



CANNABIS  
CONTROL  
APPEALS  
PANEL

September 16, 2021  
PANEL MEETING

**STAFF COPY**



# 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

Cannabis Control Appeals Panel  
400 R Street  
Sacramento, CA 95811

### MEETING DATE AND TIME

Thursday, September 16, 2021  
11:00 a.m. to Noon  
(Or conclusion of business)

**Note:** Video Conference Only

## NOTICE TO THE PUBLIC

Pursuant to [Executive Order N-29-20 and N-08-21](#), 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](mailto: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/81540165632?pwd=c2JFVnBzWURENkRPdWswTm4vczNpQT09>

Meeting ID: 815 4016 5632

Passcode: 999167

### Call-In Information:

1-669-900-9128

Meeting ID: 815 4016 5632

Passcode: 999167

<b>Item 1</b>	<b>Call to Order and Establishment of Quorum</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Action Item</b>
<b>Item 2</b>	<b>Approval of July 29, 2021, Meeting Minutes</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Action Item</b>
<b>Item 3</b>	<b>Executive Director Report</b> <i>Anne Hawley, Executive Director</i>	<b>Information Item</b>

<b>Item 4</b>	<b>Discussion and Action Regarding Proposed Revisions to Regulation Text</b> <i>Christopher Phillips, Chief Counsel</i>	<b>Action Item</b>
<b>Item 5</b>	<b>Public Comments on Items Not on the Agenda</b> 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)]	<b>Information Item</b>
<b>Item 6</b>	<b>Future Agenda Items</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Procedural Item</b>
<b>Item 7</b>	<b>Adjournment</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Procedural Item</b>

**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**

**THERE ARE NO  
MEETING MATERIALS**

# **AGENDA ITEM 2**

**APPROVAL OF  
JULY 29, 2021  
MINUTES**



## **Open Session Meeting Minutes**

Thursday, July 29, 2021  
1:30 pm – 2:07 pm

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:**

- Rasha Salama

### **Others present via teleconference:**

- Christina Dempsey, Department of Cannabis Control

### **Summary:**

#### **1. Call to Order and Establishment of Quorum.**

Chairperson Diandra Bremond called the teleconference meeting to order at 1:30 pm.

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 8, 2021 Meeting Minutes.**

Chairperson Bremond asked the Panel if there were any additions or corrections to the minutes of the June 8, 2021 meeting. There were no additions or corrections. No comments from the public.

Motion (Moore): Approve the minutes of the June 8, 2021 meeting as submitted. Seconded (Calderon). Melita Deci took a roll call vote on the motion. Motion passed 3-0.

## **3. Presentation on Establishment of the Department of Cannabis Control, AB-141 Budget Act of 2021, and Provisional Licenses.**

Christina Dempsey, Acting Deputy Director of External Affairs of the Department of Cannabis Control (DCC), presented a special informational report. Dempsey provided background on the recent consolidation and reported on the structure and goals of the DCC, relevant statutory and regulatory changes, and transition from provisional to annual licenses.

Dempsey began the presentation with background on the consolidation process. When the regulated cannabis market began in 2018, responsibility for licensing oversight initially fell to the three state licensing agencies – Bureau of Cannabis Control in the Department of Consumer Affairs, CalCannabis Cultivation Licensing in the Department of Food and Agriculture, and Manufactured Cannabis Safety Branch in the Department of Public Health. This structure was created in order to draw from the different expertise of the three agencies. However, this created some challenges for stakeholders interacting with this framework. Consolidation of the three agencies was a significant step forward in California’s approach to regulating cannabis. Consolidation creates a single point-of-contact for businesses, local governments, law enforcement and other stakeholders. It represents a step towards simplifying participation in the legal market, supporting the successful and safe operation of cannabis businesses in compliance with state law, and enhancing accountability within the licensed market. With unified resources and staff, it also offers the opportunity to improve enforcement coordination to better protect public health, safety, and lands.

Dempsey then provided a timeline of events leading up to the consolidation. Governor Newsom first announced the proposed consolidation in his 2020 budget proposal. The pandemic, however, delayed the implementation date of the consolidation. The Governor then re-introduced the proposal in his January 2021 budget proposal. From January to July 2021, the proposed consolidation underwent the legislative review process which ultimately resulted in passage of the budget and two cannabis trailer bills – AB 141 and SB 160. During the pandemic, input sessions were held with stakeholders to develop the framework of the new Department. The teamwork behind the planning process involved individuals from the three licensing





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agencies, the Governor's Office, Department of Finance, Department of Human Resources, Department of Technology, and the Government Operations Agency (GovOps).

After re-introduction of the proposed consolidation in 2021, the proposal was further developed through the legislative process – the budget process specifically. The administration developed budget change proposals and draft trailer bill language in coordination with the Department of Finance. The Assembly and Senate Budget Committees led legislative discussions and hearing processes which also included additional public participation. This legislative process and public input resulted in a DCC and statutory changes tailored to meet the needs and goals of the state as a whole and local communities.

Dempsey next transitioned to explain the structure of the new Department. The DCC combines staff from the three licensing agencies into ten divisions within a singular Department structure. Each division is led by a Deputy Director but ultimately overseen by a Deputy Director and a Chief Deputy Director. The DCC's leadership team includes legacy cannabis program leads and reflects experience working on cannabis at both the local and state level. The structure is intended to retain expertise and historical knowledge that will be valuable moving forward in continuing to build the Department.

Along with the consolidation, the California cannabis portal ([cannabis.ca.gov](https://cannabis.ca.gov)) was also re-built and re-launched as a centralized online location for state cannabis information. The re-design was accomplished in partnership with the Office of Digital Innovation (housed within GovOps), and the Department of Technology with the ultimate goal of making the website more accessible and to better serve Californians. The website includes all the content previously housed within the three cannabis license agencies' websites and creates a singular source for people to go to.

Dempsey then described the logo design for the new Department. A key visual for any organization is its logo and branding. The DCC team wanted to be thoughtful about the logo for the new Department. The DCC logo is a modern interpretation of the cannabis leaf with all the leaves intertwined. The intertwined leaves is a visual representation of the unification of the three licensing agencies in a collaborative spirit with which they intend to engage stakeholders.

Among DCC's early priorities are merging the organizational structure of the three licensing agencies into one, unifying processes and procedures across the Department, combining the three sets of regulations into one comprehensive set of regulations for all licensees, and creating consistency in the license application review process.

As part of the consolidation process, there were two cannabis trailer bills passed and signed into law – AB 141 and SB 160. One of the prominent changes was amending all references to the previous three licensing agencies and replacing them with the Department of Cannabis



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Control. Another change was the creation of the position of Deputy Director of Equity and Inclusion to which Eugene Hillsman was recently named. He will be focused on leading the DCC's equity-related initiatives. The comparable-to-organics programs and Appellations Program that were housed within legacy departments are still retained. The changes also included establishing business-to-business trade samples within the cannabis industry and mandating the Department develop regulations about how this will work. This was a significant request from the industry, especially by smaller businesses to have their products be carried by retailers that would otherwise not be familiar with them. The recent changes also amended provisional license timelines and requirements for renewal.

In addition to statutory changes, the DCC is also taking and intending to take steps to streamline regulations. This will be a multi-step process. One step has already been completed, which was filing a Section 100 to move the three sets of regulations under a single title within the California Code of Regulations. All of the commercial cannabis regulations are now placed together in Title 4, Division 19, of the California Code of Regulations. DCC's next step is to file an emergency regulations package which would further consolidate regulations and create one comprehensive set of regulations for all licensees. In this emergency action, DCC is intending to unify areas of overlap between the three licensing agencies, such as creating consistent definitions and consistency in operational requirements that apply across the supply chain.

Another priority for DCC is to support the transition from provisional to annual licenses. Provisional licenses were originally created as part of the transition of cannabis operators into the regulated market. It provided cannabis businesses with a pathway to remain in the legal market while completing local permitting processes and requirements under the California Environmental Quality Act. The goal is to ultimately move all provisionals into annual licenses.

Dempsey provided additional legislative background on provisional licenses. The state began licensing cannabis businesses in January 2018. Initially, all licenses were issued as temporary licenses as a way to rapidly move businesses from the unregulated to the regulated, legal market. Near the end of 2018, with the sunset of temporary licenses approaching, the provisional license program was established to offer a bridge between temporary and annual licenses. The first bill to do this was SB 1459, which required businesses to have held a temporary license and allowed provisional licenses to be issued until January 2020. In July 2019, AB 97 amended the provisional licensing program to remove the requirement to have held a temporary license and the requirement of an active pursuit of an annual license. By removing these requirements, it opened a pathway for businesses to enter the legal, regulated market more rapidly.

Recently, in July 2021, AB 141 and SB 160 represented robust efforts to develop a strategy for provisional licenses in how they would sunset and how businesses would be moved from provisional to annual licenses. These bills will permanently phase out provisional licenses with



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rolling timelines. They establish clear benchmarks for transitioning to annual licensure. They create more specific and clearer requirements for environmental compliance. These bills also modify requirements for renewing a provisional license. The timelines and parameters for the phasing out are ultimately in support of the transition from provisional to annual licenses as well as phasing out any bad actors that may be lingering in the market. Timelines for the phase out are staggered depending on the license activity and the size of businesses. Additional time will be allotted for equity licensees to transition into the regulated market.

In addition to statutory and regulatory changes, the DCC will be committing additional technical and financial support for transitioning from provisional to annual licensure. The three former licensing agencies were committed to reviewing license applications quickly and efficiently, and DCC maintains the same commitment. DCC anticipates making changes in the future to align its general license application requirements more closely. DCC is also preparing the rollout of the local assistance grant program which commits \$100 million in funding to assist local governments and licensees with swiftly moving from provisional to annual licensure. Some of this money will be used to aid local governments in processing the workloads associated with transitioning businesses into the regulated market. It incentivizes local governments to better align their permitting processes with that of the state. It supports the completion of assessment and mitigation of environmental impacts to move into annual licensure. The funding also provides additional assistance to support eligible local jurisdictions that are implementing social equity programs. In addition to this funding, DCC will also continue to provide technical support to applicants and local governments as they work to complete their local and state requirements for annual licensure. Dempsey concluded the report and asked for any questions or comments.

Panel Member Bremond thanked Dempsey and asked about the \$100 million grant fund. Specifically, how will local governments access or apply for these funds – for example, will there be a special segment for that fund adjacent to the website? Dempsey replied yes to the second question and stated lots of information will be going out to local governments about how to apply. The process for applying will be through a request for grant proposal process. This is a process that local governments should be familiar with given that it's the same process used for existing local equity grants. The DCC team is still figuring out the details of what information local governments will submit as well as the relevant timelines. DCC is currently having conversations with local governments to better understand where they need to target those funds in order to move provisional licenses to annual licenses. The program will be tailored to the needs of the local communities.

Panel Member Moore commended the DCC for doing a fantastic job with the consolidation process. Moore then asked if there is a portal for feedback, such as getting feedback from stakeholders regarding consolidation. Dempsey replied that DCC has already been holding meetings with stakeholders. There are also a couple of methods to provide feedback. There are



informal methods, such as answering a feedback survey on DCC's website or emailing DCC. But DCC has already received a lot of feedback through stakeholder meetings. In general, even during 2020, there has been a lot of excitement about consolidation after much frustration with the previous three-agency structure. The DCC team will continue to engage with stakeholders to better understand what are the issues that are challenging to them. The plan is to use these conversations to drive improvements at the DCC that will better serve businesses and the people of California.

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

#### **4. Executive Director Report.**

Executive Director Anne Hawley presented the Executive Director Report.

Hawley opened by first discussing CCAP's draft, end-of-the-year report for Fiscal Year 2021. It's called a draft because the Department of General Services' accounting unit is still working on closing out the month of June 2021. Overall, CCAP is in a very good financial situation. Its budget authority is \$3,058,000. CCAP's actual expenditures from July 1, 2020 to May 2021 is \$2,009,639. At the next meeting, Hawley will provide the Panel with a summary of the final numbers along with a breakdown of operating expenditures.

Hawley then discussed CCAP's website. The content on the website has been updated to reflect the impact of the consolidation and creation of the new Department of Cannabis Control. Hawley thanked Staff Attorney Brian Hwang for his hard work in updating the website content.

Hawley moved onto the topic of CCAP's case management system. Hawley and Chief Counsel Chris Phillips have been meeting weekly with consultants to finish the case management system and portal. The portal will allow appellants to initiate an appeal through CCAP's website. The consultants have indicated that the case management system is expected to go live around August 20 and the portal on September 13. More information will be forthcoming regarding the training on the new system for the Panel. Hawley thanked Phillips for his hard work on this project.

Hawley next provided a brief update on CCAP's regulations. Phillips and the legal team are working on updating the two forms required to initiate an appeal with CCAP: Form 6003 (Notice of Appeal) and Form 6005 (Certification of Email Address). These updates are required because of the creation of the DCC. Additionally, the consolidation has triggered a need for substantive and non-substantive changes to CCAP's regulations. Phillips and the legal team will work on the rulemaking package for the Panel's review and approval at this fall's meeting. More information will be provided by Phillips sometime this fall.



Panel Member Bremond raised a clarification question regarding when the portal will go live. Hawley clarified and confirmed that the case management system is expected to go live on August 20 and the portal on September 13. Hawley stated that if any problems or delays arise in the meanwhile, she will inform the Panel.

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

### **5. Finalize Values, Goals, and Mission Statement.**

Executive Director Hawley presented on the finalization of CCAP's values, goals, and mission statement.

Hawley noted that, at the June 8 meeting, the Panel considered and approved the values, goals, and mission statement as verbally modified during that meeting. She thanked Panel Member Moore for providing additional edits that were also considered during the editing process.

Since that meeting, the three cannabis licensing agencies consolidated into the DCC. In light of this development, some of the language in CCAP's values, goals, and mission statement became outdated. For the sake of clarity and to ensure everyone is on the same page, CCAP staff recommends one final review and adoption of the statement.

Hawley went through each revised statement, one by one, asking the Panel for any comments or feedback. She first presented CCAP's draft statement regarding the strategic goal of decision making. It was edited to read as: "Ensuring appeals from decisions of the Department of Cannabis Control are resolved in a fair and timely manner." There were no comments from the Panel. She next presented CCAP's draft statement regarding the strategic goal of outreach and education. Hawley noted that it had been simplified to read as: "To provide education on the appeals process for cannabis stakeholders." There were no comments from the Panel.

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

Motion (Moore): Finalize the Values, Goals, and Mission Statement as submitted. Seconded (Calderon). Melita Deci took a roll call vote on the motion. Motion passed 3-0.

### **6. Panel Member Handbook Revision – Hiring Process for Executive Director.**

Executive Director Hawley introduced a proposed revision to the Panel Member Handbook regarding the Executive Director hiring process.

Hawley noted that, at the June meeting, Panel Member Moore identified a provision that requires further attention. Statutory language indicates that the Panel shall appoint the



Executive Director. Currently, however, the Handbook provides no guidance to the Panel on what the hiring process looks like. Hawley explained CCAP staff looked at other boards and panels with similar duties and compiled a customized guide that incorporates best practices for the Panel to refer to in the future when recruiting and hiring an Executive Director.

The proposed solution is to incorporate the “Executive Director Recruitment and Selection Outline” to the Handbook as Addendum A. Additionally, the outline has three attachments that consist of a hiring timeline, a duty statement, and an example of a job posting. The outline also describes the hiring process used when Hawley was appointed by the Panel in 2018. Hawley closed her presentation by asking for questions.

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

Motion (Moore): Approve the recommended revision to the Panel Member Handbook.  
Seconded (Calderon). Melita Deci took a roll call vote on the motion. Motion passed 3-0.

#### **7. Public Comments on Items Not on the Agenda.**

Chairperson Bremond warned any comment should not involve pending or future appeals, complaints, applications, or any disciplinary actions that may come before the Panel. No comments from the public.

#### **8. Future Agenda Items.**

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

#### **9. Adjournment.**

Motion (Calderon). Adjourn the meeting. Seconded (Moore). Meeting adjourned at 2:07 pm.

# **AGENDA ITEM 3**

## **EXECUTIVE DIRECTOR REPORT**

**(NO MEETING MATERIALS – VERBAL  
REPORT)**

# **AGENDA ITEM 4**

**DISCUSSION & ACTION  
REGARDING PROPOSED  
REVISIONS TO REGULATION  
TEXT**



**CANNABIS CONTROL APPEALS PANEL**

**STAFF REPORT**

**REGULAR PANEL MEETING**

**September 16, 2021**

**SUBJECT:** Discussion and Action regarding Proposed Revisions to Regulation Text

**BACKGROUND:**

Business and Professions Code 26042 requires the Panel to adopt procedures for appeals similar to those made by the Alcoholic Beverage Control Appeals Board (Board), as outlined in Article 3 (commencing with Section 23075) and Article 4 (commencing with Section 23080) of Chapter 1.5 of Division 9 of the Business and Professions Code.

- *ARTICLE 3. The Alcoholic Beverage Control Appeals Board [23075 - 23077]* establishes the Board in state government under the Business, Consumer Services, and Housing Agency, notes that all personnel are under the direction of the Board and refers back to the authority the Board is vested under the California Constitution.
- *ARTICLE 4. Appeals from Decisions of the Department [23080 - 23089]* more specifically outlines how any party aggrieved by a final decision may file with the Board. The section of law outlines how documents shall be delivered, specific timelines that must be followed, how the board derives revenue through surcharges on annual fees, and how final orders may be reviewed by the courts.

Business and Professions Code 26042 also requires the Panel to adopt procedures in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The regular rulemaking process under the Administrative Procedures Act includes comprehensive public notice and comment requirements. This comprehensive process is intended to create an adequate rulemaking record for review by the Office of Administrative Law and the courts.

At the Panel's first meeting, on August 13, 2018, the Panel voted to commence the rulemaking process. The Office of Administrative Law approved CCAP's regulations on April 12, 2019. The current version of regulations, found in Title 16, Division 45, of the California Code of Regulations at sections 6000 – 6020, have been effective since July 1, 2019.

Due to the recent merger of the three licensing entities, the office location change for CCAP, and the newly developed additional option for appellants to initiate an appeal with CCAP via an online portal, it is necessary to update CCAP's regulations and required forms. This agenda item

and the Panel's approval of the proposed amendments is the first step in the rulemaking process.

#### **ANALYSIS:**

On July 12, 2021, Governor Newsom signed AB 141, the Cannabis Trailer Bill, that established the Department of Cannabis Control by consolidating the three licensing entities into a single department. The creation of a standalone cannabis department rendered some of CCAP's regulations obsolete since the regulations contemplate more than one licensing entity. These proposed amendments aim to address this issue and clearly identify the new department as the sole licensing authority.

In November 2019, CCAP moved its offices from 801 Capitol Mall to its current location at 400 R Street in Sacramento. One proposed amendment in the definitions section of the regulations updates the address to its current location.

CCAP staff and a vendor, Sophus Consulting, have been developing a case management system for appeals. One feature of the new system is an online filing portal that will allow appellants to initiate an appeal by visiting the CCAP website. The current regulations require an appellant to initiate an appeal by submitting required forms to the Sacramento office or by scanning and emailing the forms to CCAP. These proposed amendments permit an additional method of initiating an appeal electronically through the online filing portal.

#### **BUDGET AND FISCAL IMPACTS:**

None.

#### **BENEFITS AND RISKS:**

There are no known risks associated with approving the proposed regulation text. There are, however, several benefits:

- To provide clear, accurate, and up to date procedures for appeals as mandated by Business and Professions Code 26042 and the Administrative Procedure Act.
- To maintain consistency with the evolving cannabis regulatory structure.
- To provide accurate office location.

#### **ATTACHMENTS:**

1. Draft proposed regulation text
2. Draft proposed form 6003
3. Draft proposed form 6005

**RECOMMENDATION:**

Approve the proposed regulation text and authorize staff to (1) complete and submit the rulemaking package to the Office of Administrative Law to formally notice the proposed regulation amendments and schedule a hearing on the rulemaking to amend regulations under Title 16, Division 45 of the California Code of Regulations and (2) make non-substantiative changes to the language as needed.

**STAFF CONTACT:**

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

**CANNABIS CONTROL APPEALS PANEL  
TEXT OF REGULATIONS**

**CALIFORNIA CODE OF REGULATIONS  
TITLE 16  
DIVISION 43. CANNABIS CONTROL APPEALS PANEL**

**§ 6000. Definitions.**

For purposes of this division:

(a) "Appellant" means any person who files an appeal with the Panel.

(b) "Days" means calendar days, unless otherwise stated.

(c) "Executive Director" means the executive director of the Panel.

(d) "Licensing authority" means **a the** state agency responsible for the issuance, renewal, or reinstatement of a license, or **a the** state agency authorized to take disciplinary action against a licensee, as defined in Business and Professions Code section 26001(aa). **For purposes of this division, licensing authority shall refer to the Department of Cannabis Control.**

**(e) "Online Filing Portal" refers to the electronic case filing system accessible through the Panel's homepage on www.ccap.ca.gov.**

**(e)(f)** "Panel" means the Cannabis Control Appeals Panel of California.

(1) Any reference to the Panel's "Sacramento office" means **801 Capitol Mall, Suite 601, Sacramento, CA 95814 400 R Street, Suite 320, Sacramento, CA 95811.**

**(f)(g)** "Party" means the licensing authority, the appellant, and any person, other than an officer or an employee of the licensing authority in his official capacity, who has been allowed to appear in the proceeding before the licensing authority.

**(g)(h)** Unless otherwise stated, the words "appellant" or "party" include the attorney of such person.

Authority: Section 26042, Business and Professions Code. Reference: Sections 26042 and 26043, Business and Professions Code.

**§ 6003. Timing and Contents of Notice of Appeal.**

(a) Any person aggrieved by the decision of **a the** licensing authority as described in Business and Professions Code section 26043(a) may appeal the licensing authority's

written decision to the Panel as follows:

(1) The appellant shall complete and submit the CCAP Form 6003, Notice of Appeal (~~New 04/18 Rev. 07/21~~), which is hereby incorporated by reference, to the ~~Panel at its Sacramento office or by scanning and emailing the completed form to the Panel at appeals@ccap.ca.gov. The appellant may submit the form to the Panel through any one of the following methods:~~

~~(A) In person or by mail at its Sacramento office;~~

~~(B) By emailing the completed form to the Panel at appeals@ccap.ca.gov; or~~

~~(C) Electronically through the Online Filing Portal on the Panel's website at www.ccap.ca.gov.~~

(2) The Notice of Appeal must be received by the Panel within 30 days after the last day on which reconsideration of the underlying decision of the licensing authority can be requested pursuant to Government Code section 11521.

(A) Failure to submit the Notice of Appeal to the Panel within the time set forth in this subsection may result in dismissal of the appeal pursuant to section 6011.

(3) The appellant shall also serve a copy of the completed Notice of Appeal upon all parties to the proceeding. Such service shall be made by delivering or mailing a copy of the Notice of Appeal to each party, and proof of service shall be submitted to the Panel at the same time the Notice of Appeal is submitted pursuant to subsection (a)(1). The parties may stipulate in writing to provide service to one another via electronic mail, and such service shall be indicated on the proof of service.

Authority: Section 26042, Business and Professions Code. Reference: Sections 26042 and 26043, Business and Professions Code.

#### **§ 6004. Submitting the Record.**

(a) From the date the Notice of Appeal is submitted to the Panel, the appellant shall have 60 days to obtain the complete underlying administrative record from the Office of Administrative Hearings, pursuant to title 1, CCR, section 1038, or if an informal or emergency hearing was conducted by the licensing **agency authority** pursuant to Government Code section 11445.10, obtain the complete underlying administrative record from the licensing **agency authority**, and submit the original hardcopy and one electronic version to the Panel at its Sacramento office. Failure to submit a complete administrative record within the time set forth in this subsection may result in dismissal of the matter pursuant to section 6011.

(1) Notwithstanding the foregoing, if all parties to the appeal so stipulate in

writing, and the Panel approves, the appellant may submit only those parts of the administrative record relevant to the issue being appealed. In such event, the Panel may still require submission of the complete administrative record at any time during the appeal.

(b) If the underlying administrative hearing was recorded by means other than transcription, the appellant shall arrange to have a certified copy transcribed prior to submission of the administrative record to the Panel. The complete transcript shall be included with the administrative record at the time of submission to the Panel in accordance with subsection (a).

(c) The appellant shall also serve a copy of the complete administrative record upon all parties to the proceeding. Such service shall be made by delivering or mailing a copy of the administrative record to each party or by electronic service in accordance with section 6005, and proof of service shall be submitted to the Panel at the same time the administrative record is submitted pursuant to subsection (a).

(d) An appellant may, for good cause, request an extension of the 60-day limit set forth in subsection (a). Such extensions shall be granted or denied by the Panel in its discretion, or the Panel may delegate this authority to its executive director. Alternatively, all parties may stipulate in writing to one extension of up to 20 days, which shall be granted by the Panel, or its executive director if so authorized, upon notice to the Panel of the stipulation.

Authority: Section 26042, Business and Professions Code. Reference: Sections 26042 and 26043, Business and Professions Code.

**§ 6005. Service and Filing by Electronic Mail.**

(a) Upon submission of a Notice of Appeal to the Panel, the appellant shall also submit a completed CCAP Form 6005, Certification of Email Address (~~New 04/18 Rev. 07/21~~), which is hereby incorporated by reference, to the Panel ~~at its Sacramento office or by scanning and emailing the completed form to the Panel at appeals@ccap.ca.gov.~~ The appellant may submit the form to the Panel through any one of the following methods:

(1) In person or by mail at its Sacramento office;

(2) By emailing the completed form to the Panel at appeals@ccap.ca.gov; or

(3) Electronically through the Online Filing Portal on the Panel's website at www.ccap.ca.gov.

(b) Within 30 days after receipt of service of the Notice of Appeal, all other parties to the appeal shall complete and submit CCAP Form 6005, Certification of Email Address (~~New 04/18 Rev. 07/21~~), to the Panel ~~at its Sacramento office or by scanning and emailing the completed form to the Panel at appeals@ccap.ca.gov~~ using any of the

**methods described in subsections (a)(1) through (3).** At the same time, each party shall also serve a copy of their completed CCAP Form 6005, Certification of Email Address (~~New 04/18-Rev. 07/21~~), on all other parties to the appeal, including the appellant.

(c) Once all parties to the appeal have submitted their CCAP Form 6005, Certification of Email Address (~~New 04/18-Rev. 07/21~~), to the Panel, they may use each party's official email address, if one is provided, for service of correspondence, notices, pleadings, or any other documentation in connection with the appeal, unless a stipulation to the contrary is agreed to.

(d) The Panel and its executive director may use each party's official email address, if one is provided, to send documents, notices, decisions, or any other correspondence to the party.

(e) Any party to an appeal that has submitted its CCAP Form 6005, Certification of Email Address (~~New 04/18-Rev. 07/21~~), in accordance with subsection (a) or (b) may subsequently submit notices, pleadings, or any other documentation in connection with the appeal by electronic mail to the Panel at [appeals@ccap.ca.gov](mailto:appeals@ccap.ca.gov) unless instructed otherwise by the Panel or its executive director.

Authority: Section 26042, Business and Professions Code. Reference: Sections 26042 and 26043, Business and Professions Code.

#### **§ 6012. Disqualification of Panel Members.**

(a) A Panel member shall disqualify ~~himself or herself themselves~~ and withdraw from any case in which the member cannot accord a fair and impartial hearing. Any party may request the disqualification of any member by filing an affidavit with the Panel before the submission of the case, stating with particularity the grounds upon which it is claimed that a fair and impartial appeal cannot be accorded by the Panel member. The issue raised by the request shall be determined by the other members of the Panel. No member of the Panel shall withdraw voluntarily from any hearing, or be subject to disqualification, if this would prevent the Panel from acting in the particular case.

(b) An affidavit submitted to the Panel pursuant to this section shall become a part of the record.

Authority: Section 26042, Business and Professions Code. Reference: Sections 26042 and 26043, Business and Professions Code.

#### **§ 6014. Stay.**

(a) In any appeal where the underlying decision of **a the** licensing authority is denial of a license renewal, or cancelation, suspension, or revocation of a license, and upon a motion from the appellant made pursuant to section 6010, the Panel may stay the effect of the underlying decision until the Panel enters its final order.

(b) Notwithstanding subsection (a), the Panel may only grant a stay upon a motion by the appellant demonstrating that:

- (1) there is a substantial likelihood that the appellant will prevail in the appeal;
- (2) the appellant will experience immediate and irreparable harm if the stay is not granted; and
- (3) the stay is not detrimental to the health and welfare of the public.

Authority: Section 26042, Business and Professions Code. Reference: Sections 26042 and 26043, Business and Professions Code.

**§ 6017. Form of Order.**

(a) Each order of the Panel on appeal from a decision of **a the** licensing authority shall be in writing and shall be filed by delivering copies to the parties personally or by mailing copies to them by certified mail or electronic mail pursuant to section 6005. Each order shall become final upon being filed as provided herein, and there shall be no reconsideration or rehearing by the Panel.

Authority: Section 26042, Business and Professions Code. Reference: Sections 26042 and 26043, Business and Professions Code.



**NOTICE OF APPEAL**CCAP Form 6003 (~~New-Rev. 0407/1821~~)

Agenda Item 4.2

**Directions:** Any person aggrieved by the decision of ~~a licensing authority~~ the Department of Cannabis Control denying the person's application for any license, denying the person's renewal of any license, placing any license on probation, imposing any condition on any license, imposing any fine on any license, assessing any penalty on any license, or canceling, suspending, revoking, or otherwise disciplining any license as provided for under Business and Professions Code Division 10, Cannabis, may appeal the ~~licensing authority's~~ Department's written decision by completing this form and submitting to the Cannabis Control Appeals Panel in accordance with 16 CCR 6003.

Notice is hereby given that the party below appeals the decision rendered against them by ~~a licensing authority~~ the Department, as authorized by Business and Professions Code section 26043.

Your Name: \_\_\_\_\_ License Number(s): \_\_\_\_\_  
(For licensees only)

Address of Record: \_\_\_\_\_

Case Being Appealed: \_\_\_\_\_  
(Provide case name and case number)

Licensing Authority: \_\_\_\_\_  
(Provide the name of the licensing authority that issued the written decision against you)

Date of Written Decision: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

**Grounds for Appeal:** (Check all boxes that describe the grounds for your appeal)

I am appealing the decision against me because:

- The ~~licensing authority~~ Department proceeded without or in excess of its jurisdiction.
- The ~~licensing authority~~ Department did not proceed in the manner required by law.
- The decision by the ~~licensing authority~~ Department is not supported by the findings.
- The findings are not supported by substantial evidence in light of the whole record.

**Proof of Service:** Pursuant to 16 CCR 6003(a)(3), any person submitting this form to the Cannabis Control Appeals Panel shall attach proof of service showing that a copy of this completed form has been served on all parties to this appeal, including the ~~licensing authority that issued the underlying decision~~ Department.

**Certification of Email Address:** Pursuant to 16 CCR 6005, any person submitting this form to the Cannabis Control Appeals Panel shall concurrently complete and submit CCAP Form 6005, Certification of Email Address (~~New-Rev. 0407/1821~~).

\_\_\_\_\_  
Appellant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**CERTIFICATION OF EMAIL ADDRESS**

CCAP Form 6005 (New Rev. 0407/1821)

Agenda Item 4.3

**Directions:** Any person submitting a CCAP Form 6003, Notice of Appeal, to the Cannabis Control Appeals Panel shall at the same time complete and submit this form to the Panel, as required by 16 CCR 6005(a). Any other party to the appeal shall, within 60 days of receipt of a Notice of Appeal, complete and submit this form to the Panel and also serve a copy of the completed form to all other parties to the appeal, as required by 16 CCR 6005(b).

**A. Case Information**

Your Name or Agency: \_\_\_\_\_

(If you are submitting this form on behalf of a licensing authority, write the name of your agency. Write "Department of Cannabis Control" if you are submitting this form on behalf of the Department)

I am the (check one):

 Appellant Respondent Other (Explain: \_\_\_\_\_)

Case Being Appealed: \_\_\_\_\_

(Provide case name and case number)

Licensing Authority: \_\_\_\_\_

(Provide the name of the licensing authority that issued the written decision in the underlying case)

**B. Official Email Election**

You have the option to provide an official email address for receiving service of all correspondence, notices, pleadings, decisions, and other documents related to the appeal described above. By checking the applicable box below and providing an official email address, you agree to receive such service by electronic mail from the Cannabis Control Appeals Panel and all other parties to the appeal. If you do not elect to provide an official email address, you must provide a mailing address by which you agree to receive service by mail.

 I agree to receive service of all documents in connection with this appeal at the official email address provided below.

Official Email Address: \_\_\_\_\_

 I DO NOT agree to receive service of documents in connection with this appeal by email. Please send all documents in connection with this appeal to the following physical address:

Physical Address: \_\_\_\_\_

**Proof of Service:** Pursuant to 16 CCR 6005(b), any person submitting this form to the Cannabis Control Appeals Panel shall also serve a copy of this completed form on all other parties to this appeal.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Print Name

# **AGENDA ITEM 5**

**THERE ARE NO  
MEETING MATERIALS**

# **AGENDA ITEM 6**

**THERE ARE NO  
MEETING MATERIALS**

# **AGENDA ITEM 7**

**THERE ARE NO  
MEETING MATERIALS**