



SENT CERTIFIED MAIL RETURN RECEIPT REQUESTED

Doc No. 7020 1290 0000 5327 5081

July 19, 2021

Mr. Robert Andres Bonta, Attorney General
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814

Re: Submission of My Intention to Repeal Prop 64, Adjudicate Damages in State Court on Behalf of Those Parties Damaged by Prop 64 and To Provide Bridge Legislation, AKA as The PERON ACT to Accompany a State Court Issued Temporary Restraining Order That Will Suspend All State and Local Government Licensing Applications, Enforcement, Fee's, and Collections Associated with All Licensed, For Profit Cannabis Activities as Had Been Mandated Under Prop 64 Within the State of California.

Dear AG Bonta:

The [Control, Regulate and Tax Adult Use of Marijuana Act, No. 15-0103 \(AUMA\)](#) was referred to the voters for consideration in State Proposition No. 64 (Prop 64) within the November 08, 2016, elections. Prop 64 was voter approved and signed into law making it legal within the state for adults aged 21 years or older to possess and use marijuana for recreational purposes. The measure created two new taxes, one levied on cultivation and the other on retail price. Prop. 64 was designed to allocate revenue from the taxes to be spent on drug research, treatment, and enforcement, health and safety grants addressing marijuana, youth programs, **and preventing environmental damage resulting from illegal marijuana production**. As it relates to my stated intentions to repeal Prop 64, I have the following:

1. I am currently a gubernatorial candidate having qualified on the [07/17/21 CA Secretary of State List of Qualified Candidates](#) for the recall election of current CA Governor Gavin Newsom.
2. Based on the language used within the voter approved version of Prop 64, I believe it to be an illegal instrument that were lies to the voters of California and were only used with the intention of seeing "recreational", for-profit, taxable cannabis as a way to monopolize the industry and create undue hardships for the less profitable, medical cannabis community.
3. I am a medical cannabis patient that has seen my rights, as well as the rights of numerous other medical cannabis patients in California, been violated by the passage of Prop 64. Furthermore, despite that fact it is illegal to begin with, the reconciliation of Prop 64 and MMRSA have caused the elimination of medical cannabis, due to market forces, despite the fact that Washington State already exemplified this problem.

PO BOX 13033,

FRESNO CA 93794

818.538.4878 | Wildstar2022.com



4. My campaign promise to repeal Prop 64, on my first day in office is based on the fact that since Prop 64 was an illegal initiative, that protects the state under the 10th amendment but mandates licensees, to enlist in a licensing scheme that requires they break federal law by trafficking in a controlled substance, cannabis, in a for-profit, recreational licensing scheme wherein they have no 10th amendment protections for having done so. As such I would request a federal judge to weigh in on this.
5. I will repeal Prop 64, based on it being an illegal initiative that promoted its passage by language, such as what is to be found in [Section 11, as not having “positive conflict with higher federal law” that is a lie and without legal basis.](#) Prop 64 went on to be signed into law by Governor Newsom and since 2016 has been an illegal law in California. Since this “positive conflict” language has yet to be explicitly challenged, I will construct this writ to be very narrow in its scope thereby allowing for a legal determination to be made by a federal court strictly on this “positive conflict” language.
6. Should a federal judge decide that the “positive conflict” language is NOT representative of any state v federal law conflict, then I will NOT repeal Prop 64 on my first day in office. **Alternatively, should a federal judge decide that there IS positive conflict between state and federal law, I WILL, as promised, repeal Prop 64 my first day in office!**
7. As a medical cannabis patient and a governor elect, I believe I have standing in this matter. As such I would ask that my writ and the federal decision be expedited so I would have that decision prior to assuming office. If the matter has not been decided by a federal court as I assume office, I will go forward on the first day in office to repeal Prop 64, comfortable in the knowledge that the executive authority I have been granted by the vote of the people electing me to office and the expected decision by the federal judiciary, would support my decision for having done so.
8. Upon a federal court ruling that positive conflict does exist, I would sign bridge legislation to be known as the PERON ACT that would cease all future state and local licensing of “for profit” cannabis licenses.
9. I would allow all existing Prop 64 licenses that have been granted by state and local government to stand until such time that the matter of damages has been determined under res judicata in a state court proceeding. The caveat being that the licensees would have to acknowledge they are knowingly conducting business in violation of the [Supremacy Clause](#) and more specifically the [Doctrine of Preemption.](#)
10. Existing license applications could, if desired, continue those applications under the same conditions as previously set forth or they could elect to cancel the application and be refunded all monies spent during that process.
11. All monies that have been spent on non-refundable applications that were denied by any local or state government cannabis licensing agency would be eligible for a refund.



12. The way cannabis related funds have been managed by those in charge will be immediately stopped and investigated for potential criminal activity. In Prop 64 ALL state cannabis tax, fee, licensing, abatement, and enforcement monies which is to be collected and have, per [Section 7 Subsection 34018 \(a-c\)](#) **REQUIRED** that these funds be deposited not in the General Fund but instead in a Special Trust Fund(s) known as the California Marijuana Tax Fund, where they have not been subject to the normal fiscal controls and review as set forth in the General Fund public audit and accounting practices for state revenues.

While Special Trust Funds have no business in housing the people's money as they are, by design, not transparent and lend themselves to financial improprieties, Prop 64 goes even further by stating, within that same Section 34018 (a-c) that all cannabis revenues will not be considered "moneys" for purposes of the regulatory practices as set forth in Prop 64. **Since I will be repealing Prop 64 based on it being an illegal initiative, I will be demanding, within 60 days from my request, a complete accounting of all "moneys" or whatever else you want to call those revenues (funds), to determine exactly where those funds went, how the money was spent and who the previously undisclosed beneficiaries have been!!!** If there is ANY evidence found of criminal wrongdoing, at any level, I will DEMAND that those accused parties be held accountable by your office for their actions!

13. Upon a complete accounting of all cannabis related Special Trust Funds a portion of that money will be used to cover reimbursement of those parties damaged under the implementation and illegal enforcement of any activities associated with perfecting regulations as defined in Prop 64. After five years, any funds left over from the Special Trust Funds would be deposited into the General Fund.
14. I would expect that there would be a substantial state class action response when parties realize that they had been damaged by an illegal state initiative. No doubt that will be a difficult financial burden for the state, and many local governments, to bear. I actually empathize with that looming financial crisis our governments will face. The rush, i.e., blind greed, to capture these revenues left the taxpayers in the hands of very poor leadership. As usual it will be the taxpayers that foot the bill. But all is not lost. As will be seen in the PERON ACT, state and local governments can realize revenues, not on a tax basis (*which is illegal under federal and international law. See the [United Nations Single Convention on Narcotics Article 49 Para 2\(f\)](#) which only allows cannabis for scientific and medical purposes, not recreational in any form*) but as just one method, on a fee per sq-ft basis. I would propose that the state apply a percentage of that new revenue to pay down the claims that will be coming from a pending class action. This is a case of don't shoot the messenger and indeed, even though the state warned us not to invest in licensed cannabis, as it was likely to be "[unreasonably impracticable](#)", it wasn't enough of a warning. No, the investor lines formed and many have lost fortunes in what is now seen as a failed dream. A dream that if left to carry on, the financial damages, to investors as well as local and state government, would have only gotten worse.

PO BOX 13033,

FRESNO CA 93794

818.538.4878 | Wildstar2022.com



15. Upon assuming office I will immediately disband the newly formed [Department of Cannabis Control \(DCC\)](#) which replaces the previous agency [Bureau of Cannabis Control \(BCC\)](#) all which had been designed to CONTROL cannabis law and regulation within the state. I will immediately set up a new agency to be known as the Department of Cannabis Administration (DCA) which will ADMINISTER cannabis law and regulation within the state and as will be defined in the forthcoming PERON ACT.

As a black man seeking justice, I do so not just on my own behalf, but on behalf of EVERY MINORITY PERSON, who for generations have been disproportionately affected by our nation's war on drugs! As the GOVERNOR ELECT, I speak on behalf of ALL PEOPLE WHO RELY ON MEDICAL CANNABIS! I speak on behalf of ALL PEOPLE who rely on state cannabis law and regulation to be fair, impartial and NOT AT ODDS WITH FEDERAL LAW! **We, as in NONE OF US**, want to be jailed under federal law for ever accessing medical cannabis and even though we may be state licensed, the Controlled Substance Act still remains the overriding law that, should it be applied, would jail those of us who are being required to be state "legal" under the ILLEGAL RULE AND REGULATION AS SET FORTH IN PROP 64!

While it is extremely distressing to me and my community that in the year 2021 people of color are still the most affected by our nations war on drugs, I am buoyed by the [recent statements made by the Supreme Court Justice Clarence Thomas](#) that illustrates the federal courts desire to see the inconsistencies between state and federal cannabis laws be resolved. I believe the upcoming federal court ruling on my writ, signifying there is a "positive conflict" would then force those states with recreational cannabis laws to remedy that conflict and would go a long way to begin that reconciliation process. That process would almost immediately unclutter the federal court dockets who have seen an increasing number of federal cannabis cases that go to, inter alia, civil rights and antitrust law violations would not have foundation if the state court law they were built upon were fundamentally at odds with federal drug laws. These cases end up back in state court as you simply cannot use the courts to enforce an illegal contract. Period!

I have produced this communication so that you will have an early indication of what will be asked of you and your office once I am sworn into office. With only a year before the General Election I do plan on hitting the ground running. However, please be advised that should I not be elected in this special election I fully intend on running again in the 2022 General Election. Which means these matters, while some would argue are strictly cannabis related and I would strongly disagree, are instead a result of poor, systemic, corrupt governance that is not meant to be inclusive and provide for the best interest of the people, but instead to enrich the few who would attempt to monopolize this industry and this plant. I intend to change that AG Bonta.

As an attorney you, and [every attorney associated with the passing and implementation of Prop 64](#) have taken a sworn oath, to uphold the integrity of our laws. The State of California, by virtue of what has been required of its cannabis licensees, is violating that [Duty of Candor](#) oath by aiding and abetting the violation of higher federal drug law. The question now becomes can I count on you and your office to assist me in my efforts to undo the crimes which Prop 64 has promulgated upon the citizens of this great state?



Please understand this about me. I will not be dissuaded by anything that attempts to cast me or this message in a negative light. I speak on behalf of tens of thousands of medical cannabis patients, as well as those who have refused to violate higher federal law and have had their properties raided and seized by quasi-military force, who have tried to become licensed but have been denied or have been mired in an endless application process, all designed to financially bankrupt them while those with the political connections have sailed through these same processes.

I speak on behalf of the neighbors who have not been heard as megalithic cultivation sites are approved and their regional quality of life is destroyed.

I speak on behalf of the next generation and those generations that follow them so that medical cannabis is not seen as something that can only be found in a plastic package.

I speak on behalf of the farmers who for generations have worked growing a plant they love and protected with nurtured genetics that have been found to have real, lasting effects on medical conditions that traditional medicine has responded to with prescription drugs that are oftentimes highly addictive in nature and damaging in the long term.

I speak on behalf of the environment. Where are our state agencies in determining the statewide water use impact of all the licenses that have been issued, and will continue to be issued, under Prop 64? It's clear that no one in Sacramento is taking responsibility for the overall water usage demand that these licensed operations will collectively represent on our available water resources. I've made these calls. I know this to be true. While the current drought conditions are BAD, they are only likely to get worse and the fact that the BCC and DCC are issuing PROVISIONAL LICENSES WITHOUT COMPLETED AND APPROVED ENVIRONMENTAL IMPACT REPORTS (EIR) OR THE LESS DETAILED CALIFORNIA ENVIRONMENTAL IMPACT REPORTS (CEQA) IS CRIMINAL MISCONDUCT BY THOSE IN CHARGE AND THE ENVIRONMENTAL AGENCIES WHO HAVE BEEN TASKED WITH PROTECTING THESE RESOURCES! **Simply put, Prop 64, while masquerading as an environmental watchdog, has not only been a crime against the people and OUR RIGHTS, but it has also been a crime against the environment and the resources it was tasked to protect!**

I do NOT speak on behalf of those who would grow cannabis at a commercial scale that takes over entire homes for indoor grows. Who steal power. Who risk others health, safety and welfare. Who poison the plant and their extractions all in the name of profit. Who rape our environment, our forests, our public lands with massive grows that leave trash everywhere, exploit workers and hold no regard to the nutrients and pesticide issues their unlicensed crop cultivation techniques cause our air, wildlife and downstream water resources. Under my administration, these issues will be dealt with swiftly, and severely, as there is no room in our tomorrow for the bad actors in cannabis we see today.

I will not be dissuaded by competing candidates who would argue Prop 64 can be repaired to be compliant with federal law. That it can be made less restrictive. That it protects the environment



with controls that had not been in place prior to its passing. That it serves as a banishment of black-market cannabis trade, etc., I could go on and on, but the reality is that EACH of these arguments are addressed in the PERON ACT and for the purposes of this correspondence **DO NOT MATTER ANYWAY!** Prop 64 was an illegal initiative, and that, AG Bonta is ALL you and I will have to address once I take office!

In closing, within two weeks I will be sending you a follow up to this letter that will include a copy of my federal writ as well as numerous other statements and affidavits, by parties who would like YOU to know how the passing of Prop 64 has impacted them, their families, their friends, their employees, their futures, their quality of life, their finances and their view of licensed cannabis. I will be soliciting these affidavits and forwarding them to you for review and action under my new administration. Should you wish to reach me, my cell number below is best with a follow up email will expedite our connection. Thank you for your consideration. I do look forward to working with you.

In anticipation of your reply I will remain,

A handwritten signature in black ink, appearing to read "Nickolas Wildstar". The signature is fluid and cursive, with a large initial "N" and "W".

Nickolas Wildstar, Governor Elect
wildstar@governorwildstar.com