



Open Session Meeting Minutes

Wednesday, March 22, 2023
10:03 am – 10:17 am

Cannabis Control Appeals Panel
400 R Street
Sacramento, CA 95811

Members present via teleconference:

- Dr. Diandra Bremond, Chairperson (in Los Angeles County)
- Sharon-Frances Moore, J.D. (in San Diego County)
- Majority Leader Ian Calderon (in Orange County)

Staff present via teleconference:

- Anne Hawley, Executive Director, Cannabis Control Appeals Panel
- Christopher Phillips, Chief Counsel, Cannabis Control Appeals Panel
- Sarah M. Smith, Senior Staff Attorney, Cannabis Control Appeals Panel
- Brian Hwang, Staff Attorney, Cannabis Control Appeals Panel
- Melita Deci, Administrative and Business Services Coordinator, Cannabis Control Appeals Panel

Summary:

1. Call to Order and Establishment of Quorum.

Chairperson Diandra Bremond called the teleconference meeting to order at 10:03 am.

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

2. Approval of February 9, 2023 Minutes.

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

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

3. Executive Management Report.

Executive Director Anne Hawley presented the Executive Management Report.

As an initial matter, Hawley informed the Panel that the third quarter budget-to-actuals report will be shared at a future Panel meeting in April or May. This is because the books for the third quarter won't be closed until March 31.

Hawley's report then covered CCAP's Strategic Plan Implementation. She discussed the four items that CCAP staff has been working on to implement Goal #2 – Outreach and Education.

First, the Department of Consumer Affairs' ("DCA") Public Affairs has finished designing the new PowerPoint template for CCAP. This template will be used as the background for CCAP's internal and external educational materials that will be housed on CCAP's website.

Second, DCA will record the voiceover and complete the final production for the outreach and educational training videos by no later than the end of this August.

Third, for the Public Service Announcements, the script is currently being edited. B-Roll filming will take place in April, and the final product will be delivered this August.

Fourth, the one-page flyer about appeal rights is close to being finalized. This flyer will outline an annual licensee's appeal rights as well as instruct on how to file an appeal and how to find resources. It will be housed on the website and hard copies will also be sent to annual licensees. These flyers will also be made available to other stakeholders like legislative offices that may need rapid information to provide to constituents who are struggling with the licensing process. The production on this will probably conclude around late March or early April.

In closing, Hawley thanked CCAP staff for their efforts in the strategic plan implementation. She thanked the legal staff – Chief Counsel Chris Phillips, Senior Staff Attorney Sarah Smith, and Staff Attorney Brian Hwang – for creating the content for all these projects. Hawley also thanked Administrative and Business Services Coordinator Melita Deci for executing all the contracts that have made these projects possible.

Hawley completed her presentation and returned the floor to Bremond.

Panel member Calderon asked for a quick clarification about the flyer. Calderon was wondering if the "Department" referenced in the flyer functions as a link to a web page. Hawley stated this is something they could add to the electronic version of the flyer. Hawley also commented that

the final version of the flyer might want to make it clear it applies to *California* annual licensees and applicants. This is because many businesses hold cannabis licenses in multiple states.

Calderon replied by clarifying he was curious about the reference to a “Department” in the parenthetical after “Department of Cannabis Control.” He wanted to know if that was just text or something else (e.g., a link to an external page). Hawley clarified that “Department” is listed in parenthesis to indicate that it is an abbreviation for “Department of Cannabis Control” and that other references to “Department” in the document refers to the same. On this note, Hawley stated it might be better to abbreviate it as “DCC” instead of “Department” since it is shorter. Calderon agreed.

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

4. Possible Action Regarding Proposed Regulation Amendment to Improve Due Process by Instituting Automatic Stay.

Chief Counsel Phillips started his report by informing the Panel that this is the next step in the rulemaking process. Depending on the outcome today, this may be the last time the Panel has to take any actions in this particular rulemaking.

Phillips then briefly summarized the process. Last October, the Panel voted to approve proposed regulatory language from CCAP staff and make it available for a 45-day public comment period. CCAP received one substantive comment from the Department of Cannabis Control. Based on the Department’s suggestions, staff believed additional revisions were warranted and made further amendments to the proposed regulatory language. At the last Panel meeting in February, the Panel voted to approve these new amendments and make them available for a 15-day public comment period. No public comments were received.

Today, the Panel is presented with proposed regulatory text that has been fully vetted and has gone through the required public comment periods. The next step for the Panel, then, is to formally adopt that text and have staff proceed to finalizing the rulemaking process. The text can be found in Attachments 1 and 2. The first attachment is the “marked-up” version which shows all the underlines, strikethroughs, etc. The second attachment is the “clean” version which shows only the final text.

Phillips then outlined staff’s recommendation. Staff recommends that the Panel adopt the approved regulation text and authorize staff to complete and submit the rulemaking package to the Office of Administrative Law (“OAL”). In terms of timing, if this text is adopted today, CCAP will likely submit the final rulemaking package first to Agency (Business, Consumer Services and Housing Agency) for their approval – which can take up to 30 days. After this, it would probably be around the end of April when CCAP submits the final rulemaking package to OAL. If OAL reviews and approves CCAP’s package without delay, the new regulation will likely be effective beginning July 1, 2023. However, if OAL’s approval process is delayed or CCAP is delayed in

submitting the final rulemaking package to OAL, the new regulation will probably not be effective until the next quarter – October 1, 2023.

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

Motion (Calderon): Adopt the approved proposed regulation text (Attachments 1 and 2) and authorize staff to complete and submit the rulemaking package to the Office of Administrative Law to amend Rule 6014. Seconded (Moore). Melita Deci took a roll call vote on the motion. Motion passed 3-0.

5. Public Comments on Items Not on the Agenda.

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

6. Future Agenda Items.

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

7. Adjournment.

Motion (Moore). Adjourn the meeting. Seconded (Calderon). Meeting adjourned at 10:17 am.