



# Gregory F. Glodowski, Esq., Ltd.

Attorney at Law

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July 6, 2016

Reno City Council  
Hillary Schieve, Mayor  
David Bobzien  
Jenny Brekhus  
Naomi Duerr  
Oscar Delgado  
Paul McKenzie  
Neoma Jordan  
Reno City Hall  
P.O. Box 1900  
Reno, NV 89505

**RE: Medical Marijuana Dispensary/LivFree Wellness Center Reno, LLC**

Dear Members of the Reno City Council,

This letter is being submitted in opposition to the business license application for Livfree Wellness Center, Reno, NV to operate a medical marijuana dispensary at 100 W. Plumb Lane in Reno, Nevada. I understand the new date for the LivFree Dispensary approval of their business license has been moved and is now scheduled for July 20, 2016.

This office represents Barbara Land, President of the Conservatory of Movement (hereinafter "Conservatory"), while she is out of the country via business. I am also writing this letter on behalf of the concerned parents whose children attend the Conservatory of Movement as well.

Barbara Land started this business as a sole proprietor in 1985 and then incorporated in 2005. The Conservatory has been in business for over thirty (30) years and teaches all types of dance, especially ballet, and specializes in teaching young children ages 3 through 12. The Conservatory has approximately 150 families enrolled in their school and these young students attend classes and rehearsals daily from Monday to Sunday. The Conservatory is a registered Royal Academy of Dance Ballet School and also works closely with Washoe County Social Services, Children's Cabinet and the Kid's Kottage in providing free dance classes for children with social-economic needs. The Conservatory is also the home of AVA Ballet Theatre, a local non-profit professional ballet company, as well as the AVA Ballet Theatre II Youth Company, and provides community classes, workshops, rehearsals and performances.

To start with, I would like to clarify, via attached documents, that the Conservatory's business license with the City of Reno, located at 73 West Plumb Lane, was never listed as



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“inactive” as stated in the Memorandum from Andrew Clinger, City Manager, and addressed to the Mayor and City Council dated June 14, 2016. The attached Exhibit “1” shows that the license has always been listed as “active” but unpaid. (Unpaid apparently because no renewal notices were sent due to address problems when the Post Office requested a split on the address). The City of Reno business license fees were paid for 2011-2016 on June 10, 2016. *See* Exhibit “2” and are now current. No penalties were assessed by the City because no notices were ever received by the Conservatory. The Conservatory’s Nevada State business license has always been active by their annual filing with the Secretary of State. *See* Exhibit “3”

Despite half-hearted attempts by LivFree Wellness Center Reno, LLC, to move the Conservatory to another location to avoid the current issues with their business license, the bids/estimates recently received for Tenant Improvements (TI) and relocation expenses which were submitted to them on June 28, 2016, are astronomical in comparison to their prior offer of financial assistance for the relocation. There has been no response from LivFree Wellness Center Reno, LLC., since these bids/estimates were submitted to them. Accordingly, because of their lack of communication, especially considering that another tenant is interested in the same property, it appears that any other negotiations regarding the expenses of the proposed relocation for the Conservatory are now terminated. The Conservatory cannot afford to move, especially in light of the enormous cost of improvements and build outs, as well as more than double the monthly rent they are now paying, without the substantial help in these additional costs from LivFree Wellness Center Reno, LLC.

I now would like to address the business license application of LivFree Wellness Center Reno, LLC, in regards to both the State of Nevada Statutes and the City of Reno Codes.

Both NRS 453A.322(7) and RMC Titles 5 and 18 Section 5.21.012 specifically require for approval of a license for a Medical Marijuana Dispensary that there be a “300 foot separation from a community facility.” However, the proposed Medical Marijuana Dispensary is located directly across the street from the Conservatory. It is approximately 200 feet walking and approximately 150-170 feet in a straight line “from the front door of the medical marijuana establishment to the closest parcel line, as shown on the Washoe County Assessor’s records” pursuant to RMC 5.21.012(c)(3)(d). It is in violation of both the City of Reno Codes and Nevada State Statutes in regards to the 300 foot separation.

The State of Nevada defines a “Community Facility” as “a center or facility, the primary purpose of which is to provide recreational opportunities **or services to children or adolescents.**” NRS 453A.322(7) (e) (emphasis added). The City of Reno Code adds that the “Community Facility” must be a licensed center or facility. RMC 5.21.010. Since the Conservatory is licensed and active as stated above, it is a “Community Facility” within the confines of both State and City laws.

Any due diligence by LivFree Wellness Center Reno, LLC., would have revealed a dance studio across the street from their proposed Medical Marijuana Dispensary, especially with all the



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children coming and going to classes and rehearsals throughout the week. In addition, to obtain a license for a Medical Marijuana Dispensary, LivFree Wellness Center Reno, LLC., had to have submitted a site plan and proof of compliance which should have notated a dance studio across the street of the proposed site and within 300 feet as set forth in both NRS 453A.322 and RMC 5.21.012. Obviously, proof of compliance was not done nor could have it been done since the separation is only approximately 200 feet walking and approximately 150-170 feet in a straight line.

It also appears from correspondence that LivFree Wellness Center Reno, LLC., is trying to get their business license approval by saying that the Conservatory did not have a business license through the City of Reno. While this is untrue as noted above, the Conservatory has always had an active business license with the City of Reno and a Nevada State license. Furthermore, RMC 5.21.011(a) specifically states that LivFree Wellness Center Reno, LLC must comply with all the State laws and City regulations and codes as follows:

- (a) It shall be unlawful for any person to operate any medical marijuana establishment in the city without a valid registration certificate duly issued by the division and a license issued pursuant to this chapter and **operating in compliance with any and all applicable state laws, including NRS 453A, the regulations and the Reno Municipal Code.**

(Emphasis added).

Accordingly, assuming arguendo, even if the Conservatory's business license had expired, though no fault of the Conservatory, LivFree Wellness Center Reno, LLC., still had to operate and comply with State laws, which does not require a "Community Facility" to be licensed.

Therefore, LivFree Wellness Center Reno, LLC., has not met the criteria established by Nevada Statutes or City of Reno Codes to operate a Medical Marijuana Dispensary across the street from the Conservatory, which is designated as a "Community Facility", and respectfully request that their application for a license at this location be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory F. Glodowski".

Gregory F. Glodowski, Esq.

GFG/adg

Enclosures

cc: Barbara Land

E-Mail to:

Ashley D. Turney

City Clerk

turneya@reno.gov

Menu

### City of Reno Business License Search

(Please don't bookmark this page. Search data is not saved. Click Go to Main Menu and bookmark search criteria page.)

For official records and action taken upon business licenses, please contact the City of Reno Business Licensing Division at 775-334-2090.

Address	Rec#	BusinessName	BusinessActivity	LicType	LicNum	LicStatus	ApplicationStatus	RenewalStatus	MaxExpDate	CurrentLicense	LicenseeName	Address	City	State	Zip
	1	CONSERVATORY OF MOVEMENT	General Business	Annual	10025	Active		Unpaid	1/31/2012		BARBARA A LAND	73 W PLUMB	Reno	NV	89509

Page 1 of 1

#### Logi Debugger Trace Report

There was an error while processing your request.

The error was:

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Click here for more detailed information.

EXHIBIT 1

[Main](#)

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Address	Rec#	BusinessName	BusinessActivity	LicType	LicNum	LicStatus	ApplicationStatus	RenewalStatus	MaxExpDate	CurrentLicense	LicenseeName	Address	City	State	Zip
	1	CONSERVATORY OF MOVEMENT	General Business	Annual	10025	Active	Completed		1/31/2017		BARBARA A LAND				

Page 1 of 1

#### Logi Debugger Trace Report

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**EXHIBIT 2**



# SECRETARY OF STATE



## EXHIBIT 3

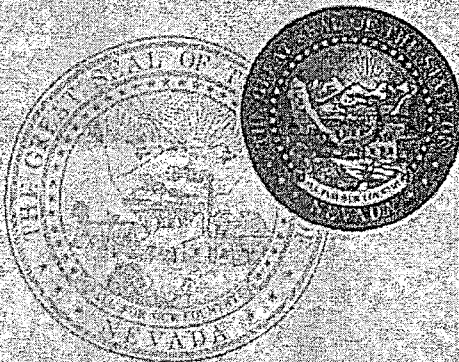
### NEVADA STATE BUSINESS LICENSE

**CONSERVATORY OF MOVEMENT**  
Nevada Business Identification # NV20051236961

**Expiration Date: February 28, 2017**

In accordance with Title 7 of Nevada Revised Statutes, pursuant to proper application duly filed and payment of appropriate prescribed fees, the above named is hereby granted a Nevada State Business License for business activities conducted within the State of Nevada.

Valid until the expiration date listed unless suspended, revoked or cancelled in accordance with the provisions in Nevada Revised Statutes. License is not transferable and is not in lieu of any local business license, permit or registration.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on January 29, 2016

*Barbara K. Cegavske*  
BARBARA K. CEGAVSKE  
Secretary of State

*You may verify this license at [www.nvsos.gov](http://www.nvsos.gov) under the Nevada Business Search.*

License must be cancelled on or before its expiration date if business activity ceases. Failure to do so will result in late fees or penalties which by law cannot be waived.