



## **Open Session Meeting Minutes**

Tuesday, June 8, 2021  
10:00 am – 10:35 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

### **Public present via teleconference:**

- Patrick Babajanian
- Shannon Gibson

### **Summary:**

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

Chairperson Diandra Bremond called the teleconference meeting to order at 10:00 am.

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

#### **2. Approval of May 5, 2021 Meeting Minutes.**

Chairperson Bremond asked the Panel if there were any additions or corrections to the minutes of the May 5, 2021 meeting. There were no additions or corrections. No comments from the public.



Motion (Moore): Approve the minutes of the May 5, 2021 meeting as submitted. Seconded (Calderon). Sarah Smith took a roll call vote on the motion. Motion passed 3-0.

### **3. Executive Management Report.**

Executive Director Anne Hawley presented the Executive Staff Report.

Hawley opened by stating she will provide a detailed end-of-the-year financial report at the next meeting. As of today, CCAP's budget for 2020-21 Fiscal Year was \$3,058,000. CCAP's projected year-end expenditures is \$1,753,000. Hawley will provide a more detailed accounting once the fiscal year ends on June 30.

Hawley moved onto discuss the online portal for CCAP's case management system. The Department of General Services' One-Time Acquisition Unit approved CCAP's purchase and development of the portal – which will cost around \$31,000. CCAP will begin engaging with its partners and consultants to map out the project's timeline. Hawley will keep the Panel updated when there is more information to share.

With the upcoming consolidation and creation of the new Department of Cannabis Control on July 1, CCAP's legal team will be conducting a review of CCAP's administrative regulations and website content. It is anticipated that CCAP's regulations will not have to undergo any substantive changes. While it is expected that most of the changes will be grammatical, CCAP will continue to review its current regulations in a wholistic and detailed manner. Updates regarding changes to CCAP regulations will be provided in future panel meetings.

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

### **4. Review and Approve: Values, Goals, and Mission Statement.**

Executive Director Hawley presented on CCAP's draft statements of its values, goals, and mission.

Strategic planning is a long-term, future-oriented process of assessment, goal setting, and strategy building that takes account of present circumstances and maps out the future of CCAP. It requires CCAP to reflect on its current capabilities and work environment. This process will lead to a clearer prioritization of resources, decision-making based on those priorities, and ultimately leading to the creation of a strategic plan. The three components of the strategic plan include determining CCAP's mission statement, the core values that drive CCAP, and CCAP's desired goals.



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CCAP's strategic planning process began in summer of 2019. Representatives from the Department of Consumer Affairs (DCA) helped facilitate a missions, visions, and values workshop with CCAP staff. Through that workshop in July 2019, CCAP staff developed draft concepts for CCAP's strategic plan. Unfortunately, the strategic planning encountered delays due to a lack of quorum and then the onset of the COVID-19 pandemic.

The draft mission statement, as developed by CCAP staff, is for the Panel to provide "fair, accessible, and timely quasi-judicial resolution of appeals from cannabis licensing decisions." Hawley asked for comments or questions from the Panel. Chairperson Bremond asked if "resolution" should be plural. Senior Staff Attorney Sarah Smith responded she is very certain that "resolution of appeals" is the correct grammatical usage. No other comments from the Panel.

The draft vision statement is "cultivating a transparent and respectful forum for cannabis businesses within all California communities." Hawley asked for comments or questions from the Panel. Chairperson Bremond complimented the inclusion of "cultivating" in the vision statement. No other comments from the Panel.

The draft statement of CCAP's values includes efficiency, fairness, professionalism, respect, and transparency. Hawley asked for comments or questions from the Panel. No comments from the Panel.

Hawley next discussed CCAP's draft statement of its strategic goals. The first strategic goal is decision making – "ensuring appeals from licensing agency decisions are resolved in a fair and timely fashion." Hawley asked for comments or questions from the Panel. Panel Member Moore commented this strategic goal looks narrowly focused and suggested the goal should add something in addition to the licensing agency. Chairperson Bremond asked if all appeals will be coming from the licensing agency. Senior Staff Attorney Smith answered that a revision here is appropriate. Smith suggested that the goal should be rephrased as "ensuring appeals from decisions of the licensing agency" because the appeal will always be filed by license holders, not the agency. The decision that the Panel will be reviewing will be a decision from the licensing agency. The current wording gets the point across, but it may lead to some confusion for readers. Panel Member Moore agreed and stated that this edit would resolve their original concern. Hawley noted the suggestion to change the draft statement to read as "Ensuring appeals from decisions of the licensing agency are resolved in a fair and timely manner." Hawley asked Chief Counsel Christopher Phillips if there should be one motion to capture all the edits at the end. Phillips answered that would be appropriate if you want to take all the draft statements at once, with the understanding that they have been modified to the language that was just discussed. No other comments from the Panel.



The second goal is outreach and education – “to provide transparency and education on the appeals process for cannabis stakeholders.” Hawley asked for comments or questions from the Panel. Panel Member Moore said “transparency” does not seem to fit in the sentence. Moore suggested that “transparent education” might be a better phrase. Chairperson Bremond suggested “transparency” could be struck from the language so that the draft statement reads as “to provide education” instead. Hawley noted the suggestion to change the draft statement to read as “To provide education on the appeals process for cannabis stakeholders.” No other comments from the Panel.

Finally, the third strategic goal is organizational effectiveness – “to develop an effective and collaborative work environment while maximizing resources.” Hawley asked for comments or questions from the Panel. No comments from the Panel.

Hawley then outlined a tentative schedule for the strategic planning process. The next key date is July 12 when DCA will be conducting one-on-one Zoom interviews to discuss external and environmental issues that CCAP may need to address. These interviews will involve discussing strengths, weaknesses, opportunities, and threats, and will typically run between 30 minutes to an hour. The next date to note is the July 30 to August 13 timeframe. DCA will compile and analyze data from the environmental scan and will create a document for Panel members and staff to use during the strategic planning process.

The next timeframe to note is August 19-20. DCA will facilitate a strategic planning session for Panel members. This will be a publicly noticed meeting. Around October 6, the final strategic plan will be reviewed, edited, and adopted by Panel members in another publicly noticed meeting. Around October 20, DCA will facilitate a meeting with Panel staff to create an action plan to complete the strategic objectives as set forth in the plan. This will serve as a blueprint for CCAP’s work moving forward. Hawley will work with the Panel to make sure there are no scheduling conflicts.

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

Sarah Smith took a roll call vote on whether to approve the Values, Goals, and Mission Statement as modified during this meeting. Motion passed 3-0.

## **5. Cannabis Control Appeals Panel Member Handbook Revision.**

Chief Counsel Phillips introduced a proposal to make several revisions to the Panel Handbook. He explained this agenda item is an action item, and CCAP staff will recommend a vote be taken to adopt the proposed revisions. This is similar to last meeting’s agenda item on the same topic. There will likely be one more agenda item in the future to revise the Handbook. Phillips then introduced Senior Staff Attorney Smith to present on the three recommended revisions.



The first recommended revision has to do with the structure of licensing agencies. At present, the Handbook refers to three separate licensing agencies. There is a pending merger of those agencies into the single Department of Cannabis Control. Staff recommends editing the Handbook to reflect this change. Moreover, the current draft of the Handbook only covers the history of cannabis regulation through 2017, but there have been subsequent events since then. Therefore, the Handbook should be updated to include this recent history.

The second recommended revision is regarding the prohibition against Panel members speaking for or acting on behalf of the Panel without proper authorization, located on page 10 of the Handbook. Staff recommends editing the prohibition to refer Panel members to specific written policies if they have questions about when it is appropriate to speak on behalf of the Panel. This would make it easier for the legal staff to give advice on the matter and would give a tangible piece of information for Panel members to refer to.

Finally, the third recommended revision is regarding the prohibition on honoraria. The current language in the Handbook could be misinterpreted to mean Panel members could accept honoraria under certain circumstances, which is not the case. Therefore, staff recommends revisions to eliminate any ambiguity and make it absolutely clear that honoraria may not be accepted.

The benefits of these changes are mostly clarity. There is no real risk other than the time it would take to approve these changes to the Handbook.

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

Sarah Smith took a roll call vote on whether to approve the recommended revisions to the CCAP Member Handbook. Motion passed 3-0.

## **6. Pending Legislation Informational Presentation: Senate Bill 59 (Caballero), Assembly Bill 29 (Cooper).**

Chief Counsel Phillips introduced an update report on pending legislation. Phillips stated this agenda item is informational only and that no action will be taken. This is a recurring and necessary agenda item this time of the year because of what is happening with the legislature. Phillips then introduced Staff Attorney Brian Hwang to present on two pending bills.

Staff Attorney Hwang introduced himself and began by first discussing Senate Bill 59. SB 59 would have extended the repeal date of the provisional licensing program from January 1, 2022 to January 1, 2028. This extension would have given applicants, local jurisdictions, and the state additional time to comply with California Environmental Quality Act requirements as well as process pending annual license applications. The most recent update is that, as of May 24, SB



59 has been ordered to the inactive file at the request of Senator Caballero, the bill's author, due to language that was added to the Governor's May revise budget bill. Bills in the inactive file are considered inactive for a variety of reasons. However, an author may later remove their bill from the inactive file to be placed back on the agenda.

Hwang then discussed Assembly Bill 29. AB 29 would have modified the Bagley-Keene Open Meeting Act to require that a state body, such as CCAP, post online all writings and materials on the same day as they are distributed to members of the body, or at least 72 hours before the meeting, whichever is earlier. While Bagley-Keene requires state bodies to publicly post meeting agendas, there is no similar notice requirement for supporting documents that a state body will consider relating to an agenda item. Currently, AB 29 has been held under submission as of May 20. This is an action taken by a legislative committee when the bill's author and committee members may want to continue to discuss or work on the bill, but there is currently no motion for the bill to progress out of the committee.

Panel Member Calderon asked who the author of AB 29 is. Hwang answered that the bill's author is Assembly Member Cooper. Calderon also asked if AB 29 was held on suspense in Assembly Appropriations. Hwang confirmed that it was.

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

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

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

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

Panel Member Calderon commented that, at some point, it may be worth having a Panel discussion regarding provisional licensees and their ability to seek appeals through CCAP. This topic is something that may be pursued legislatively. For example, language could be added to a bill that would allow provisional licensees to appeal a decision of the licensing agency and appear before CCAP. There are many provisional license holders who do not have the same appeal rights as annual license holders.

Chairperson Bremond expressed agreement about having a discussion to not only better understand how provisional licenses function, but also how potential legislation could be enacted to allow provisional licensees to come before the Panel.

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

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**9. Adjournment.**

Motion (Moore). Adjourn the meeting. Seconded (Calderon). Meeting adjourned at 10:35 am.