

Marijuana-growing light equipment stolen

By Bob Walter
Emerald Contributor

A Eugene garden store that was the subject of a major Drug Enforcement Agency investigation last year was broken into Monday night.

Thieves reportedly made off with enough high-intensity electrical lighting equipment to set up a sizable marijuana-growing operation.

William La Pella, manager of the Rain or Shine Center at 886 W. Sixth Ave., told police that nearly \$8,000 worth of property was missing, including high-intensity halide bulbs and the ballasts that go with them, nearly 100 "Vitalite" fluorescent bulbs, a stereo receiver, two high-power microscopes and a telescope. The burglars also took 115 pairs of sunglasses, alone worth more than \$4,000, according to La Pella.

Eugene narcotics detective Thad Buchanan said he esti-

mates the amount of lighting equipment taken is sufficient to cultivate 100 plants, which could yield approximately 25 pounds of marijuana worth \$3,000 to \$4,000 per pound at wholesale prices.

Authorities say there are few legitimate uses for these lights because of the cost and expense of running them. They are typically found in indoor marijuana growing operations.

"The thieves not only saved the price of the equipment," Buchanan said. "They also avoided the suspicion of being seen buying it."

Michael J. Sandsness, who co-owns the store with his wife Christine, is scheduled to be sentenced Feb. 26 on charges of interstate distribution of drug paraphernalia.

Sandsness and a former Rain or Shine salesman were arrested last February after an extensive investigation of local marijuana growers led authorities to

the company as supplier of the high-intensity lights many growers were using.

The DEA agents were able to locate even more growers by using Rain or Shine's business records to track down buyers of the equipment.

The case was dropped from federal to state courts when the two men pleaded guilty to the charge in December. They now face up to a year in prison.

The Sandsnesses, who live in Vancouver, Wash., also own a similar store in Portland. Both establishments are operated under the name of Christine Enterprises Inc.

At the time of the arrest, investigators reported that bank records showed company deposits of \$1.34 million in 1990, mostly in cash.

Rain or Shine was allowed to stay in business after the arrests on the condition that the com-

pany cooperate with authorities to assure that none of its equipment was used to grow marijuana. Both Sandsness and the salesman have been free, pending sentencing.

The burglars Monday apparently entered the store by kicking out a panel on the garage door at the rear of the building after removing the lock from a back gate. Police reported that the thieves were unable to pry open the garage door from the inside and had to take the property out through an upstairs door.

Police reported that items were taken from throughout the store, and that some things that had been gathered together near the garage door were left behind. La Pella says losses were insured.

Police have no suspects or witnesses.

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Anti-Measure 5 lawsuit argued

SALEM, Ore. (AP) — Oregon Tax Court Judge Carl Byers is weighing a case in which foes of Measure 5 argue it should be nullified as breaching constitutional rights of due process.

Byers heard arguments Wednesday in a lawsuit filed by some Portland-area taxpayers against the initiative measure passed by voters in November 1990.

The measure "reduces the taxes of some people at the expense of others," Duane Bosworth, lawyer for the plaintiffs, told Byers.

Attorneys on the other side argued the measure doesn't make anyone pay more taxes and aims to equalize the burden.

The lawsuit contends the measure violates the equal protection provisions of the U.S. Constitution's 14th Amendment.

The argument is aimed at a provision for reducing taxes in a taxing unit when necessary to comply with the limits. The provision says percentages used to reduce taxes "may vary from property to property within the same taxing unit."

The plaintiffs claim that some property owners might pay more taxes than others for the same services, even though the properties have the same value.

'The purpose of Measure 5 is to reduce some people's taxes and put it on someone else.'

— Duane Bosworth, attorney

"The purpose of Measure 5 is to reduce some people's taxes and put it on someone else," Bosworth said.

The measure, which took effect last July, limited total property tax rates for local governments to \$10 per \$1,000 of value.

The ceiling on school tax rates started at \$15 per \$1,000 and declines to \$5 per \$1,000 by 1995.

Joseph Laronge, an assistant state attorney general, defended the measure on several grounds, including that voters intended to distribute revenue loss from the tax limit proportionately among the affected local governments.

Laronge represents the state Revenue Department, which is the defendant to the lawsuit.

He also said courts give great deference to measures ap-

proved by the voters and that such measures are presumed to be constitutional.

"People have a right to set a ceiling on the total amounts of property taxes a person should pay," Laronge said.

Bosworth said the sole purpose of the measure is to reduce taxes for some people and that there is no "external purpose," such as giving tax breaks to farm land owners.

Gregory Byrne, a lawyer for two sponsors of Measure 5, told Byers the U.S. Supreme Court "has not required precise equality in taxation" in interpreting equal protection rights.


Byrne, who represents Don McIntire of Gresham and Thomas Dennehy of Portland, said the measure hasn't raised anyone's taxes.

Beaverton attorney Henry Kane, who intervened in the lawsuit on behalf of himself, said the plaintiffs haven't shown any actual harm and merely "complain that they pay more than someone else."

"Being treated unfairly is part of property taxation," Kane said. "The fact that somebody pays a little less is a fact of life."

Bosworth said the plaintiffs aren't part of any groups but are "individuals concerned about a poorly conceived initiative measure."

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