



# CANNABIS CONTROL APPEALS PANEL

September 26, 2024  
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: Welcome – Panel Member Cathryn Rivera.....	<b>Tab 2</b>
Agenda Item 3: Approval of the Minutes.....	<b>Tab 3</b>
Agenda Item 4: Executive Management Report .....	<b>Tab 4</b>
Agenda Item 5: Panel Handbook Update .....	<b>Tab 5</b>
Agenda Item 6: Public Comments on Items not on the Agenda.....	<b>Tab 6</b>
Agenda Item 7: Future Agenda Items.....	<b>Tab 7</b>
Agenda Item 8: Adjournment.....	<b>Tab 8</b>





GOVERNOR GAVIN NEWSOM

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
Secretary Tomiquia Moss



### MEMBERS OF THE PANEL

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

### MEETING DATE AND TIME

Thursday, September 26, 2024  
1:00 p.m. to 2:00 p.m.  
(Or conclusion of business)

### MEETING LOCATIONS

**Sacramento County**  
Cannabis Control Appeals Panel  
400 R Street  
Hearing Room, Suite 330  
Sacramento, CA 95811  
Note: Open to the public

**Los Angeles County**  
200 E. Slauson Ave.  
Los Angeles, CA 90011  
Note: Open to the public

**Orange County**  
Caltrans 12th District Office  
1750 East 4th Street  
Suite 100, Conference Rm 104  
Santa Ana, CA 92705  
Note: Open to the public

### MEETING AGENDA

<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>Welcome – Panel Member Cathryn Rivera</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Information Item</b>
<b>Item 3</b>	<b>Approval of the Minutes</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Action 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>Panel Handbook Update</b> <i>Christopher Phillips, Chief Counsel</i> <i>Brian Hwang, Senior Staff Attorney</i>	<b>Action Item</b>



<b>Item 6</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 7</b>	<b>Future Agenda Items</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Procedural Item</b>
<b>Item 8</b>	<b>Adjournment</b> <i>Dr. Diandra Bremond, Chairperson</i>	<b>Procedural Item</b>

### **NOTICE TO THE PUBLIC**

**HOW TO PARTICIPATE:** If you wish to participate in person, you may attend any of the above public locations. Or, members of the public may take part remotely. You can watch the meeting through Zoom using the link below. You can also listen by phone using the call-in information.

**Join Zoom Video Meeting**

<https://us02web.zoom.us/j/86436750424?pwd=YF11V4kHJagW54cRKd6vZUhkcrcnnF.1>

Meeting ID: 864 3675 0424

Passcode: 092134

**Call-In Information:**

Phone Number: 1-669-444-9171

Meeting ID: 864 3675 0424

Passcode: 092134

**MEETING ACCESSIBILITY:** A person who needs a disability-related accommodation to participate in the meeting may make a request by contacting Christopher Phillips at [Christopher.Phillips@ccap.ca.gov](mailto:Christopher.Phillips@ccap.ca.gov), (916) 322-6870, or in writing to: Cannabis Control Appeals Panel, 400 R Street, Suite 320, Sacramento, CA 95811. Providing your request at least one week before the meeting will help to ensure availability of the requested accommodation.

**IMPORTANT NOTICES:** All times and the order of agenda items are subject to change at the discretion of the Chair. Action may be taken on any item listed on the agenda. We will take public comment on items of discussion for each item. If comment is not requested by the Chair, the public should feel free to request an opportunity to speak. The Chair may limit the time allotted for public comment at their discretion. The meeting may be cancelled without notice.

**ADDITIONAL INFORMATION OR REQUESTS:** Interested parties may access the meeting agenda and materials at <http://www.ccap.ca.gov>. All other inquiries (such as translation services) should be directed to Christopher Phillips at least one week prior to the meeting.



# **AGENDA ITEM 1**

No Meeting Materials



# **AGENDA ITEM 2**

No Meeting Materials



# **AGENDA ITEM 3**

Approval of the  
Minutes





GOVERNOR GAVIN NEWSOM

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY  
Secretary Tomiquia Moss



## Open Session Meeting Minutes

Wednesday, February 28, 2024

1:32 pm – 2:05 pm

Cannabis Control Appeals Panel

400 R Street

Sacramento, CA 95811

### Members present via teleconference:

- Dr. Diandra Bremond, Chairperson (in Sacramento County)
- Sharon-Frances Moore, J.D. (in Sacramento 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
- Brian Hwang, Staff Attorney, Cannabis Control Appeals Panel
- Melita Deci, Administrative and Business Services Coordinator, Cannabis Control Appeals Panel

### Others present via teleconference:

- Angela Hill, Deputy Director of Government Affairs, Department of Cannabis Control

### Summary:

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

Chairperson Diandra Bremond called the teleconference meeting to order at 1:32 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 November 9, 2023 Meeting Minutes.

Chairperson Bremond asked the Panel if there were any additions or corrections to the minutes of the November 9, 2023 meeting. There were no additions or corrections. No comments from the public.



Motion (Moore): Approve the minutes of the November 9, 2023 meeting as submitted. Seconded (Calderon). Melita Deci took a roll call vote on the motion. Motion passed 3-0.

### **3. Presentation.**

Angela Hill, Deputy Director of Government Affairs with the Department of Cannabis Control, made a presentation providing an update on the Department's activities relating to licensing, licensee compliance, and enforcement against the illegal market.

Chairperson Bremond reminded all those in attendance that CCAP is a quasi-judicial appellate body with jurisdiction over appeals from final decisions of the Department. The Panel is not a policymaking body. Hill is only offering an informational presentation to assist the Panel and the public with staying up to date with current cannabis policy in California.

Hill's presentation began with a discussion of the transition from provisional to annual licenses. In 2021, the legislature established milestone dates that provisional licensees must meet in maintaining licensure. There are two forthcoming deadlines. January 1, 2025 is the last day the Department may renew provisional licenses, and January 1, 2026 is the sunset date for most provisional licenses with the exception of equity retailers. Last year, Senate Bill 51 was signed into law allowing the Department to continue issuing provisional licenses for equity retail applicants until January 1, 2031.

As of February 2024, there were 5,806 active annual licenses and 3,846 active provisional licenses. The Department has been working to transition provisional licenses to annual licenses. Last fiscal year, 1,458 provisional licenses transitioned into annual licenses. Since consolidation, the Department has suspended or revoked 24 provisional licenses for failure to meet the requirements for transitioning into annual licensure.

In 2021, the state provided a \$100 million grant to help support the migration from provisional to annual licenses. This grant was spread out and awarded to 17 local jurisdictions holding the highest percentage of provisional licenses.

Currently, nearly two-thirds of California cities and counties prohibit the establishment of cannabis businesses. In the last year, there has been some relaxation from local jurisdictions that now allow some form of cannabis activity that had previously banned all forms of cannabis activity. The Department anticipates the number of local jurisdictions allowing for cannabis retail activity to grow in the future – leading to an increase in the number of equity retail provisional licensees due in large part to the Local Jurisdiction Retail Access Grant Program (Program).

The Program provides local governments with resources to create and implement cannabis retail licensing programs. So far, the Department has selected 15 jurisdictions to receive the first round of funding. Of these 15 jurisdictions, 12 have committed to issuing equity retail



licenses. The first round of funding shall begin in October 2024 and will be awarded to eligible jurisdictions based on the number of retail licenses they have issued.

Hill then transitioned to discuss the Department's other core functions: ensuring licensed operators remain compliant and enforcing against the unlicensed cannabis market.

The Department's Compliance & Laboratory Division (Division) is responsible for overseeing licensed operators and enforcing regulatory compliance across the entire supply chain. The Division's primary functions include, for example, routine and follow-up inspections of licensees, conducting investigations, executing product recalls, and providing outreach/education.

Since consolidation, the Department has taken the following disciplinary actions against licensees:

- Issued 107 letters of warning
- Issued over 3000 notices to comply
- Issued 20 administrative citations with penalties totaling over \$700,000
- Issued 179 embargoes
- Issued 13 recalls
- Suspended 18 licenses
- Revoked 43 licenses
- Processed over 13,000 complaints

The Department's Law Enforcement Division is responsible for conducting criminal investigations into unlicensed commercial cannabis activity in California. This Division partners with local, state, and federal law enforcement, as well as regulatory agencies, to combat illegal cannabis activity in California.

Since the Department's formation, this Division has seized over \$1.6 billion's worth in illegal cannabis products and expanded law enforcement actions by 98% from the prior fiscal year. In addition, they have:

- Led or assisted in the service of 386 search warrants
- Seized over 380,000 pounds of cannabis products
- Eradicated over 650,000 illegal cannabis plants worth around \$593 million
- Seized 152 firearms
- Made 107 arrests

Hill next discussed the Unified Cannabis Enforcement Taskforce. The Taskforce was established by the Governor in 2022 to increase cannabis enforcement coordination against the illegal market. It is co-chaired by the Department and the Department of Fish and Wildlife, and is coordinated by the Office of Emergency Services. The Taskforce's core functions include active coordination with federal, state, local, and tribal agencies to combat the illegal market. Since its formation, the Taskforce has:



- Seized over \$317 million in unlicensed cannabis products through 218 search warrants
- Eradicated over 340,000 illegal cannabis plants
- Seized 128 firearms

Hill closed the presentation by thanking the Panel and opening the floor for any questions.

Bremond asked Hill about how funds gathered from penalties or sanctions are being utilized by the Department. Hill responded that they can respond with additional information that day or at a later time. Bremond also commented it would be appreciated if Hill's PowerPoint presentation could be shared with CCAP.

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

#### **4. Executive Management Report.**

Executive Director Anne Hawley's report covered two topics: CCAP's Budget-To-Actuals for the second quarter and CCAP operations update.

First, Hawley began with an overview of CCAP expenditures for the first two quarters (July to December) of Fiscal Year 2023-24. Overall, CCAP was budgeted for \$2,575,000 for salaries and benefits, and has expended almost \$926,000. CCAP is projected to have additional cost savings because of panel member vacancies. Hawley provided an overview of specific categories:

- For general expenses, \$27,000 has been budgeted. There's been additional spending in this area, which will be covered in a future report on the third quarter. These expenditures have primarily consisted of dues and membership cost, advertising, and conference fees.
- The budget for printing expenses is \$8,000. Like general expenses, there have also been expenditures which will be reflected in a forthcoming third quarter report. If there are any cost savings, these funds will be spent on other areas of need.
- The budget for postage is \$1,000. Hawley stated she anticipates there will be cost savings in this area as well. If there is any surplus, it will be spent on other areas of need.
- For in-state travel, CCAP has been budgeted with \$20,000 for panel members traveling to Sacramento and for outreach events.
- For training, expenditures will increase in the third and fourth quarters due to trainings taken by staff members.
- For facilities, \$256,000 has been budgeted. Of that budget, \$102,000 has been spent so far. This budget line item will be exhausted by the fourth quarter.
- For interagency agreements, CCAP has been billed \$14,604 so far by the Department of General Services for HR services. Spending for the \$111,000 budgeted for services provided by the Business, Consumer Services and Housing Agency will be reflected in a forthcoming third and fourth quarterly report. Similarly, this will also be the case for IT services provided by the Department of Consumer Affairs.



- For external consulting services, \$5,000 has been budgeted for Westlaw (for legal research), \$5,000 for translation services, and \$3,000 for auditing fees (issued by controlling agencies such as the State Personnel Board and the California Military Department). These expenditures will be reflected in the third and fourth quarter report.
- For information technology, \$60,000 has been budgeted for CCAP's case management system with Salesforce, and \$10,500 has been budgeted for internet and cable services.
- When CCAP starts holding hearings, \$2,000 has been budgeted for security provided by the California Highway Patrol. Additionally, CCAP is reimbursed \$46,000 annually by the Alcoholic Beverage Control Appeals Board and will show up in the fourth quarter report.

Overall, the total for CCAP's budget – including operating expenses as well as salaries and benefits – is \$3,396,000. The second quarter expenditures were \$1,129,176. The remaining balance is \$2,267,800.

Before transitioning to an update on CCAP operations, Hawley reminded staff and panel members that Form 700 is due by April 2, 2024.

Next, Hawley provided an update on CCAP operations. First, the Legal Team has been assisting the California Privacy Protection Agency and the Commission on Asian and Pacific Islander American Affairs with legal work. They have also been updating CCAP's workplace violence prevention plan (WVPP) and injury and illness prevention program (IIPP) following the passage of SB 553, which requires employers to establish and implement a WVPP and IIPP.

Hawley then introduced Chief Counsel Chris Phillips to provide an update on potential appeals. Phillips stated the Legal Team continues to track potential appeals over at the Office of Administrative Hearings (OAH). As a reminder, before a case can get appealed to CCAP, there must first be an underlying appeal with OAH. There have been three administrative appeals that CCAP has been tracking. One case concluded earlier this month involving a cultivation license. There are two more appeals on OAH's calendar set in late March – both involving distribution licenses.

Based on the usual timeline, once the administrative hearing is held and case submitted, the Administrative Law Judge has 30 days to issue a proposed decision. Once this decision is issued, the Department of Cannabis Control has 100 days to act on this decision – e.g., adopt, reject, etc. Once the Department makes and issues their final decision, potential appellants generally have 30 to 60 days to appeal to CCAP. Altogether, there is roughly four-to-seven months from the time of the administrative hearing to when CCAP could receive an appeal.

In addition to OAH's docket, the Department of Cannabis Control publishes on their website a list of their final decisions and enforcement actions. The most recent final decision listed was from March 2023. There is nothing currently listed that has the potential of getting appealed to CCAP. The most recent enforcement action (against an annual license) was in July 2023. Most of the enforcement actions, however, are against provisional licensees and cannot be appealed to



CCAP. This is because provisional licensees do not have the same appeal rights as annual licensees. In sum, CCAP is still in a holding pattern for its first appeal. However, there are a few pending cases that could potentially become appeals.

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

## **5. Election of the Chairperson.**

After introducing the agenda item, Bremond handed the floor to Chief Counsel Phillips to conduct the election.

As this is the first panel meeting of the year, Phillips stated it is time for the annual election for Panel Chairperson.

Before conducting the election, Phillips recapped the election procedures. The first step is to identify all the candidates, including self-nominations. Once all candidates are determined, each one may provide a statement or speech in support of their candidacy. There will then be a roll call vote in which each Panel member may vote for only one candidate. If there is a tie, those procedures will be explained later.

Phillips then opened the floor for nominations. Panel member Calderon nominated Bremond to continue serving as Chairperson. Bremond thanked Calderon for the nomination and accepted the nomination. There were no other candidates.

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.

## **6. 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.

## **7. Future Agenda Items.**

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

## **8. Adjournment.**

Motion (Moore). Adjourn the meeting. Seconded (Calderon). Meeting adjourned at 2:05 pm.



# **AGENDA ITEM 4**

## **Executive Management Report**

(PowerPoint slides presented at the  
meeting)



# **AGENDA ITEM 5**

Panel Handbook  
Update



## **CANNABIS CONTROL APPEALS PANEL**

### **STAFF REPORT**

#### **REGULAR PANEL MEETING**

**September 26, 2024**

**SUBJECT:** Panel Member Handbook Update

#### **BACKGROUND:**

As a matter of best practices, all government boards and commissions typically adopt a board policy manual. This document is intended to guide Panel Members 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 July 29, 2021.

#### **ANALYSIS:**

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

- The first proposed revision is to add a “Remote Attendance Options” section on page 6. In September 2023, the legislature amended the Bagley-Keene Open Meeting Act. The proposed revision would accomplish two objectives: (1) bring the Handbook up to date with current law; and (2) explain the limited circumstances when a Panel Member may attend a public meeting from a remote location closed to the public.
- The second revision is to update the cover page of the Member Handbook. Currently, it still lists Lourdes M. Castro Ramirez as the Secretary of the Business, Consumer Services and Housing Agency. The current Secretary, however, is Tomiquia Moss. The proposed revision would reflect the recent change in leadership.
- The third revision is to update the “Social Media Presence” section on page 4. This section advises Panel Members and Panel staff to become familiar with the California Department of Technology’s Social Media Standard policy. Currently, however, the link to the policy is broken. The proposed revision would insert the correct link to the policy.
- The fourth revision is to update the “Required Trainings” section on page 5. This section lists the trainings Panel Members must complete after being sworn in. Currently, however, it incorrectly lists Defensive Driver Training as a required training. It also incorrectly states that Ethics Training and Sexual Harassment Prevention Training are due in 30 days instead of 6 months. The proposed revision would correct these errors.
- The last revision encompasses a variety of minor, technical, and/or stylistic changes throughout the Handbook. It does not modify or change the Panel’s duties or responsibilities.



**BUDGET AND FISCAL IMPACTS:**

None.

**BENEFITS AND RISKS:**

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

There are two benefits to providing new guidance on the Bagley-Keene amendments:

- It ensures Panel Members are aligned in their understanding of current law. Many Bagley-Keene requirements were relaxed during the pandemic. The recent amendments, however, mark a return to pre-pandemic times. Given so many recent changes, it is important to explain how the current requirements work in practice.
- It also provides uniform guidance to Panel Members. The legislature left it up to individual state entities, such as CCAP, to implement the amendments. The Handbook thus outlines the procedures for how a Panel Member can exercise their new rights under Bagley-Keene. Establishing a clear process now minimizes any confusion or delay that would otherwise result from not having such a process in place in the future.

The main benefits of all other remaining proposed revisions are clarity and consistency.

**ATTACHMENTS:**

1. Marked-up version of Member Handbook with all proposed revisions highlighted.
2. Clean version of Member Handbook with all proposed revisions integrated.

**RECOMMENDATION:**

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

**STAFF CONTACT:**

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





## MEMBER HANDBOOK

Gavin Newsom, Governor  
*State of California*

~~Lourdes M. Castro-Ramirez~~ **Tomiquia Moss**, Secretary  
*Business, Consumer Services and Housing Agency*

Cannabis Control Appeals Panel  
400 R St. Ste. 320  
Sacramento, CA 95811  
[www.ccap.ca.gov](http://www.ccap.ca.gov)

**Adopted August 13, 2018**  
Last Updated ~~July 29, 2021~~ **September 26, 2024**



## 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.

In 2021, Governor Gavin Newsom announced the consolidation of the three state licensing entities into a single Department of Cannabis Control (Department). After the Legislature approved the consolidation, the new Department went into operation beginning on July 1, 2021. The Department is responsible for overseeing all cannabis licensing and regulatory functions which had previously been handled separately by the three licensing entities.

### Function of the Panel

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



## PANEL MEMBERS

### Authority

The Cannabis Control Appeals Panel was established by Business and Professions Code ~~sections~~ 26040 ~~—~~ 26047.

### Membership

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

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

Each ~~member~~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~~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~~their appointing authority.

### Removal

~~(B & P)~~Business and Professions Code ~~§~~Section 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 §Section 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 attorneycounsel, 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 membersMembers.

### **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>[https://cdt.ca.gov/wp-content/uploads/2021/04/SIMM\\_66B.pdf](https://cdt.ca.gov/wp-content/uploads/2021/04/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~~Members must submit the following no later than 30 days after their swearing-in:

1. Oath of Office – ~~signed~~Signed and ~~dated~~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~~Members must complete the required training(s) within 30 days of their swearing-in:

- Bagley-Keene Open Meeting Act Training

Panel Members must complete the required training(s) within 6 months of their swearing-in:

- Ethics Training
  - ~~Note: the~~The certificate of completion should be provided to the Executive Director.
  - Following the initial training, Panel Members must continue to complete this training once every two years (beginning with an odd-numbered year).
  - If a Panel Member already received equivalent training while previously employed with another state agency or the Legislature, then they are not required to repeat this training within the applicable time period.
- Sexual Harassment Prevention Training
  - To ensure compliance with Assembly Bill 1825 (Chapter 933, Statutes of 2004), Panel ~~members~~Members are required to complete ~~Sexual Harassment Prevention Training~~this training every two years.
- ~~Defensive Driver Training~~

If Panel Members have any questions about these requirements, they should contact the Executive Director.



## MEETING PROCEDURES

### Panel Meetings

(Government Code Section 11120 et seq.)

Being a Panel Member 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 each Panel Member's own initiative, Panel Members should become familiar with the general Bagley-Keene Act requirements, and they. Panel Members 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 for advice.

### Panel Meetings – Remote Attendance Options (current as of September 2023)

(Government Code Section 11123.2)

Panel Members may travel to the Sacramento headquarters to attend meetings in person. Alternatively, they may attend meetings remotely from teleconference locations open to the public.

During the COVID-19 pandemic, Panel Members often attended meetings from remote locations closed to the public. Under current law, this is only permitted under two exceptions. Please note that these exceptions will only be in effect until January 1, 2026, and will expire as of that date.

Exception #1: If a Panel majority is physically present at the same teleconference location open to the public, then all remaining Panel Members may participate from a closed remote location.

Exception #2: Panel Members may submit a request to participate remotely due to a need related to a physical or mental disability. This request should be submitted to the Executive Director at the earliest opportunity possible, including at the beginning of a panel meeting. Due to the potentially sensitive nature of the request, Panel Members should call the Executive Director with the initial request, if possible. The Panel will vote on approving the request before the Panel meeting while establishing quorum.



If Panel Members have any questions about this policy, they should contact the Executive Director or Assistant Chief 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 **§Section** 11120 et seq~~7~~**7**.)

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](http://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. If the Panel makes a recording of the meeting, they** shall be maintained and not destroyed.

~~Properly convened closed meetings also require by law to have minutes taken of the closed session.~~ **Minutes are required for closed sessions as well. These remain confidential and protected from public disclosure.**

## Robert’s Rules of Order

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

The Panel shall elect a Chair at the first meeting of each calendar year. However, the first Chair elected through the process set forth below shall serve until the first meeting in the calendar year 2020.

### Election of Chair

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

Each Panel ~~member~~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.

### Responsibilities of the Chair

The responsibilities of the Chair include but are not limited to:

- 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.

### Office Vacancies

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.



## PANEL ADMINISTRATION

### Executive Director

(~~B & P~~Business and Professions Code §Section 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.

Please see Addendum A for the *Executive Director Recruitment and Selection Outline*, a guide for Panel Members in the recruitment and hiring process for a qualified Executive Director. The Addendum can be located at the end of the Handbook.

### Executive Director Evaluation

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

### Panel Staff

(~~B & P~~Business and Professions Code §Section 26041)

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~~counsel 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. For further guidance, please refer to CCAP's written policies on "Media Relations" and "Statement of Incompatible Activities."
- 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.
- Panel Members shall never accept gifts from appellants, commercial cannabis licensees, or related members of the cannabis industry while serving on the Panel.
- Panel Members shall maintain the confidentiality of ~~confidential~~ sensitive documents and information related to Panel business.
- Panel Member shall comply with all applicable incompatible activities statements they serve under.
- Panel Members shall recognize the equal role and responsibilities of all Panel Members.
- Panel Members shall act fairly, be nonpartisan, impartial, and unbiased in their roles of protecting the public and enforcing MAUCRSA.
- Panel Members shall treat all individuals in a fair, professional, courteous, and impartial manner.
- Panel Members' actions shall serve to uphold the principle that the Panel's primary mission is to protect the public.
- Panel Members shall not use their positions on the Panel for personal, familial, or financial gain.

### Panel Member Written Correspondence and Mailings

All correspondence, press releases, articles, memoranda, or any other communication written by any Panel Member in their official capacity, and regarding matters under the jurisdiction or responsibility of the Panel, must be provided to the Executive Director in advance of publication. The Executive Director will retain a copy in a chronological file.



### **Contact with Licensees and Appellants**

Panel Members shall not intervene on behalf of a licensee or ~~appellant~~applicant for licensure for any reason. They should forward all ~~contacts or~~ inquiries to the Executive Director.

### **Communications with Other Organizations, Individuals ~~&~~, and Media**

All communications relating to any Panel action or policy to any individual, organization or media shall be made only by the Panel Chair, 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** **Panel Member** should read only far enough to determine the nature of the communication. Once they realize it is from a person against whom an action is pending, they should reseal the **documents** **communication** and send them to the Executive Director.

If a Panel Member receives a telephone call from an applicant under any circumstances or **a** licensee against whom an action is pending, 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, they should be told that the Panel Member will be required to recuse 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 they have received an unlawful ex parte communication, 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 their capacity as Panel Member, they must contact the Executive Director immediately.

### Honoraria Prohibition

(Government Code Sections 89501-89502 and FPPC Regulations, Title 2, Division 6)



Panel ~~members~~Members may not accept honoraria from any source. Since Panel ~~members~~Members are required to report all income, and Panel ~~members~~Members are precluded from accepting an honorarium from any source if the income is required to be reported, no honoraria is permitted.

Honorarium means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or ~~like a similar~~ gathering. Potential situations may include, but are not limited to, professional association conferences and meetings.

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~~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~~An honorarium is not delivered to the Panel Member, but is donated directly to a bona fide charitable, educational, civic, religious, or ~~a~~ similar tax exempt, non-profit organization.

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





## **MEMBER HANDBOOK**

Gavin Newsom, Governor  
*State of California*

Tomiquia Moss, Secretary  
*Business, Consumer Services and Housing Agency*

Cannabis Control Appeals Panel  
400 R St. Ste. 320  
Sacramento, CA 95811  
[www.ccap.ca.gov](http://www.ccap.ca.gov)

**Adopted August 13, 2018**  
**Last Updated September 26, 2024**



## **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.

In 2021, Governor Gavin Newsom announced the consolidation of the three state licensing entities into a single Department of Cannabis Control (Department). After the Legislature approved the consolidation, the new Department went into operation beginning on July 1, 2021. The Department is responsible for overseeing all cannabis licensing and regulatory functions which had previously been handled separately by the three licensing entities.

### **Function of the Panel**

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



## **PANEL MEMBERS**

### **Authority**

The Cannabis Control Appeals Panel was established by Business and Professions Code sections 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 their appointing authority.

### **Removal**

(Business and Professions Code Section 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 Section 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 counsel, 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/2021/04/SIMM\\_66B.pdf](https://cdt.ca.gov/wp-content/uploads/2021/04/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 training(s) within 30 days of their swearing-in:

- Bagley-Keene Open Meeting Act Training

Panel Members must complete the required training(s) within 6 months of their swearing-in:

- Ethics Training
  - The certificate of completion should be provided to the Executive Director.
  - Following the initial training, Panel Members must continue to complete this training once every two years (beginning with an odd-numbered year).
  - If a Panel Member already received equivalent training while previously employed with another state agency or the Legislature, then they are not required to repeat this training within the applicable time period.
- Sexual Harassment Prevention Training
  - To ensure compliance with Assembly Bill 1825 (Chapter 933, Statutes of 2004), Panel Members are required to complete this training every two years.

If Panel Members have any questions about these requirements, they should contact the Executive Director.



## MEETING PROCEDURES

### Panel Meetings

(Government Code Section 11120 et seq.)

Being a Panel Member 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 each Panel Member's own initiative, Panel Members should become familiar with the general Bagley-Keene Act requirements. Panel Members 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 for advice.

### Panel Meetings – Remote Attendance Options (current as of September 2023)

(Government Code Section 11123.2)

Panel Members may travel to the Sacramento headquarters to attend meetings in person. Alternatively, they may attend meetings remotely from teleconference locations open to the public.

During the COVID-19 pandemic, Panel Members often attended meetings from remote locations closed to the public. Under current law, this is only permitted under two exceptions. Please note that these exceptions will only be in effect until January 1, 2026, and will expire as of that date.

*Exception #1:* If a Panel majority is physically present at the same teleconference location open to the public, then all remaining Panel Members may participate from a closed remote location.

*Exception #2:* Panel Members may submit a request to participate remotely due to a need related to a physical or mental disability. This request should be submitted to the Executive Director at the earliest opportunity possible, including at the beginning of a panel meeting. Due to the potentially sensitive nature of the request, Panel Members should call the Executive Director with the initial request, if possible. The Panel will vote on approving the request before the Panel meeting while establishing quorum.



If Panel Members have any questions about this policy, they should contact the Executive Director or Assistant Chief Counsel for advice.

### **Agenda Items**

Panel Members may submit agenda items for a future 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 Section 1120 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](http://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. If the Panel makes a recording of the meeting, they shall be maintained and not destroyed.

Minutes are required for closed sessions as well. These remain confidential and protected from public disclosure.

### **Robert’s Rules of Order**

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**

The Panel shall elect a Chair at the first meeting of each calendar year.

### **Election of Chair**

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 Panel 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.

### **Responsibilities of the Chair**

The responsibilities of the Chair include but are not limited to:

- 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.

### **Office Vacancies**

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.



## **PANEL ADMINISTRATION**

### **Executive Director**

(Business and Professions Code Section 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.

Please see Addendum A for the *Executive Director Recruitment and Selection Outline*, a guide for Panel Members in the recruitment and hiring process for a qualified Executive Director. The Addendum can be located at the end of the Handbook.

### **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.

### **Panel Staff**

(Business and Professions Code Section 26041)

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 counsel 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. For further guidance, please refer to CCAP's written policies on "Media Relations" and "Statement of Incompatible Activities."
- 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 agenda meeting.
- Panel Members shall never accept gifts from appellants, commercial cannabis licensees, or related members of the cannabis industry while serving on the Panel.
- Panel Members shall maintain the confidentiality of sensitive documents and information related to Panel business.
- Panel Member shall comply with all applicable incompatible activities statements they serve under.
- Panel Members shall recognize the equal role and responsibilities of all Panel Members.
- Panel Members shall act fairly, be nonpartisan, impartial, and unbiased in their roles of protecting the public and enforcing MAUCRSA.
- Panel Members shall treat all individuals in a fair, professional, courteous, and impartial manner.
- Panel Members' actions shall serve to uphold the principle that the Panel's primary mission is to protect the public.
- Panel Members shall not use their positions on the Panel for personal, familial, or financial gain.

### **Panel Member Written Correspondence and Mailings**

All correspondence, press releases, articles, memoranda, or any other communication written by any Panel Member in their official capacity regarding matters under the jurisdiction or responsibility of the Panel, must be provided to the Executive Director in advance of publication. The Executive Director will retain a copy in a chronological file.



### **Contact with Licensees and Appellants**

Panel Members shall not intervene on behalf of a licensee or applicant for licensure for any reason. They should forward all inquiries to the Executive Director.

### **Communications with Other Organizations, Individuals and Media**

All communications relating to any Panel action or policy to any individual, organization or media shall be made only by the Panel Chair, 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 immediately.

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

### **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 Panel Member should read only far enough to determine the nature of the communication. Once they realize it is from a person against whom an action is pending, they should reseal the communication and send them to the Executive Director.

If a Panel Member receives a telephone call from an applicant under any circumstances or a licensee against whom an action is pending, 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, they should be told that the Panel Member will be required to recuse 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 they have received an unlawful ex parte communication, 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 their capacity as Panel Member, they must contact the Executive Director immediately.

### **Honoraria Prohibition**

(Government Code Sections 89501-89502 and FPPC Regulations, Title 2, Division 6)



Panel Members may not accept honoraria from any source. Since Panel Members are required to report all income, and Panel Members are precluded from accepting an honorarium from any source if the income is required to be reported, no honoraria is permitted.

Honorarium means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or a similar gathering. Potential situations may include, but are not limited to, professional association conferences and meetings.

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 a similar tax exempt, non-profit organization.

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



# **AGENDA ITEM 6**

Public Comments on  
Items Not on the  
Agenda

(No Meeting Materials)



# **AGENDA ITEM 7**

Future Agenda Items

(No Meeting Materials)



# **AGENDA ITEM 8**

Adjournment

(No Meeting Materials)