JEFF LEIKAUF
SHERIFF - CORONER - PUBLIC ADMINISTRATOR
COUNTY OF EL DORADO
STATE OF CALIFORNIA

July 17, 2023

Dear Members of the Planning commission:

I am writing in response to the questions presented by the Commission to the Sheriff's Office regarding some of the proposed changes to the County's commercial cannabis ordinance proffered during the June 8th study session.

Before turning to specifics, I wanted to state that the actions of the Sheriff's Office with respect to commercial cannabis permitting have been and will continue to be based on the ordinance as written, whether it remains in its current form or is amended in the future. The Sheriff's Office does not have authority to deviate from the requirements of the ordinance. Whatever opinions may be expressed below, it is ultimately up to the discretion of the Board of Supervisors whether to amend the ordinance. The Sheriff's Office will make its best efforts to comply with whatever amendments may be enacted by the Board.

With respect to the proposed changes to the background check process, principally the proposed 45-day limit within which to make a recommendation, please note that delays in the background check process are generally extrinsic to the Sheriff's Office. Frequently, the Sheriff's Office has timely requested information from applicants and other jurisdictions, only to have to follow up multiple times to obtain the necessary information. Imposing a time limit on the Sheriff's Office will not solve this problem, and will only result in recommendations to deny based upon lack of information. Further, there are numerous components to obtaining a commercial cannabis permit outside of the background check. In the Sheriff's Office experience, it has generally provided a background check recommendation well in advance of an applicant's completion of the other requirements. Frankly, this proposal appears to be a solution to a problem that does not actually exist.

The Commission also asked for a response to the proposed revision to the definition of "owner." The proposal would adopt the Bureau of Cannabis Control's definition of "owner," which is materially similar to the existing definition except for the addition of a twenty percent aggregate ownership threshold. The Sheriff's Office does not take a stance on the adoption of a minimum ownership threshold. However, please note that any owner, regardless of the amount of interest, will need to have a background check performed if he or she will serve as a Designated

Local Contact. Spouses of qualifying owners should also continue to have background checks performed. California is a community property state, and dishonest applicants who know they cannot pass a background check may choose to put a spouse's name on the application instead of themselves to avoid discovery of their prior offenses. Requiring all spouses to get the background check prevents this deception from being effective.

The Sheriff's Office also believes that Designated Local Contacts (DLCs) should also continue to be subject to background checks. The DLCs are the businesses' primary interface for the Sheriff's Office. Deputies may be required to collaborate with DLCs at grow sites, and the Sheriff's Office firmly believes that conducting background checks for DLCs is a critical step in ensuring both public and officer safety.

As for the 24/7 availability of the DLCs, the Sheriff's Office would like to note that more than one DLC may be listed for a business. The Sheriff's Office will go down the contact list whenever an issue arises until it gets a response from one of DLCs. It is not an issue for any DLC to be on vacation or otherwise unavailable so long as there is another listed contact available. Businesses are welcome to have their DLCs coordinate among themselves to determine coverage. The Sheriff's Office believes the concern expressed with respect to 24/7 coverage is based on a misreading of the general obligation – it is a business-wide obligation, rather than an individual obligation.

Please let us know if you have any additional questions on this topic.

Sincerely,

Jeff Leikauf
Sheriff – Coroner
Public Administrator

JL/ef