

On Mon, Nov 23, 2020 at 4:38 PM Lee Tannenbaum <lee.tannenbaum@gmail.com> wrote:
Dear Supervisor Frentzen,

My name is Lee Tannenbaum and I have been writing the board for many months regarding our difficulties attaining our Cannabis Cultivation license. And in the spirit of my previous writings, I am sorry to be writing to you again with a very specific issue.

As of today, I and nine other applicants are on an indefinite hold to get our licenses. Two of us our cultivators and 8 are dispensaries, but all with the same issue. The issue is this: Sheriff D'Agostini is requiring all applicants get a full FBI background check to be reviewed by the Sheriff or his staff. While this at the surface seems to be an easy task, it is anything but.

The US DOJ is the only place that will give the Sheriff what he states he needs to allow an applicant to move forward in the process. The US DOJ has made it clear that they are not giving local jurisdictions the ability to do full FBI background checks. The State of California does, however have this ability. So effectively, while CalDOJ can get an FBI background check and it is part of the state licensing process, US DOJ will not give the Sheriff what he desires. So the process the county has defined will not work as it is. Further to this point, the code the county has approved does not state the Sheriff MUST do a full FBI background check, only a background check.

What other counties have done (and we checked with 8 other counties) is they allow a provisional license to be issued to the cultivator. This triggers an event in the state licensing process and grants the applicant (presuming all requirements are met at the state level) a state license that has had a full FBI background check completed. Once the state has issued a license, the counties issue a CUP based on the state licensing. And while the local jurisdiction does not receive details of the FBI background check, it does give the local jurisdiction a go/no-go on the background check.

Prior to Creighton departing the county, he had worked out a deal with the state to get the pass/fail information to allow applicants to move through the system. This entire process has been dropped since his leaving.

I have had many conversations with County Counsel, Breanne, but have been given little to no information about the process, possible solutions or an expected date of when a solution could be in place. On Monday, 11/9, I spoke directly to Sheriff D'Agostini and was effectively told that he didn't want to communicate with me, that Breanne was handling things, and that he did not trust, nor would he accept the CalDOJ pass/fail system.

So we are now back to a system that was put in place to allow applicants to get their licenses, that does not work. When the voters voted to allow legalization in the county, it was our understanding that a system would be put in place to allow this to happen in a timely fashion. As the first cultivation applicant, I expected there to be issues, but also expected we could work through them. To date, this has been true. Now, unfortunately, it is no longer true. The system currently in place is broken, and firmly stuck at the EDSO. I have been involved in this process for over a year at the time of this writing.

I am now speaking for the 10 applicants. We would like to find a solution, and quickly, to this issue. We are prepared to bring legal action to the county for Abuse of Discretion, and that the rules/laws in place do not allow for the will of the people to be carried out. This is not a path we want to take.

With the legal actions brought against the county (the Sheriff) for illegal Hemp raids this year, it is very clear that the EDSO is in need of being brought under control. We hope you will take this matter under consideration and find a quick resolution. If this is not resolved quickly, yet another season of cultivation will be missed which is cause for loss of revenues. Further to this point, since the law passed in 2018, there have been zero licenses issued to date. Which further substantiates our claim that the system, as designed is not possible to get through.

Also, by disallowing applicant to get through the system, the county is propagating illegal growers. If there is not a clear path to license, or a general disbelief that a license will ever be issued, growers will continue to grow illegally

Thank you,

Lee Tannenbaum
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