



February 1, 2019

G1 Perez, LLC  
dba Harvest of Vista  
1155 W. Rio Salado Parkway, Suite 201  
Tempe Arizona, 85281

**Via Regular Mail and Email**  
amcbride@harvestinc.com  
msummers@harvestinc.com

Re: Duplicative Submissions — Disqualification

Dear Mr. McBride and Ms. Summers:

The City has determined to disqualify all of the applications submitted by G1 Perez, LLC based on Section 5.940.060.D of the Vista Municipal Code and the other authorities listed below. Chapter 5.94 of the Vista Municipal Code governs the process by which a particular legal entity proposing to operate as a medical cannabis business in Vista (the "Applicant") may submit one application. If multiple applications are submitted for a single Applicant, all applications for that Applicant are disqualified.

This disqualification rule has been repeatedly and clearly announced. Section 5.94.060.D of the Vista Municipal Code provides:

"An applicant may only be assigned one place on the priority list, and **multiple submissions will result in immediate disqualification** from the registration process." (emphasis added)

To avoid any possibility for confusion, the City Manager, as authorized by Section 5.94.170.B, issued a Regulation entitled, "Submitting Applications for Medical Cannabis Businesses, Date Stamping of Applications, and Creating a Priority List," which included the following warning (emphasis in original) and is attached hereto as Exhibit A:

"To assure that the Unbiased Process does not favor one Applicant over another, an Applicant may be represented by only one Waiting Representative. **If two or more Waiting Representatives are present on behalf of the same proposed medical cannabis business, the proposed medical cannabis business will have pursued "multiple submissions" for purposes of Section 5.94.060.D, which "will result in immediate disqualification from the registration process."** To implement this rule, each person participating as a Waiting Representative must provide his or her name to the City and the exact name of the proposed medical cannabis business identified in the application."

This regulation was posted to the City's Measure Z Implementation Website on January 14, 2019.

The City further addressed the topic in the "Questions and Answers" it issued on January 16, 2019 regarding the rules for submitting a successful application, which included the following warning:

“No one Applicant may be represented by more than one Waiting Representative. If two or more Waiting Representatives represent a single Applicant, that Applicant will be disqualified. (See, VMC § 5.94.060.D and Regulation, Rule 4.)”

This was also posted to the City's Measure Z Implementation Website.

On January 22, 2019 the City initiated the submission process for applications to operate medical cannabis businesses. Persons who were waiting to submit applications on behalf of an Applicant (termed “Waiting Applicants”) were directed to enter the Morris. B. Vance Community Room and to submit their applications. Based on the submissions received, seven of the Waiting Applicants submitted applications on behalf of a single Applicant, G1 Perez, LLC, in violation of the VMC § 5.94.060.D, and the other authorities cited in this letter.

Evidence of the seven improper applications is attached hereto as Exhibit B (Evidence of Multiple Submissions for G1 Perez, LLC), and is summarized in the following table.

<b>Name of Applicant</b>	<b>DBA of Applicant</b>	<b>Address of Applicant</b>	<b>Waiting Reps. For Applicant</b>
G1 Perez, LLC	Harvest of Vista	1155 W. Rio Salado Tempe AZ	Cameron Barker
G1 Perez LLC	Harvest of Vista	1155 W. Rio Salado Tempe AZ	Markos Fimbres
G1 Perez LLC	Harvest of Vista	1155 W. Rio Salado Tempe AZ	Megan Summers
G1 Perez LLC	Harvest of Vista	1155 W. Rio Salado Tempe AZ	Kaleb Scott
G1 Perez LLC	Harvest of Vista	1155 W. Rio Salado Tempe AZ	Faith Pickering
G1 Perez LLC	Harvest of Vista	1155 W. Rio Salado Tempe AZ	Adrian Kwiatkowski
G1 Perez LLC	Harvest of Vista	1155 W. Rio Salado Tempe AZ	Ray Thomas

Very truly yours,

  
Patrick Johnson  
City Manager

G1 Perez, LLC  
February 1, 2019  
Page 3

Exhibits:

Exhibit A: Regulation, "Submitting Applications for Medical Cannabis Businesses,  
Date Stamping of Applications, and Creating a Priority List,"

Exhibit B: Evidence of Multiple Submissions for G1 Perez, LLC

cc: Darold Pieper, City Attorney

## EXHIBIT A

## SUBMITTING APPLICATIONS FOR MEDICAL CANNABIS BUSINESSES, DATE STAMPING OF APPLICATIONS, AND CREATING A PRIORITY LIST

Measure Z enacted Vista Municipal Code ("VMC") Chapter 5.94 in its entirety, and further references to Measure Z will be to the provisions of that Chapter.

### Authority

VMC §5.94.060.B authorizes the City to publish rules establishing "the date, time, and manner on and in which...medical cannabis businesses must submit registration application forms and the required fee...."

VMC §5.94.060.D provides that as "each applicant submits its registration application and fee pursuant to this Article, the City shall time-stamp the application with the date and time received. Seven calendar days after the date the City begins accepting applications, the City shall stop accepting applications and shall...establish a priority list that identifies by name, address, date and time the order in which the applications were received."

### Purpose

This Regulation describes the manner in which applicants may submit applications to the City for medical cannabis businesses, the practice for time-stamping applications, and the rules for creating a priority list for applicants.

### Rules

1. Initially, applications will be submitted at the Morris B. Vance Community Room (200 Civic Room Drive) beginning at 10 a.m. on January 22, 2019. (See Exhibit B for a Map.)
2. The lobby to enter the Community Room will open at 9:30 a.m., at which time representatives submitting applications ("Applicant Representatives") on behalf of a proposed medical cannabis business ("Applicant") shall enter the lobby. At 10 a.m., the doors to the lobby will be closed, and all Applicant Representatives in the lobby at that time ("Waiting Representatives") will be escorted into the Community Room.
3. The order in which Waiting Representatives submit applications for an Applicant will be set using an unbiased process assuring that no individual Applicant with a Waiting Representative is favored over another ("Unbiased Process"). (Exhibit A presents an example of an Unbiased Process that may be used for ordering the submission of applications by Waiting Applicants. The Exhibit will be updated in the event that a different Unbiased Process is selected.)
4. To assure that the Unbiased Process does not favor one Applicant over another, an Applicant may be represented by only one Waiting Representative. **If two or more Waiting Representatives are present on behalf of the same proposed medical cannabis business, the proposed medical cannabis business will have pursued "multiple submissions" for purposes of Section 5.94.060.D, which "will result in immediate disqualification from the registration process."** To implement this rule, each person participating as a Waiting Representative must provide his or her name to the City and the exact name of the proposed medical cannabis business identified in the application.
5. Applicant Representatives arriving at the Community Room after 10:00 a.m. will be directed to a separate line that forms outside the Community Room and will queue (and submit applications) based on their order of arrival ("Application Line"), but only after all applications submitted by Waiting Representatives are first processed.

6. Once the City has processed the applications submitted by Waiting Representatives and those in the Application Line, the submission of applications will cease at the Community Room at noon on January 22, 2019 and will thereafter occur at the Office of the City Clerk for Vista (200 Civic Center Drive) until the seven-day period for submitting applications pursuant to VMC § 5.94.060.D has expired on January 29, 2019 at 5:00 p.m.
7. When an application is submitted with the fees required by this paragraph and Chapter 5.94, the City shall: (1) time-stamp the application in a manner to display the date and time of submission; and (2) concurrently accept delivery from the Applicant of *separate* cashier's checks payable to the City. One cashier's check will be for the required deposit and shall be in the amount of \$100,000, and the second will be for the application and filing fee, and shall be in the amount of \$9,368. ***If an application is presented to the City without the required cashier's checks, or the amounts are deficient, the City will return the application to the Applicant Representative as required by VMC § 5.94.060.D without having time-stamped it, and the application shall not be eligible for inclusion in the priority list described in paragraph 8.***
8. After the seven-day period for submitting applications is closed at 5:00 p.m. on January 29, 2019, the City shall establish the priority list that identifies by name, address, date and time the order in which the applications were received based on the time-stamp applied to each application. Following the completion of the list, the City shall publish the list in a newspaper of general circulation and post the list to its website as required by VMC § 5.94.060.E.
9. Once an application is submitted to the City and time-stamped, no change, modification, substitution, addition, or supplementation shall be permitted in the application other than the correction of purely typographical errors.

APPROVED PER VMC § 5.94.170.B:



PATRICK JOHNSON, City Manager  
January 14, 2019

## **EXHIBIT A**

### **EXAMPLE OF UNBIASED PROCESS**

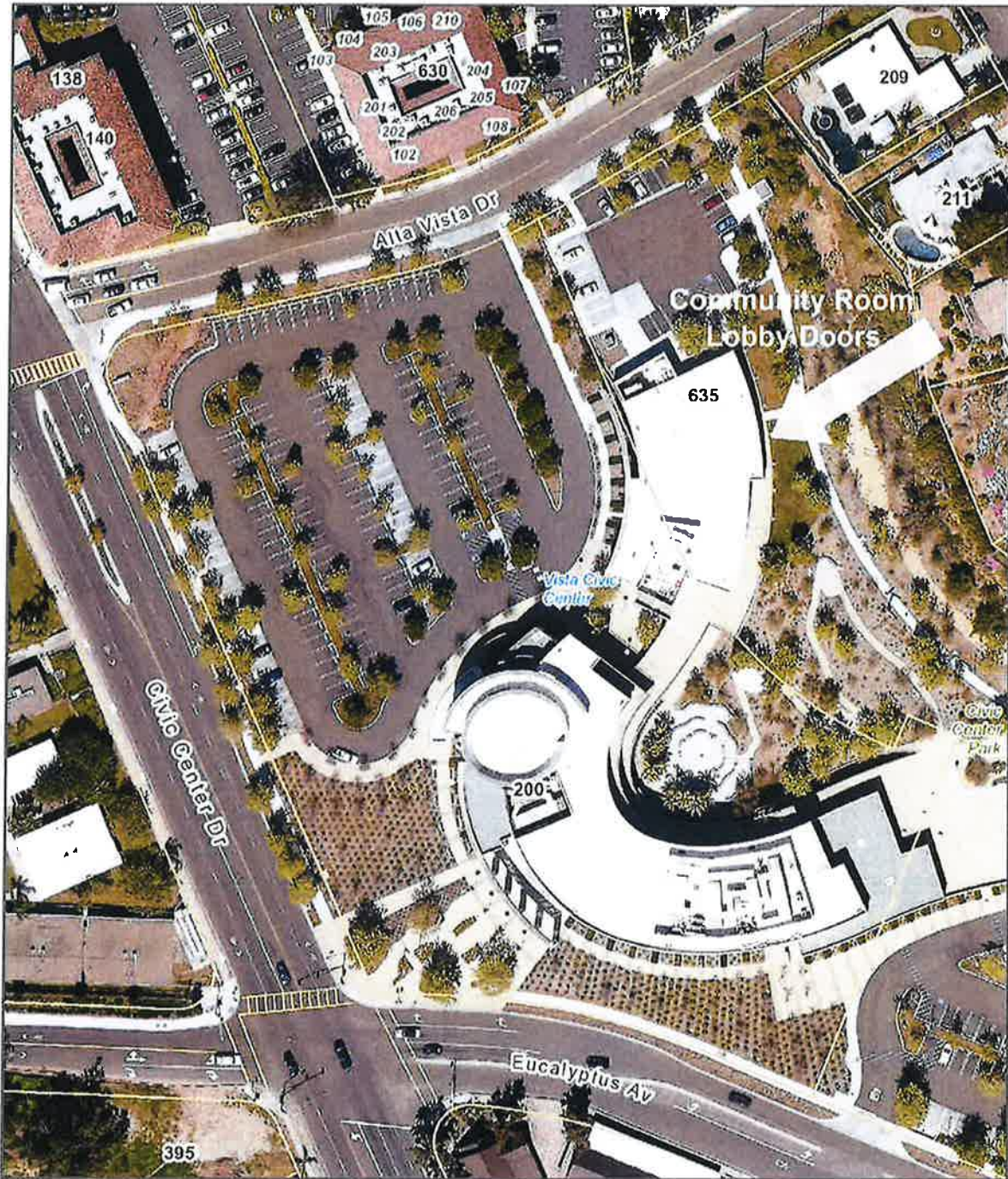
The following process is one method for ordering the submission of applications to be submitted by Waiting Representatives.

Each Waiting Representative will select a numbered token from a bin, and place the numbered token into a rotating canister. Once each Waiting Representative has placed his or her numbered token into the canister, the canister will be rotated and the numbered tokens shall be withdrawn from the canister by a City employee one-at-a-time. On behalf of each Waiting Representative participating in the Unbiased Process, the City will use a whiteboard or other publicly-visible method to record: (1) the name of the proposed medical cannabis business represented by the Waiting Representative; (2) the numbered token assigned to the representative; and (3) the order each numbered token is withdrawn from the canister so that the first token withdrawn is assigned a first position, and so on ("Submission Sequence"). Once the Unbiased Process is completed, each Waiting Representative shall submit his or her application to the City according to the established Submission Sequence, and each application shall be time-stamp as it is received.



EXHIBIT B

MAP SHOWING MORRIS B. VANCE COMMUNITY ROOM





## EXHIBIT B

## MEASURE Z APPLICATION FORM

(See Instructions For Additional Information)

22 JAN 19 AM 10:41  
MEASURE Z APPLICATION REGU

**Full Legal Name of the Medical Cannabis Business that is proposed to operate in Vista:**

G1 Perez, LLC

Entity Number (if applicable): \_\_\_\_\_

DBA (if applicable): Harvest of Vista

Mailing Address: 1155 W. Rio Salado Parkway Suite 201 City/State: Tempe, AZ Zip: 85281

Telephone: 480-417-6781 Email: amcbride@harvestinc.com

**Location of Proposed Medical Cannabis Business:**

Address: 1365 W. Vista Way Suite 100 Vista, CA, 92083

Zone: C-1 Assessor's Parcel No.: 166-130-29

**Operating Name(s) of Proposed Medical Cannabis Business (if different than Legal Name):**

Property Owner Name: Tacha Development, LLC (Randy Pickering)

Mailing Address: 1365 W Vista Way Suite 200 City/State: Vista, CA Zip: 92083

Telephone: 760-758-9800 Email: randy@pickeringinsurance.com

**Designated Primary Contact Person for Proposed Medical Cannabis Business:**

Name: Megan Summers Telephone: 520-780-7021 Email: msummers@harvestinc.com

**Signatures**

I request to be registered and placed on the medical cannabis business registration list (VMC § 5.94.050.B.1). I declare under penalty of perjury that the foregoing is true, correct, accurate and complete, and that all documents supplied in connection with this application are true, correct, accurate and complete. I realize that this application will be evaluated based on the data I am submitting.

Name of Applicant: G1 Perez, LLC

Person Signing for Applicant: \_\_\_\_\_

Date: 1/18/2019

Printed Name of Person Signing: Steve White

Title of Person Signing: CEO

*Must be President, Chief Executive Officer, or Chair of the Board*

**Inside This Form**

1. Measure Z Application Form
2. Measure Z Required Documents
- 3-4. Submittal Application Instructions
- 5-6. Request for Live Scan Form

# CITY OF VISTA



## MEASURE Z APPLICATION FORM

(See Instructions For Additional Information)

F-H

22 JAN 19 AM 10:44  
MEASURE Z APPLICATION RECORD

**Full Legal Name of the Medical Cannabis Business that is proposed to operate in Vista:**

G1 Perez, LLC

Entity Number (if applicable): \_\_\_\_\_

DBA (if applicable): Harvest of Vista

Mailing Address: 1155 W. Rio Salado Parkway Suite 201 City/State: Tempe, AZ Zip: 85281

Telephone: 480-417-6781 Email: amcbride@harvestinc.com

**Location of Proposed Medical Cannabis Business:**

Address: 1010 E. Vista Way Unit F-H Vista, CA 92084

Zone: C-1 Assessor's Parcel No.: 173-260-3000

**Operating Name(s) of Proposed Medical Cannabis Business (if different than Legal Name):**

Property Owner Name: Sam Attisha

Mailing Address: 3304 Wentworth Dr City/State: Jamul, CA Zip: 91935

Telephone: 619-916-7148 Email: sam@attishainvestments.com

**Designated Primary Contact Person for Proposed Medical Cannabis Business:**

Name: Megan Summers Telephone: 520-780-7021 Email: msummers@harvestinc.com

### Signatures

I request to be registered and placed on the medical cannabis business registration list (VMC § 5.94.050.B.1). I declare under penalty of perjury that the foregoing is true, correct, accurate and complete, and that all documents supplied in connection with this application are true, correct, accurate and complete. I realize that this application will be evaluated based on the data I am submitting.

Name of Applicant: G1 Perez, LLC

Person Signing for Applicant: \_\_\_\_\_

Date: 1/18/2019

Printed Name of Person Signing: Steve White

Title of Person Signing: CEO

*(Must be President, Chief Executive Officer, or Chair of the Board)*

#### Inside This Form

1. Measure Z Application Form
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## MEASURE Z APPLICATION FORM

(See Instructions For Additional Information)

22 JUN '19 AM 10:56  
MEASURE Z APPLICATION RECEIVED

Full Legal Name of the Medical Cannabis Business that is proposed to operate in Vista:

G1 Perez, LLC

Entity Number (if applicable): \_\_\_\_\_

DBA (if applicable): Harvest of Vista

Mailing Address: 1155 W. Rio Salado Parkway Suite 201 City/State: Tempe, AZ Zip: 85281

Telephone: 480-417-6781 Email: amcbride@harvestinc.com

Location of Proposed Medical Cannabis Business:

Address: 1010 E. Vista Way Unit A-B Vista, CA 92084

Zone: C-1 Assessor's Parcel No.: 173-260-3000

Operating Name(s) of Proposed Medical Cannabis Business (if different than Legal Name):

Property Owner Name: Sam Attisha

Mailing Address: 3304 Wentworth Dr City/State: Jamul, CA Zip: 91935

Telephone: 619-916-7148 Email: sam@attishainvestments.com

Designated Primary Contact Person for Proposed Medical Cannabis Business:

Name: Megan Summers Telephone: 520-780-7021 Email: msummers@harvestinc.com

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Person Signing for Applicant: \_\_\_\_\_

Date: 1/18/2019

Printed Name of Person Signing: Steve White

Title of Person Signing: CEO

Must be President, Chief Executive Officer, or Chair of the Board

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## MEASURE Z APPLICATION FORM

(See Instructions For Additional Information)

22 JUN 19 PM 10:58  
MEASURE Z APPLICATION RECEIVED

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Entity Number (if applicable): \_\_\_\_\_

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Telephone: 760-758-9800 Email: randy@pickeringinsurance.com

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Date: 1/18/2019

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# CITY OF VISTA



## MEASURE Z APPLICATION FORM

(See Instructions For Additional Information)

F-H

22 JAN 19 AM 10:44  
MEASURE Z APPLICATION RECORD

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Mailing Address: 1155 W. Rio Salado Parkway Suite 201 City/State: Tempe, AZ Zip: 85281

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Date:

1/18/2019

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(See Instructions For Additional Information)

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## MEASURE Z APPLICATION FORM

(See Instructions For Additional Information)

22 JAN 19 AM 10:59  
EAS Z APPLICATION REC'D

**Full Legal Name of the Medical Cannabis Business that is proposed to operate in Vista:**

G1 Perez, LLC

Entity Number (if applicable): \_\_\_\_\_

DBA (if applicable): Harvest of Vista

Mailing Address: 1155 W. Rio Salado Parkway Suite 201 City/State: Tempe, AZ Zip: 85281

Telephone: 480-417-6781 Email: amcbride@harvestinc.com

**Location of Proposed Medical Cannabis Business:**

Address: 1010 E. Vista Way Unit D-E Vista, CA 92084

Zone: C-1 Assessor's Parcel No.: 173-260-3000

**Operating Name(s) of Proposed Medical Cannabis Business (if different than Legal Name):**

Property Owner Name: Sam Attisha

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Telephone: 619-916-7148 Email: sam@attishainvestments.com

**Designated Primary Contact Person for Proposed Medical Cannabis Business:**

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