

OPINION

Conflicts of interest stir the pot

Reefer madness: Provincial law is toothless when it comes to regulating wild west of medical marijuana



Daphne Bramham

It is rare that a municipal councillor issues a war call over a development permit.

But that's exactly what Sechelt's Chris Moore did in late July during a debate over a permit for Medma Cannabis Pharms Inc., one of three medical marijuana companies looking to set up in Sechelt.

As council discussed a variance to allow the two-storey, 433-square-metre production facility, Moore stated: "Frankly, I'll be extremely disappointed if this is not granted. In fact, it will be a war call for me."

In an interview this week, Moore insisted that what had stirred his passion was the process of trying to stop a medical marijuana company using a development permit.

Had the company planned to grow tomatoes, he said he would be just as upset.

"I've been an advocate for legalization (of marijuana) for some time. But, when it comes to voting (on Medma), it's not my land and I don't have any pecuniary interests," Moore said in an interview this week.

But the councillor is more than just an advocate and proponent of the small, coastal community becoming a hub for legal pot production.

Moore is a director of Cannabis Ventures Inc., a California-based, penny-stock company. It is one of more than 1,000 that has applied to Health Canada for a licence to build a large-scale grow-op.

He is also the sole director of Bounty Development Corp., which owns the Sechelt property where CVI plans to build.

Moore has never publicly disclosed his corporate interests, although he says he has told others on council.

His business interests were made public by a couple of citizens who found the corporate documents on the Internet.

B.C.'s Financial Disclosures Act requires municipal politicians to file an annual statement in the first two weeks of the year detailing what they



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A new bylaw in Sechelt, to be voted on this fall, would permit grow-ops in all industrial and agricultural zones.

own and earn.

And since Cannabis Ventures Inc. wasn't incorporated until April 2014, Moore couldn't have disclosed it then.

"I don't know if I have to update (the annual filing)," he said. "I'm not aware of any instruction like that. ... I don't recall any need to do that."

"Most people in small communities know what's going on, so it's self-policing. They probably know better ... what's going on than in big cities where people can hide out."

But the Community Charter says that even if councillors and mayors have not declared a direct or indirect pecuniary interest, they are forbidden from attending meetings or even parts of meetings where the matter is discussed and from participating in any discussions or votes and attempting to influence the voting on the issue.

The penalty "may be" disqualification from office "unless the contravention was done inadvertently or because of an error in judgment made in good faith."

That disqualification is only until

the next election, which in this case is November. And Moore is adamant that he is not running again.

The Charter also says a council member "could" be required to give up any realized financial gain. But that would only happen if 10 electors or two-thirds of council take it to the B.C. Supreme Court for a ruling.

Since his corporate interests have become public, Moore has vowed not to vote later this fall on a new zoning bylaw, which would permit commercial grow-ops in all industrial zones as well as resource and agricultural zones, and would make Sechelt one of the first B.C. municipalities to fully embrace medical marijuana production.

Moore won't participate in the public hearings that he has been a proponent for, even though he said he has recommended to staff some people who he thinks should be invited to explain the Health Canada licensing process as well as the benefits of medical marijuana production to individuals as well as the community.

"Frankly, if this municipality doesn't want medical marijuana, I don't give a shit," said Moore. "Although I think it would be unfortunate."

Moore is not the only one on Sechelt's seven-member council with ties to a medical marijuana company.

Councillor Tom Lamb owns a building currently rented by a company that operated under the old pot-growing laws that is attempting certification under the new rules. Lamb declined to name the company.

In an interview on Friday, Lamb said he will be asking for the district solicitor's opinion on whether he is in a conflict of interest before he votes on any matters related to marijuana, including the zoning bylaw.

But Lamb says he has participated in some earlier council discussions, including a presentation by a representative from a medical marijuana company — not the one he rents to or Medma — that wants to set up on Sechelt.

It has all been in an effort to educate himself, he said.

"The federal government has done a very, very poor job of bringing this medical marijuana thing to where it is today," Lamb said. "The new regulations have brought some chaos and I don't understand all of what's happening, which is why I want to get educated."

The genesis of all of this is Canada's new medical-marijuana regulations that shut down close to 30,000 small growers and is replacing them with a few, large grow-ops.

It set off a corporate frenzy, with legitimate companies (as well as many penny-stock companies making extravagant claims) attempting to cash in on what are touted to be heady, windfall returns.

Getting a licence requires companies to prove that they have properly zoned property somewhere, which is how reefer madness arrived in town halls across the country and ended up in the laps of people like Moore and Lamb.

But what's troubling to residents in Sechelt and elsewhere is the double secrecy surrounding medical marijuana.

First, the federal government refuses to disclose all of the names of companies that have received medical marijuana licences and refuses to release the names of those that are seeking approval, citing privacy legislation.

Secondly, provincial law doesn't require transparency when it comes to corporate disclosures. Instead of depending on self-disclosure at meetings, it ought to require municipal officials and employees to not only make annual declarations of assets, interests and income, but do so whenever there is a change.

What's ironic is that because governments make it so difficult to figure out who is doing what where and, possibly, for whom, citizens' best source of information is the same stock touts. And they are the only people that the government has seen fit to warn citizens about.

dbramham@vancouverjournal.com

