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| Brian's Franchise | October 14  2014 | |
| An analysis on the ethical components of Brian’s Franchise together with Recommended Alternative Courses of Actions submitted as compliance for BUS560M of Prof. Marasigan | |  |

**A Case Study by Nick Naz, De La Salle University**

1. **Identification of Symptoms**

**Case Background**

Marijuana production in United States started in early 1970’s when the federal government made an operation on smuggled marijuana. Before the operation, marijuana came in to the country from an importing neighborhood country like Mexico. The users resorted on cultivating their own marijuana at small amount of quantity for their personal use. Then, they saw an opportunity in having earnings and they decided to increase their production for selling purposes. From small plots, the business grew to become the second larger crop of the agricultural industry that created a political stir to the public. During that time, the local government discouraged police efforts in restricting marijuana growers due to the economic importance it was bringing.

In 1982, the government started their anti marijuana planting campaign where their goal is to eradicate it in the industry. These campaigns hold tight the distribution process by road blocking of routes; they also hunt farmers in an aerial view by the help of helicopters. Also, one of the campaigns implemented was the “Asset Forfeiture” that permits authorities to immediately confiscate and possess any property related to the possession, production and sale of marijuana. This practice does not concern whether the actual owner of the property was found guilty of the crime. The authorities has the sole discretion on the property that have been seized. They can either keep or spend the earnings in selling the confiscated properties. Due to these campaign, marijuana growers started thinking ways to evade detection from the government and it is when they thought of indoor farming. Through technological advancement method, they can manipulate the reproduction process to yield a higher production in such minimal spaces. Indoor farming was embraced and patronized by the marijuana growers. But soon after, the government launched a more extensive and offensive program that led them to eradicate indoor marijuana gardens. This law posed heavier sentence on growers that will be caught and it led some marijuana growers to shift their market and business to other state and country that does not have laws against marijuana production, selling and consumption.

**Profile**

Brian a dropped out college student owned a large franchise chain of small indoor farms specializing in growing marijuana in the United States. He became an expert in breeding and raising marijuana indoors when he participated in a research about developing of new breeds and indoor farming. After he left college, he started his own chain of small indoor marijuana gardens in rented houses around Washington, DC. His own variety of reproducing marijuana is called “Potomac Indica” and it became viral and widely known and this gave birth to the idea of selling his expertise to others. He found several local partners, whom he provided with essential equipment and marijuana plants, cultivating indoors instruction and a regular on site consultations. In exchange the partners gives him a percentage of the profits from each crop. This kind of strategy is a model from decentralized organizations like Mc. Donald. In 1989, the government had launched its new anti marijuana campaign that cost them around $ 1.7 billion annually that targeted indoor marijuana farming. Brian sold of his business and moved to Amsterdam where no marijuana laws are implemented. In Amsterdam he continued his operations and upgrades the systems he uses in indoor farming. He developed self contained indoor gardens units that were operated using a computer. The computer could be monitored from a distance by the owner and it can just be in an isolated place. The owner would only need to visit it when planting and harvesting. Also, the program has security devices and self destruct applications that can be very useful to the owners. It flags them if someone ahs raid in the place and it automatically deletes all the data and destructs the whole garden.

**Problem Statement**

The case presented raises numerous ethical questions both on the private sector (here being Brian) and the Federal government of the United States. Thus, this treatise seeks to address the following questions:

1. How can the government effectively stop the spread of illegal indoor marijuana gardens?

2. How can Brian use his expertise in the technology of indoor marijuana gardens to turn it into a profitable yet legal and legitimate business?

1. **TOWS ANALYSIS**

**Threats**

* Government regulations or initiatives to ban or eradicate marijuana.
* Fines, penalties or face prosecution.
* Can be copied by competitor
* Exposure to marijuana can affect the physical, mental, behavioral state of the individual resulting to social consequences.
* Foreign government policies to ban marijuana.

**Opportunities**

* Increase in market share to include Amsterdam
* Penetrate other countries that considers marijuana legal
* Apply his knowledge or expertise to other legal agricultural crops
* Demand for medical marijuana

**Weaknesses**

* Did not graduate college
* Only knows how to cultivate marijuana
* Marijuana users can lead to consumption of stronger drugs.

**Strengths**

* Partial automation of growing marijuana (Technical capability)
* Medical cannabis or Marijuana can produced a pill to be used as a medical therapy to treat disease or alleviate symptoms. It Can :

* 1. Reduce Nausea and Vomiting that cause of chemotherapy procedure
  2. Helpful in treating chronic non cancerous pain
  3. Antispasmodics.
  4. Prevents Alzheimer's and Seizures.

* Legalization could create job
* It can be use as an alternative biomass fuels

1. **Alternative Courses of Action**

Given what we know, there are a number of serious risks to users of marijuana, specifically when it is smoked. Those risks related to a user’s health are perhaps of most concern. Smoking marijuana can cause considerable harm to the lungs and airways. This is a particular risk to those who are considered heavy smokers, as they will likely experience an accelerated decline in lung functioning.1 While the most serious of the harms are not experienced by the majority of users, marijuana use is associated to health problems that range from those that might be considered minor to those that are life altering.

It is important to recognize that marijuana is neither harmless, nor is it particularly dangerous to the majority of users. However, given that marijuana is a widely used substance, it must be acknowledged that the lives of a small proportion of the population will be seriously disrupted by marijuana use.2

Subsequently, more than the health issues, there is a clear and imminent threat posed by the indoor marijuana gardens to the entire community. It was further claimed in the study by Plecas et al. that the illicit nature of marijuana growing ultimately leads those who undertake in these operations to hide their activities from the authorities and the public.3 In order to avoid detection, along with other reasons, marijuana growing operations are often located indoors, in homes and other buildings that require substantial changes to make the environment suitable for growing. Oftentimes, these changes include potentially hazardous parts of homes i.e. furnace, gas distribution, and electrical.4

Thus the Alternative Courses of Action we propose:

*1.* *How can the government effectively stop the spread of illegal indoor marijuana gardens?*

· Categorize illegal marijuana growing as a threat to public safety

· Impose massive fines on arrests

· Full asset forfeiture during arrests

· Legalize all forms of indoor marijuana gardens

*2.* *How can Brian use his expertise in the technology of indoor marijuana gardens to turn it into a legitimate business?*

· Work with the government and international agencies to set-up an international franchise for medical marijuana

· Move to a state that recognizes marijuana as legal

· Lobby for legalization of all forms of indoor marijuana gardens

1. **Evaluation of Alternatives**

To aptly evaluate the alternatives, it is important to lay the down the criteria that will make them the best course of action. This treatise hinges on the aforementioned issues, which will have separate criteria:

1. *Government to effectively stop the propagation of illegal indoor marijuana gardens*

**Criteria:**

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| Effectiveness in cutting the number of illegal indoor marijuana gardens | 40% |
| Effect to other stakeholders (Environment, Community, People) | 40% |
| Magnitude of scope | 15% |
| Ease of Implementation | 5% |
|  | **100%** |

Offhand, it is opined here that the paramount consideration in this part is to cut the number of illegal indoor marijuana producers - as well as the empowering effect it has on the community in general. As it has been cited in numerous researches, indoor marijuana gardens has become a magnet for crimes due to its unscrupulous nature. Thus, the 2 are the main criteria in making our decisions. Of third importance will be the coverage - as it is necessary for any project to be effective, we must be able to effectively target and cover a wider scope. And lastly, ease of implementation is least as it addresses the planning, logistics, manpower, and controlling aspects of carrying out the project.

1. *Brian’s franchise to be a legitimate business*

**Criteria:**

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| --- | --- |
| Promotes the common good of the community | 50% |
| Serves a benchmark for good industry practice | 30% |
| Encourages legitimacy of indoor marijuana gardens | 20% |
|  | **100%** |

As it stands, Brian’s franchise is an illegal, unethical, and even unscrupulous venture. It has been stated in the article, that he chose to move to Amsterdam as the Dutch does not consider marijuana illegal. This move gives a glimmer of inkling that Brian’s intentions with his franchise is not all that underboard.

Therefore, in choosing the course of action, priority is given to that which promotes the common good of the community. The next two only supports the primary criteria - as considering the clout he has in the indoor marijuana growers, his move will pave the way for eventual legitimacy of other growers as well.

1. **Recommendation / Justification**
2. *Government to effectively stop the propagation of illegal indoor marijuana gardens*

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| **(4)**  Legalize all forms of indoor marijuana gardens | **(3)**  Full asset forfeiture during arrests | **(2)**  Impose massive fines on arrests | **(1)**  **Categorize illegal marijuana growing as a threat to public safety** | **OPTIONS AND CRITERIA** |
| 0 % | 30 % | 10 % | **30 %** | Effectiveness in cutting the number of illegal indoor marijuana gardens (40%) |
| 40 % | 30 % | 20 % | **40 %** | Effect to other stakeholders (Environment, Community, People)  (40%) |
| 15 % | 15 % | 15 % | **15 %** | Magnitude of scope (15%) |
| 5 % | 5 % | 5 % | **5 %** | Ease of Implementation  (5%) |
| **60 %** | **80 %** | **50 %** | **90 %** | **TOTAL** |

As it came out, the best course of action in order for government to effectively stop the propagation of illegal indoor marijuana gardens will be to categorize illegal marijuana growing as a threat to public safety. What does this mean? This means that illegal indoor marijuana plantations are treated by the community as a preeminent threat to society at large. It will be treated within the ranks of terrorism, human trafficking, and drug cartels. There will be a concerted, organized, and well-funded task force not only in the communities but also in a global scale as well.

The case of British Columbia offers a detailed explanation how this can be done. In the study by Plecas et al.; controlled substance bylaws enable communities to conduct inspections for electrical, fire, health, and other public safety reasons, and to ensure unsafe properties are remediated at the expense of the property owner. In some bylaws, property owners/landlords are required to inspect properties on a prescribed basis, as provided for in the Residential Tenancy Act (sec. 29). The bylaws address not only contraventions of City bylaws, but of the British Columbia Building Code, the British Columbia Fire Code, the Health Act, and the Safety Standards Act. Importantly, the only focus is public safety; the bylaws do not address the criminal element of producing controlled substances.6

*2. Brian’s franchise to be a legitimate business*

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| **(3)**  Lobby for legalization of all forms of indoor marijuana gardens | **(2)**  Move to a state that recognizes marijuana as legal | **(1)**  **Work with the government and international agencies to set-up an international franchise for medical marijuana** | **OPTIONS AND CRITERIA** |
| 20 % | 10 % | **40 %** | Promotes the common good of the community  (50%) |
| 30 % | 10 % | **30 %** | Serves a benchmark for good industry practice  (30%) |
| 20 % | 0 % | **20 %** | Encourages legitimacy of indoor marijuana gardens  (20%) |
| **70 %** | **20 %** | **90 %** | **TOTAL** |

It has been duly noted in different studies that there is indeed positive effects in the usage of Marijuana – read: Medical Marijuana. Hence, we conclude that not all Marijuana plantations are a danger to the public. It is in this same light that we propose for Brian, who has made profits in a systematic franchise of indoor marijuana gardens, to channel his efforts into working with government to set-up legal and legitimate marijuana gardens across the continents for medical purposes.

In a specific study, it is claimed that Marijuana – or its drug derivative: Cannabinoid – has considerable therapeutic effects to its users. Cannabinoids have a natural role in pain modulation, control of movement, memory, and to some extent – immune systems. It is cautioned however that proper regulation be observed as the brain develops ‘dependence’ and in turn some withdrawal symptoms likened to *diapezam (Valium)*.8

Thus in order to achieve an aboveboard and ethical business model for Brian’s Franchise, the key is with working with national and international agencies. In so doing, not only does he uplift the stature of his business – as well as pave for other growers to come to the fore – but more importantly, it helps in the further research of how marijuana can be further used to treat various ailments.

1. **Implementation**

*A. To categorize illegal marijuana growing as a threat to public safety*

* The government should release articles publicly regarding the detrimental causes of abuse in usage of marijuana through live news, newspaper articles, and other public releases.
* After which, the government shall continue to impose policies and standards that has grievous implications on those persons that will be caught producing marijuana indoors.
* The government can also adapt programs that are already being applied in other countries like that of British Columbia.

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Furthermore, typically named either Public Safety Inspections or Electrical and Fire Safety Inspections (EFSI), the inspection programs generally involve the following procedures:

* Addresses of suspected grow operations are identified by: the public through tips called in to police non-emergency or Crime Stopper phone lines, and/or the analysis of electricity consumption records provided through provincial legislation by BC Hydro.
* The addresses are reviewed to ensure they are not part of an existing criminal investigation. A drive-by visit is conducted to look for grow operation indicators or other potential uses of excessive electrical power. An examination of city records on the property and police checks on vehicles at the site are also conducted.
* Notices are posted on the property and couriered to the owner to set up an inspection date.
* An inspection is conducted for the purpose of identifying any electrical, fire, health, and/or other safety risks.
* Depending on the practices of the particular public safety inspection team, as well as the condition of the building, the next steps could include: an electrical repair order being issued, electricity and/or water service being disconnected, or the occupancy permit being revoked.
* After the site is remediated and re-inspected by certified professionals at the expense of the property owner, services and/or occupancy permit are restored.7
* And then, the government can also impose charges to the owner of the property so that the owners will also be cautious and responsible agents of the society.

*B. Brian's Franchise to be a legitimate business*

* There are already 22 states where medicinal marijuana has been applied thus, Brian's skill and intelligence can be used for a good purpose.
* Brian can work with the government on how he can be one of the legal manufacturer's of marijuana. He can present to the government his inventions or programs that will greatly contribute in controlling the production of Marijuana.
* Brian can design a system on which he will be able to monitor all registered manufacturers of the marijuana so that it will be more systematic for the government thus, ensuring only from this suppliers will the dispensaries get their supplies.
* All dispensaries should also be registered in order to track the selling of the drug and all doctors that are allowed to prescribe the drug must be trained and registered as well.
* All patients that were given prescription of marijuana drug as their medicine shall be given an ID to ensure that it will only be used for medicinal purposes.
* The government must also take part in ensuring that only the registered manufacturer will be able to grow and sell it.
* Through which, the people can benefit on the medicinal benefits of marijuana and it will also boost the economy of the state.

**Notes:**

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