

## Code enforcement officer arrested for marijuana says deputies disregarded medical cards

Contributed by Elizabeth Larson  
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LUCERNE — A county code enforcement officer arrested over the weekend on several drug-related charges says he was wrongly arrested because he has medical marijuana cards, while sheriff's officials say his arrest was justified due to the amount of marijuana in his possession.

Larry Morris Fabisch, 54, of Nice was arrested early Saturday morning and booked into the Lake County Jail on charges of possessing more than 28.5 grams of marijuana, planting and cultivation, possession for sale and carrying loaded firearms in public.

Fabisch has worked for the county for nearly 20 years, and has spent the last five years as a code enforcement officer. He's also a past president of the Lake County Employees Association, the union representing county employees.

Capt. James Bauman of the Lake County Sheriff's Office said a deputy spotted Fabisch's gray Chevrolet SUV parked near Lakeview Market alongside Highway 20 in Lucerne at about 2:30 a.m. Saturday.

Fabisch, who was accompanied by his son and two of his son's friends, told Lake County News he had stopped briefly there to point out the county's Visitor Center, the second floor of which is supposed to be a new home for Code Enforcement officers.

The deputy pulled up behind Fabisch's vehicle, which then moved off and began driving through Lucerne in an "erratic" fashion, before being stopped at Robin Hood Way and Foothill Drive, said Bauman.

Fabisch said he was on his way home from the Sierras where he had grown the marijuana for himself and his 20-year-old son, Thomas — who also has a medical marijuana recommendation — on family-owned land.

He and his son were on their way to drop off his son's two friends, Justin Stephanson, 19, of Scotia, and Aaron Stephanson, 20, of Lucerne, at a Lucerne residence when they were stopped.

Inside the SUV the deputy allegedly found 89 pounds of recently harvested marijuana plants, said Bauman, who didn't have an actual tally of the number of plants involved.

"It's considered significant," he said of the amount of marijuana alleged to be in Fabisch's possession.

A small amount of processed marijuana also was found, along with a small revolver and a small caliber rifle, said Bauman. Fabisch said the firearms are used for shooting in the hills with his son.

Bauman said Fabisch got out of his vehicle and went back to the deputy's car; at that point he refused to return to his vehicle and so he was detained, said Bauman.

Fabisch said he was trying to show the deputy — who was joined by a second deputy and a sergeant — his two medical marijuana cards, which he placed on the patrol car's hood.

He accused the deputies of being unnecessarily rough with him. Fabisch said he was pointing to his cards when one of the deputies grabbed his arm and twisted it behind his back to handcuff him. Fabisch said he wasn't attempting to resist arrest.

Fabisch said the deputies disregarded his medical marijuana cards. "They were not willing to listen to anything."

Bauman said Fabisch was arrested due to the large amount of marijuana in his possession. "He had way more than anyone with a card is allowed to have," said Bauman.

According to Fabisch, his medical marijuana recommendation allows him to have 25 plants or five pounds of processed marijuana.

During the stop, Thomas Fabisch fled the scene, said Bauman. Larry Fabisch said he understood his son's fear about whether or not his medical marijuana card was going to be accepted. "Who's going to stick around to find out when they're handcuffing dad?"

Aaron Stephanson told the deputy that he had assisted Fabisch with harvesting the marijuana; Justin Stephanson said Fabisch had picked him up in San Andreas late on Friday.

Bauman said Fabisch was transported to the Lake County Jail after his arrest and booked. He posted his \$10,000 bail at about 10:30 a.m. Saturday and was released.

Code Enforcement Division Manager Voris Brumfield did not return a call seeking comment on the situation, and Community Development Director Rick Coel — whose department includes Code Enforcement — said he did not have any information on Fabisch's case.

Fabisch took Tuesday and Wednesday off and planned to return to work Thursday. He said he was anxious about what to expect when he returns to the office.

County Personnel Director Kathy Ferguson said the county has no personnel policies regarding arrests. She forwarded Lake County News copies of the county's alcohol and drug policies, which allow testing if an employee is believed to be impaired. An employee's use of medical marijuana under Proposition 215 isn't covered by those policies.

Fabisch said he has been open about his use of medical marijuana, and has had a card for about seven years. He said he has a long list of medical issues, including heart bypass surgery two years ago and severe "cluster" headaches which, when they occur, require him to go to the emergency room for treatment.

He said he never uses medical marijuana while on duty. "I don't abuse it at work. I respect it."

Fabisch challenged his arrest, saying that Proposition 215 — the California Compassionate Use Act of 1996 — does not impose limits on the amount of medical marijuana a patient may have. Attempts to impose such limits, such as SB 420, have been ruled unconstitutional by California courts.

While SB 420 sets a baseline of six mature plants or half a pound of processed marijuana per patient, it also states that patients can be exempted from those limits if their doctor says they need more, according to California NORML, a group dedicated to reforming the state's marijuana laws.

He's enlisted the services of Stephen Tulanian, a formidable defense attorney who previously helped win marijuana activist Eddy Lepp acquittal in the county's first medical marijuana trial.

Fabisch said he is due in court on Dec. 1. In the mean time, he said he doesn't expect authorities will return to him the medical marijuana that was seized.

Officials are planning to seek the same drug charges as those filed against Fabisch against his son &ndash; who also will be charged with resisting a law enforcement officer &ndash; and the Stephansons, whose stories aren't adding up in the opinion of investigators, said Bauman.

E-mail Elizabeth Larson at [el Larson@lakeconews.com](mailto:el Larson@lakeconews.com).

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