

**COMMERCIAL CANNABIS ACTIVITIES
PERMITEE BACKGROUND CHECK REQUIREMENTS
PERMIT DENIAL APPEAL PROCESS**

BACKGROUND CHECK REQUIREMENTS.

The Chief Executive Officer or his/her designee(s) shall conduct a background check on all Applicants, including owners and property owners, and shall deny the application for any reason stated in Cal. Business and Professions Code §526057 and Title 3 California Code of Regulations §58113. In addition, the following acts are substantially related to the qualifications, functions, or duties of the applicant and the owner of the property under the County's permit and shall constitute grounds for denial of the application:

- a) Facts showing that the Applicant is dishonest or has been convicted of a crime where an element of which is the specific intent to deceive, defraud, steal, or make or suborn a false statement.
- b) Participation in, or a close association with members of, a "criminal street gang" as defined in Cal. Penal Code §518622 subdivision (f), or "organized crime" as defined in Cal. Penal Code §51862 subdivision (d), or a "continuing criminal enterprise" as defined in 21 US. Code 5848 subdivision (c), or an ongoing organization or group of individuals, formal or informal, where the group of individuals function as a continuing unit to achieve shared illegal objectives.
- c) Failure to comply with any state or local law, ordinance or regulation including, but not limited to, the payment of taxes as required under the Revenue and Taxation Code.
- d) Providing false, misleading, or incomplete information in the application materials.

BACKGROUND CHECK FAILURE APPEAL PROCESS.

- a) The Applicant failing the background check may appeal to the Sheriff's Department by taking the following steps:
 - 1) Visit the Department of Justice's website and follow the directions to request the relevant criminal history records.

2) If the criminal history records show prior arrests and/or convictions, contact the appropriate arresting agency and obtain copies of the arrest reports.

3) Within 45 days of the date of the notice of background check failure, deliver a written appeal to the Sheriff's Department containing a concise statement of the reasons for your appeal and any court records supporting your appeal.

PERMIT DENIAL APPEAL PROCESS.

Applicants wishing to appeal a decision by the Stanislaus County Chief Executive Officer, or designee, that completely removes the Applicant from the selection process, must follow the procedures set forth below. Protests or appeals that are not submitted in accordance with the procedures will not be reviewed. This appeal process is not available for those applicants failing the background check and is not available for those placed on the retail ranking list.

a) Filing the Protest.

1) The Applicant may file a written protest with the Chief Executive Officer, not later than five (5) days after date of mailing a notice of decision.

2) The protest shall be physically delivered or sent by registered mail to the Chief Executive Officer. Emailed requests will not be honored.

3) The protest must be physically received by the Chief Executive Officer before 5:00 PM pacific standard time on the last day of the five (5) day protest period.

b) The protest shall:

1) Include the name, address, and business telephone number of the protestor;

2) Identify the project under protest by registration number, Assessor Parcel Number, and street address of the property;

3) Contain a concise statement of the grounds for protest; provided, however, application process and procedures, including evaluation criteria, shall not be proper grounds for protest; and

4) Include all supporting documentation, if any. Documentation submitted after filing the protest will not be considered during review of the protest or during any appeal.

c) Protest Review.

Upon receipt of a Protest, the Chief Executive Officer shall direct an Assistant Chief Executive Officer to review all the submitted materials and to create and retain a written record of the review, and to respond to the protest. The assigned Assistant Chief Executive Officer shall respond in writing at least generally to each material issue raised in the protest not later than ten (10) days after receipt.

d) Appeal.

The Applicant may appeal the assigned Assistant Chief Executive Officer's decision in writing to the Chief Executive Officer, with a copy to the assigned Assistant Chief Executive Officer, not later than ten (10) days after date the decision is mailed to the protesting party. A three-member appeal review committee comprised of the Chief Executive Officer, or designee other than the assigned Assistant Chief Executive Officer, and two Department Heads designated by the Chief Executive Officer shall review and decide the appeal based on the grounds and documentation set forth in the applicant's protest and the assigned Assistant Chief Executive Officer's response. The Applicant may be represented by legal counsel at their cost. Each party shall bear its own costs and expenses involved in the protest and appeal process, including any subsequent litigation. The decision of the appeal review committee shall be final.

These regulations and standards shall take effect upon publication on the County's website.

APPROVED & ADOPTED by the Chief Executive Officer of Stanislaus County pursuant to Stanislaus County Code section 7.78.210 on August 22, 2018;

CHIEF EXECUTIVE OFFICER

BY: _____


Jody L. Hayes,
County Chief Executive Officer

ATTEST:
ELIZABETH KING,
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

BY: 
Elizabeth A. King,
Clerk of the Board

APPROVED AS TO FORM:
JOHN P. DOERING
County Counsel

BY: 
Thomas E. Boze
Assistant County Counsel