

LOCAL, STATE & REGION

ILLEGAL POT FARMS | SOUTHERN OREGON

Landowners fined for violations committed on property

BY SIERRA DAWN MCCLAIN
Capital Press

EAGLE POINT — Jackson County is fining a Southern Oregon cattle and hay ranching couple \$150,000 for land use violations committed on their farm by an illegal marijuana grower they leased land to who allegedly posed as an industrial hemp grower.

The couple, Jerry Wetzel, 78, and Gloria Wetzel, 76, plan to appeal, saying they did not know the tenant lacked licenses and the tenant claimed to be growing legal hemp.

Land use experts say cases like this are common statewide, especially in Southern Oregon.

According to Jackson County Sheriff Nate Sickler, the county is “finding many land leasers have been less than honest with the property owners about what they are cultivating, as well as what permitting and licensing have been obtained.”

“Sometimes landowners know exactly what they were doing and then try to put all the blame on the growers. Other times, it’s clear the landowners are clueless,” said Roger Pearce, land use attorney and Jackson County hearings officer.

Whether landowners knew they were leasing to an illegal operation or not, Pearce and Sickler say they may be liable for violations under state and county law.

In the Wetzel case, according to



Jerry and Gloria Wetzel, longtime cattle ranchers, drive to a piece of acreage they own that they leased out last year, about a 10-minute utility vehicle drive from their house.

Jackson County public records, on June 10, Oregon State Police raided the Wetzels’ home after obtaining a search warrant.

Officers entered the house with guns, searched for evidence and seized property. The Wetzels say they were frightened while handcuffed for about four hours.

“They searched this place from top to bottom,” said Gloria Wetzel, eyes watering.

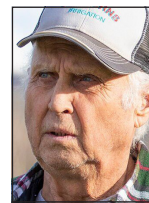
During the raid, the tenant and his workers fled the approximately 2-acre

grow site leased from the Wetzels far from the couple’s residence.

Using equipment designed to detect THC levels, Oregon State Police determined the operation was growing marijuana.

Mark Taylor, founding board member of the Southern Oregon Hemp Co-Op, said he knows the Wetzels to be “honorable people” and said he feels it was inappropriate for officers to raid the home of the landowners rather than targeting the tenant’s grow site.

Taylor said he is also upset that the couple is being fined for violations committed by the lessee.



Jerry Wetzel

“The whole case smells of government overreach,” he said.

Jerry Wetzel said that when he and Gloria started leasing acreage to someone they thought was a hemp grower

in 2020, they knew hemp was legal in Oregon but did not know operations required permitting. Thus, they didn’t ask to see permits.

The illegal grower, at his own expense, constructed 54 greenhouses and installed electricity, also without permits. The lessee, Jerry Wetzel said, told him the structures were temporary.

“We weren’t told to ask for a license to prove it’s legal hemp or legal greenhouse(s),” he said.

When the growers fled, the Wetzels were stuck with the fine.

The Wetzels say they believe laws that punish landowners regardless of intent for the actions of their lessees are unjust.

Annick Goldsmith, the hemp co-op’s small farms adviser, said she believes the county shouldn’t “cast such a wide net that (it) victimize(s) people like Jerry and Gloria.”

Land use experts, however, say liability laws placing the burden on the property owner are standard.

“It’s pretty straightforward. In most cases, ultimately the person who owns land is responsible for compliance with all laws that deal with the use of that land,” said Jim Johnson, land use and water planning coordinator for the Oregon Department of Agriculture.

Pearce, the attorney, said landowners may be held liable for state and county violations, potentially for pollution, illegal water uses, construction of unpermitted structures and failure to register farm labor camps.

Sickler, the sheriff, said landowners should verify an operation is legitimate “to prevent a criminal organization from setting up shop in our county.”

The Wetzels say they thought they had taken sufficient precautions because they were not business partners of the tenant and had worked with an attorney to create a lease agreement in 2020 to protect the farm’s interests. The lease stated no illegal activities would be allowed.

Now, the Wetzels say, they wish they had also known to ask for permits. They, along with Taylor of the co-op, advise landowners to check permits, conduct a background check, ask for an up-front security deposit and engage a seasoned real estate attorney before leasing to hemp growers.

Oregon investigates allegations of fake COVID-19 testing

Oregon officials are scrutinizing a coronavirus testing company for possible violations of a law protecting consumers against deceptive business practices.

The Oregon Department of Justice launched a civil investigation into the Center for Covid Control this week — after media reports in Texas and

Florida accused the company of faking lab results and not disclosing data to public health agencies.

One of two Oregonians who has lodged a formal consumer complaint about the company said staff working out of a tent in a southeast Portland convenience store parking lot in September gave her nasal swab

kits for self-administered rapid and PCR tests.

The woman said that when she got back to her car, she noticed the rapid test had expired months earlier.

The woman also complained that staff kept completed PCR tests, which must be sent away for laboratory testing, stowed in a crate left outdoors on a hot day.

The other complainant said

she didn’t receive the results of a PCR test within 72 hours, as was advertised.

The Center for Covid Control lists more than 300 testing sites on its website, including two each in Portland and Salem and one in Tigard. Several visitors drove away empty-handed Tuesday after visiting the company’s site off NE Sandy Boulevard, where a makeshift sign taped to the graffiti-coated

storefront stated: “sorry we are out of tests.”

“Let me be very clear — we are absolutely not conducting fake tests,” a company spokesperson said in a statement to Willamette Week, which first reported the investigation. “Our employees and the employees of our independent operators are risking their lives everyday to provide testing for patients.”

The company did not respond to questions from The Oregonian. The Oregon Health Authority did not immediately respond when asked if the company’s results were used in the state’s daily COVID-19 case counts.

The state Department of Justice investigation is probing for potential violations of the Unfair Trade Practices Act.

— The Oregonian

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