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Principal Attorney

April 28, 2025

Board of Supervisors
of El Dorado County and
County Counsel via electronic
submission on April 28 and by
hand on April 29, 2025.

Re: Putative Appeal by one advocate for the Rosewood
cannabis manufacturing and distribution Application
For Permit

Respectfully, Supervisors and County Counsel -

Thank you for your public service.

This letter notifies your Board and El Dorado County Counsel of the supervening legal defect in the position of those supporting this Rosewood factory which is the complete absence of legal Standing of the current putative Appellant to lawfully Appeal of the decision the Planning Commission in denying a Permit for the Rosewood factory.

It is basic black letter law that there has never been a legally sufficient Applicant here and therefore it is factually as well as legally impossible for this current putative Appellant or any other person or entity to pursue an Appeal of the decision of the Planning Commission to deny the Permit sought. For the same root reason is legally impossible for any Applicant here to delegate any ability to Appeal, since there was no lawful Applicant having the power to so delegate, including to Mr. Kipperman.

This is not a factor from preference or bias or spin but a clear matter of law that there is no person or entity, including Mr. Kipperman, who has or can have Standing to Appeal or authorize an Appeal as he is not the Applicant nor is there any actual Applicant having the legal Standing to submit any Appeal.

Nobody can delegate a legal right which they do not have nor act upon legal status which they do not have. This is a black and white situation for reasons here stated.

It is here respectively requested that County Counsel assess this issue and inform our Supervisors whether this putative Appellant has any actual legal Standing as an Appellant against the denial of the sought Permit by the Planning Commission.

Because there was never a legally sufficient Applicant, as has already been proven before the Planning Commission (the term 'proven' used here in its ordinary absolute sense) taxpayer money should not be spent, nor the time of the participants, on an

attempted Appeal which is fatally flawed as to Standing.

This letter serves not in advocacy tone but in essence a cover letter for factors which can be independently verified. It is because of the objective factors here that the next paragraph is written towards both our Supervisors and yet also with those who are currently favoring the Appeal foremost in mind. This isn't a good place to support licensed marijuana to push because the legal deficits are independent of cause viewpoint.

On the original Application form for the sought Permit, which is the foundation upon which the Application for the Rosewood factory remains, **at the most critical point on the form; requiring identification of Applicant**, whomever was actually submitting this Application unlawfully checked three mutually exclusive boxes.

A business can be a corporation. A business can be an LLC. Both of those two boxes were checked. The supplied box for 'other' was also checked, with a hand-written note advising that some unidentified person or entity was in the process of becoming a C Corp. There are different business structures between and LLC and a corporation, though both offer the golden carrot of avoiding personal liability if somebody gets wrongly hurt or otherwise damaged by actions performed under corporate shield because a corporation gives those behind it a dispose-at-will escape from personal liability.

In order to govern the massive benefit of limited liability we have mandatory rules which apply to the Application actually submitted. The USA is a sought place because there is a reasonable predictability of legal outcomes, rare in the world. As a part of our system the corporate rules serve as a protective architecture from the legislature so as not to tolerate rules violation by persons seeking the relief from personal responsibility which limited liability provides. These limitations are in the public interest.

Here the most basic tap root important rule was blown right at the start. Because three quite different mutually exclusive statements were made in description of the putative Applicant on the Application form, no legally sufficient Applicant has ever been present in this situation.

Because there is no actual Applicant, there is no party or person who has the legal ability to delegate the legal right to Appeal to anyone else, including in this instance Mr. Kipperman. One person known to me was told from Planning that the Application was not open to public inspection due to alleged proprietary needs of the Applicant. The Application was produced to me, a lawyer. Our whole system depends on people following the rules and that system is threatened when any unlawful procedure is allowed, such out of political sympathies.

I urge that in this particular instance, and reflective of the need for our reliable matrix of requirements for Applications for Permits, and in compliance with our need for predictable legal regularity in government actions, we need to follow the rules here, which were not followed as no actual Applicant was defined in the original Application.

Because there was no legally sufficient Applicant, there can not have been lawful delegation of permission to file this putative Appeal. There was no lawful Applicant by a parsec having the legal ability to so delegate permission to so Appeal against the Planning Commission findings. Not having received any challenge from any advocate for this factory to the contents of my letter of February 26 submitted to the Planning Commission, I stress again that my February 26 letter to the Planning Commission by reference herein is integrated into this letter in whole as though fully set forth herein.

The reality that our Planning Commission considered this matter with deliberative care as is evident in the video of the Commission Hearing, see the last approximate half hour of that video, including after one short break and one long break. It is beyond rational dispute that the Commissioners were working diligently to follow what the law, including the Initiative language. ***This included the Chair of the Commission specifically referencing an April, 2024 decision of this Board that the Initiative language which provided for these facilities in El Dorado County must be literally and narrowly interpreted, because it was not within the purview of the Board or Planning, to materially re-interpret specific language which the voters had approved.*** I hereby incorporate by this reference my letter to the Planning Commission of February 26, 2025 as though fully set forth herein.

Christine Schaufelberger's extraordinarily thorough recent submission, in addition to showing the legal incapacity of the putative Appellant on other grounds has, and in company of my own letter of February 26th covered crucial factual and legally vital non-compliance issues, including the absence of actual available well water determination, with instead reliance on a test 20 years back, the fact that the purported expert on marijuana smell mitigation based her analysis *entirely* on a sprinkled water aroma reduction system which was installed on flat agricultural ground in Chico as the basis for approving the filtration in the Rosewood advocacy, which is dry carbon fiber, a radically different approach and more. Christine's work product is overall more comprehensive and than this submission of singular focus, and her work in company with mine of February 26th, show not only that the Commission made the correct call but that they did so because law and regulation left no other lawful choice.

Rather than going over ground already briefed, this letter brings to the Board's attention that it is legally impossible for this purported Appellant, or anyone else, two pursue an Appeal for an Applicant which wasn't even identified in the Application which is at the inescapable root of this controversy.

Very truly yours,



Harry V. Lehmann
3500 Derby Court
Somerset, California

PS: I am limited to email and private cell now as local telephone poles are being replaced.

FORM A
Identifying Information (Required for ALL Applicants)

a. APPLICANT NAME (PRINT)	(Note: Applicant must be one of the owners, directors or board members listed below who is authorized to act on behalf of the business. Please attach a completed Applicant / Owner Certification Form; see supplemental documents)		
	Jason Kipperman		
b. AGENT NAME (PRINT)	(Note: Submit an "Owner-Agent" authorization if applicable; see supplemental documents)		
	Law Office of Dale Schafer on behalf of Jason Kipperman		
c. MAILING ADDRESS (Street number and name, city, state, zip code)	3987 Missouri Flat Dr., Ste. 340-427, Placerville, CA 95667		
d. PHONE NUMBER(S)	Primary:	Alternate:	
	530-320-4191		
e. E-MAIL(S)	Primary:	Alternate:	
	agoracbusinessservices@gmail.com		
f. TYPE OF OWNERSHIP (Check one)	<input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership (LP) <input checked="" type="checkbox"/> Limited Liability Company (LLC) <input checked="" type="checkbox"/> Corporation <input checked="" type="checkbox"/> Other (Specify) <u>In the process of converting LLC into a C Corp.</u>		
<p>If the applicant is other than a natural person (including general partnerships of more than one individual natural person), the applicant must provide documentation regarding the nature of the entity and the names of the individual natural persons who manage, own or control the entity. The most common entities are corporations, limited liability companies (LLCs), limited partnerships (LPs), or trusts. These entities can be multi-layered and/or interlocking, e.g. a corporation can be owned by another corporation. If that is the case, documents for those other related entities are needed until the individual natural persons who manage, own or control the entities can be identified.</p>			
g. LIST ALL OFFICERS, DIRECTORS, GENERAL PARTNERS (if LLP) AND MANAGERS (if LLC), AND THEIR TITLES (attach additional sheets if necessary)			
Printed Name	Title	Printed Name	Title
Jason Kipperman	CEO		
Printed Name	Title	Printed Name	Title
Sean Kipperman	Secretary		
Printed Name	Title	Printed Name	Title
Printed Name	Title	Printed Name	Title

32

Kim Dawson

From: melody.lane@reagan.com
Sent: Tuesday, April 29, 2025 2:36 PM
To: Kim Dawson; BOS-Clerk of the Board; George Turnboo
Cc: David A Livingston; Tiffany Schmid; BOS-District V; BOS-District IV; BOS-District I; BOS-District III; BOS-District II
Subject: Public Comments - 4/29/25 BOS Agenda Item #32 - Rosewood Commercial Cannabis Appeal

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Please ensure my below public comments are entered into the 4/29/25 BOS Agenda Item #29.

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Although Mr. Kipperman is well within his rights to appeal this matter, I urge you to pay close attention to the concerns of Derby Road residents in opposition to this permit. Nobody wants an “attractive nuisance” in their back yard that negatively impacts quality of life and neighboring property values.

I have read all the correspondence posted to this application and found the personal attacks very disturbing, especially those made by Lee Tannenbaum and Kevin McCarty, against citizens who have exercised their rights to express concerns about the detrimental effects the approval of this permit may have on their community.

There have been many controversial turnovers on the Planning Commission with the exit of Dr. Cheryl Blychester, Dan Harkin, Kris Payne, Lexi Boeger, and Andy Nevis. The Constitution guarantees fundamental principles of fairness, including the right to a fair trial before an impartial judge and jury. This means disputes should be heard in a real court of law, not an in-house tribunal where normal due process protections don't apply. Cannabis disputes, such as this one, are no exception.

Back to Lee Tannenbaum and Kevin McCarty and their roles in the Growers Association. Cannabis is a drug, plus they have proven to be serial liars, and I have no problem backing up the veracity of that statement with facts, valid evidence, and law.

Additionally, the political dynamics and bully tactics driving this controversial issue cannot be ignored. There are approximately 150 Commercial Cannabis permits waiting to be approved in EDC. Imagine going through this appeal process 150 more times. You would essentially be opening a Pandora's Box.

Your decision today will impact the entirety of El Dorado County. Do the right thing by upholding the Planning Commission's denial of the Rosewood Commercial Cannabis Appeal.

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Melody Lane

Founder – Compass2Truth

The Founders used Exodus 18:20-21 as a guide to establish our Republic, "And you shall teach them ordinances and laws, and shall show them the way wherein they must walk, and the work that they must do. Moreover you shall provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them..."