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8 CATALYST - FRESNO LLC

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Superior Court of California  
County of Fresno  
By: Jamie Nelson, Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF FRESNO

11 CATALYST - FRESNO LLC,

12 Petitioner/Plaintiff,

13 vs.

14 CITY OF FRESNO; and DOES 1-50, inclusive,

15 Respondents/Defendants,

16 1261 WISHON OPCO, LLC, a California limited  
17 liability company; TAT FRESNO LLC, a  
18 California limited liability company;  
19 AUTHENTIC 559, LLC, a California limited  
20 liability company; CRESCENT CONQUEST  
21 LLC, a California limited liability company; and  
22 DOES 51-100, inclusive,

23 Real Parties in Interest.

CASE NO. 21CECG03543

**VERIFIED PETITION FOR WRIT OF  
MANDAMUS AND COMPLAINT FOR:**

- 24 (1) PEREMPTORY WRIT OF  
25 MANDATE PURSUANT TO CCP  
26 §§1085 AND 1094.5; AND
- 27 (2) INJUNCTIVE RELIEF.

1 Petitioner and Plaintiff CATALYST - FRESNO LLC, d.b.a. Catalyst Highway 99 (“Plaintiff” or  
2 “Catalyst”), by and through its attorneys, hereby complains, alleges, and avers as follows against  
3 Respondents and Defendants the CITY OF FRESNO (“Fresno” or the “City”) and DOES 1-50  
4 (collectively “Respondents”), along with the following Real Parties in Interest whose interest may be  
5 affected by this action and/or the relief sought herein: 1261 WISHON OPCO, LLC (“Wishon”), TAT  
6 FRESNO LLC (“TAT”), AUTHENTIC 559, LLC (“Authentic”), CRESCENT CONQUEST LLC  
7 (“Crescent”), and DOES 51-100.

8 **INTRODUCTION**

9 1. This action arises out of the City’s Manager’s written determination on or about  
10 September 1, 2021 to deny Catalyst’s application for a preliminary award for a commercial cannabis  
11 retail business permit (“Permit”) in the City purportedly pursuant to the City’s governing ordinance,  
12 Fresno Municipal Code (“FMC”) Chapter 9, Article 33 (“Article 33”), as well as the governing  
13 Application Procedure Guidelines (“Guidelines”) (as revised) promulgated by the City Manager pursuant  
14 to authorization set forth in Article 33. True and correct copies of Article 33 and the Guidelines are  
15 attached hereto as **Exhibits A and B**, respectively.

16 2. Simply put, Catalyst submits it should have been selected for preliminary approval for a  
17 Permit, and that several applicants selected ahead of it in final rankings (including Real Parties) legally  
18 are/were not qualified for preliminary approval, should not have obtain preliminary approval, and/or  
19 should have their applications denied for providing false information — an offense which under Article  
20 33 mandates denial or revocation of their applications/Permits. *See* Article 33 at §9-3316(d).

21 3. Pursuant to both Article 33 and the Guidelines, only a successful applicant, the Mayor of  
22 the City, and/or the City Council Member in whose district the applicant would be located has the right  
23 to appeal from the City Manager’s determination on preliminary Permit approval. *See* FMC §9-3317(c);  
24 Guidelines at 6. As such, Catalyst had and has no right or ability to appeal from the denial of preliminary  
25 approval of its application, the granting of preliminary approval for a Permit by the City Manager, or  
26 final approval of a Permit following an appeal conducted pursuant to Section 9-3317(c). Furthermore,  
27 while Catalyst otherwise might have contacted the City Council member in City Council District 1, the  
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1 district in which it applied, to discuss options or to advocate for its application and to have that member  
2 appeal other preliminarily approved applications in the district, in the present instance Catalyst is  
3 prohibited by the ordinance—under threat of disqualification—from contacting let alone speaking with  
4 any elected official about the application process. *See* MFC §§9-3315(g); Guidelines at 3. As such, this  
5 Petition is the only way Catalyst can obtain a plain, speedy and adequate remedy for its claims herein.

6 **PARTIES AND VENUE**

7 4. Catalyst is and at all relevant times was a California limited liability corporation  
8 authorized to do business in the State of California. Catalyst is the lessee of real property located at 2250  
9 N. Weber Avenue in Fresno, California (the “Catalyst Property”). Catalyst applied for a Permit in the  
10 City, and participated in the City’s Permit application process as set forth in the governing ordinance and  
11 associated City rules and regulations promulgated by the City Manager.

12 5. The City is and at all relevant times was a municipality located within the State of  
13 California, County of Fresno.

14 6. Catalyst is ignorant of the true names and capacities of the Defendants/Respondents sued  
15 herein as DOES 1 through 50, inclusive, and therefore sues such Defendants/Respondents by fictitious  
16 names. Catalyst will amend its claims to allege the true names and capacities of DOES 1-50 when they  
17 have been ascertained. Catalyst is informed and believes, and on that basis, alleges each of the fictitiously  
18 named Defendants/Respondents is responsible in some manner for the acts, omissions, events and  
19 occurrences herein alleged, and that Catalyst’s damages herein alleged were proximately caused in some  
20 way by such DOE Defendants/Respondents.

21 7. Real Parties in Interest Wishon, TAT, Authentic and Crescent all submitted applications  
22 for a Permit in District 1. Following an appeal of the City Manager’s determination to provide  
23 preliminary approval to Wishon and TAT, the Council Member in District 1 appealed the City Manager’s  
24 determination to the City Council. In connection with that appeal, Wishon received preliminary approval  
25 for a Permit, while TAT was denied preliminary approval. As the remaining applicants in District 1,  
26 Catalyst is informed and believes that it, Authentic, and Crescent all are potentially eligible to obtain  
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1 preliminary approval in replacement of TAT. As noted above, they have been included because of the  
2 potential affect this case could have on their applications and the process more generally.

3 8. Jurisdiction and venue are proper in this Court, as the events at issue all occurred in the  
4 City of Fresno, County of Fresno.

5 **FACTS RELEVANT TO ALL CAUSES OF ACTION**

6 9. As noted above, this action arises from the City Manager’s written determination on  
7 September 8, 2021, that he was *not* going to select Catalyst for a preliminary award of a Permit for City  
8 Council District 1. A true and correct copy of the City Manager’s September 8, 2021, determination  
9 letter is attached hereto as **Exhibit C**.

10 **OVERVIEW OF APPLICATION PROCESS**

11 10. Generally, the application process as laid out by Article 33 and Guidelines was as follows.  
12 Applicants were required to submit their applications and all necessary materials to the City by no later  
13 than 4:00 p.m. on December 4, 2020. Guidelines at 5. Once submitted, an applicant was not permitted  
14 to amend or supplement its application, except as provided in the ordinance/Guidelines or as specifically  
15 authorized by the City in writing. *Id.* at 1. In “Phase I,” City staff would review submitted applications  
16 for completeness. *Id.* at 4–5. If an application was missing a “major component,” it was summarily  
17 rejected. *Id.* at 1. Applications missing only “minor components” were notified and the applicant was  
18 given one week to provide the required information necessary to render its application complete. *Id.*

19 11. Applications deemed complete by City staff then advanced to “Phase II,” which is where  
20 the City objectively evaluated the applications and scored and ranked them based on a set of objective  
21 review criteria described in the ordinance and more specifically articulated in the Guidelines. *See* FMC  
22 §9-3316(a); Guidelines at 5, 7–11 (setting out Phase II criteria). Initially only applicants that scored a  
23 minimum of 80% of the total possible points were to advance to Phase III, but during the process the City  
24 Manager amended the Guidelines to remove the 80% minimum requirement and instead permitted the  
25 City (presumably the City Manager) to determine which “top applicants” would advance to Phase III (he  
26 also removed a similar 80% minimum threshold for advancement to Phase IV). *See* Guidelines at 5.

1           12. Phase III consisted of applicant interviews by City staff, wherein applicants were  
2 questioned about aspects of the merit-based criteria referenced in the Guidelines. FMC §9-3316(a),  
3 3317(a); Guidelines at 5, 7-11. Again, following the interviews, the applicants were scored on the stated  
4 objective criteria and ranked, with the top applicants (according to the City) advancing to Phase IV.  
5 Guidelines at 5.

6           13. Notably for purposes of this Petition, one of the objective criteria in both Phase II and  
7 III—criteria that the City suggested in publicly available documents would represent 20% of the  
8 applicant’s score for its Social Policy and Local Enterprise Plan—addressed what is known as “Local  
9 Preference,” where the City in effect gives additional points to applicants who reside in or have  
10 businesses located in the City, and gives (potentially) fewer additional points for applicants who reside  
11 in or own businesses in Fresno County. *See id.* at 8, §2.5; **Exhibit D** (discussing Section 2.5 “Local  
12 Preference” criteria, and indicating Section 2.5 alone “represents 20% of section score,” and that an  
13 applicant also can obtain “partial points” for county as opposed to City of Fresno residence/business).

14           14. In Phase IV, the top applicants in each district were referred to the City Manager, who  
15 then made the final determination as to which applicants would receive Permits – which also is called  
16 “Preliminary Approval” by the City since the City only will actually issue a Permit upon successful  
17 completion of the required background check and the City’s land use permitting process. FMC §§ 9-  
18 3316(j), 9-3317(d); Guidelines at 5. Notably also, the Mayor, the City Council member in the district  
19 where the applicant will be located, and a successful applicant itself, were given the right to appeal the  
20 City Manager’s determination to the City Council, and to have the City Council decide whether the  
21 “appealed” applicant should receive preliminary approval. *See* FMC §9-3317(c); Guidelines at 6.

22           **THE CITY MANAGER’S INITIAL APPROVALS IN CITY COUNCIL DISTRICT 1**

23           15. As noted above, Catalyst applied for a Permit in City Council District 1. Its application  
24 was deemed complete in Phase I, was advanced through Phase II and Phase III as one of the top-5 non-  
25 social equity applicants in City Council District 1, and ultimately advanced to Phase IV, where it was  
26 ranked 4th for non-social equity applicants. As the City approved a social equity applicant for City  
27 Council District 1 via the separate social equity application process, that left two available Permits for  
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1 non-social equity applicants. As such, the City Manager selected the top two ranked applicants for  
2 preliminary Permit approval: (i) Wishon and (ii) TAT. *See Exhibit E* (“Cannabis Retail Permit  
3 Application - Final Scores” in each City Council District).

4 16. As also noted above, there was no mechanism in the ordinance or the Guidelines to permit  
5 Catalyst to appeal or otherwise administratively challenge the City Manager’s determination, or to  
6 advocate for the City Council member in City Council District 1 of the Mayor to appeal from the City  
7 Manager’s determination. *See FMC §9-3317(c)*; Guidelines at 6; *see also Exhibit F*.

8 17. First and foremost, City Manager should have never provided either Wishon or TAT with  
9 preliminary permit approval in the first place because Catalyst contends that both provided false  
10 information to the City in an (apparently successful) attempt to artificially increase their scores and the  
11 City Manager failed to carry out even the most basic investigation of publicly available information with  
12 the California Secretary of State to actually verify the information provided by Wishon and TAT.

13 18. More specifically, in order to obtain the maximum of 80 “local preference points” for its  
14 application (Guidelines §2.5), Wishon represented that Kaycee Auston, a resident of Fresno, is the 51%  
15 owner and CEO of Wishon (*see Exhibit G*)—and thereby received the maximum 80 points available for  
16 City residents/business owners (*see Exhibit H* [Wishon receiving 80 points for City residence/business  
17 of 51% owner, as opposed to 40 points for County, and 20 where no local resident/owner is involved]).  
18 However, in the publicly available and easily reviewable information posted on the California Secretary  
19 of State’s website, Wishon is listed as a single-manager limited liability company with Brandon  
20 Johnson—not Kaycee Auston—as its sole limited liability company manager. *See Exhibits I and J*.  
21 Notably and contrary to readily available public information, Brandon Johnson is *not* listed as Wishon’s  
22 sole limited liability company manager on Wishon’s Permit application. *See Exh. H*.

23 19. Similar to Wishon, in order to obtain the maximum of 80 “local preference points” for its  
24 application (Guidelines §2.5), TAT represented that Lawrence Artenian, a resident of Fresno, is the 51%  
25 owner of TAT (*see Exhibit K*)—and thereby received the maximum 80 points available for City  
26 residents/business owners (*see Exhibit L* [TAT receiving 80 points for City residence/business of 51%  
27 owner, as opposed to 40 points for County, and 20 where no local resident/owner is involved]). However,  
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1 in the publicly available and easily reviewable information posted on the California Secretary of State’s  
2 website, TAT is listed as a multi-manager limited liability company with Avi Kahan, Mitch Kahan,  
3 Courtney Caron, LMA Fresno LLC, and The Artist Tree Holdings LLC—not Lawrence Artenian—as its  
4 limited liability company managers. *See Exhibits M and N.* Notably and contrary to readily available  
5 public information, Courtney Caron, LMA Fresno LLC, and The Artist Tree Holdings LLC are not listed  
6 as owners on TAT’s Permit application. *See Exh. L.*

7           20. While it presently is unclear whether removing the additional 60 points they falsely earned  
8 on their Social Policy and Local Enterprise Plans by using fake local “front men” on their applications  
9 would cause Wishon or TAT’s percentage score to drop below Catalysts in the City Council District 1  
10 ranking, Catalyst believes it might well do so. But more importantly, whether those additional local  
11 preference points ultimately gave Wishon and TAT the edge over Catalyst also is neither necessary nor  
12 even directly relevant, since the provision of false information in the application, *standing alone and*  
13 *regardless of effect*, mandates that the City Manager deny Wishon and TAT’s applications pursuant to  
14 Article 33 and governing Guidelines. FMC §9-3318(a)(7); 9-3316(d) (“If it is later discovered that any  
15 false information was provided by the applicant, the application ***shall be denied***, and if a commercial  
16 cannabis business permit was granted, it shall be revoked with no opportunity for an appeal. [emphasis  
17 added]). Because Wishon and TAT provided false/inaccurate information for the purpose of maximizing  
18 local preference scoring, the City Manager *must*, as a ministerial duty, *deny both* applications.

19           **APPEAL OF THE CITY MANAGER’S APPROVALS IN CITY COUNCIL DISTRICT 1**

20           21. Significantly, however, the City Council member for City Council District 1 appealed the  
21 City Manager’s preliminary approval of Wishon and TAT. During the City Council appeal for those  
22 applicants (and others) held on October 28, 2021, the City Council approved the City Manager’s  
23 preliminary approval of Wishon’s application, but denied the City Manager’s preliminary approval of  
24 TAT’s application—leaving a vacancy in City Council District 1 for another potential permittee. The  
25 only applicant above Catalyst in City Council District 1 ranking is Authentic. *See Exh. E.* For the reasons  
26 set forth below, Authentic legally is not eligible for a Permit, and thus should not, and indeed cannot, be  
27 selected by the City Manager to fill the vacancy created by the City Council’s denial of TAT’s application  
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1 assuming the City Manager carries out even a minimally sufficient investigation of publicly available  
2 information to actually verify the accuracy of the information provided by Authentic.

3 22. To begin, in its application, Authentic listed Brian Mitchell (also “Mitchell”) as an owner  
4 and its co-CEO. *See Exhibit O*; *see also Exhibit P* (Statement of Information listing Mitchell as its  
5 Manager; Application listing Mitchell as Owner and as the primary contact for Authentic); **Exhibit Q**  
6 (Articles of Organization listing Authentic 559 LLC as a single manager LLC). However, in or around  
7 September 21, 2021, Mr. Mitchell resigned as CEO of Shryne Group, the entity behind Authentic, and  
8 on November 2, 2021, Authentic *amended* its Statement of Information (“SOI”) to remove Mitchell as  
9 the listed manager for the entity and to replace him with “SGI Management LLC” as the new entity  
10 manager. **Exhibit R**. Upon information and belief, Catalyst contends that Mitchell resigned from Shryne  
11 Group and all of its subsidiary entities, including Authentic, because he learned he would be indicted on  
12 criminal fraud charges, which he was on or around September 28, 2021. In short, he resigned and was  
13 taken off all of the Shryne Group entities to protect its existing and potential licenses from being affected  
14 by a criminal conviction or plea bargain for fraud, which might then trigger cancellation or revocation of  
15 such licenses.

16 23. The salient point is not *why* Mitchell was removed as the Manager for Authentic, but  
17 rather the fact he was removed and purportedly replaced by an entity that has not been disclosed to the  
18 City and was not included in Authentic’s application submission. Specifically, the ordinance requires  
19 that all owners be listed – including individuals who will be participating in the direction, control, or  
20 management of the applicant. *See FMC §§9-3304* at “Owner”; *id.* at “Applicant” (defining an owner  
21 applying for license). Notably and contrary to readily available public information, SGI Management  
22 LLC is not listed as owners on Authentic’s Permit application. *See Exh. O*. So now, according to its  
23 own SOI, Authentic has materially changed its management and ownership, and has removed an  
24 individual in control of the entity’s management and purported to replace him *after the fact* with an entity,  
25 not an individual. This violates the Guideline’s prohibition on amendment or supplementation of  
26 applications. Guidelines at 1. Further, and equally as important, the purported change constitutes a  
27 change of ownership of Authentic, which is not permitted prior to Permit issuance and cannot be sought  
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1 until Permit renewal one year after Permit issuance. FMC §§9-3318(a)(7); 9-3318(c); 9-3325(a)(1)  
2 (change of ownership “shall only be considered at the same time as a renewal application and with the  
3 filing requirements as stated in section 9-3322”; requiring that such changes be submitted via  
4 reapplication).<sup>1</sup>

5 24. Catalyst is informed and believes Authentic has not reapplied based on its change of  
6 managers/owners, and also has not informed the City of Mitchell’s departure or its new manager, as  
7 required (and note the new manager has not completed a background check). These violations mandate  
8 Authentic’s application be denied. FMC §9-3318(a)(7); Guidelines at 1 (no amendments or  
9 supplementation permitted after December 4, 2020); Guidelines at 3 (each owner, operator, investor or  
10 manager must undergo background check). Further, Mitchell’s departure and the change of  
11 management/ownership is a material change that has not been addressed by the City, which is significant  
12 here because large portions of the City’s assessment of Authentic’s application was predicated at least in  
13 part on the experience, qualifications, education, and skill of Mitchell operating and managing cannabis  
14 businesses. *See* Guidelines at 5 (business plan worth 300 points); Guidelines 7-11 at §§1.1 (resume and  
15 qualifications of owners); **Exhibit S** (application scoring based on highest individual owner).

16 25. Second, Authentic’s application must be rejected because Catalyst contends it also  
17 provided false information to the City in order to artificially increase its score. More specifically, in  
18 order to obtain the maximum of 80 “local preference points” for its application (Guidelines §2.5),  
19 Authentic represented that Matthew Garza, a resident of Clovis and (apparently) a businessowner in  
20 Fresno as of March 2020, is the 51% owner and co-CEO of Authentic (*see* Exh. O)—and thereby received  
21 the maximum 80 points available for City residents/business owners (*see* **Exhibit T** [Authentic receiving  
22 80 points for City residence/business of 51% owner, as opposed to 40 points for County, and 20 where  
23 no local resident/owner is involved]). However, in the publicly available and easily reviewable  
24 information posted on the California Secretary of State’s website, Authentic is listed as a single-manager  
25 limited liability company with first Mitchell and then SGI Management LLC—not Matthew Garza—as

26 \_\_\_\_\_  
27 <sup>1</sup> The Ordinance also requires changes *other than* changes in ownership or location to submitted to the City  
28 via updated registration within 15 days. FMC §9-3325(b). Based on the more than one month delay in updating  
its SOI to remove Mitchell and add SGI Management LLC, Catalyst is informed and believed that Authentic also  
has violated the update requirements of FMC §3325(b).

1 its sole limited liability company manager. *See* Exhs. P, Q, and R. In other words, Catalyst believes that  
2 despite what was submitted, Matthew Garza in fact did not have majority control of Authentic, as alleged  
3 in the application, and that Mitchell/Shryne Group at all times maintained operational control if not  
4 majority ownership over Authentic, while falsely claiming Garza was the 51% owner entitled to  
5 maximum local preference points.

6 26. While it presently is unclear whether removing the additional 60 points Authentic falsely  
7 earned on its Social Policy and Local Enterprise Plan by using Matthew Garza as a fake “front man” on  
8 its application would cause Authentic’s percentage score to drop below Catalysts in the City Council  
9 District 1 ranking, Catalyst believes it might well do so. But more importantly, whether those additional  
10 local preference points ultimately gave Authentic the edge over Catalyst also is neither necessary nor  
11 directly relevant, since the provision of false information in its application, *standing alone and regardless*  
12 *of effect*, mandates that the City Manager deny Authentic’s application pursuant to Article 33 and  
13 governing Guidelines. FMC §9-3318(a)(7); 9-3316(d(“If it is later discovered that any false information  
14 was provided by the applicant, the application ***shall be denied***, and if a commercial cannabis business  
15 permit was granted, it shall be revoked with no opportunity for an appeal. [emphasis added]). Because  
16 Authentic provided false or inaccurate information for the purpose of maximizing local preference  
17 scoring, the City Manager *must* as a ministerial duty *deny* Authentic’s application.

#### 18 **THE CITY MANAGER’S UNFETTERED DISCRETION**

19 27. As demonstrated above, had the City Manager simply complied with his ministerial  
20 duties under Article 33 and governing Guidelines, the City Manager would have denied, and was required  
21 to deny, Wishon’s, TAT’s, and Authentic’s Permit applications and thereafter selected Catalyst for  
22 preliminary approval from the outset as the top-ranking applicant with an actually qualified application.

23 28. As further demonstrated above, now that City Council has denied TAT’s application  
24 leaving a vacancy in City Council District 1 for another potential permittee, if the City Manager were to  
25 simply comply with his ministerial duties under Article 33 and governing Guidelines, the City Manager  
26 would be required to select Catalyst for preliminary approval as the top-ranking District 1 applicant.



1 petitioning the Council Members in the districts in which they applied to support their applications, to  
2 appeal applicants selected by the City, or (in this case) lobbying or otherwise advocating for their  
3 selection once a Permit “slot” opened up. Simply put, the entire overall structure of the ordinance and  
4 Guidelines, which prohibited applicants from their fundamental rights to petition City officials and  
5 advocate with them for their positions and policies, was and is unconstitutional. While Catalyst  
6 suspects that the City will claim such provisions were inserted to protect against corruption or undue  
7 influence in the application process, the stubborn fact is and remains that such motivations (assuming  
8 those are the City’s motivations) do not and legally cannot trump or supersede the right to legitimately  
9 petition government officials on matters of public and private interest. By banning all petitioning  
10 activity upon penalty of disqualification, the City violated the State and Federal Constitution, including  
11 but not limited to the First Amendment.

12 35. There is no plain, speedy or adequate remedy in the ordinary course of law available to  
13 Catalyst; and it has a substantial and direct beneficial interest in enforcing Respondents ministerial  
14 duties and/or correcting their abuses of discretion vis-à-vis the permit application process, as that  
15 process resulted in it improperly being denied preliminary approval to which it otherwise should have  
16 been entitled, and Catalyst legally is entitled to compel Respondents’ performance of ministerial duties  
17 and/or the proper exercise of discretion under the correct legal interpretation of the FMC.

18 36. There are no applicable administrative appeal procedures for Catalyst to exhaust vis-à-  
19 vis the denial of its permit application. As such, Catalyst has been left with no choice but to seek  
20 redress via this Petition.

21 **SECOND CAUSE OF ACTION**  
22 **INJUNCTIVE RELIEF**  
23 **(AGAINST ALL DEFENDANTS)**

24 37. Connected incorporates as though set forth herein in full the allegations contained in  
25 Paragraphs 1-36 above.

26 38. Catalyst seeks an injunction: (a) requiring Respondents to deny/revoke any preliminary  
27 approval provided to TAT or Wishon; and (b) requiring Respondents to issue preliminary Permit  
28 approval to Catalyst in District 1.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, based on the foregoing, Connected prays for the following relief:

3 **First Cause of Action**

- 4 1. For the granting of its request for peremptory writ of mandate as set forth above; and
- 5 2. For such other or different relief as deemed necessary or appropriate by the Court.

6 **Second Cause of Action**

- 7 1. For the granting of injunctive relief as requested above; and
- 8 2. For such other or different relief as deemed necessary or appropriate by the Court.

9 DATED: November 30, 2021

LAW OFFICE OF JEFF AUGUSTINI

*Jeff Augustini*

10 By: \_\_\_\_\_

11 JEFF AUGUSTINI

12 Attorneys for CATALYST – FRESNO LLC

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# EXHIBIT A



















































































# EXHIBIT B





# City of Fresno

Office of the City Manager  
2600 Fresno Street  
Fresno, CA 93721  
P: 559.621.5555

E-mail: [Cannabis.regs@fresno.gov](mailto:Cannabis.regs@fresno.gov)

## APPLICATION PROCEDURES & GUIDELINES FOR A COMMERCIAL CANNABIS BUSINESS PERMIT October 19, 2020

Information on the Commercial Cannabis Business (CCB) Application process can be found on the City's website at <https://www.fresno.gov/citymanager/office-of-cannabis-oversight/> and includes the following:

- California state regulations and resources
- Fresno Municipal Code Chapter 15
- Fresno Municipal Code Chapter 9, Article 33
- Application Procedures Guidelines
- Background Application form
- Commercial Cannabis Business Application

**The application for a CCB permit in Fresno will be available on October 19, 2020.** The application procedures and link to the Cannabis Permitting Portal will be available on the City's website, listed above. Applications must be submitted through the portal prior to the deadline.

*Applicants should monitor the City's web page for any additional information, FAQ's or updates. It is the responsibility of the Applicant to stay informed of any changes or updates to the process.*

### AMENDMENTS TO THE APPLICATION

After December 4, 2020, Applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures or as authorized in writing by the City. City staff will conduct a preliminary evaluation of the applications for completeness and will reject any application that is missing a major component (i.e. Business Plan), notifying the applicant by email. Substantive evaluations of the applications will occur during Phase II. At that time, the City will notify applicants by email if applications are found to be missing minor requirements (for example, signatures/dates on forms, proof of payments receipts, or missing scanned pages in one of the scored criteria documents). Applicants will be granted one week from the date of the email to submit the required supplemental information.

### LIMITATIONS

Applicants possessing an ownership interest of twenty percent (20%) or more in any cannabis business will be limited to submitting a maximum of three applications during the current application period. In addition, the City is imposing a limitation on the CCB retail locations to a maximum of two per council district. Furthermore, Social Equity applicants are not permitted to apply for the standard application process. Since the requirements for the two application processes are distinctly different, and applicants cannot participate in both, all applicants should carefully consider which of the two application processes they wish to participate in before filing an application.



## **CITY'S RESERVATION OF RIGHTS**

To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to FMC Chapter 9, Article 33 (FMC 9-3333). The City reserves the right to reject any and/or all applications, with or without cause or reason. The City may modify, postpone, or cancel the request for a CCB permit without liability, obligation, or commitment to any party, firm, or organization. Applicants shall have no right to a CCB permit. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the City Manager may terminate or delay the program. In addition, the City reserves the right to request and obtain additional information from any candidate submitting an application. Late or incomplete applications at the time of application closing (October 9, 2020) WILL BE REJECTED. Furthermore, an application RISKS BEING REJECTED for the following reasons:

- The application/proposal was received after the deadline.
- The application/proposal does not contain the required elements, exhibits, nor is it organized in the required format.
- The application/proposal is not fully responsive to the City's Request for Permit application.
- The issuance of the CCB permit at the proposed location is inconsistent with State law, FMC Chapter 9, Article 33, or other applicable Fresno city codes.

## **APPLICATION PROCESS**

**Review the information regarding the application process to determine which documents you will need. Before submitting it, review your application in its entirety to ensure that it is complete and accurate.**

***The following procedures outline the application evaluation and selection process, required materials, and other information necessary to apply for a permit to operate a CCB in Fresno.***

## **CCB APPLICATION SUBMITTAL REQUIREMENTS**

All applications must be submitted in a PDF format or alternative format approved by the City Manager. All CCB Application materials required for Phases I through IV must be submitted with the Phase I, CCB Application submittal. Applicants must submit their application, evaluation criteria, and required documents through the **City of Fresno Cannabis Permitting Portal** at: <https://fresnocca.viewpointcloud.com/>.

**Please Note:** Responses to the Evaluation Criteria (Sections 1-7 found in Appendix A of the Application Procedures Guidelines) shall be limited to 200 pages. Responses pertaining to Backgrounds and Proof of Capitalization shall not be included in the 200-page limitation. All materials must be submitted through the City of Fresno Cannabis Permitting Portal, including:

- CCB Initial Application – submitted directly through the Portal
- Evaluation Criteria (Responses to Sections 1-7 of Appendix A limited to 200 pages) – each section must be submitted in a separate PDF document uploaded to the Portal.
- Proof of Capitalization (All bank statements, loan documents, promissory notes, financial and commitment letters) – must be submitted as a PDF document uploaded to the Portal.
- Verification of Ownership, a "Letter of Intention" to Lease, or a Leasing Agreement.



All applications submitted to the City are public documents for purposes of Public Records Act requests and will be posted online on the City's website, with the exception of redactions for the Security Plan and financial information.

### **SUPPLEMENTAL APPLICATION SUBMITTAL REQUIREMENTS**

At the time of filing, pursuant to FMC 9-3316, all applicants are required to provide the following:

- A statement that the applicant employs, or will employ within one year of receiving a commercial cannabis business permit, one supervisor and one employee who have completed a Cal-OSHA industry outreach course offered by a duly authorized training provider (FMC 9-3316(c)).
- A statement, signed under penalty of perjury, that all information contained in the application is true and correct. A subsequent finding of false information shall be grounds for denial or revocation of the commercial cannabis business permit. A denial or revocation on these grounds shall not be appealable (FMC 9-3319(d)).

### **PROHIBITION ON EX PARTE COMMUNICATIONS**

Beginning at the time of filing, no Applicant or Owner shall initiate, engage in, or continue any communication to or with any elected official or Planning Commissioner for the City of Fresno, and no elected official or Planning Commissioner shall initiate, engage in, or continue any communication to or with any Applicant or Owner, concerning any matter related to the application. The application shall be rejected if prohibited communications take place (FMC 9-3316(g)).

### **BACKGROUND CHECK**

Each owner, operator, investor or manager must undergo a criminal history background check to demonstrate they do not provide grounds for denial per FMC Section 9-3318(c). Owners, operators, investors, or managers who do not meet the criminal history eligibility requirements of Section 9-3318(c) will be disqualified. Included in the application package is a background check form which must be completed and submitted as part of the application process.

This process will be required to meet the minimum threshold qualifications pursuant to FMC Section 9-3318. However, the background check will be completed at Phase IV of the application process and only those Applicants which are successful at being awarded a permit will be required to pay the background check fee of \$69.00.

### **ZONING INQUIRY LETTER (ZIL)**

Prior to submitting a CCB application (Phase I), an Applicant must obtain a Zoning Inquiry Letter from the Planning and Development Department. The fee for a Zoning Inquiry letter is \$522. To secure this letter, an Applicant must make a written request, submitted through the online application system FASTER, which should specify the intended use of the building (cannabis retail, etc.), and the proposed building location. Please advise the City if you currently occupy the premises or if there is a tenant currently occupying the premises. Please note: ZIL responses may take up to 14 business days so please submit your request in a timely fashion so that it can be included with your application.

Please visit: <https://www.fresno.gov/darm/planning-development/applications-forms-fees/#tab-13>

The issuance of a ZIL does not constitute written evidence of permission given by the City or any of its officials to operate a cannabis business, nor does it establish a "permit" within the meaning of the Permit Streamlining Act, nor does it create an entitlement under the Zoning, Development, or Building Code. A regulatory permit for a CCB does not constitute a permit that runs with the land on which the cannabis business is established. Please note that the cannabis

business will be required to obtain a Cannabis Conditional Use Permit, which in turn requires completion of a separate application that will be made available only after the awarding of the CCB permit at the end of Phase IV.

## FEES

All applicants will be required to submit a deposit covering the full amount of the application fee. This amount will be charged against time spent by City staff in reviewing applications and administrating the application process. Applicants are advised that they may be required to pay additional amounts as required for the sole purpose of the City's completion of the application review process. The application fee amount is \$7,920.00. There will be an additional background fee of \$69.00 per owner required in Phase IV. The ZVL fee charged is \$522.00 per site and is due to the Planning and Development Department at the time the request is submitted.

Payments must be made either through the Cannabis Permit Portal at <https://fresnocv.viewpointcloud.com/> or in the form of check, money order, or cashier's check and mailed directly to the City Manager's Office at the following address utilizing certified mail or a delivery service with confirmation (i.e. FedEx, UPS, etc.):

City of Fresno  
Office of the Mayor and City Manager  
**Office of Cannabis Oversight**  
2600 Fresno Street  
Fresno, California 93721

Payment must be received by the application due date. If mailing your payment, please ensure that your business name, location address, and application number (assigned when you begin your application in the Portal) is included with your payment. **The full deposit amount is required to be paid by the application due date.** However, any remaining balance that is not used as a result of the Applicant not participating in any phase of the application process will be returned to the Applicant.

In addition to the application fee, FMC 9-2217 (h) states that each person granted a CCB permit shall be required to pay a permit fee established by resolution of the City Council to cover costs administering the CCB permit program. This fee has not yet been established, however, once it is it will be posted on the Office of Cannabis Oversight website.

## OUTREACH AND ORIENTATION MEETINGS

The City will hold a "kick off" virtual orientation meeting on the following date:

- The application process orientation meeting is scheduled for October 20, 2020 from 1pm-3pm.

Pre-registration for the orientation meeting is required. The registration link is available at: <https://www.fresno.gov/citymanager/office-of-cannabis-oversight>

## APPLICATION REVIEW, SCORING AND SELECTION CRITERIA

### PHASE I: DETERMINATION OF ELIGIBILITY

Applications must be submitted in their entirety, no later than December 4, 2020 at 4:00 p.m. Upon receiving a completed application, the City Manager's Office will conduct an initial review



of the application for completeness. Applications that meet the minimum eligibility requirements will advance to Phase II (Criteria Evaluation and Initial Ranking).

## **PHASE II: CRITERIA EVALUATION AND INITIAL RANKING (1,600 points)**

Applications will be evaluated, scored and ranked based on the criteria below. These items should be saved in PDF format as instructed above. Responses to evaluation criteria shall not exceed 200 pages. See APPENDIX A for a description of the evaluation criteria:

- Section 1. Business Plan (300 points)
- Section 2. Social Policy and Local Enterprise Plan (400 points)
- Section 3. Neighborhood Compatibility Plan (300 points)
- Section 4. Safety Plan (300 points)
- Section 5. Security Plan (300 points)

The top applicants, as determined by the City, ~~which score a minimum of 80% (1,280 points) in Phase II~~ will move on to Phase III of the application process.

## **PHASE III: INTERVIEWS AND SECOND RANKING (2,400 points)**

Applicants will be interviewed and evaluated based upon the criteria below. See APPENDIX A for a description of the evaluation criteria:

- Section 1. Business Plan (300 points)
- Section 2. Social Policy & Local Enterprise Plan (500 points)
- Section 3. Neighborhood Compatibility Plan (300 points)
- Section 4. Safety Plan (300 points)
- Section 5. Security Plan (300 points)
- Section 6. Location (200 points)
- Section 7. Community Benefits and Investments Plan (500 points)

Phase III scores will be tabulated and combined with Phase II scores to establish an overall ranking of the applications. The top applicants, as determined by the City, ~~which maintain an aggregate score of at least 80% (3,200 points) or greater~~ will advance to Phase IV of the selection process.

## **PHASE IV: CITY MANAGER'S FINAL DETERMINATION AND ISSUANCE OF CCB PERMIT**

The City Manager will make a final determination regarding the Applicants to be awarded a permit. If requested by the City Manager, the top Applicants may be requested to provide additional information or respond to further questions before the City Manager makes the final decision on the awarding of a permit(s). Permit awardees will be required to submit to a background check prior to advancing to the land use permitting process. Once the background check is successfully completed, permit awardees will then apply for the necessary land use permits, including a Cannabis Conditional Use Permit (CUP) as required by FMC Sections 9-3305 and 15-2739. In addition, as part of the land use permitting approval process, those applicants awarded a permit will be required to produce Proof of Insurance.

As a condition of approval of any commercial cannabis business permit, applicants shall be required to meet all of the following conditions before they may be issued a permit:

1. Applicants must execute an agreement, in a form approved by the City Attorney, which indemnifies the City, its employees and agents from any and all claims, losses and liabilities arising out of the city's issuance of a commercial cannabis business permit (See FMC 9-3333(a) for the full extent of the indemnification).

2. Maintain insurance at coverage limits and with conditions thereon determined necessary and appropriate by the City Manager (FMC 9-3333(b)).
3. Reimburse the City for all costs and expenses, including but not limited to legal fees, costs, and court costs which the City may be required to pay as a result of any legal challenge related to the City's approval of a commercial cannabis business permit.

Any decision of the City Manager regarding **approval** of a CCB permit may be appealed to the City Council by: the applicant, the Mayor or the Councilmember whose district the business would be located in. Appeals must be initiated by filing a letter with the City Manager. Such action shall require a statement of reasons for the appeal. All appeals shall be filed with the City Manager in writing within 15 days of the date of the decision to issue a commercial cannabis business permit. A City Council hearing shall be set within twenty (20) days of the City Manager receiving an appeal. Ten (10) days prior to the scheduled City Council hearing, a notice of the hearing shall be sent to the applicant, to all properties and property owners of record within a minimum 1,000-foot radius of the proposed business location, and to the Councilmember in whose district the proposed location resides.

#### **ESTABLISHMENT OF THE FRESNO COMMUNITY REINVESTMENT FUND**

In order to support equity in the local cannabis industry, The City of Fresno will establish the Fresno Community Reinvestment Fund ("the Fund") to support local equity businesses operating in the City of Fresno under Article 33 Section 9-3315(b)(6). The fund will support local equity businesses in the area of workforce development, access to affordable commercial real estate, access to investment financing, and access to legal services and business administration technical assistance. Businesses are encouraged to consider this in the development of their community benefits and investment plan.

#### **CONTACT**

If you have any questions or would like an update on the status of your application, please contact the City of Fresno (559) 621-5555 or by email at [Cannabis.regs@fresno.gov](mailto:Cannabis.regs@fresno.gov).



## APPENDIX A: EVALUATION CRITERIA

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### CRITERIA

#### 1. BUSINESS PLAN *Criteria required in Phases II and III*

- 1.1. Owner qualifications. Resumes are not to exceed two (2) pages per owner.
- 1.2. A budget for construction, operation, and maintenance, compensation of employees, equipment costs, utility cost, and other operation costs.
- 1.3. Proof of capitalization in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets which can be verified by the City.\*
- 1.4. Pro forma for at least three years of operation.
- 1.5. Fully describe hours of operation and opening and closing procedures.
- 1.6. Daily operations. With as much detail as possible, the Business Plan should describe the day-to-day operations which meet industry best practices. This should include at a minimum the following criteria for each permit type in which you are applying for a permit.
  - 1.6.1. Fully describe the day-to-day operations if your applying for a **RETAIL** permit :
    - i. Describe customer check-in procedures.
    - ii. Identify location and procedures for receiving deliveries during business hours.
    - iii. Identify the name of the Point-of-sale system to be used and the number of Point-of-Sale locations.
    - iv. The estimated number of customers to be served per hour/day.
    - v. Describe the proposed product line to be sold and estimate the percentage of sales of flower and manufactured products.
    - vi. If proposed, describe delivery service procedures, number of vehicles and product security during transportation.
  - 1.7. Fully describe the day-to-day operations if you are applying for a **DISTRIBUTION** permit:
    - 1.7.1. Criteria for distribution operations:
      - i. Identify the number of deliver drivers, hours of deliver and vehicles to be used.
      - ii. Describe the transportation security procedures.
      - iii. Describe the how inventory will be received, processed, stored, and secured in the permitted premises.
      - iv. Describe the quality control procedures designed to ensure all cannabis is proper packaged, labeled and tested.
  - 1.8. Fully describe the day-to-day operations if you are applying for a **MANUFACTURING** permit:
    - 1.8.1. Criteria for manufacturing operations:
      - i. Identify all cannabis products manufactured within the permitted premises.
      - ii. Describe quality control procedures.
      - iii. Describe inventory control procedures.
      - iv. Describe the extraction process, equipment and room in which extractions will be conducted.
      - v. Provide detail as to whether the extraction equipment has been reviewed and certified by a Professional Engineer or Certified Industrial Hygienist.
      - vi. Describe the sanitation procedures.
  - 1.9. Fully describe the day-to-day operations if you are applying for a **CULTIVATION** permit:
    - 1.9.1. Criteria for all cultivation operations:

- i. Identify location and procedures for receiving deliveries of seedlings and immature plants.
  - ii. Describe the planned square footage/acreage of the cultivation.
  - iii. The estimated number of pounds produced per harvest, and number of anticipated harvests per year.
  - iv. Describe whether the cultivation operation will use natural light, artificial light, or mixed light.
  - v. Identify how cultivation waste will be rendered unusable and unrecognizable, and how it will be stored and disposed of.
  - vi. Describe the use of any gases used in the cultivation operation, such as CO<sub>2</sub>, including storage, location, and monitoring systems for employee safety.
- 1.10. Fully describe the day-to-day operations if you are applying for a **TESTING** permit:
- 1.10.1 Criteria for all testing operations:
- i. Describe the sampling standard operating procedures
  - ii. Describe procedures for transporting cannabis field samples
  - iii. Describe the chain of custody for field samples
  - iv. Describe the quality control procedures
  - v. Describe the Laboratory Supervisor/Manager responsibilities and qualifications
  - vi. Identify location and procedures for storing cannabis products

**2. SOCIAL POLICY AND LOCAL ENTERPRISE PLAN** *Criteria required in Phases II and III*

- 2.1. Describe whether the Commercial Cannabis Business is committed to offering employees a Living Wage.
- 2.2. Briefly describe benefits provided to employees such as health care, vacation, and medical leave, to the degree they are offered as part of employment.
- 2.3. Describe compensation to and opportunities for continuing education and employee training.
- 2.4. Describe the Commercial Cannabis Business plan to recruit individuals who meet the criteria listed in the Social Policy Section 9-3316 (b) (1) of the Fresno Municipal Code (FMC) and the percentage of local employees it hires.
- 2.5. Describe the extent to which the Commercial Cannabis Business will be a locally managed enterprise whose owners and /or managers reside within or own a commercial business within the City of Fresno, for at least one year prior to March 2, 2020.
- 2.6. Describe the number of employees, title/position and their respected responsibilities.
- 2.7. Describe whether the CCB has five (5) or more employees and whether it has signed a labor peace agreement allowing employees to unionize without interference.
- 2.8. Provide a workforce plan that includes at a minimum the following provisions:
  - 2.8.1. Commitment for 30% of employees to be local hires; the business must show that it has either hired or made a good faith effort to hire bona fide residents of Fresno who have not established residency after the submission of an application for employment with the applicant/permittee.
  - 2.8.2. Commitment to offer apprenticeships and/or compensation for continuing education in the field; and
  - 2.8.3. Commitment to pay a living wage to its employees.
- 2.9. Describe whether the business is willing to serve as a Social Equity Business Incubator by offering support to local cannabis social equity businesses in the form of mentorship, training, equipment donation, a percentage of shelf space dedicated to Fresno equity business products, legal assistance, financial services assistance, or other technical assistance support.



3. **NEIGHBORHOOD COMPATIBILITY PLAN** *Criteria required in Phases II and III*
  - 3.1. Describe how the CCB will proactively address and respond to complaints related to noise, light, odor, litter, vehicles, and pedestrian traffic.
  - 3.2. Describe how the CCB will be managed to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community.
  - 3.3. Describe odor mitigation practices.
  - 3.4. Identify potential sources of odor.
  - 3.5. Describe odor control devices and techniques employed to ensure that odors from cannabis are not detectable beyond the permitted premises.
  - 3.6. Describe all proposed staff odor training and system maintenance.
  - 3.7. Describe the waste management plan.
  
4. **SAFETY PLAN** *Criteria required in Phases II and III*

The Safety Plan should consider all possible fire, medical and hazardous situations. **Complete policy/procedures manuals are not required at this point in the application process.** Please only provide a description for each criterion which incorporates the following provisions:

  - 4.1. The Safety Plan shall be prepared and/or assessed by a professional fire prevention and suppression consultant.
  - 4.2. Describe accident and incident reporting procedures.
  - 4.3. Describe evacuation routes.
  - 4.4. Location of fire extinguishers and other fire suppression equipment.
  - 4.5. Describe procedures and training for all fire and medical emergencies.
  
5. **SECURITY PLAN\*\*** *Criteria required in Phases II and III*

The Security Plan should consider all access control, inventory control, cash handling procedures. **Complete policy/procedures manuals are not required at this point in the application process.** Please only provide a description for each criteria which incorporates the following provisions:

  - 5.1 The Security Plan shall be prepared and/or assessed by a professional security consultant.
  - 5.2 Premises (Security) Diagram. In addition to diagrams submitted for other sections of the application, applicants are expected to submit a premises diagram (or site plan) which, focuses on the proposed security measures and how they relate to the overall business. (Pursuant to CCR Title 16, Division 42, §5006. Premises Diagram).
    - 5.2.1 The diagram shall be accurate, dimensioned and to scale (minimum scale ¼"). The scale may be smaller if the proposed location exceeds more than a 1/2-acre parcel but must not be printed on larger than an 11" x 17" sheet of paper. **(Blueprints and engineering site plans are not required at this point of the application process)**
    - 5.2.2 The diagram must be drawn to scale and clearly identify property boundaries, entrances, exits, interior partitions, walls, rooms, windows, and doorways. The activity in each room and the location of all cameras must be identified in the diagram.
    - 5.2.3 Description of cannabis activity that will be conducted in each area of the premise. Commercial cannabis activities that must be identified on the diagram/site plan may include but are not limited to the following if applicable to the business operations; storage areas, batch sampling areas, loading/unloading of shipment areas, packaging and labeling, customer sales areas, training areas, employee break room areas, extractions, infusions, processing, and testing areas.
    - 5.2.4 Limited-access areas, defined as areas in which cannabis goods are stored or held and only accessible to permittees, or its employees or contractors and areas



used for video surveillance monitoring and storage devices (Pursuant to CCR Title 16, Division 42, §5000 (m) Limited-Access Area and §5042 Limited-Access Area.

5.2.5 Number and location of all video surveillance cameras.

5.3 Identify intrusion alarm and monitoring system including the name and contact information for the monitoring company (if the company has been selected).

5.4 Briefly describe cash handling procedures which covers day to day transactions with customers, vendors armor carrier vehicles and transporting it to the bank.

5.5 Discuss whether the CCB will utilize the services of on-site security guards. Include in the discussion:

5.5.1 Number of guards.

5.5.2 Hours guards will be on-site.

5.5.3 Locations at which they will be positioned.

5.5.4 Guards' roles and responsibilities.

## 6. **LOCATION** *Criteria required in Phase III*

6.1. In addition to the location-related details provided in the Commercial Cannabis Business (CCB) Application (pages 1-7), the application shall include a thorough description of the proposed location, including but not limited to the overall property, building, and floor plan.

6.2. The application shall include at least one (1) photograph of the front (street side) of the building or street view of the vacant parcel.

6.3. Premises (Site) Diagram for each proposed location. In addition to diagrams submitted for other sections of the CCB Application, applicants are expected to submit a premise/site diagram that focuses on the overall property, building. This diagram should show the overall parcel and adjoining or neighboring buildings that may be affected by the commercial cannabis business.

6.3.1. A Premise (Site) Diagram must be accurate, dimensioned and to-scale (minimum scale of ¼"). The diagram shall provide a detailed description of all available/shared parking spaces, driveway locations, and auxiliary buildings on the parcel. **(Blueprints and engineering site plans are not required at this point of the application process. Security features are not required for this section.)**

## 7. **COMMUNITY BENEFITS AND INVESTMENTS PLAN** *Criteria required in Phase III*

7.1. The CCB Application should describe the social responsibility plan. This should include all benefits the CCB has provided or plans to provide to the local community, for example by directly aiding, participating in, or funding the work of local non-profits, community-based organizations, civic organizations, or social services organizations. Benefits may be in the form of volunteer services, monetary donations, financial support of City-sponsored activities or organizations, in-kind donations to the City or other charitable organizations and/or any other economic incentives to the City. It may also include, but is not limited to:

7.1.1 Providing funding for or hosting expungement clinics or outreach services.

7.1.2 Incorporating an environmentally sustainable business model including energy efficient buildings and vehicles.

7.1.3 Utilizing vacant buildings, brownfields land, or blighted areas of the city for the business.

7.2. Describe the Commercial Cannabis Business plan to develop a public health outreach and educational program that outlines the risks of youth use of cannabis and that identifies resources available to youth related to drugs and drug addiction.

7.3. Describe whether the Business plans to contribute to the Fresno Community Reinvestment Fund, established to support local cannabis equity businesses.

\* Should an applicant wish the financial information to be treated as confidential, they should clearly identify it on each page as such. However, applicants should be aware that the information may be subject to disclosure under Government Code Section 6254. All applications submitted are considered public documents for Public Records Act request purposes.

\*\* Security Plans will not be made public pursuant to Government Code Section 6254(f).





EXHIBIT C



**OFFICE OF THE CITY MANAGER**

September 8, 2021  
**(Date Revised)**

Elliot Lewis  
Catalyst Fresno LLC  
6700 Pacific Coast Hwy. Ste. 201  
Long Beach, CA 90803  
[elliott.lewis.ceo@southcordholdings.com](mailto:elliott.lewis.ceo@southcordholdings.com)

Application #C-20-87  
Proposed location: 2250 N. Weber Avenue

Dear Applicant,

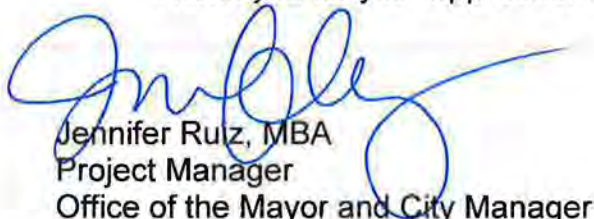
On September 8, 2021, the City Manager's Office completed its review of Cannabis Business Permit applications and made a determination on Applicants receiving a preliminary award of a Commercial Cannabis Business Permit (CCB Permit).

Your application was not selected for a preliminary award. Your application will remain open and you may be contacted in the event a permit awardee fails to meet the conditions that must be satisfied in order to obtain official issuance of a CCB Permit.

Now that the interview process is complete, Applicants may request their own application scoring details by submitting a Public Records Act (PRA) request. For PRA requests, please visit <https://www.fresno.gov/pr>

A notice regarding a final decision on your application will be provided when the City Manager officially issues the CCB Permits pursuant to FMC Section 9-3317 (d), for this application process.

Thank you for your application.



Jennifer Ruiz, MBA  
Project Manager  
Office of the Mayor and City Manager  
Office of Cannabis Oversight  
E-Mail: [Jennifer.Ruiz@fresno.gov](mailto:Jennifer.Ruiz@fresno.gov)

cc: Thomas Esqueda, City Manager  
City Attorney's Office

# EXHIBIT D























# CITY OF FRESNO-CANNABIS BUSINESS PERMITS 2020-2021

|               |                                |
|---------------|--------------------------------|
| PROJECT/EVENT | CANNABIS PERMIT REVIEW PROCESS |
| ORGANIZER     | JENNIFER RUIZ, PROJECT MANAGER |

This timeframe is based on a number of assumptions and variables and therefore is only an estimate.

| PROJECT PHASE                                  | STARTING   | ENDING     | KEY DATES                                   | DATE       |
|--|------------|------------|---|------------|
| Applicants Prepare & Submit Apps               | 10/19/2020 | 12/04/2020 | Applications Available / No Council Contact | 10/19/2020 |
| Review of Written Application Materials        | 12/07/2020 | 2/26/2021  | Standard Application Process Orientation    | 10/20/2020 |
|  |            |            | Social Equity Process Orientation           | 10/21/2020 |
| Tabulate Total Scores/Schedule Interviews      | 03/01/2021 | 3/05/2021  | Standard Applications Due                   | 12/04/2020 |
| Conduct Interviews                             | 3/08/2021  | 4/16/2021  | SE Applicants Eligibility Docs Due          | 11/13/2020 |
| Tabulate Total Score/City Manager Final Review | 4/19/2021  | 4/30/2021  | SE Application Sec. 1, 2, 3, 7 Due          | 1/08/2021  |
|  |            |            | SE Applications Location/Capitalization Due | 1/29/2021  |
| CUP/Final Requirements/Appeals                 | 5/3/2021   | 8/13/2021  | Earliest Projected Grand Opening Date       | 8/16/2021  |

| OCTOBER |    |    |    |    |    |    | NOVEMBER |    |    |    |    |    |    | DECEMBER |    |    |    |    |    |    | JANUARY |    |    |    |    |    |    | FEBRUARY |    |    |    |    |    |    | MARCH |    |    |    |    |    |    |
|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|-------|----|----|----|----|----|----|
| M       | T  | W  | T  | F  | S  | S  | M        | T  | W  | T  | F  | S  | S  | M        | T  | W  | T  | F  | S  | S  | M       | T  | W  | T  | F  | S  | S  | M        | T  | W  | T  | F  | S  | S  | M     | T  | W  | T  | F  | S  | S  |
|         |    |    | 1  | 2  | 3  | 4  |          |    |    |    |    |    | 1  |          | 1  | 2  | 3  | 4  | 5  | 6  |         |    |    |    | 1  | 2  | 3  | 1        | 2  | 3  | 4  | 5  | 6  | 7  | 1     | 2  | 3  | 4  | 5  | 6  | 7  |
| 5       | 6  | 7  | 8  | 9  | 10 | 11 | 2        | 3  | 4  | 5  | 6  | 7  | 8  | 7        | 8  | 9  | 10 | 11 | 12 | 13 | 4       | 5  | 6  | 7  | 8  | 9  | 10 | 8        | 9  | 10 | 11 | 12 | 13 | 14 | 8     | 9  | 10 | 11 | 12 | 13 | 14 |
| 12      | 13 | 14 | 15 | 16 | 17 | 18 | 9        | 10 | 11 | 12 | 13 | 14 | 15 | 14       | 15 | 16 | 17 | 18 | 19 | 20 | 11      | 12 | 13 | 14 | 15 | 16 | 17 | 15       | 16 | 17 | 18 | 19 | 20 | 21 | 15    | 16 | 17 | 18 | 19 | 20 | 21 |
| 19      | 20 | 21 | 22 | 23 | 24 | 25 | 16       | 17 | 18 | 19 | 20 | 21 | 22 | 21       | 22 | 23 | 24 | 25 | 26 | 27 | 18      | 19 | 20 | 21 | 22 | 23 | 24 | 22       | 23 | 24 | 25 | 26 | 27 | 28 | 22    | 23 | 24 | 25 | 26 | 27 | 28 |
| 26      | 27 | 28 | 29 | 30 | 31 | 23 | 24       | 25 | 26 | 27 | 28 | 29 | 28 | 29       | 30 | 31 |    |    |    |    |         |    |    | 25 | 26 | 27 | 28 | 29       | 30 | 31 |    |    |    |    |       |    |    | 29 | 30 | 31 |    |
|         |    |    |    |    |    |    | 30       |    |    |    |    |    |    |          |    |    |    |    |    |    |         |    |    |    |    |    |    |          |    |    |    |    |    |    |       |    |    |    |    |    |    |

| APRIL |    |    |    |    |    |    | MAY |    |    |    |    |    |    | JUNE |    |    |    |    |    |    | JULY |    |    |    |    |    |    | AUGUST |    |    |    |    |    |    | SEPTEMBER |    |    |    |    |    |    |  |  |   |   |   |   |   |   |   |
|-------|----|----|----|----|----|----|-----|----|----|----|----|----|----|------|----|----|----|----|----|----|------|----|----|----|----|----|----|--------|----|----|----|----|----|----|-----------|----|----|----|----|----|----|--|--|---|---|---|---|---|---|---|
| M     | T  | W  | T  | F  | S  | S  | M   | T  | W  | T  | F  | S  | S  | M    | T  | W  | T  | F  | S  | S  | M    | T  | W  | T  | F  | S  | S  | M      | T  | W  | T  | F  | S  | S  | M         | T  | W  | T  | F  | S  | S  |  |  |   |   |   |   |   |   |   |
|       |    |    | 1  | 2  | 3  | 4  |     |    |    |    |    |    | 1  | 2    |    | 1  | 2  | 3  | 4  | 5  | 6    |    |    |    |    | 1  | 2  | 3      | 4  |    |    |    |    |    |           | 1  |    |    |    |    |    |  |  | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 5     | 6  | 7  | 8  | 9  | 10 | 11 | 3   | 4  | 5  | 6  | 7  | 8  | 9  | 7    | 8  | 9  | 10 | 11 | 12 | 13 | 5    | 6  | 7  | 8  | 9  | 10 | 11 | 2      | 3  | 4  | 5  | 6  | 7  | 8  | 6         | 7  | 8  | 9  | 10 | 11 | 12 |  |  |   |   |   |   |   |   |   |
| 12    | 13 | 14 | 15 | 16 | 17 | 18 | 10  | 11 | 12 | 13 | 14 | 15 | 16 | 14   | 15 | 16 | 17 | 18 | 19 | 20 | 12   | 13 | 14 | 15 | 16 | 17 | 18 | 9      | 10 | 11 | 12 | 13 | 14 | 15 | 13        | 14 | 15 | 16 | 17 | 18 | 19 |  |  |   |   |   |   |   |   |   |
| 19    | 20 | 21 | 22 | 23 | 24 | 25 | 17  | 18 | 19 | 20 | 21 | 22 | 23 | 21   | 22 | 23 | 24 | 25 | 26 | 27 | 19   | 20 | 21 | 22 | 23 | 24 | 25 | 16     | 17 | 18 | 19 | 20 | 21 | 22 | 20        | 21 | 22 | 23 | 24 | 25 | 26 |  |  |   |   |   |   |   |   |   |
| 26    | 27 | 28 | 29 | 30 | 24 | 25 | 26  | 27 | 28 | 29 | 30 | 28 | 29 | 30   | 26 | 27 | 28 | 29 | 30 | 31 | 23   | 24 | 25 | 26 | 27 | 28 | 29 | 27     | 28 | 29 | 30 |    |    |    |           |    |    |    |    |    |    |  |  |   |   |   |   |   |   |   |
|       |    |    |    |    |    |    | 31  |    |    |    |    |    |    |      |    |    |    |    |    |    |      |    |    |    |    |    | 30 | 31     |    |    |    |    |    |    |           |    |    |    |    |    |    |  |  |   |   |   |   |   |   |   |





















# EXHIBIT E





# EXHIBIT F





# EXHIBIT G

















EXHIBIT H























# EXHIBIT I





# EXHIBIT J



EXHIBIT K











EXHIBIT L























# EXHIBIT M



EXHIBIT N



**Attachment to  
Statement of Information  
LPL DEOL ASDQ**

**LLC-12A  
Attachment**

A. Limited Liability Company Name

**KSDFY IILFQ\**

B. 12-Digit Secretary of State File Number

C. State or Place of Organization **QLIIEBOLIBD**

D. List of Additional Manager(s) or Member(s) - **J W DQBFELVQGYBO WQVBOYDPHDSJ W  
PDQBFELVQGYBO WQVBOYDPHDSJ W**

|          |        |       |        |
|----------|--------|-------|--------|
| )LWDPH   | DGHDPH | DWDPH | KL[    |
| )LWDPH   |        |       |        |
| §        | RBDWR  | BMW   | LSB    |
| )LWDPH   | DGHDPH | DWDPH | KL[    |
| )LWDPH   |        |       |        |
| §        | RBDWR  | BMW   | LSB    |
| )LWDPH   | DGHDPH | DWDPH | KL[    |
| )LWDPH   |        |       |        |
| §        | RBDWR  | BMW   | LSB    |
| )LW 1DPH | DGHDPH | DWDPH | KL[    |
| )LWDPH   |        |       |        |
| §        | RBDWR  | BMW   | LSB    |
| )LW 1DPH | DGHDPH | DWDPH | KL[    |
| )LWDPH   |        |       |        |
| §        | RBDWR  | BMW   | LSB    |
| )LW 1DPH | DGHDPH | DWDPH | KL[    |
| )LWDPH   |        |       |        |
| §        | RBDWR  | BMW   | LSB    |
| )LWDPH   | DGHDPH | DWDPH | K IIL[ |
| )LWDPH   |        |       |        |
| §        | RBDWR  | BMW   | LSB    |



EXHIBIT 0









EXHIBIT P



# EXHIBIT Q





EXHIBIT R





# EXHIBIT S

EXHIBIT T























# EXHIBIT U







