



# CITY OF ARTESIA CANNABIS APPEAL FORM

Office of the City Clerk  
18747 Clarkdale Avenue, Artesia, CA 90701  
Phone: (564) 865-6262 Fax: (562) 865-6240

FOR OFFICE USE  
ONLY  
  
(DATE STAMP)

*An appeal shall be filed within ten (10) calendar days of the date of the notice or decision.*

Appeal of Cannabis Application Decision (\$7,106.28)

Check Attached? Yes NO

Project Address : \_\_\_\_\_

Check Number: \_\_\_\_\_

\_\_\_\_\_

Permit Number: \_\_\_\_\_

Decision Date: \_\_\_\_\_

## Appellant Information

Name of Applicant (Appellant): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: ( ) - \_\_\_\_\_

Email: \_\_\_\_\_

What capacity is the appellant filing?

Applicant

Owner

Permittee

Have you attached a copy of the notice of decision?

Yes

No

*I verify I have attached all documents or other evidence pertinent to the appeal that I request the hearing officer to consider at the hearing. I understand that the hearing officer is prohibited from considering any new matter or evidence not addressed or identified in this appeal form absent a showing of an inability to produce at the time of appeal. (See AMC 3-2.809(a)(2)(v); (b)(5)(1).)*

Initial Your  
Acknowledgment \_\_\_\_\_

Reasons and Grounds for Appeal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Applicant Certification:

*I hereby certify that all information contained in this application is, to the best of my knowledge, true and correct. FALSE OR MISLEADING INFORMATION GIVEN IN THIS APPLICATION SHALL BE GROUNDS FOR DENYING APPLICATION. I hereby grant the City authority to post required public notices.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Article 8: Adult Cannabis Businesses and Activities

(Excerpted from the Artesia Municipal Code Title 3, Chapter 2 Article 8.

## 3-2.809 Appeals.

Any appeal right provided for in this article must be conducted as set forth in this section. This appeal section does not govern appeals subject to Section 3-5.515 of this Code.

### (a) Submission of Appeal.

(1) An applicant or permittee may appeal the decision to suspend, revoke, or deny, or impose conditions upon a permit, by filing with the City Clerk a written appeal within ten (10) calendar days from the date of service of the notice.

(2) The appeal shall be in writing and signed by the person making the appeal, or the person's legal representative, and shall contain the following:

(i) The name, address, telephone number of the appellant;

(ii) A statement of whether the appellant is an applicant, owner or permittee of a cannabis business;

(iii) A true and correct copy of the notice of the decision or action issued that the appellant is appealing;

(iv) A specific statement of all of the reasons and grounds for making the appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy and the basis of the appeal; and

(v) All documents or other evidence pertinent to the appeal that the appellant requests the hearing officer to consider at the hearing.

(3) At the time of filing, the appellant must pay the designated appeal fee, which may be established by resolution of the City Council.

(4) In the event a written appeal is timely filed, the suspension, revocation, denial, or nonrenewal is not effective until a final order has been rendered and issued by the hearing officer.

(5) If no timely, proper written appeal is filed in the event of a decision of denial (i.e., relating to a new application or renewal application), the decision is final. In the event the renewal is denied and no timely, proper written appeal is filed, the permit, and any associated rights, terminates at the end of the permit's term.

(6) If no timely, proper written appeal is filed in the event of a suspension or revocation, the decision is final. The suspension or revocation is effective upon the date of the expiration of the period for filing a written notice of appeal.

(7) Failure of the applicant or permittee to file a timely and proper appeal, or the requisite fee, is a waiver of the right to appeal the decision and a failure to exhaust all administrative remedies. In this event, the decision is final and binding.

### (b) Hearing Procedure.

(1) Administrative hearing officers must be selected in a manner that avoids the potential for pecuniary or other bias.

(2) Upon receipt of the written appeal, the City Clerk, in their sole discretion, shall choose the date and set the matter for a hearing before a hearing officer. Once set, the hearing date shall only be continued upon a written showing for good cause by the requestor. For purposes of this subsection, the term "good cause" means the hearing date must be continued due to circumstances outside of the requestor's control. The appeal must be held within a reasonable time after date of filing. The City must notify the appellant of the date, time, and location of the hearing at least ten (10) calendar days before the date of the hearing.

(3) Upon selection of a hearing officer and date, the City Clerk will submit to the hearing officer the appellant's appeal and documentation, if any. This shall constitute appellant's written submittal to the hearing officer. The City may submit its own written response to the appeal along with any evidence it wishes the hearing officer to consider, if any, at least three (3) calendar days before the hearing.

# Article 8: Adult Cannabis Businesses and Activities

(Excerpted from the Artesia Municipal Code Title 3, Chapter 2 Article 8.

(4) The hearing officer will preside over the appeal in accordance with the rules of this article. The hearing officer conducts their review of the decision to determine whether there was an abuse of discretion. Abuse of discretion is established if the City has not proceeded in the manner required by law, the decision is not supported by the findings, or the findings are not supported by the evidence. The hearing officer reviews the decision to make sure there is substantial evidence that reasonably supports the decision, is credible, and of solid value. The hearing officer does not substitute their judgment for that of the Evaluation Committee or re-weigh the evidence or rescure the application. If the hearing officer determines that there was an abuse of discretion, the decision shall be deemed cancelled.

(5) The hearing shall be conducted as follows:

(i) No new matter or evidence shall be received or considered by the hearing officer that was not addressed or identified in the appeal unless the appellant can show why such new matter or evidence could not with due diligence have been argued or produced at the time of filing the appeal.

(ii) Appellant bears the burden of proof to establish that the City abused its discretion by issuing the decision.

(iii) At the hearing, the parties may present argument, witnesses and evidence relevant to the decision appealed. Formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. However, rules of privilege are applicable to the extent they are permitted by law; and irrelevant, collateral, and repetitious evidence may be excluded.

(c) Hearing Officer's Decision.

(1) No later than fifteen (15) calendar days following conclusion of the appeal hearing, and after considering all of the testimony and evidence submitted at the hearing, the hearing officer will determine whether the issuance of the decision constituted an abuse of discretion.

(2) The hearing officer must issue a written decision containing findings and analysis supporting their decision to uphold or reverse the decision, and any other finding that is relevant or necessary to the subject matter of the appeal.

(3) The decision of the hearing officer is final. The decision must contain the following statement: "The decision of the hearing officer is final. Judicial review of this decision is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6."

(4) A copy of the hearing officer's decision must be served by first class mail on the appellant. Failure of a person to receive a properly addressed hearing officer's decision does not invalidate any action or proceeding by the City pursuant to this article. (Ord. 22-930, § 4)