

EXHIBIT D

COPY OF INCIDENT REPORT

Fresno County Sheriff Incident Report

Case Report No. 150011796.1

Report Subject: NARC - 2746 E.

AVENELL AVE.

Report Date: 08/12/2015 12:22:00

Report Status: A - Approved

Fresno County Sheriff

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Page 1 of 4

Case Details:

Code	Description		
Special Flags			
Reporting Officer 0989 - MULLIS, JARED	Assignment 14	Date Entered 08/12/2015 17:19:06	Entered By 0989 - MULLIS, JARED
Occurred On 08/12/2015 12:22:00 (and Between)	Gang Involved UN - Unk Address of Incident 2746 E. Avenell Ave.	Date Verified 08/14/2015 15:28:10 CSZ Fresno Ca. 93725	Verified By 2197 - LUCAS, ROD Location of Incident
Area A3 - N	Beat N41 - N41	Zone 5060 - 5060	Crime Pattern No
DUI Processing Agency	DUI Processing Officer	DUI Agency Case Number	
Means	Motive		
Other Means	Other Motives	Notified	
Disposition 5 - Inactive	Clearance Reason	Date of Clearance	Connecting Cases

Offense Detail: INCREP - Incident Report (See Subject)

Code INCREP	Description Incident Report (See Subject)		
Offense Level	Completed Y - Yes	Crime Against	Hate/Bias 88 - None (No Bias)
No. Prem. Entered	Entry Method	Offensive Act	Force Level
Anti-Reproductive-Rights	Domestic Violence N - No	Location Type 20 - Residence/Home	Criminal Activity
Using	Weapons	Tools Used	Type Security

Other Entity 01:

Name	Alert(s)		
Entity Type IP - Involved Party AKA(s)			
Address	CSZ	County Fresno	Country USA - United States of America
Mailing Address	Mailing CSZ		
Employment Type	Occupation/Grade	Employer/School	
Resident of Jurisdiction U - Unknown	Employer/School Phone	Employer/School Address	CSZ
DOB [REDACTED]	Age 73	Race A - Other Asian	Sex F - Female
Hair Color BLK - Black	Hair Length	Hair Style	Height 5' 2"
Teeth	Clothing	POB	Weight 107lbs
			Ethnicity N - Not of Hispanic Origin
			Complexion BR0 - Brown
			Build
			Primary Language LA - Lao

Scars/Marks/Tattoos

Date Entered: 08/12/2015 17:19:06
Entered By: 0989 - MULLIS, JARED

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Printed For: 0
Printed: August 18, 2015 - 13:45:22

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Location

Description

Photo

Gang Criteria

Gang Related

Criteria

Contact Information

Type

Phone/Email/Other

Identification

Gang ID

MNI

Type

Number

Primary ID

State

Country

Class

Expiration

Notes

Relationships

To Whom

How

Parole/Probation Contacts

Agency

Agent Name

Agent Phone

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Narrative

Source:

On 08/12/2015, at about 1222 hours, the Fresno County Narcotics Enforcement Team (FCNET) and assisting personnel conducted a marijuana cultivation investigation at 2746 E. Avenell Ave. (Fresno County). We arrived and contacted Prom Damlong DOB 12/10/1941.

Victim Statement:

None

Witness Statement:

None

Investigation:

On 02/15/2015, I received information from Dep. Coningsby regarding a marijuana grow. Dep. Coningsby advised that he was flying in the Sheriff helicopter when he observed a greenhouse structure in the backyard 2746 E. Avenell Ave. that contained marijuana. On 03/04/2015, at about 1105 hours, I conducted a marijuana compliance check at 2746 E. Avenell Ave. I arrived and contacted Ken Damlong DOB 01/17/1934 in the side yard. Ken was identified by his California Drivers License.

Ken spoke primarily Lao. I contacted the AT&T translator service and spoke to operator #6964. Operator #6964 translated the English language to Lao. I asked Ken if he lived at the residence. Ken told me that he lives at the residence sometimes. I asked Ken who owned the residence. Ken could not tell me who owned the residence. I asked Ken if he was growing marijuana in the backyard. Ken told me that he and two other subjects were growing marijuana in the backyard. Ken could not tell me who the other subjects were. I asked Ken if he could show me the marijuana plants. Ken agreed and showed me the fenced in backyard. I observed a large greenhouse structure. Inside the greenhouse I observed about 250 marijuana plants in the ground. I asked Ken how many plants belonged to him. Ken estimated that over 100 plants belonged to him. Ken provided me with his medical marijuana recommendation. I observed the card to expire on 05/28/2015.

I explained to Ken that it was illegal to grow marijuana pursuant to Fresno County Ordinance Section 10.60.060 and that he was subject to a \$1,000.00 per plant fine. I explained and issued Ken a 15 day notice of abatement. I took digital photographs of Ken and the scene. On 03/20/2015, Sgt. Lucas confirmed that the marijuana had been removed from the property.

On 08/04/2015 I received information from Dep. Coningsby regarding another outdoor marijuana grow located at 2746 E. Avenell Ave. Dep. Coningsby advised that he was flying as an observer in the Sheriff helicopter when he located about 100 live marijuana plants in the backyard of the above address.

On 08/12/2015, at about 1222 hours, the Fresno County Narcotics Enforcement Team (FCNET) and assisting personnel conducted a marijuana cultivation investigation at 2746 E. Avenell Ave. Upon our arrival I contacted Prom Damlong DOB 12/10/1941 at the front door of the residence. Prom was primarily Lao speaking. I contacted Community Service Officer Khamphou Insyarath via telephone. CSO Insyarath translated from the English language to Lao. Prom told me that she lived at and owned the property. Prom told me that her husband, Ken Damlong, was in Stockton at a funeral. Prom went on to tell me that the marijuana on the property belonged to an unknown subject that lives in Stockton. Prom could not provide me with any contact information for that subject. Prom gave me consent to search the property and a detached garage. I located a door in the interior of the garage that was locked with a pad lock. Posted on the wall next to the interior door were medical marijuana recommendations for Ken and Prom. Prom told me that she did not have a key to the lock and allowed me to cut it off. There were no marijuana plants located in the garage but it was set up for drying and processing marijuana. Behind the residence detectives located 71 live marijuana plants in a fenced in area outside the curtilage of the residence.

A 2012, Drug Enforcement Agency (DEA) yield study, concluded that an average marijuana plant will produce about one pound of dry marijuana bud. Based on the above study, I believe the marijuana plants located at 2746 E. Avenell Ave. would produce about 71 pounds of dry marijuana bud. Based on my training and experience and interviews with persons who use marijuana, typical marijuana use is about 3 to 5 pounds of marijuana per year. This is because on average a user will consume 2 to 4 grams of dry marijuana bud per day, either by smoking or eating edibles cooked with some form of concentrated cannabis. There is enough marijuana being grown at 2746 E. Avenell Ave. for 2 people to have over 7 years' worth of marijuana each. Based on my training and experience and the amount of marijuana located at 2746 E. Avenell Ave., I believe the marijuana is being cultivated as a valuable commodity, intended for illicit commercial purposes and sale.

Based on the medical marijuana recommendations that I located in the garage I believe that Prom not only knew about the marijuana on the property, but was also responsible for it. I advised Prom that she was in violation of Fresno County Ordinance Code section 10.60.060 and subject to a \$1,000.00 per plant fine. I explained and issued Prom a citation for violation of County

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Ordinance Code section 10.60.060 in the amount of \$71,000.00 with a due date of 09/10/2015. Det. McSwain took digital photographs of the scene. Detectives eradicated all the marijuana plants from the property and later destroyed them at an undisclosed location.

Evidence:

None

Additional Information:

None

EXHIBIT E

**COPY OF NOTICE OF HEARING
SENT TO APPELLANT**



County of Fresno

BOARD OF SUPERVISORS

Chairman
Deborah A. Poochigian
District Five

Vice-Chairman
Buddy Mendez
District Four

Brian Pacheco
District One

Andreas Borgeas
District Two

Henry Parra
District Three

Bernice E. Seidel
Clerk

Notice of Hearing before the Board of Supervisors of the County of Fresno, Appeal of Administrative Citation

Prom Damlong
2746 E. Avenell
Fresno, California 93725

Prom Damlong
4067 W. Michigan
Fresno, California 93722

Mr. Damlong:

Notice is hereby given that the Board of Supervisors of the County of Fresno has set a public hearing for **Tuesday, the 15th day of September 2015, at the hour of 9:00 a.m.**, or as soon thereafter as the matter may be called, in the Board Room of said Board of Supervisors, Room 301, Hall of Records, 2281 Tulare Street, in the City of Fresno, to consider the following matters:

Consider and take action on appeal of administrative citation in the amount of \$71,000 filed by Prom Damlong, pertaining to the property located at 2746 E. Avenell, Fresno, California 93725 for violations of Fresno County Ordinance Code section 10.60.060 of Title 10, Medical Marijuana Cultivation Regulations.

This hearing is being conducted pursuant to the request for hearing you filed with the County of Fresno on August 14, 2015. This hearing is your opportunity to appear and show cause as to why the administrative fine should not be imposed on you.

The Agenda and Agenda Item for this hearing will be mailed to you at the address listed above and will be available on the County of Fresno's website at <https://fresnocounty.legistar.com/Calendar.aspx>, by Thursday, September 10, 2015, at 6:00 p.m.

DATED: August 19, 2015

BERNICE E. SEIDEL
Clerk, Board of Supervisors

By *[Signature]*, Deputy

English

You have requested a hearing to contest an administrative citation you received for cultivating marijuana in violation of the Fresno County Ordinance Code. The hearing will be conducted in English. It is your responsibility to bring an interpreter if you feel you need the assistance of an interpreter to understand what is being said at the hearing, or for others to understand what you are saying. The County will not provide interpretation assistance.

Spanish

Usted ha solicitado una audiencia para impugnar un citatorio administrativo que recibió por cultivar marihuana en violación al Código de Ordenanzas del Condado de Fresno. La audiencia se llevará a cabo en inglés. Usted tiene la responsabilidad de llevar a un intérprete si le parece que va a necesitar la ayuda de un intérprete para entender lo que se estará diciendo durante la audiencia, o para que otras personas entiendan lo que usted estará diciendo. El Condado no proporcionará la asistencia de un intérprete.

Hmong

Koj tau thov tuaj sib hais (hearing) vim tsis txaus siab txog qhov koj tau txais ib daim ntawv raug nplua (administrative citation) txog qhov cog xas (cultivating marijuana) txhaum Fresno County Tsoj Cai (Fresno County Ordinance Code). Qhov kev sib hais yuav hais ua lus Amerikas. Koj yuav tau koj ib tug neeg tuaj txhais lus rau koj yog koj xav tias muaj tus txhais lus yuav ua rau koj to taub cov lus sib hais losyog ua rau hwm tus neeg to taub koj cov lus hais. County tsis muaj kev pab txhais lus rau koj.

Cambodian

អ្នកបានស្នើសុំសវនាការមួយ ដើម្បីបដិសេធនូវការបង្គាប់ឱ្យចូលរួមដូចអង្គបុគ្គល ដែលអ្នកបានទទួលចំពោះការធ្វើដាំគេម្សៅ

ដែលរំលោភបំពានច្បាប់ស្រុកនៅខេត្តផ្រេស្កូ (Fresno County Ordinance Code)។ សវនាការនេះ

នឹងត្រូវធ្វើឡើងដោយប្រើភាសាអង់គ្លេស។ ហើយនេះ ជាការទទួលខុសត្រូវរបស់អ្នក ដើម្បីនាំយកអ្នកបកប្រែភាសា បើអ្នកមានការចូលរួមជាអ្នកត្រូវការជំនួយពីអ្នកបកប្រែភាសា

ដើម្បីយល់ដឹងអំពីអ្វីៗដែលនិយាយនៅលើសវនាការ ឬអ្នកផ្សេងទៀតដែលយល់អំពីអ្វីៗដែលអ្នកនិយាយ។ ខេត្ត **County**

នឹងមិនផ្តល់ជំនួយអ្នកបកប្រែភាសាឡើយ។

Vietnamese

Bạn được yêu cầu đến dự phiên tòa tranh luận về một phán quyết hành chính bạn đã nhận được về hành vi trồng cần sa vi phạm Luật pháp Hạt Fresno. Phiên toàn sẽ sử dụng tiếng Anh. Bạn phải có trách nhiệm đi cùng một phiên dịch viên nếu bạn cảm thấy rằng bạn cần sự hỗ trợ của một phiên dịch viên để có thể hiểu mọi điều được đề cập đến trong phiên tòa, hoặc để những người khác hiểu mọi điều bạn đang nói. Hạt Fresno sẽ không hỗ trợ phiên dịch.

Laotian

ທ່ານໄດ້ຂໍໃຫ້ມີການພິຈາລະນາສົບສວນເພື່ອແກ້ຕ່າງໝາຍເກາະຕົວທາງດ້ານບໍລິຫານ ທີ່ທ່ານໄດ້ຮັບຕໍ່ກັບ ການປູກກັນຊາໃນການລະເມີດກົດລະບຽບຄໍາສັ່ງຂອງຄາວຕີ້ເຟຣັສໂນ (Fresno County Ordinance Code). ການພິຈາລະນາສົບສວນຈະດໍາເນີນການໂດຍໃຊ້ພາສາອັງກິດ. ມັນເປັນຄວາມຮັບຜິດຊອບຂອງ ທ່ານທີ່ຈະຕ້ອງໄດ້ເອົາລ່າມແປພາສາມານໍາ ຖ້າທ່ານຮູ້ສຶກວ່າ ທ່ານຕ້ອງການຄວາມຊ່ວຍເຫຼືອຂອງລ່າມ ແປພາສາ ເພື່ອໃຫ້ເຂົ້າໃຈສິ່ງທີ່ເວົ້າຢູ່ໃນການພິຈາລະນາສົບສວນ, ຫຼືໃຫ້ຜູ້ອື່ນເຂົ້າໃຈໃນສິ່ງທີ່ທ່ານເວົ້າ. ທາງຄາວຕີ້ຈະບໍ່ມີການຈັດການຊ່ວຍເຫຼືອເລື່ອງການແປພາສາໃຫ້.

PROOF OF SERVICE

I, Lisa Craft, declare as follows:

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed at the Clerk to the Board of Supervisors' Office, Hall of Records, Third Floor, 2281 Tulare Street, Fresno, CA 93721. On August 19, 2015, I served a copy of the within document

Notice of Hearing before the Board of Supervisors of the County of Fresno, Appeal of Administrative Citation.

on the interested party(ies) in said action addressed as follows:

From Damlong	From Damlong
2746 E. Avenell	4067 W. Michigan
Fresno, California 93725	Fresno, California 93722

X by placing the document(s) listed above for mailing in the United States mail at Fresno, California, in accordance with my employer's ordinary practice for collection and processing of mail, and addressed as set forth above.

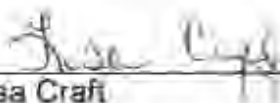
by transmitting via facsimile the above listed document(s) to the fax number(s) set forth above on this date before 5:00 p.m. pacific standard time.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth above

by placing the document(s) listed above in a sealed envelope, and placing the same for overnight delivery by California Overnight at Fresno, California.

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

Executed on August 19, 2015, at Fresno, California.



Lisa Craft



County of Fresno

BOARD OF SUPERVISORS

Chairman Deborah A. Poochigian District Five	Vice-Chairman Buddy Mandes District Four	Brian Pacheco District One	Andreas Borgeas District Two	Henry Persa District Three	Bernice E. Seidel Clerk
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2746 E. Avenell
Fresno, California 93725

Prom Damlong
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Fresno, California 93722

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DATED: August 19, 2015

BERNICE E. SEIDEL
Clerk, Board of Supervisors

By *Bernice E. Seidel*, Deputy

English

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Spanish

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Hmong

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Cambodian

អ្នកបានស្នើសុំសវនាការមួយ ដើម្បីជំទាស់តវ៉ាដីការបង្គាប់ឱ្យចូលឆ្នួលដីដាំគេដាំកញ្ឆា ដែលអ្នកបានទទួលចំពោះការធ្វើអាជីវកម្មកញ្ឆា

ដែលរំលោភបំពានច្បាប់ស្រ្តីទៅទៅនឹងកូដិកូដ (Fresno County Ordinance Code)។ សវនាការនេះ

នឹងប្រព្រឹត្តទៅតាមភាសាអង់គ្លេស។ ហើយនេះ ជាការទទួលខុសត្រូវរបស់អ្នក ដើម្បីនាំយកអ្នកបកប្រែភាសា ដើម្បីមានការចូលរួមជាអ្នកបកប្រែការចម្លងពីភាសាអង់គ្លេស។

ដើម្បីយល់ដឹងអំពីអ្វីដែលនិយាយនៅសវនាការ ឬអ្នកផ្សេងទៀតដែលយល់អំពីអ្វីដែលអ្នកនិយាយ។ ទៅ County

នឹងមិនផ្តល់ដំឡើងអ្នកបកប្រែភាសាឡើយ។

Vietnamese

Bạn được yêu cầu đến dự phiên tòa tranh luận về một phán quyết hành chính bạn đã nhận được về hành vi trồng cần sa vi phạm Luật pháp Hạt Fresno. Phiên toàn sẽ sử dụng tiếng Anh. Bạn phải có trách nhiệm đi cùng một phiên dịch viên nếu bạn cảm thấy rằng bạn cần sự hỗ trợ của một phiên dịch viên để có thể hiểu mọi điều được đề cập đến trong phiên tòa, hoặc để những người khác hiểu mọi điều bạn đang nói. Hạt Fresno sẽ không hỗ trợ phiên dịch.

Laotian

ທ່ານໄດ້ຂໍໃຫ້ມີການພິຈາລະນາສືບສວນເພື່ອແກ້ຕ່າງເພາະຕົວທ່ານໄດ້ຮັບບັດຈັດການ ທີ່ທ່ານໄດ້ຮັບຕໍ່ກັບ ການປຸກຮັບຊາໃນການລະເມີດກົດລະບຽບຄໍາສັ່ງຂອງຄາວຕີເຟຣັສໂນ (Fresno County Ordinance Code). ການພິຈາລະນາສືບສວນຈະດໍາເນີນການໂດຍໃຊ້ພາສາອັງກິດ. ມັນເປັນຄວາມຮັບຜິດຊອບຂອງ ທ່ານທີ່ຈະຕ້ອງໄດ້ເອົາລ່າມແປພາສາມານໍາ ຖ້າທ່ານຮູ້ສຶກວ່າ ທ່ານຕ້ອງການຄວາມຊ່ວຍເຫຼືອຂອງລ່າມ ແປພາສາ ເພື່ອໃຫ້ເຂົາໃຈສິ່ງທີ່ເວົ້າຢູ່ໃນການພິຈາລະນາສືບສວນ, ຫຼືໃຫ້ຜູ້ອື່ນເຂົ້າໃຈໃນສິ່ງທີ່ທ່ານເວົ້າ. ທາງຄາວຕີຈະບໍ່ມີການຈັດການຊ່ວຍເຫຼືອເລື່ອງການແປພາສາໃຫ້.

PROOF OF SERVICE

I, Lisa Craft, declare as follows:

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed at the Clerk to the Board of Supervisors' Office, Hall of Records, Third Floor, 2281 Tulare Street, Fresno, CA 93721. On August 19, 2015, I served a copy of the within document

Notice of Hearing before the Board of Supervisors of the County of Fresno, Appeal of Administrative Citation.

on the interested party(ies) in said action addressed as follows:

From Damlong
2746 E. Avenell
Fresno, California 93725

From Damlong
4067 W. Michigan
Fresno, California 93722

- ☒ by placing the document(s) listed above for mailing in the United States mail at Fresno, California, in accordance with my employer's ordinary practice for collection and processing of mail, and addressed as set forth above.
- ☐ by transmitting via facsimile the above listed document(s) to the fax number(s) set forth above on this date before 5:00 p.m. pacific standard time.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth above.
- ☐ by placing the document(s) listed above in a sealed envelope, and placing the same for overnight delivery by California Overnight at Fresno, California.

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

Executed on August 19, 2015, at Fresno, California.



Lisa Craft

EXHIBIT F

PHOTOS OF PROPERTY



