



CANNABIS
CONTROL
APPEALS
PANEL

May 5, 2021
PANEL MEETING

Meeting Materials



CANNABIS CONTROL APPEALS PANEL

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CANNABIS CONTROL APPEALS PANEL

GOVERNOR GAVIN NEWSOM

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
Secretary Lourdes M. Castro Ramirez



MEMBERS OF THE PANEL

Dr. Diandra Bremond – Chairperson, Los Angeles County
Sharon-Frances Moore, J.D. – Member, San Diego County
Majority Leader Ian Calderon – Member, Orange County

LOCATION	MEETING DATE AND TIME
Cannabis Control Appeals Panel 400 R Street Sacramento, CA 95811	Wednesday, May 5, 2021 10:00 a.m. to 11:30 a.m. (or conclusion of business)
Note: Video Conference Only	

NOTICE TO THE PUBLIC

Pursuant to [Executive Order N-29-20](#), certain provisions of the Bagley Keene Open Meeting Act are suspended due to a State of Emergency in response to the COVID-19 pandemic. Consistent with the Executive Order, the Cannabis Control Appeals Panel (CCAP) meeting will occur remotely, with no physical meeting location. CCAP will be using the video conferencing service, Zoom, to host the meeting and allow for remote public participation.

If you have any questions or comments regarding the meeting, or addressing the Panel, or requesting special accommodations during the Public Comment portion of the meeting, contact us by email at info@ccap.ca.gov or by calling (916) 322-6870 one week prior to the Panel meeting.

Join Zoom Video Meeting

<https://us02web.zoom.us/j/82689228053?pwd=cGNqYzZpdjBYOVprOEtBSmFQcDVFdz09>

Meeting ID: 826 8922 8053

Passcode: 932486

Call-In Information:

1-669-900-9128

Meeting ID: 826 8922 8053

Passcode: 932486

MEETING AGENDA

1. Call to Order and Establishment of Quorum

Dr. Diandra Bremond, Chairperson

2. Approval of Friday, February 26, 2021 Meeting Minutes

Dr. Diandra Bremond, Chairperson

3. Executive Management Report

Anne Hawley, Executive Director

4. Pending Legislation Informational Presentation: Senate Bill 59

Christopher Phillips, Chief Counsel

Sarah Smith, Senior Staff Attorney

Brian Hwang, Staff Attorney

5. Cannabis Control Appeals Panel Member Handbook Revision

Christopher Phillips, Chief Counsel

6. Public Comments on Items Not on the Agenda

The Panel may not discuss or act on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting.

[Government Code Sections 11125, 11125.7 (a)]

7. Future Agenda Items

8. Closed Session

a. Discussion and annual review of the Executive Director, under authority of Government Code 11126(a)(1).

9. Adjournment

NOTICE TO THE PUBLIC

The public may provide appropriate comment on any issue before the panel at the time the item is discussed. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. Total time allocated for public comment may be limited.

All times are approximate and subject to change. The meeting may be cancelled without notice. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. Action may be taken on any item on the agenda. Time limitations for discussion and comment will be determined by the Chair.

This panel meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification to participate in the meeting may make a request by contacting Christopher Phillips at (916) 322-6870. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Interested parties should access the Panel's website for the meeting agenda and more information at <http://www.ccap.ca.gov/>. Requests for further information should be directed to Christopher Phillips at (916) 322-6870 or in writing to: Cannabis Control Appeals Panel, 400 R Street, Suite 320, Sacramento, CA 95811

AGENDA ITEM 1

**CALL TO ORDER AND
ESTABLISHMENT OF QUORUM**

NO MATERIALS FOR ITEM 1

AGENDA ITEM 2

**APPROVAL OF 2/26/2021 MEETING
MINUTES**



Open Session Meeting Minutes

Friday, February 26, 2021
10:00 am – 10:33 am

Cannabis Control Appeals Panel
400 R Street
Sacramento, CA 95811

Members present via teleconference:

- Dr. Diandra Bremond, Chairperson (in Los Angeles County)
- Sharon-Frances Moore, J.D. (in San Diego County)
- Majority Leader Ian Calderon (in Orange County)

Staff present via teleconference:

- Anne Hawley, Executive Director, Cannabis Control Appeals Panel
- Christopher Phillips, Chief Counsel, Cannabis Control Appeals Panel
- Sarah M. Smith, Senior Staff Attorney, Cannabis Control Appeals Panel
- Brian Hwang, Staff Attorney, Cannabis Control Appeals Panel
- Melita Deci, Administrative and Business Services Coordinator, Cannabis Control Appeals Panel

Public present via teleconference:

- Joshua Willter
- Kelly Hayes
- Phillip Neiman
- Gianna Geil
- Lauren Haas
- Taryn Kinney
- Veronica Daniel
- Brenna Cerecedes

Summary:

1. Call to Order and Establishment of Quorum.

Chairperson Diandra Bremond called the teleconference meeting to order at 10:01 am.



Bremond opened the meeting by introducing and welcoming CCAP's newest Panel Member, Majority Leader Ian Calderon. Elected to the California State Assembly in 2012, he was the first millennial ever elected to the California State Legislature. In 2016, at age 30, he became the youngest Majority Leader in the history of the state. A member of the California State Assembly from 2012 to 2020, he served as the Chair of the Committee on Arts, Entertainment, Sports, Tourism and Internet Media from 2012-2016 and Majority Leader from 2016-2020. He is the longest serving Majority Leader in the term-limited era.

Melita Deci took the roll call vote. Panel Members Diandra Bremond, Sharon-Frances Moore, and Ian Calderon were present. A quorum was established.

2. Approval of June 19, 2019 and August 21, 2019 Meeting Minutes.

Chairperson Bremond explained since there was no quorum at the August 21, 2019 meeting, the June 19, 2019 minutes still need to be considered and approved. Bremond asked the Panel if there were any additions or corrections to the minutes of the June 19, 2019 meeting. There were no additions or corrections. There were also no comments from the public.

Motion (Moore): Approve the minutes of the June 19, 2019 meeting as submitted. Seconded (Bremond). Motion passed 3-0.

Chairperson Bremond then moved onto the August 21, 2019 minutes. Bremond asked the Panel if there were any additions or corrections to the minutes of the August 21, 2019 meeting. There were no additions or corrections. There were also no comments from the public.

Motion (Calderon): Approve the minutes of the August 21, 2019 meeting as submitted. Seconded (Moore). Motion passed 3-0.

3. Executive Summary Report.

Executive Director Anne Hawley presented the Executive Staff Report. Hawley opened by stating that, at this time, no action was needed. The report is purely for informational purposes.

Hawley first discussed CCAP's audio-visual equipment and support. Hawley reported that the Victim Compensation Board (CalVCB) will be providing technical support for all of CCAP's Panel meetings. This includes Zoom calls, live streams of meetings, and all audio-visual equipment. CalVCB and CCAP will be sharing resources in other ways as well. CalVCB will be using CCAP's hearing room for their own meetings. CCAP will be using CalVCB's security equipment—such as a metal detector and a safe for knife or firearm storage.

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Hawley then moved onto discuss CCAP's budget. Because of the negative effects of COVID-19 on the state's economy, the 2020 Budget Act assumes a permanent 5% reduction in most state operation expenditures. This reduction must be implemented no later than July 1, 2021. CCAP has identified two areas to target in order to meet the 5% reduction. The first is reducing the postage budget from \$12,000 to \$6,000. The second is reducing the in-state travel budget by 44% from \$63,000 to \$28,000.

Hawley believes these two reductions will have only a minimal impact. She further believes the reduced postage budget will only have a minimal impact because the pandemic has already pushed both the public and private sectors to adopt electronic business practices. Hawley anticipates that a larger percentage of appellants will opt for all correspondence to be disseminated by e-mail. Moreover, Adobe's e-signature function will be integrated into CCAP's portal as part of its case management system thus allowing written communications from CCAP staff to appellants to be transmitted through PDFs and Adobe e-signature.

Hawley believes the reduction to CCAP's in-state travel budget can be absorbed because of the COVID-19 travel restrictions, cost savings from staff vacancies, and other budget line items. However, even after the pandemic subsides, a higher percentage of appellants may opt for convenience of attending Panel meetings through teleconference. If Executive Order N-2920 remains in effect, this order would suspend the Bagley-Keene requirement of physical presence of Panel members at specified locations.

CCAP has built in 12 trips budgeted for Panel meetings—around one per month. There would be meetings in Sacramento, Los Angeles, the Central Valley, and Humboldt County. There are also 10 outreach meetings built in for CCAP staff. However, as CCAP's case load is minimal, Hawley believes CCAP can absorb these cost savings. If, in the near future, its workload increases significantly, staff vacancies are filled, and Panel meetings are required to meet in person, these increased costs could be addressed in a Budget Change Proposal (BCP) for Fiscal Year 2023. CCAP operates on three-year limited term on the BCP. CCAP could thus address those larger expenses down the road.

Regarding budget to actuals, CCAP continues to achieve cost savings in several budget categories due to staff and Panel member vacancies, as well as the reduction in travel. CCAP savings for Fiscal Year 2021 is projected to be \$1,047,798.

Hawley next discussed the 9% pay reduction to the state's workforce. The Governor's budget proposal for Fiscal Year 2021-22 proposes that this pay reduction be lifted as of July 1, 2021. The Department of Finance will review updated revenue estimates prior to the May budget revision. However, nothing is final until the budget is signed into law by the Governor.

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Hawley then transitioned to discuss CCAP's strategic planning. At future Panel meetings this year, the Department of Consumer Affairs (DCA) SOLID planning unit will work with Panel members and CCAP staff to identify CCAP's strategic goals, objectives, missions, and values as an organization. The cost between last and the current fiscal year will be \$3,203.72. CCAP will have more information forthcoming on this topic in future meetings.

Hawley provided an update on pending legislation. Recently, SB 59 was introduced by Senator Caballero. SB 59 seeks to amend sections 26050.2 and 26055 of the Business and Professions Code. Under section 26050.2, a licensing authority may issue a provisional license to an applicant if the applicant has submitted a complete application. This provision remains in effect until January 1, 2022. If signed into law, SB 59 would extend that date to January 1, 2028. This bill is currently referred to a committee. CCAP will continue to monitor SB 59 closely. If enacted, this bill would potentially lower the number of annual licenses issued, and only annual license holders have appeal rights before CCAP.

Hawley then discussed the new Department of Cannabis Control. The Governor's Fiscal Year 2021-22 budget contains a proposal to consolidate the three state licensing authorities into a single Department. If approved by the legislature and signed by the Governor, the new Department would be created on July 1, 2021. The Budget Change Proposal establishes the Department within the Business, Consumer Services and Housing Agency (BCSH). It also creates the infrastructure for the new Department by moving over all existing positions that are currently funded in the three licensing authorities. The new Department would have a budget of around \$153,834,000 for Fiscal Year 2021-22, and 621 positions.

Hawley also reported on the current status of CCAP appeals. As of now, no appeal has been filed by an annual license holder with the Office of Administrative Hearings. CCAP staff has and will continue to monitor the situation closely. However, Hawley stated CCAP does not expect to receive its first case until the first quarter of 2022 at the earliest.

Finally, Hawley gave an overview of the special assignments that CCAP legal staff has been working on. Chief Counsel Christopher Phillips has been working with BCSH and the Homeless Coordinating and Financing Council (HCFC) to develop a privacy program for a homeless data integration system. The privacy program will consist of policies designed to help HCFC staff to comply with applicable state and federal laws. Senior Staff Attorney Sarah Smith has been filling in as interim staff counsel at the California Horse Racing Board, where she has completed a variety of projects both regulatory and adjudicatory. Staff Attorney Brian Hwang has been assisting the Alcoholic Beverage Control Appeals Board. In that capacity, he has handled numerous appeals of decisions by the Department of Alcoholic Beverage Control. He is currently focused on helping the Board update and modernize its administrative regulations with the Office of Administrative Law.



No comments from the Panel. No comments from the public.

4. Information Presentation: Executive Director Appraisal Process.

Chairperson Bremond presented a report on the Executive Director Appraisal Process.

The last appraisal took place during the Panel's August 2019 meeting and was facilitated by the DCA SOLID team. The facilitators used a 360-degree feedback as the primary guide. DCA collected and compiled results from the 360 questionnaire. Panel members were then able to review these results.

While this was a good start, there is an identified need for a better process that can be used annually. Accordingly, development of a custom review process for CCAP began in Fall 2020. Bremond worked with Chief Counsel Phillips and Administrative and Business Services Coordinator, Melita Deci. This effort focused on ensuring administrative duties were covered in the process. The appraisal was then sent to Executive Director Hawley for review to confirm that the process is fair, and that everything is covered. DCA was then consulted regarding the costs to facilitate the process. Staff believes having DCA facilitate the appraisal process eliminates any potential internal conflicts or biases in the process.

Overall, the final process should be a mix of the 360-degree feedback and questions specifically tailored for CCAP. There will be one set of questions for CCAP staff and BCSH staff, and another set for Panel members. Moving forward, the Executive Director appraisal will take place at the next meeting and annually henceforth. Phased evaluation questionnaires will be disseminated in the coming weeks. CCAP staff and BCSH staff will receive their questionnaires first. The results will then be compiled and provided to the Panel. Panel members will review the results and complete their evaluations privately.

No comments from the Panel. No comments from the public.

5. Self-Nominating Procedure for Chair Election: Handbook Revision.

Chief Counsel Phillips presented a proposed, minor revision to the Panel Handbook regarding the nomination process for the annual Chair election.

Under the current process, a Panel member announces their willingness to serve as Chair. A second Panel member must then nominate this Panel member in order for them to be eligible for consideration as Chair. The current process, in short, does not allow for self-nomination.

CCAP staff proposes to revise the process to allow for self-nomination. In reviewing its proposal, CCAP staff could not identify any risk of making this revision. The benefits of making



the revision include streamlining the process and allowing all Panel members who want to be considered to actually be considered for the Panel Chair position. The revision can be achieved by a simple majority vote.

No comments from the Panel. No comments from the public.

Melita Deci then took a roll call vote on approving the proposed revision to the Chair election procedures. The Panel voted 3-0 in favor of accepting the proposed revision to allow for self-nominations.

6. Election of the Chair.

In light of the approved revision, Phillips instructed that the first step is to determine any and all candidates. Once the candidates are determined, Melita Deci will take a roll call vote in which each Panel member may vote for only one candidate.

Phillips asked for interested candidates to identify themselves and to provide a speech, if desired. Bremond self-nominated and emphasized how CCAP had remained up and running through the crisis of the past year under Bremond's leadership. Phillips asked if anyone else was interested as a candidate. There were no other candidates.

No comments from the Panel. No comments from the public.

Melita Deci then took a roll call vote on Bremond being re-elected as Chairperson. The Panel voted 3-0 in favor of Bremond's re-election. Bremond thanked the Panel members and expressed excitement about working with everyone moving forward.

7. Public Comments on Items Not on the Agenda.

Chairperson Bremond warned any comment should not involve pending or future appeals. No comments from the public.

8. Future Agenda Items.

No comments from the Panel. No comments from the public.

9. Adjournment.

Motion (Moore). Adjourn the meeting. Seconded (Calderon). Meeting adjourned at 10:33 am.

AGENDA ITEM 3

**EXECUTIVE MANAGEMENT
REPORT**

**NO MATERIALS FOR ITEM 3
(VERBAL REPORT)**

AGENDA ITEM 4

**PENDING LEGISLATION
INFORMATIONAL PRESENTATION:
SENATE BILL 59**

CANNABIS CONTROL APPEALS PANEL

STAFF REPORT

REGULAR PANEL MEETING

May 5, 2021

SUBJECT: Pending Legislation Informational Presentation: Senate Bill 59

BACKGROUND:

In September 2018, SB 1459 created a path for applicants and licensees to move from expiring temporary licenses—which would no longer be issued after December 31, 2018—to provisional licenses. SB 1459 provided additional time to applicants, local jurisdictions, and the state to comply with the California Environmental Quality Act (CEQA) by allowing licensing authorities to issue provisional licenses until January 1, 2020. In 2019, the legislature passed AB 97 to extend this repeal date to January 1, 2022.

SB 59 would further extend this repeal date from January 1, 2022 to January 1, 2028. This bill would also extend local jurisdictions' exemption from CEQA compliance from July 1, 2021 to July 1, 2026.

Finally, a recent amendment to SB 59 would provide that: (1) a provisional license shall not be issued to an applicant on or after July 1, 2022, unless they are a qualified equity applicant as defined by Chapter 23 of the Business and Professions Code, and (2) a licensing authority may, in its sole discretion, reinstate a provisional license issued prior to July 1, 2022 to an applicant for the same activity previously licensed at the location.

ANALYSIS:

According to the bill's author, SB 59 is "needed because without addressing the issue the provisional licenses will expire. Alternatively, some cannabis operators want [provisional licenses] extended into perpetuity, but that would delay environmental review for an unknown timeframe." The bill resolves all of these issues by extending the provisional license program until 2028 and CEQA exemption for local jurisdictions until 2026. This would give applicants, local jurisdictions, and the state more time to reach CEQA compliance as well as process pending annual license applications.

The recent amendment to SB 59 would alter the scope of the provisional license program. Beginning on July 1, 2022, provisional licenses would be issued only to qualified equity applicants. Licensing authorities would, however, have the ability to reinstate provisional licenses that were issued prior to July 1, 2022.

Finally, there is strong support for SB 59 across the cannabis industry. Over 80 organizations and businesses expressed support for SB 59 with no opposition noted. The organizations and business in support includes, notably, California Cannabis Industry Association, International Cannabis Farmers Association, and California State Association of Counties.

BUDGET AND FISCAL IMPACTS:

SB 59 would produce no direct fiscal impact. As CCAP cannot accept appeals regarding provisional licenses, the extension of the provisional license program would continue to limit the number of potential appeals filed with CCAP. However, a reduced caseload may result in cost and resource savings. For example, if there are fewer hearings to travel to, it would result in savings to CCAP's budget.

BENEFITS AND RISKS:

The primary risk of SB 59 is the persisting long-term uncertainty regarding annual licenses. SB 1459 and AB 97 were intended as stopgap measures. Yet, SB 59 provides a third extension to the provisional license program.

Given the above, CCAP's caseload will likely remain low into the foreseeable future. The unpredictability of its future caseload may complicate CCAP's efforts to engage in long-term planning. One potential benefit of the low caseload, as referenced in the previous section, is cost and resource savings.

ATTACHMENTS:

None

RECOMMENDATION:

No action is requested. This agenda item is only for informational purposes.

STAFF CONTACT:

Christopher Phillips, Chief Counsel
Cannabis Control Appeals Panel
(916) 322-6874

AGENDA ITEM 5

**CANNABIS CONTROL APPEALS
PANEL MEMBER HANDBOOK
REVISION**

CANNABIS CONTROL APPEALS PANEL

STAFF REPORT

REGULAR PANEL MEETING

May 5, 2021

SUBJECT: Cannabis Control Appeals Panel Member Handbook Revision

BACKGROUND:

As a matter of best practices, all government boards and commissions typically adopt a board policy manual. This document is intended to guide members of the Panel under specific procedural circumstances, reiterate relevant statutes and ethical standards, and ensure consistent application of general administrative policies. The current policy manual, known as the “Member Handbook,” was adopted by the Panel at its first meeting on August 13, 2018. The Member Handbook was last updated on February 26, 2021.

ANALYSIS:

After a recent review of the Member Handbook, CCAP staff has identified four necessary revisions:

- The first proposed revision is to add a “Last Updated” date at the bottom of the cover page. Currently, the cover page only displays the Member Handbook’s adoption date. The proposed revision would address any ambiguity by including the last revision date right below its adoption date.
- The second proposed revision is to update the “Membership” section on page 3. This section outlines the Panel’s appointment rules under Section 26040 of the Business and Professions Code. In 2020, Section 26040 was amended by the legislature. The proposed revision would update the statutory language to reflect this recent amendment.
- The third proposed revision is to shift to gender-neutral language, wherever possible. Currently, the Member Handbook uses the pronouns she/her/hers and he/him/his. The proposed revision would replace those with the pronouns they/them/their.
- The fourth proposed revision is to update CCAP’s physical address in the “On-boarding” section on page 5. This section directs newly appointed Panel members to send their completed on-boarding materials to CCAP’s office. However, the current address listed is outdated as CCAP has since moved to a new building. The proposed revision would correct the error by listing its current physical address.

BUDGET AND FISCAL IMPACTS:

None.

BENEFITS AND RISKS:

There are no known risks associated with the proposed revisions. There are, however, several benefits.

The main benefit of using gender-neutral language is one of inclusion. It acknowledges and respects the diversity of bodies, genders, and relationships. It helps ensure no assumptions are made about a person's gender identity, and it promotes awareness of gender nonconforming communities. It is important to avoid word choices that may be seen as dismissive, demeaning, or discriminatory by implying that a specific sex or gender identity is the norm.

The main benefits of the remaining proposed revisions include consistency and reliability:

- By looking at the "Last Updated" date on the cover page, Panel members and staff can readily identify which version of the Member Handbook they are looking at. This will ensure that both Panel members and staff are referring to the same and most current version.
- By updating the statutory language in the Member Handbook, Panel members will be kept current on their legal rights and/or obligations. This reduces the risk of confusion that may arise from any reliance on outdated law.
- By updating CCAP's physical address, it makes certain that Panel members will be sending their on-boarding materials to the correct location. Given that Panel members must submit those materials within 30 days of their swearing-in, time will be of the essence. This revision reduces the risk of delay that may otherwise result from delivery to the wrong address.

ATTACHMENTS:

1. Marked-up version of proposed revisions (see highlights in attachment)
2. Proposed revisions to the Member Handbook

RECOMMENDATION:

Approve the Proposed Revisions of the Member Handbook (Attachment 2).

STAFF CONTACT:

Christopher Phillips, Chief Counsel
Cannabis Control Appeals Panel
(916) 322-6874



CANNABIS CONTROL APPEALS PANEL

MEMBER HANDBOOK

Gavin Newsom, Governor
State of California

Lourdes M. Castro Ramirez, Secretary
Business, Consumer Services and Housing Agency

Cannabis Control Appeals Panel
400 R St. Ste. 320
Sacramento, CA 95811
www.ccap.ca.gov

Adopted August 13, 2018

Last Updated May 5, 2021

INTRODUCTION

Brief History

In 1996, voters approved Proposition 215, which legalized the use of Medicinal cannabis in California. After the proposition was passed, most regulation was done by local governments. In 2015, the Legislature passed, and Governor Edmund G. Brown Jr. signed into law three bills (Assembly Bills 243 and 266, and Senate Bill 643) that create a licensing and regulatory framework for Medicinal cannabis through the Medical Cannabis Regulation and Safety Act. This legislation divided the responsibility for state licensing between three state entities – the California Department of Food and Agriculture, the California Department of Public Health and the Bureau of Cannabis Control – with the Bureau of Cannabis Control designated as the lead agency in regulating the cannabis industry in California.

In 2016, voters approved Proposition 64, the Adult-Use of Marijuana Act (AUMA). Under Proposition 64, adults 21 years of age or older, can legally grow, possess, and use cannabis for non-medicinal purposes, with certain restrictions. In addition, beginning on January 1, 2018, AUMA makes it legal to sell and distribute commercial cannabis through a regulated business. In June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that merged MCRSA and AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Under MAUCRSA, a single regulatory system governs the medicinal and adult-use cannabis industry in California.

Function of the Panel

The Cannabis Control Appeals Panel is responsible for appeals from any decision by state cannabis licensing authorities relating to the order of any penalty assessment, issuing, denying, transferring, conditioning, suspending or revoking any license provided under MAUCRSA.

PANEL MEMBERS

Authority

The Cannabis Control Appeals Panel was established by Business and Professions Code 26040 – 26047.

Membership

The Cannabis Control Appeals Panel shall consist of the following members:

- (A) One member appointed by the Senate Committee on Rules.
- (B) One member appointed by the Speaker of the Assembly.
- (C) Three members appointed by the Governor and subject to confirmation by a majority vote of all members elected to the Senate.

~~Each member, at the time of his or her initial appointment, shall be a resident of a different county from the one in which any of the other members reside. Each member appointed by the Governor, at the time of their initial appointment, shall be a resident of a different county from the one in which either of the other members appointed by the Governor resides.~~

Compensation

Members of the Panel shall receive an annual salary as provided for by Chapter 6 (commencing with [Section 11550](#)) of Part 1 of Division 3 of Title 2 of the Government Code.

Term

None. Each appointee serves at the pleasure of its appointing authority.

Removal

(B & P Code §26040(b))

The Governor can remove Governor's appointees without cause, while the Legislature can remove *any* appointee for dereliction of duty, corruption, or incompetency.

Resignation

(Government Code Section §1750(b))

If it becomes necessary for a Panel Member to resign, a letter shall be sent to the appropriate appointing authority (Governor's Office, Senate Rules Committee, or the Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Panel Chair and the Executive Director.

Conflict of Interest

(Government Code Section §87100)

No Panel Member may make, participate in making, or in any way attempt to use ~~his or her~~ their official position to influence a governmental decision in which ~~he or she~~ they knows or ~~has~~ have reason to know ~~he or she~~ they ~~has~~ have a financial interest.

Any Panel Member who has a financial interest shall disqualify ~~himself or herself~~ themselves from making or attempting to use ~~his or her~~ their official position to influence the decision.

Any Panel Member who feels ~~he or she is~~ they are entering a situation where there is a potential for a conflict of interest should immediately consult the Executive Director or the Panel's legal counsel.

Incompatible Activities

(Government Code §19990)

All Panel Members shall sign an incompatible activities statement. Governor's appointees will likely have already signed the Governor's incompatible activities statement and Agency's statement. and will be expected to adhere to the terms therein.

Within the first several months of being hired, the Assistant Chief Counsel for the Panel, or another staff attorney, should review the two incompatibility statements already signed by the Governor's appointees, and seek to develop a specific one for the Panel, to be executed by all members.

Social Media Presence

All Panel Members and Panel employees should become familiar with the Social Media Standard (SIMM 66B) put forth by the California Department of Technology at https://cdt.ca.gov/wp-content/uploads/2017/02/SIMM_66B.pdf. In general, Panel Members shall not speak on behalf of the Panel or state government unless otherwise authorized, and shall not share to the public or others on social media confidential or proprietary information held by the Panel or its Members or employees.

MEMBER ON-BOARDING & TRAINING

On-boarding

Panel members must submit the following no later than 30 days after their swearing-in:

1. Oath of Office – signed and dated
2. Form 700 – Statement of Economic Interest
3. Sexual Harassment Prevention Policy Memo and Acknowledgement Form
4. Non-Discrimination Policy and Complaint Procedures Policy Memo and Acknowledgement Form
5. Emergency Contact Information
6. Authorization to Use Privately Owned Vehicles on State Business (STD.261)
7. Payee Data Record (STD.204)

All original forms should be remitted to:

Executive Director
Cannabis Control Appeals Panel
801 Capitol Mall, Suite 601
Sacramento, CA 95814
400 R Street, Suite 320
Sacramento, CA 95811

Required Trainings

Panel members must complete the required trainings within 30 days of their swearing-in:

- Bagley-Keene Open Meeting Act Training
- Ethics Training
 - Note: the certificate of completion should be provided to the Executive Director.
- Sexual Harassment Prevention Training
 - To ensure compliance with Assembly Bill 1825 (Chapter 933, Statutes of 2004), Panel members are required to complete Sexual Harassment Prevention Training every two years.
- Defensive Driver Training

MEETING PROCEDURES

Panel Meetings

(Government Code § 11120 et seq.)

Being a member of the Panel is a serious commitment to the people of the State of California. Panel members are expected to attend all scheduled panel meetings. If a member is unable to attend, they must contact the Panel Chair or the Executive Director and provide a written explanation of their absence.

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act (Act). This Act governs meetings of the state regulatory bodies and meetings of committees of those bodies where committee consists of more than two members. It specifies notice of meetings, agenda requirements, and prohibits discussing or acting on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the statutory section and subdivision authorizing the closed session.

Through training given to the Panel, and on Panel Member's own initiative, Panel Members should become familiar with the general Bagley-Keene Act requirements, and they are required by law to receive a copy of the law, which will be done at the Panel's first public meeting. If Panel Members have questions about the law, they should contact the Panel's Assistant Chief Counsel or Agency Counsel for advice.

Agenda Items

Panel Members may submit agenda items for a future Panel meeting during the "Future Agenda Items" section of a Panel meeting or directly to the Panel Chair. To the extent possible, the Panel Chair will calendar each Panel Member's request on a future Panel meeting.

In the event of a conflict, the Panel Chair shall make the final decision. The Panel Chair will work with the Executive Director to finalize the agenda.

Notice of Meetings

(Government Code §11120 et seq,)

Meeting notices, including agendas, for Panel meetings will be sent to persons on the Panel's mailing list at least 10 calendar days in advance, as specified in the Bagley-Keene Open Meeting Act. The notice shall include name, work address, and work telephone number of a staff person who can provide further information prior to the meeting. Notices will also be posted online at www.ccap.ca.gov.

Record of Meetings

The business conducted in open session by the Panel can be recorded by a registered court reporter or audio recorded at the Panel's discretion.

In the alternative, minutes or a summary of the open session can be taken. They shall be prepared by Panel staff and submitted for review by Panel Members. Panel minutes or the summary will be considered and approved or disapproved at the next scheduled meeting of the Panel. When approved, the minutes shall serve as the official record of the meeting. The recordings of each Panel meeting shall be maintained and not destroyed.

Properly convened closed meetings also require by law to have minutes taken of the closed session.

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The Panel will use Robert's Rules of Order, to the extent that it does not conflict with state law (e.g., Bagley-Keene Open Meeting Act or other state laws or regulations), as a guide when conducting the meetings. Questions of order can be clarified by the Panel's legal counsel.

SELECTION OF OFFICERS

Officers of the Panel

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A member must first announce their willingness to be Chair and then may give a short statement why they should be elected.

Each Panel member may cast one vote for the Chair position. Votes will be made publicly. The candidate with the most votes will be elected Chair and will assume the duties of that position at the end of the public meeting.

In the event of a tie, the Secretary of the Business, Consumer Services and Housing, or their delegate, shall publicly cast a single vote to break the tie either at the meeting, or at the next publicly noticed meeting. In the latter situation, the prior Chair shall retain their duties until the tie is broken.

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- Coordinate regularly with the Executive Director to be abreast of day-to-day operations.
- Manage each meeting of the Panel to ensure orderly and efficient review of each agenda item.
- Coordinate the annual review of the Executive Director.
- Represent the Panel before external entities, at the request of the Executive Director, as necessary.

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If the office of the Chair becomes vacant, the Panel shall elect a new Chair at its first meeting after the vacancy occurs, if reasonably feasible.

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(B & P Code §26041)

The Panel shall appoint an Executive Director. The Executive Director is responsible for the financial operations and integrity of the Panel and is the official custodian of records. The Executive Director is an at-will employee, who serves at the pleasure of the Panel, and may be terminated, with or without cause, in accordance with all applicable laws and certain provisions of the Bagley-Keene Open Meeting Act.

Executive Director Evaluation

On an annual basis, the Executive Director shall be evaluated by the Panel during a closed session. Panel members provide information to the Chair on the Executive Director's performance in advance of this meeting.

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Employees of the Panel are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining agreements. The Executive Director hired by the Panel is an exempt position, which serves under different rules than a standard civil servant. Because of this complexity, the Panel delegates this authority and responsibility for management of the civil service staff to the Executive Director and legal staff as an instrument of the Panel.

Panel Members may express any staff concerns to the Executive Director but shall refrain from involvement in any civil service matters. Panel Members shall not become involved in the personnel issues of any state employee.

REPRESENTATION ON BEHALF OF CCAP

General Rules of Conduct

All Panel Members shall act in accordance with their oath of office, and shall conduct themselves in a courteous, professional and ethical manner at all times. The Panel serves at the pleasure of the Governor and the Legislature, and shall conduct their business in an open manner, so that the public shall be both informed and involved, consistent with the provisions of the Bagley-Keene Open Meeting Act and all other governmental and civil codes applicable to similar boards within the State of California.

- Panel Members shall comply with all provisions of the Bagley-Keene Open Meeting Act.
- Panel Members shall not speak or act for the Panel without proper authorization.
- Panel Members shall not privately or publicly lobby for, publicly endorse, or otherwise engage in any personal efforts that would tend to promote their own personal or political views or goals, when those are in direct opposition to an official position adopted by the Panel.
- Panel Members shall not discuss personnel or Panel business matters outside their official capacity or outside a properly noticed and agendized meeting.
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- Panel Members shall recognize the equal role and responsibilities of all Panel Members.
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- Panel Members shall treat all individuals in a fair, professional, courteous and impartial manner.
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Panel Members shall not intervene on behalf of a licensee or appellant for licensure for any reason. They should forward all contacts or inquiries to the Executive Director.

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All communications relating to any Panel action or policy to any individual, organization or media shall be made only by the Panel Chair, ~~his or her~~ the Chair's designee, or the Executive Director.

Any Panel Member who is contacted by any of the above should inform the Panel Chair or Executive Director of the contact immediately.

All correspondence shall be issued on the Panel's standard letterhead and will be disseminated by the Executive Director's office.

Business Cards

Business cards will be provided to each Panel Member with the Panel's name, address, telephone numbers, and website address.

OTHER POLICIES & PROCEDURES

Ex Parte Communication

(Government Code Section 11430.10 et seq.)

The Government Code contains provisions prohibiting ex parte communications. An “ex parte” communication is a communication to the decision-maker made by one party to an enforcement action without participation by the other party. While there are specified exceptions to the general prohibition, the key provision is found in subdivision (a) of section 11430.10, which states:

“While the proceeding is pending, there shall be no communication, direct or indirect, regarding any issue in the proceeding to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and an opportunity for all parties to participate in the communication.”

Occasionally, an applicant who is being formally denied licensure, or a licensee against whom disciplinary action is being taken, will attempt to directly contact Panel Members. If the communication is written, the person should read only far enough to determine the nature of the communication. Once ~~he or she~~ **they** realizes it is from a person against whom an action is pending, they should reseal the documents and send them to the Executive Director.

If a Panel Member receives a telephone call from an applicant under any circumstances or licensee against whom an action is pending, ~~he or she~~ **they** should immediately tell the person they cannot speak to them about the matter and inform the Executive Director and the Panel’s legal counsel.

If the person insists on discussing the case, ~~he or she~~ **they** should be told that the Panel Member will be required to recuse ~~him or herself~~ **themselves** from any participation in the matter. Therefore, continued discussion is of no benefit to the applicant or licensee.

If a Panel Member believes that ~~he or she~~ **they** ~~has~~ **have** received an unlawful ex parte communication, ~~he or she~~ **they** should contact the Executive Director and the Panel’s legal counsel.

Service of Legal Documents

If a Panel Member is personally served as a party in any legal proceeding related to ~~his or her~~ **their** capacity as Panel Member, ~~he or she~~ **they** must contact the Executive Director immediately.

Honoraria Prohibition

(Government Code Section 89503 and FPPC Regulations, Title 2, Division 6)

As a rule, members of the Panel should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state panel is precluded from accepting an honorarium from any source, if the member would be required to report the receipt of income or gifts from that source on ~~his or her~~ their statement of economic interest.

Panel Members are required to report income from, among other entities, professional associations and continuing education providers. Therefore, a Panel Member should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances:

- (1) An honorarium is returned to the donor (unused) within 30 days;
- (2) an honorarium is delivered to the State Controller within 30 days for donation to the General Fund (for which a tax deduction is not claimed); and
- (3) an honorarium is not delivered to the Panel Member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

Considering this prohibition, members should report all offers of honoraria to the Panel Chair so that ~~he or she~~ they, in consultation with the Executive Director and staff counsel, may determine whether the potential for conflict of interest exists.



CANNABIS
CONTROL
APPEALS
PANEL

MEMBER HANDBOOK

Gavin Newsom, Governor
State of California

Lourdes M. Castro Ramirez, Secretary
Business, Consumer Services and Housing Agency

Cannabis Control Appeals Panel
400 R St. Ste. 320
Sacramento, CA 95811
www.ccap.ca.gov

Adopted August 13, 2018
Last Updated May 5, 2021

INTRODUCTION

Brief History

In 1996, voters approved Proposition 215, which legalized the use of Medicinal cannabis in California. After the proposition was passed, most regulation was done by local governments. In 2015, the Legislature passed, and Governor Edmund G. Brown Jr. signed into law three bills (Assembly Bills 243 and 266, and Senate Bill 643) that create a licensing and regulatory framework for Medicinal cannabis through the Medical Cannabis Regulation and Safety Act. This legislation divided the responsibility for state licensing between three state entities – the California Department of Food and Agriculture, the California Department of Public Health and the Bureau of Cannabis Control – with the Bureau of Cannabis Control designated as the lead agency in regulating the cannabis industry in California.

In 2016, voters approved Proposition 64, the Adult-Use of Marijuana Act (AUMA). Under Proposition 64, adults 21 years of age or older, can legally grow, possess, and use cannabis for non-medicinal purposes, with certain restrictions. In addition, beginning on January 1, 2018, AUMA makes it legal to sell and distribute commercial cannabis through a regulated business. In June 2017, the California State Legislature passed a budget trailer bill, Senate Bill 94, that merged MCRSA and AUMA to create the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). Under MAUCRSA, a single regulatory system governs the medicinal and adult-use cannabis industry in California.

Function of the Panel

The Cannabis Control Appeals Panel is responsible for appeals from any decision by state cannabis licensing authorities relating to the order of any penalty assessment, issuing, denying, transferring, conditioning, suspending or revoking any license provided under MAUCRSA.

PANEL MEMBERS

Authority

The Cannabis Control Appeals Panel was established by Business and Professions Code 26040 – 26047.

Membership

The Cannabis Control Appeals Panel shall consist of the following members:

- (A) One member appointed by the Senate Committee on Rules.
- (B) One member appointed by the Speaker of the Assembly.
- (C) Three members appointed by the Governor and subject to confirmation by a majority vote of all members elected to the Senate.

Each member appointed by the Governor, at the time of their initial appointment, shall be a resident of a different county from the one in which either of the other members appointed by the Governor resides.

Compensation

Members of the Panel shall receive an annual salary as provided for by Chapter 6 (commencing with [Section 11550](#)) of Part 1 of Division 3 of Title 2 of the Government Code.

Term

None. Each appointee serves at the pleasure of its appointing authority.

Removal

(B & P Code §26040(b))

The Governor can remove Governor's appointees without cause, while the Legislature can remove *any* appointee for dereliction of duty, corruption, or incompetency.

Resignation

(Government Code Section §1750(b))

If it becomes necessary for a Panel Member to resign, a letter shall be sent to the appropriate appointing authority (Governor's Office, Senate Rules Committee, or the Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the Panel Chair and the Executive Director.

Conflict of Interest

(Government Code Section §87100)

No Panel Member may make, participate in making, or in any way attempt to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest.

Any Panel Member who has a financial interest shall disqualify themselves from making or attempting to use their official position to influence the decision.

Any Panel Member who feels they are entering a situation where there is a potential for a conflict of interest should immediately consult the Executive Director or the Panel's legal counsel.

Incompatible Activities

(Government Code §19990)

All Panel Members shall sign an incompatible activities statement. Governor's appointees will likely have already signed the Governor's incompatible activities statement and Agency's statement. and will be expected to adhere to the terms therein.

Within the first several months of being hired, the Assistant Chief Counsel for the Panel, or another staff attorney, should review the two incompatibility statements already signed by the Governor's appointees, and seek to develop a specific one for the Panel, to be executed by all members.

Social Media Presence

All Panel Members and Panel employees should become familiar with the Social Media Standard (SIMM 66B) put forth by the California Department of Technology at https://cdt.ca.gov/wp-content/uploads/2017/02/SIMM_66B.pdf. In general, Panel Members shall not speak on behalf of the Panel or state government unless otherwise authorized, and shall not share to the public or others on social media confidential or proprietary information held by the Panel or its Members or employees.

MEMBER ON-BOARDING & TRAINING

On-boarding

Panel members must submit the following no later than 30 days after their swearing-in:

1. Oath of Office – signed and dated
2. Form 700 – Statement of Economic Interest
3. Sexual Harassment Prevention Policy Memo and Acknowledgement Form
4. Non-Discrimination Policy and Complaint Procedures Policy Memo and Acknowledgement Form
5. Emergency Contact Information
6. Authorization to Use Privately Owned Vehicles on State Business (STD.261)
7. Payee Data Record (STD.204)

All original forms should be remitted to:

Executive Director
Cannabis Control Appeals Panel
400 R Street, Suite 320
Sacramento, CA 95811

Required Trainings

Panel members must complete the required trainings within 30 days of their swearing-in:

- Bagley-Keene Open Meeting Act Training
- Ethics Training
 - Note: the certificate of completion should be provided to the Executive Director.
- Sexual Harassment Prevention Training
 - To ensure compliance with Assembly Bill 1825 (Chapter 933, Statutes of 2004), Panel members are required to complete Sexual Harassment Prevention Training every two years.
- Defensive Driver Training

MEETING PROCEDURES

Panel Meetings

(Government Code § 11120 et seq.)

Being a member of the Panel is a serious commitment to the people of the State of California. Panel members are expected to attend all scheduled panel meetings. If a member is unable to attend, they must contact the Panel Chair or the Executive Director and provide a written explanation of their absence.

Meetings are subject to all provisions of the Bagley-Keene Open Meeting Act (Act). This Act governs meetings of the state regulatory bodies and meetings of committees of those bodies where committee consists of more than two members. It specifies notice of meetings, agenda requirements, and prohibits discussing or acting on matters not included on the agenda. If the agenda contains matters which are appropriate for closed session, the agenda shall cite the statutory section and subdivision authorizing the closed session.

Through training given to the Panel, and on Panel Member's own initiative, Panel Members should become familiar with the general Bagley-Keene Act requirements, and they are required by law to receive a copy of the law, which will be done at the Panel's first public meeting. If Panel Members have questions about the law, they should contact the Panel's Assistant Chief Counsel or Agency Counsel for advice.

Agenda Items

Panel Members may submit agenda items for a future Panel meeting during the "Future Agenda Items" section of a Panel meeting or directly to the Panel Chair. To the extent possible, the Panel Chair will calendar each Panel Member's request on a future Panel meeting.

In the event of a conflict, the Panel Chair shall make the final decision. The Panel Chair will work with the Executive Director to finalize the agenda.

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AGENDA ITEM 6

**PUBLIC COMMENTS ON ITEMS
NOT ON THE AGENDA**

NO MATERIALS FOR ITEM 6

AGENDA ITEM 7

FUTURE AGENDA ITEMS

NO MATERIALS FOR ITEM 7

AGENDA ITEM 8

**CLOSED SESSION:
ANNUAL REVIEW OF THE
EXECUTIVE DIRECTOR**

NO MATERIALS FOR ITEM 8

AGENDA ITEM 9

ADJOURNMENT

NO MATERIALS FOR ITEM 9