



CANNABIS  
CONTROL  
APPEALS  
PANEL

January 13, 2022  
PANEL MEETING

**STAFF COPY**



# CANNABIS CONTROL APPEALS PANEL

## Table of Contents

Meeting Agenda.....	<b>Tab 0</b>
Agenda Item 1: Call to Order and Establishment of Quorum.....	<b>Tab 1</b>
Agenda Item 2: Approval of September 16, 2021 Meeting Minutes.....	<b>Tab 2</b>
Agenda Item 3: Introduction, Deputy Secretary Erica Gonzalez.....	<b>Tab 3</b>
Agenda Item 4: Executive Management Report.....	<b>Tab 4</b>
Agenda Item 5: Proposed Amendments to Update and Clarify Regulations.....	<b>Tab 5</b>
Agenda Item 6: Election of the Chair.....	<b>Tab 6</b>
Agenda Item 7: Public Comments on Items Not on the Agenda.....	<b>Tab 7</b>
Agenda Item 8: Future Agenda Items.....	<b>Tab 8</b>
Agenda Item 9: Adjournment.....	<b>Tab 9</b>



# 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

**Note:** Video Conference Only

### MEETING DATE AND TIME

Thursday, January 13, 2022  
10:30 a.m. to 11:30 a.m.  
(Or conclusion of business)

## 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/89944810073?pwd=M0ZYMnBZM1ZYeTZHcnRWNXAwT3Zydz09>

Meeting ID: 899 4481 0073

Passcode: 050884

### Call-In Information:

1-669-900-9128

Meeting ID: 899 4481 0073

Passcode: 050884

<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 September 16, 2021, Meeting Minutes</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Action Item</b>
<b>Item 3</b>	<b>Introduction</b> <i>Erica Gonzalez, Deputy Secretary of Equity and Strategic Initiatives, Business, Consumer Services and Housing Agency</i>	<b>Information Item</b>

<b>Item 4</b>	<b>Executive Management Report</b> <i>Anne Hawley, Executive Director</i>	<b>Information Item</b>
<b>Item 5</b>	<b>Public Hearing and Possible Action Regarding Proposed Amendments to Update and Clarify Regulations</b> <i>Christopher Phillips, Chief Counsel</i>	<b>Action Item</b>
<b>Item 6</b>	<b>Election of the Chair</b> <i>Christopher Phillips, Chief Counsel</i>	<b>Action Item</b>
<b>Item 7</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 8</b>	<b>Future Agenda Items</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Procedural Item</b>
<b>Item 9</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  
SEPTEMBER 16, 2021  
MINUTES**



## **Open Session Meeting Minutes**

Thursday, September 16, 2021  
11:08 am – 11:36 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

### **Summary:**

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

Chairperson Diandra Bremond called the teleconference meeting to order at 11:08 am.

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 July 29, 2021, Meeting Minutes.**

Chairperson Bremond asked the Panel if there were any additions or corrections to the minutes of the July 29, 2021, meeting. There were no additions or corrections. No comments from the public.

Motion (Moore): Approve the minutes of the July 29, 2021, meeting as submitted. Seconded (Calderon). Melita Deci took a roll call vote on the motion. Motion passed 3-0.



### 3. Executive Director Report.

Executive Director Anne Hawley presented the Executive Director Report.

Hawley opened by first discussing CCAP's case management system. In August 2021, the legal team worked on the User Acceptance Testing stage, which is the final stage of the development period. Senior Staff Attorney Sarah Smith has been taking lead on this portion of the project. Smith and Staff Attorney Brian Hwang conducted a thorough testing of the system to see if it was able to carry out all the required tasks it was designed to address for CCAP. Smith and Hwang identified issues to be resolved and are working to validate the changes made by the project's consultants. As soon as the case management system is launched, a demo will be made available to any interested panel member to show how staff will use this tool to handle cases, produce reports and other functionality.

Hawley then discussed CCAP's online portal. Chief Counsel Chris Phillips has taken the lead on developing the workflow for the portal. The portal is where appellants and their attorneys can sign via e-signature, upload the necessary forms and other documents to initiate an appeal. September 2021 marked the development phase of the portal project. Staff will validate the production site between October 24 to November 7. Currently, staff is aiming for the portal to go live in late November or early December. In addition to these duties, Phillips has also been assisting the new California Privacy Protection Agency in his capacity as Chief Counsel for their board meetings. Hawley thanked Phillips for his contributions.

Hawley moved onto the topic of legislative updates. In March of 2020, the Governor issued Executive Order N-29-20, which temporarily allowed state bodies to not be required to have an actual physical address for a remote meeting site. The order temporarily allowed state bodies such as CCAP to hold public meetings via teleconference by other electronic means. Currently, this order is set to expire on September 30, 2021. Recently, however, Assembly Bill 361 was introduced by Assembly Member Rivas. The purpose of the bill is to add language amending the Bagley-Keene Open Meeting Act to suspend, until January 31, 2022, the following requirements: (1) identifying, in the notice of each meeting, each teleconference location from which a member will be participating, (2) making each teleconference location accessible to the public, (3) allowing members of the public to address the state body at each teleconference location, (4) posting agendas at all teleconference locations, (5) requiring at least one member of the body to be physically present at each location, and (6) requiring a physical location for the meeting for members of the public to observe the meeting and offer public comment.

AB 361 will still require a state body holding a teleconference meeting under the suspended requirements to comply with the following: (1) allow the public to observe and address the meeting telephonically consistent with notice and access requirements, (2) implement a procedure for quickly receiving and processing requests for reasonable accommodation from





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individuals with disabilities, (3) post the agenda for each public meeting 10 days in advance, (4) provide information to the public on how to observe the meeting and offer public comment through a teleconference app (such as Zoom or WebEx), and (5) make reasonable efforts to comply with the Bagley-Keene Act to ensure transparency and provide the public with access to meetings. AB 361 passed by a wide margin in both houses and was enrolled on September 10. The bill is currently awaiting the Governor's signature, and it must either be signed or vetoed by October 10.

Hawley next provided a brief update on the Department of Cannabis Control's (DCC) emergency regulations. On September 8, the DCC issued its notice to the public of its plans to adopt emergency regulations. DCC has stated that the proposed regulations consolidate, clarify, and make consistent the licensing and enforcement criteria for commercial cannabis businesses. According to DCC's Director, the rulemaking action reflects the Department's ongoing effort to streamline requirements for California cannabis businesses and simplify participation in the legal, regulated market. In terms of substantive changes, the proposed regulations now specify a disciplinary review process for provisional licensees that is separate from that of annual licensees. This review process provides for an informal meeting with the Department, but no further appeals are allowed beyond that. In terms of potential impact, because the Panel still cannot accept appeals from provisional licensees, CCAP's caseload will remain low for the foreseeable future.

Hawley then discussed CCAP's revised strategic planning schedule. The Department of Consumer Affairs (DCA) has offered a time frame of December 2021 until March 2022 to wrap up the process. During the last panel meeting, on July 29, the Panel approved CCAP's mission, vision, values, and strategic goals. Hawley summarized the remaining dates and tasks in the process. Between December 13-23, DCA will schedule one-on-one interviews with panel members and staff. They will be 45-to-60 minutes in length and will cover strengths, weaknesses, opportunities, and threats for CCAP. Between January 14-21, DCA will compile and analyze data, and produce findings for panel members and staff to use during strategic planning. During the week of February 7, DCA will facilitate a strategic planning session with the Panel in a publicly noticed meeting. On March 4, the final strategic plan will be reviewed, edited, and adopted by the Panel in another publicly noticed meeting. The following week, on March 11, DCA will facilitate a meeting with CCAP staff to create an action plan to complete strategic objectives, strategies, and tactics. Hawley will send the Panel and staff email invites for those relevant dates. Even though CCAP is a small entity, Hawley emphasized the importance of pursuing and completing this process for CCAP's future health and well-being. In Spring 2022, staff will use what is called the G.O.S.T. process (Goal, Objective, Strategy, Tactic). The idea is to start from a big "goal" and drill it down into a specific "tactic" to make CCAP's goal operational.



Finally, Hawley provided a brief financial report. The Department of General Services' Budget and Accounting group closed the books for Fiscal Year 2020-21. CCAP ended the year with a budget authority of \$3,058,000. CCAP's actual expenditures (from July 2020 to June 2021) was \$2,004,701. The difference – \$1,053,299 – will be refunded back to the general cannabis fund in three years.

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

#### **4. Discussion and Action Regarding Proposed Revisions to Regulation Text.**

CCAP's legal team provided an update regarding proposed revisions to CCAP's administrative rules and regulations.

Chief Counsel Phillips opened by stating it is time to update CCAP's regulations because recent events have made them outdated. Phillips then explained the reasons for the proposed revisions. The major reason is the recent consolidation of the three licensing entities into a single Department of Cannabis Control (DCC). Currently, CCAP's regulations reflect the existence of multiple licensing agencies. Therefore, the regulations need a non-substantive update to make clear that there is only one licensing authority, the DCC. The next reason is that CCAP has changed its office locations. The address that is currently in the regulations is outdated. Therefore, the regulations need a non-substantive update to reflect CCAP's current address. Next, the creation of the online portal – where appellants and their attorneys can initiate appeals – expands the methods by which appellants may initiate an appeal. CCAP's regulations should be updated to reflect this new and additional option. Lastly, Phillips clarified there is a non-substantive change that was not mentioned in the staff report. There is one spot in the regulations where the phrase "himself or herself" has been changed to "themselves" to shift to gender-neutral language.

Phillips and CCAP staff presented the Panel with a two-part recommendation: (1) approve the proposed language and authorize CCAP staff to submit the rulemaking package to the Office of Administrative Law, and (2) allow CCAP staff, from this point forward, to make any non-substantive changes that are necessary or may later arise without having to request the Panel's approval for such changes in a publicly noticed meeting each time.

Panel Member Moore asked for clarification whether the Notice of Appeal is only allowed to be mailed physically and, if so, if that only includes the U.S. Postal Service. Phillips clarified that CCAP's regulations allow for emailing in addition to physical mailing. Moreover, physical mailing is not limited to the post office; it includes services such as FedEx and UPS.

Moore then asked about CCAP's Notice of Appeal form (Form 6003). Phillips explained that in addition to language in the regulations, there are also the two forms (Forms 6003 and 6005)



incorporated by reference. The revisions to the forms are all non-substantive. All references to “licensing authority” have been changed to refer to the Department of Cannabis Control. The revisions also strike out superfluous requests for information (e.g., asking which licensing authority issued the decision against appellant).

Moore’s final question was regarding the grounds for appealing to CCAP. Phillips clarified that the four grounds listed on Form 6003 are the only grounds. There are no exceptions and no catch-all provision. CCAP’s jurisdiction is strictly limited by statute. Phillips confirmed with Moore that the only changes to the form are the strikeouts and other non-substantive changes. He also added that when these forms were recently updated, the version date was changed. These forms were originally created in April 2018 but recently revised in July 2021. Therefore, “New 04/18” was struck out and replaced with “Rev. 07/21”. This date will be updated again to “Rev. 10/21” or “Rev. 11/21” when CCAP officially submits its rulemaking package with the Office of Administrative Law later this fall. Phillips remarked this is the situation that staff had in mind when making the second part of their recommendation to the Panel. This is an example of a necessary, non-substantive change that CCAP staff wishes to have the authority to make on its own without having to wait for the Panel’s approval at a publicly noticed meeting.

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

Motion (Moore): Approve the two-part recommendation as presented by Chief Counsel Phillips and CCAP staff. Seconded (Calderon). Melita Deci took a roll call vote on the motion. Motion passed 3-0.

#### **5. 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.

#### **6. Future Agenda Items.**

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

#### **7. Adjournment.**

Motion (Calderon). Adjourn the meeting. Seconded (Moore). Meeting adjourned at 11:36 am.

# **AGENDA ITEM 3**

**THERE ARE NO  
MEETING MATERIALS**

# **AGENDA ITEM 4**

**EXECUTIVE MANAGEMENT  
REPORT**

**(NO MEETING MATERIALS/  
VERBAL REPORT ONLY)**

# **AGENDA ITEM 5**

**PROPOSED  
AMENDMENTS TO  
UPDATE AND CLARIFY  
REGULATIONS**

## CANNABIS CONTROL APPEALS PANEL

### STAFF REPORT

#### REGULAR PANEL MEETING

January 13, 2022

**SUBJECT:** Public Hearing and Possible Action Regarding Proposed Amendments to Update and Clarify Regulations

#### **BACKGROUND:**

Business and Professions Code section 26042 requires the Panel to adopt procedures for appeals similar to those used by the Alcoholic Beverage Control Appeals Board (the 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 vested in the Board 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 an appeal with the Board. These sections dictate 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 of the Board may be reviewed by the courts.

Business and Professions Code section 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 Procedure 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 43, 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.

At the September 16, 2021, Panel Meeting, the Panel voted to approve the changes proposed by staff to update the regulations and to initiate the 45-day public comment period as required by the Administrative Procedure Act. The public comment period ends at 5:00 pm on January 12, 2022. As of the drafting of this staff report, no public comments have been received. If any comments are received during the remaining comment period or at the public hearing itself, the Panel will have the opportunity to consider those comments prior to taking any final action on adopting the proposed regulatory changes.

This agenda item and the Panel's adoption of the proposed amendments is a necessary and required process in the rulemaking process.

#### **ANALYSIS:**

On July 12, 2021, Governor Newsom signed AB 141, the Cannabis Trailer Bill, which established the Department of Cannabis Control by consolidating the three licensing entities into a single Department of Cannabis Control. 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 to 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 via an online form that can be accessed through the CCAP website. The current regulations require an appellant to initiate an appeal by either submitting the 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 adopting 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 section 26042 and the Administrative Procedure Act.
- To maintain consistency with the evolving cannabis regulatory structure.



- To provide accurate office location.

**ATTACHMENTS:**

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

**RECOMMENDATION:**

Adopt the approved proposed regulation text and proposed forms 6003 and 6005 and authorize staff to complete and submit the rulemaking package to the Office of Administrative Law to amend regulations under Title 16, Division 43 of the California Code of Regulations.

**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 ~~at~~the state agency responsible for the issuance, renewal, or reinstatement of a license, or ~~at~~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. 10/21), 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 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. 10/21), 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](mailto:appeals@ccap.ca.gov).~~ The appellant may submit the form to the Panel through any 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](mailto:appeals@ccap.ca.gov); or

(3) Electronically through the Online Filing Portal on the Panel's website at [www.ccap.ca.gov](http://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. 10/21), to the Panel ~~at its Sacramento office or by scanning and emailing the completed form to the Panel at [appeals@ccap.ca.gov](mailto: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. 10/21), 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. 10/21), 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. 10/21), 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 ~~the~~a 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 ~~at~~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 04/18 Rev. 10/21)

**Attachment 5.2**

**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 04/18 Rev. 10/21).

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

\_\_\_\_\_  
Date

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

**CERTIFICATION OF EMAIL ADDRESS****Attachment 5.3**

CCAP Form 6005 (New 04/18 Rev. 10/21)

**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 6**

**ELECTION OF THE  
CHAIR**

**CANNABIS CONTROL APPEALS PANEL**

**STAFF REPORT**

**REGULAR PANEL MEETING**

**January 13, 2022**

**SUBJECT:** Election of the Chair

**BACKGROUND:**

Pursuant to the Member Handbook, election of the Panel Chair should occur at the first meeting of each calendar year. Pursuant to this procedure, the Panel must elect a new Chair at the current meeting.

**ANALYSIS:**

Election of the new Chair is subject to the procedures outlined in the Member Handbook:

Election of the Chair shall occur annually at the first meeting of each calendar year. The election can only occur with a quorum present.

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 Agency, 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.

(Selection of Officers, CCAP Member Handbook, at p. 8.)

The Member Handbook also outlines the Chair's responsibilities, including coordinating with the Executive Director to stay abreast of day-to-day Panel operations; managing Panel meetings; overseeing annual review of the Executive Director; and representing the Panel before external entities as necessary. Panel staff can answer any additional questions regarding the duties of the Chair.

**BUDGET AND FISCAL IMPACTS:**

The election of the Chair will have no effect on the Panel's personnel budget. While the Chair enjoys a higher pay rate than other Panel members (see Gov. Code, § 11553), that pay is already contemplated in the Panel's budget.

**BENEFITS AND RISKS:**

The election of a Panel Chair during the first meeting of a calendar year is consistent with the duties and responsibilities of the Panel. Adherence to these requirements aligns with best practices, ensures the Panel's administrative and procedural tasks are accomplished, and allows the Panel to continue to adapt its procedures as necessary to accommodate the ongoing development of the cannabis industry. Deviation from these procedures, or failure to timely elect a Chair, may lead to confusion and delays to Panel business. Requiring the regular election at the first meeting of every calendar year also provides clear notice to and consistency for interested parties.

Holding the regular election only once a year ensures continuity of leadership and service under a single Chair. Should the Panel determine that the duly elected Chair has failed to fulfill their duties, there are statutory mechanisms for the removal or resignation of a Panel member, as well as filling the resulting vacancy:

- If necessary, a Panel member may be removed from office by their appointing authority (see Bus. & Prof. Code, § 26040(b)).
- A Panel member, including the current Chair, can resign from their position by providing written notification (see Gov. Code, § 1750).
- Finally, the Member Handbook provides that if the office of the Chair becomes vacant, the Panel shall elect a new Chair at its first meeting after such vacancy occurs, if reasonably feasible. (Selection of Officers, CCAP Member Handbook, at p. 8.)

In sum, the election of the Chair is necessary for the Panel's continuing function and carries only negligible risks.

**ATTACHMENTS:**

None.

**RECOMMENDATION:**

Elect a Panel Chair pursuant to Member Handbook procedures.

**STAFF CONTACT:**

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

# **AGENDA ITEM 7**

**THERE ARE NO  
MEETING MATERIALS**

# **AGENDA ITEM 8**

**THERE ARE NO  
MEETING MATERIALS**

# **AGENDA ITEM 9**

**THERE ARE NO  
MEETING MATERIALS**