



February 7, 2019

Anthony M. Cioe, President
Survivormedz, a Cooperative Corporation
dba Releaf Meds
1440 Coolidge Avenue
National City, CA 91950

Via Regular Mail and Email
tcioe@yahoo.com

Re: Denial of Application for Registration

Dear Mr. Cioe:

On January 22, 2019, Survivormedz, a Cooperative Corporation ("Applicant") submitted an application to the City of Vista seeking an approval to operate a medical cannabis business in the City of Vista pursuant to VMC Chapter 5.94, to receive a Notice of Completed Registration, and to be placed on a City-maintained Registration List. This letter is issued pursuant to VMC § 5.94.070 and advises you that the application has been **DENIED**. The reasons for the denial are set forth in Exhibit A, Grounds for Denial of Application, which is attached hereto and incorporated herein by this reference.

Very truly yours,

A handwritten signature in blue ink, appearing to read "A. Winney", is written over the typed name of the City Manager.

For Patrick Johnson
City Manager

Attachment: Exhibit A, Grounds for Denial of Application (and Attachment)

EXHIBIT A
GROUND FOR DENIAL OF APPLICATION

February 7, 2019

Survivormedz, a Cooperative Corporation
dba Releaf Meds
1440 Coolidge Avenue
National City, CA 91950

The above Applicant for a medical cannabis business has been denied by the City of Vista for the following *independent* reasons (1) the application is incomplete or inaccurate (VMC § 5.94.070.A.1); and (2) the applicant has failed to provide information reasonably necessary for processing the application or has knowingly answered an application question or request for information falsely (VMC § 5.94.050.A.2).

Applicant Failed to Satisfy the “Six Contiguous Month” Test Imposed by VMC § 5.94.050.16. Pursuant to VMC § 5.94.050.16, an applicant “must have been in existence for a minimum of six (6) contiguous months prior to the issuance of a business license.....” The applicant has not satisfied this test, and its application is therefore incomplete or otherwise deficient, allowing for its denial pursuant to VMC § 5.94.070.A.1.¹

A corporate suspension produces a break in the corporation’s existence for purposes of this test:

“An official suspension of a corporation will be treated as producing a break in its existence. Therefore, measuring `six (6) contiguous months’ of existence will commence from the time the suspension is lifted.”²

On October 1, 2018, Applicant had its corporate status suspended. In separate telephone conversations with two separate persons at the Franchise Tax Board, a City employee confirmed that the Survivormedz was suspended as of October 1, 2018. The suspension remained in effect through the date the applicant submitted its application and continues based on records of the Franchise Tax Board and the California Secretary of State. (See Attachment 1 to Exhibit A). Since Applicant was suspended from October 1, 2018 through February 6, 2019, as indicated in Attachment 1), it has not satisfied the “Six Contiguous Months Test” imposed by VMC § 5.94.050.16.

¹ Additionally, a suspended corporation is not legally empowered to file an application at all.

² See, “Regulation to Implement VMC § 5.94.050 Which Imposes a Requirement that a Medical Cannabis Business License Be Approved Only if the Medical Cannabis Business Has Been in Existence and Held a Seller’s Permit for Six Months,” adopted January 7, 2019.

Applicant Failed to Advise the City in its Application of the Suspension. On January 7, 2019, the City released the Measure Z Application Form and associated Instructions, which were posted to the City website on the same date. Each applicant was obligated to inform the City of any corporate suspensions occurring in the prior six months:

“In providing evidence that a corporate applicant has been in existence for a period of six contiguous months pursuant to VMC § 5.94.050.B.16, the applicant must provide the dates (if any) during which its corporate status was suspended by the State of California during the six months preceding its application.”

The Applicant failed to include this information in its application. As a result, the application is incomplete, and may be denied pursuant to VMC § 5.94.070.A.1.³

Applicant Failed to Provide Documents to Satisfy VMC § 5.94.050.B.5. To submit a complete application, the applicant must present proof that the proposed use will be located on property owned by the business, leased by the business, or is being purchased by the business. VMC § 5.94.050.B.5. The Applicant has identified 1102 Hacienda Drive as the site of its proposed use. As the instructions stipulated, “If the property is being...purchased...a copy of such purchase contract...between the property owner and the proposed medical cannabis dispensary must be submitted.” In this instance, a purchase contract was included with the application, but it lists Anthony Cio as the buyer, not Survivormedz – the proposed medical cannabis business. As a result, the documentation fails to satisfy VMC § 5.94.050.B.5, and the application may be denied as incomplete pursuant to VMC § 5.94.070.A.1.

Applicant Failed to Provide Satisfactory Evidence of a “Live Scan” Confirming the Requirements of VMC § 5.94.050.B.14. In response to the Live Scan conducted for the applicant, the City received the following notification: “The applicant fingerprint submission was rejected for the following reason: L0115 – A QC error has occurred. L0115 Please clarify Reason Fingerprinted.” As a result, Vista does not have confirmation that the requirements of VMC § 5.94.050.B.14 are satisfied. This renders the application incomplete, and subject to denial pursuant to VMC § 5.94.070.A.1.

³ Further, the applicant failed to provide necessary information justifying a denial pursuant to VMC § 5.94.070.A.2. Additionally, the information, taken as a whole, is materially misleading or false as to the status of the applicant, and thus authorizes the denial.

ATTACHMENT 1 TO EXHIBIT A
(following pages)

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The California Business Search is updated daily and reflects work processed through Tuesday, February 5, 2019. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity.

- Select an entity name below to view additional information. Results are listed alphabetically in ascending order by entity name, or you can select a column title to change the sort order.
- To refine the search results, enter a word or a string of words in the "Narrow search results" box. The "Narrow search results" will search on all fields of the initial search results.
- For information on checking or reserving a name, refer to [Name Availability](#).
- For information on requesting a more extensive search, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

Results of search for Corporation Name keyword "Survivormedz" returned 1 entity record (out of 1 record found).

Show entities per page

Narrow search results:

Entity Number	Registration Date	Status	Entity Name	Jurisdiction	Agent Service of Process
C3692487	07/15/2014	FTB SUSPENDED	03692487	CALIFORNIA	CARMI BERAF

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2/6/19 9:01 a.m. (Download)

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Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Tuesday, February 5, 2019. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C3692487 SURVIVORMEDZ, A COOPERATIVE CORPORATION

Registration Date: 07/15/2014
Jurisdiction: CALIFORNIA
Entity Type: DOMESTIC NONPROFIT
Status: **FTB SUSPENDED**
Agent for Service of Process: CARMELA BERARDINO
 334 ANDES RD
 EL CAJON CA 92021
Entity Address: 1440 COOLIDGE AVE
 NATIONAL CITY CA 91950
Entity Mailing Address: 1440 COOLIDGE AVE
 NATIONAL CITY CA 91950

Document Type	<input type="checkbox"/> File Date	<input type="checkbox"/> PDF
SI-COMPLETE	05/21/2018	
SI-COMPLETE	04/26/2018	
REGISTRATION	07/15/2014	

* Indicates the information is not contained in the California Secretary of State's database.



STATE OF CALIFORNIA
Franchise Tax Board

Session expires in 19:58

Self Serve Entity Status Letter - Entity Search Summary

The following Entity was found. Please click on the 'Generate Letter' button to produce the Entity Status Letter for this entity.

Entity ID: **3692487**

Entity Name: **SURVIVORMEDZ, A COOPERATIVE CORPORATION**

Address: **1440 COOLIDGE AVE NATIONAL CITY, CA 91950-4422**

Entity Status: **SUSPENDED**

Exempt Status: **NOT EXEMPT**

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9:29 a.m.*



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
PO BOX 942857
SACRAMENTO CA 94257-0540

Entity Status Letter

Date: 2/6/2019

ESL ID: 3283942195

According to our records, the following entity information is true and accurate as of the date of this letter.

Entity ID: 3692487

Entity Name: SURVIVORMEDZ, A COOPERATIVE CORPORATION

- 1. The entity is in good standing with the Franchise Tax Board.
- 2. The entity is **not in good standing** with the Franchise Tax Board.
- 3. The entity is currently exempt from tax under Revenue and Taxation Code (R&TC) Section 23701.
- 4. We do not have current information about the entity.

The above information does not necessarily reflect:

- The entity's status with any other agency of the State of California, or other government agency.
- If the entity's powers, rights, and privileges were suspended or forfeited at any time in the past, or the entity did business in California at a time when it was not qualified or not registered to do business in California:
 - The status or voidability of any contracts made in California by the entity at a time when the entity was suspended or forfeited (R&TC Sections 23304.1, 23304.5, 23305a, 23305.1).
 - For entities revived under R&TC Section 23305b, any time limitations on the revivor or limitation of the functions that can be performed by the entity.

Internet and Telephone Assistance

Website: ftb.ca.gov

Telephone: 800.852.5711 from within the United States

916.845.6500 from outside the United States

TTY/TDD: 800.822.6268 for persons with hearing or speech impairments

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2/6/19 9:29 a.m.*