

**CANNABIS CONTROL APPEALS PANEL
TEXT OF REGULATIONS**

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

§ 6000. Definitions.

For purposes of this division:

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

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

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

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

(e) "Online Filing Portal" refers to the electronic case filing system accessible through the Panel's website at 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.~~ 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; or

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

(b) Within 30 days after receipt of service of the Notice of Appeal, all other parties to the appeal shall complete and submit CCAP Form 6005, Certification of Email Address (~~New 04/18~~Rev. 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 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 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 ~~at~~the licensing authority is denial of a license renewal, or cancelation, suspension, or revocation of a license, and upon a motion from the appellant made pursuant to section 6010, the Panel may stay the effect of the underlying decision until the Panel enters its final order.

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

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

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

§ 6017. Form of Order.

(a) Each order of the Panel on appeal from a decision of athe 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.