in those states where cannabis is currently legal. If federal laws are being broken by those local and state governments who approve of these activities then the fed should be including the state and local governments in their

interdiction efforts for having aided and abetted the activities by granting the licenses to so in the first place.

PT: Would you like to share your thoughts on how cannabis fits into the federal government's scheme of things?

DC: I believe we have to recognize the myriad issues, both seen and unseen, that determines the federal government's stance and policy on cannabis. I have 4 suggestions they may want to consider going forward;

- 1) [Various federal agencies](#) have ruled that cannabis, when used for [medically patented purposes](#), should result in cannabis being re or descheduled.
- 2) As a member nation of the United Nations and as a signatory to the [United Nations Single Convention on Narcotics \(UNSCON\)](#) the United States should maintain its responsibilities as set forth in [Article 49 para 2 \(f\)](#) whereby cannabis may be used within those countries only for medical and scientific purposes.
- 2) Regardless of whatever actions regarding re or descheduling of cannabis, it is incumbent on the federal government to enact Safe Level Thresholds (SLT) for those medical patients and workers who come into contact with medical cannabis plants and products. To date the EPA/FDA have not established these guidelines because it has been their position that to have a federal agency engaged in publishing these SLT guidelines akin to those pesticide, toxicity and safe handling practices that states have come to rely on for traditional agricultural crops it would be a tacit approval in circumventing the Controlled Substance Act.

The EPA/FDA position on not publishing these SLT guidelines would only be defensible if the federal government had not already performed some of these tests and issued scientific opinions as it relates to the Health Hazards research that has been performed by the U.S. Department of Health and Human Services Centers for Disease Control and Prevention National Institute for Occupational Safety and Health (NIOSH) in their [HHE Report No. 2015-0111-3271 April 2017](#) which conducts an Evaluation of Potential Hazards during Harvesting and Processing Cannabis at an Outdoor Organic Farm to determine Threshold Limit Values (TLV) as have been published in that report.

In fact the federal government already has a jump start on what would be required for this with the FDA's publication on [Best Manufacturing Practices for Botanically Derived Medicines](#) which unlike the regulations that determine how tobacco for example can be treated, could be used for cannabis as a medicine in which people with compromised immune systems would need to be protected from those chemicals that at unsafe levels would cause them more harm than good.

- 3) In light of the fact that this SLT/TLV type work has already been performed by a federal agency, and that the United States is dominant world force in the United Nations and should be setting examples for how and why the UNSCON should apply SLT to cannabis when used in either medical and scientific applications and in consideration of what would seem to be an absolute

‘positive conflict’ with federal law for those states that have passed ‘recreational marijuana laws’ have indeed created an environment in which the federal government can never reconcile with their international responsibilities it would be prudent for the federal government to move forward on continuing to establish and publish these SLT/TLV for the medical cannabis markets that exist in those states where it is legal to do so.

Upon the EPA/FDA publication of those medical cannabis SLT guidelines those states that choose to pass and maintain ‘recreational cannabis laws’ would be doing so in a manner that is clearly inconsistent with current federal law and policy. Those states, cities, government employees and private parties who would continue to pursue recreational cannabis licensing under state laws would be doing while being fully aware of the federal consequences should they become subject to those enforcement actions.

PT: We certainly have covered a lot of ground in this interview. Thank you for taking the time to give us an overview of your work and the efforts that you have been putting into this.

DC: You’re very welcome. I’d like to think we can leave the world a better place and after all we only have a limited window of opportunity to try and do so. I appreciate you for giving me this forum and the opportunity to touch on the wide ranging topics that we’ve covered in this interview. And lastly I would like to thank you and those of your generation who have had and continue to have such an enormous influence on me. Your work has laid the foundation of what medical cannabis rights must be. While some of you are gone your voices will never be forgotten. I am enormously honored to have discussed these issues with you and hope for everyone’s sake that the future of medical cannabis can be assured for generations to come.



Pebbles Trippet is a Contributing Editor, Tokin’ Female Columnist at SKUNK Magazine and a longtime advocate for Medical Marijuana and its legalization.

My Favorite Quote: ‘The purpose of life is to live a purposeful life’