

Fresno County supervisors approve \$159,000 in marijuana fines

By Marc Benjamin



Armed with pruning shears and a sidearm, a Fresno County Sheriff deputy cuts marijuana plants in a field alongside corn and row crops, all said to left unharvested, at a grow raid on Behymer, east of Willow, in Fresno County.

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- *Fines imposed for two medical marijuana cultivation sites*
- *Deputies say marijuana cultivation is falling in Fresno County*
- *Fines eliminated for Riverside County man who sold property in 2012*

Fresno County supervisors issued \$159,000 in medical marijuana cultivation fines Tuesday and supported the appeal of a man who was initially fined but whose property ownership in question.

The \$1,000-per-plant fines were approved last year to send a zero tolerance message about marijuana cultivation in Fresno County after dozens of violent crimes occurred in 2012 and 2013 related to marijuana growing.

Following the hearings, Fresno County Sheriff's Capt. Bob Kandarian said the county has had fewer growing

operations and less violence since enacting the ordinance. In 2013, 550 cultivation sites were found, compared to 330 last year. By this time last year, 132 marijuana gardens had been seized, compared to 102 this year, he said.

“The ordinance is still making an impact,” he said. “We’ve had fewer grows and less violence.”

The collection of fines is not the county’s priority, Kandarian said.

“Public safety is our concern,” he said.

In Tuesday’s hearings, supervisors heard three cases and imposed fines in two.

Gilbert Lopez, a disabled veteran, faced \$800,000 in fines because marijuana was being grown on land he owned next door to his home on South Orange Avenue. Sheriff’s Sgt. Rob Lucas said Lopez, who has a medical marijuana card, had an agreement with his neighbor, who he knew only as “Jerry,” to supply Lopez with marijuana to relieve his pain.

“He was supposed to get some medicine,” said Sam Salhab, Lopez’s lawyer.

Salhab told supervisors that Lopez was unaware of the ordinance when deputies removed 800 plants from the property. Lopez said he was told only 100 to 200 plants were being grown.

Salhab said Lopez, who has no criminal history, didn’t know how much was grown because he was locked out of the property.

When sheriff’s deputies told Lopez that 800 plants were being grown, “he was shocked,” Salhab said.

Lopez’s situation set off a series of proposals by supervisors. Chairwoman Debbie Poochigian said that since Lopez believed there were only 200 plants, she suggested a \$200,000 fine. But Supervisor Henry R. Perea, concerned that Lopez could lose his property because of such a large fine, suggested a \$1,000 fine. Each motion failed on 3-2 votes.

Supervisor Andreas Borgeas said the \$200,000 proposed fine was a “more than reasonable reduction,” but that the \$1,000 was “absolutely the worst thing we could actually do.”

“This, to me, would be the death knell of this ordinance. Going from \$800,000 to \$1,000, we should discard this ordinance if we are going to go in this direction.”

Supervisor Buddy Mendes proposed an \$80,000 fine, which passed 4-1 with Poochigian opposed.

The 10% penalty is an amount supervisors have used in the past for property owners who claimed they were unaware of a garden on their property, Borgeas said.

Salhab said he is considering appealing Lopez’s case to Fresno County Superior Court.

Bouathong Saysamongdy was fined \$79,000 for half of 158 plants that were growing last year at 9265 S. Grantland Ave., near Raisin City. Sheriff’s deputies say they are still searching for a Fowler man who grew the other plants. Supervisors upheld the appeal but said his wife, Kaysone Saysamongdy, didn’t know about the plants.

Kiko Saysamongdy said his father grew marijuana because he was in pain.

“There is no way he can pay \$79,000, even if we go home right now and sell everything we have, it won’t even come close to \$79,000,” he said.

A fine was not imposed on Kong Meng Lee, who owned property at 627 N. Brawley Ave. where 150 marijuana plants were found last year. He said he didn’t own the land.

Lawyer Brenda Linder said Lee now lives in Riverside County and had sold the property to Cheng Yang in 2012, but Yang never recorded the deed of trust. Linder said the two men had a purchase agreement under which Yang would continue to make property payments.

Yang filed a lawsuit claiming that he had paid enough to Lee for the property, Linder said. The lawsuit, filed in November, said that Yang was the only owner.

Because there was no proof that Lee owned the property, supervisors said they wouldn't fine him for the marijuana plants.

"I do not believe he was responsible for the 95 plants," Poochigian said.

Supervisor Brian Pacheco agreed, saying "he wasn't the owner at the time."

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