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**Comment on Item #4b on BOS Special Agenda:
Appeals Process for Cannabis Applications**

Dear Honorable Supervisors, Staff, and County Representatives,

My name is Lauren Mendelsohn and I am an attorney at the Law Offices of Omar Figueroa, one of California's leading cannabis law firms. I represent several cannabis operators in Mendocino County and elsewhere across California, and am submitting this letter to you today on their behalf as well as on behalf of the local cannabis community more broadly.

I wholeheartedly support the creation of an appeal process for cannabis applications that are rejected, as well as cannabis permits that have been approved and subsequently revoked or for which renewal has been denied. These appeals should be heard by the Board of Supervisors, as is the case with similar types of appeals.

The Due Process clause of the United States and California Constitutions requires that a person be provided with notice and an opportunity to be heard before the government can take away their life, liberty or property. A proposed application denial or permit revocation threatens both the liberty (i.e., freedom to grow what they wish) and property (i.e., the issued permit or stamped application) of cannabis cultivators. By issuing application or permit denials without adequate notice and a chance to present one's case, Mendocino County is unconstitutionally violating the due process rights of its citizens.

The Equal Protection clause of the United States and California Constitutions requires that the government treat persons in similar situations equally. Currently, Mendocino County allows appeals for various other types of permits and applications, but not for cannabis cultivation.

The County has put forth no rationale for this which would satisfy even the minimal scrutiny test. Therefore, this disparate treatment of cannabis businesses versus other businesses is an unconstitutional violation of equal protection.

Cultivation applicants and permittees have spent years and exorbitant amounts of money attempting to gain approval to grow a small amount of a nontoxic, medicinal herb. In many cases these are legacy operators with generations of knowledge producing the world's best cannabis. These people have followed the County's rules, which have been constantly changing since the current ordinance was adopted in 2017. They have invested time and money into developing and building a business around sites that the County told them they could grow on, resulting in what ought to be vested rights just like any other kind of business.

Furthermore, human error is common, as are technical difficulties, both of which might lead to an application or permit being rejected or revoked. It is only fair to have a clear process where such potential errors can be reviewed. The only other alternative for applicants currently looking to challenge a permit revocation or application denial is to bring a lawsuit in court, which is not an efficient use of time or resources on anyone's side.

Should an appeal process be created – which again, I absolutely think it should, and sooner rather than later – then such appeals should be available to everyone who had a cultivation application or permit rejected or revoked since 10A.17 was adopted. To offer anything different would violate the requirements of due process and equal protection, and would likely lead to a proliferation of lawsuits and administrative claims against the County.

In summary, I urge the Board of Supervisors to create a process whereby persons who have had cultivation applications or permits denied or revoked are able to appeal this determination in a fair, expeditious, and transparent manner.

Thank you for your time and attention to this issue.

Lauren Mendelsohn

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