FRANK W. HUNGER
Assistant Attorney General
MICHAEL J. YAMAGUCHI (Cal. SBN 84984)
United States Attorney
DAVID J. ANDERSON
ARTHUR R. GOLDBERG
MARK T. QUINLIVAN (D.C. BN 442782)
U.S. Department of Justice
Civil Division; Room 1048
901 E Street, N.W.
Washington, D.C. 20530
Telephone: (202) 514-3346

Attorneys for Plaintiff

ORIGINAL
FILED
JUL 06 1998
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO HEADQUARTERS

| | |
|---|---|
| UNITED STATES OF AMERICA,<br>Plaintiff,<br>v.<br>CANNABIS CULTIVATOR'S CLUB; and DENNIS PERON,<br>Defendants. | Nos. C 98-0085 CRB<br>C 98-0086 CRB<br>C 98-0087 CRB<br>C 98-0088 CRB<br>C 98-0089 CRB<br>C 98-0245 CRB<br><br>DECLARATION OF SPECIAL AGENT PETER OTT |
| AND RELATED ACTIONS | |

I, PETER OTT, do hereby declare and say as follows:

1. I am a Special Agent with the San Francisco Field Division of the Drug Enforcement Administration ("DEA"), United States Department of Justice, and have been so employed since September 1990.

2. As is set forth in my declarations of January 9, 1998, filed in connection with the government's motions for preliminary injunctions in these related actions, I have received training from the DEA and Federal Bureau of Investigation in specialized narcotic investigative matters including, but not limited to, the following: drug interdiction and detection, money laundering

techniques and schemes, drug identification, and asset identification and forfeiture. This training included specialized training in the preparation of narcotic and document search warrants for residences and businesses. I also have participated in numerous investigations specifically involving both the indoor and outdoor manufacture or cultivation of marijuana. In the course of these investigations, I have personally participated in the eradication of over 10,000 indoor and 25,000 outdoor marijuana plants, and the arrest of more than 300 individuals for violations of federal and state law regarding controlled substances. I also have received specialized training regarding the techniques used to grow marijuana. Based on my experience and training, I am familiar with the smell and appearance of growing and processed marijuana, as well as the smell of marijuana when it is burning. I also have participated in the obtaining and/or execution of over 100 federal and California state warrants to search a particular place or premises for controlled substances and/or related paraphernalia, indicia, and other evidence of the commission of state and/or federal felony violations of law.

3. On May 21, 1998, acting in an undercover capacity, I approached and entered a building located at 1755 Broadway Avenue, in Oakland, California, which houses the Oakland Cannabis Buyers' Cooperative ("OCBC"). After showing an undercover driver's license to a security guard on the first floor of this building, I was allowed to proceed to the third floor, where the OCBC is located.

4. Upon entering the OCBC, I observed approximately six television crew teams taking statements from OCBC club members, and videotaping the distribution of marijuana to four persons by an individual who identified himself as Jeffrey Jones, the director of the OCBC. In addition, I observed an additional ten over-the-counter sales of marijuana to individuals by other OCBC personnel.

5. On May 26, 1998, at approximately 7:00 p.m., I walked through an open field which was adjacent and to the north of 40A Pallini Lane, in Ukiah, California, the home of the Ukiah Cannabis Buyer's Club ("UCBC"). I observed at least 10 marijuana plants in this field, which

were approximately 6 inches in height and were being cultivated in black plastic bags filled with soil.

I declare under penalty of perjury that the foregoing is true and correct.

PETER OTT

Executed this 23 day of June 1998