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October 7, 2019

The Pasadena City Council
100 N. Garfield Ave.
Pasadena, CA 91101

Attn: Mark Jomskey - VIA E-mail: mjomskey@cityofpasadena.net

I am the attorney for a concerned Pasadena resident. I have been retained to address the irregularities with the City of Pasadena ("City") cannabis licensing and permit process, and what appears to be City Staff's significant conflicts of interest and improper favoritism tainting the entire process.

The Sweetflower application you are hearing tonight blocks two other applicants, Integral (because of proximity) and Harvest (because they are in the same Council District).

City Planning Director David Reyes is recommending that the City Council follow his recommendation and not overturn his decision to invalidate the cannabis CUP application submitted by Sweetflower.

There is substantial evidence that David Reyes and his staff have violated the City Code of Conduct/Ethics by giving preferential treatment or partiality to both Integral and Harvest. The City Attorney has initiated an outside investigation regarding this matter, and it is not complete.

David Reyes is causing this appeal to be heard tonight (October 7) because this Sweetflower application blocks the CUP applications for Integral and Harvest which David Reyes is placing before the Planning Commission on Wednesday (October 9)

This matter should be delayed until the City Attorney investigation into the conduct of Mr. Reyes and his staff is complete.

Phone records indicate there are dozens of phone calls between Mr. Reyes and his staff with both Integral and the broker for the Harvest location. No other applicants received even a tiny fraction of this ex-parte contact.

For three months the City has refused to release the emails of Mr. Reyes, his staff and Nicholas Rodriguez. The City has refused to release all the emails it has for Integral.

Limited emails that have been published by the City show gross favoritism towards Integral. City staff improperly assisted Integral in vetting the legality of its current location.

Indeed, it appears that City Staff, and one or more members of this City Council, have had significant improper ex parte communication with Integral and their attorney, Mr. Richard

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McDonald, who is a former Pasadena Planning Commissioner, thereby causing the appearance of impropriety and a biased application process.

As you know, this process is a "race to the window". The first applicant to file gets priority.

On June 12, 2019 planning staff suddenly announced, out of the blue, that applicants would be required to use a licensed surveyor. There is substantial circumstantial evidence that Mr. Reyes and his staff knew that Integral had already performed this time-consuming step before it was announced. Indeed, Guille Nunez (the city cannabis coordinator) called Mr. McDonald's mapping company on June 10 and spoke to them for 12 minutes.

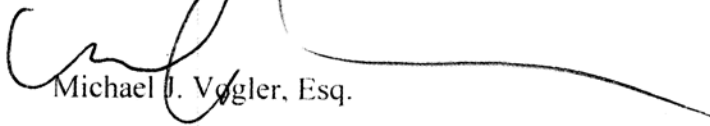
If the Council decides to move forward, then Mr. Reyes and his staff should be asked the following questions:

- 1) Did Mr. Reyes or Guille Nunez recommend to Integral that they hire Richard McDonald?
- 2) Was Mr. Nicholas Rodriguez a member of the interview committee and did Mr. Rodriguez ever meet with any cannabis applicant or representative?
- 3) Did City staff assist Integral in vetting the location Integral is currently applying for by checking on the validity of surrounding potentially sensitive uses?
- 4) Integral has applied for a spot the City's cannabis map showed was not code compliant. When did Mr. Reyes or his staff learn that Integral was disputing the City's work? Did Mr. Reyes or any member of his staff discuss the use of a licensed surveyor with Integral before June 12?
- 5) If Mr. Reyes believes the cannabis map is erroneous, why hasn't the map been corrected?
- 6) The licensed surveyor requirement was announced on June 12. Why did Guille Nunez call Integral's mapping company (Quality Mapping Service) on June 10 and talk to them for 12 minutes?
- 7) The licensed surveyor requirement was announced on June 12. If Integral was not tipped off by planning staff about the Licensed Surveyor requirement, why is the Licensed surveyor document obtained by Integral signed and dated June 10?
- 8) What was the purpose of the phone calls to David Reyes on June 11 from Terry Tornek, Nicholas Rodriguez and Richard McDonald?
- 9) Why did Guille Nunez claim on June 12 there was no sample licensed surveyor map and then produce one on June 13 dated June 10?
- 10) Did Mr. Reyes ever tell the broker (Pat Hurst) for the Harvest location that her spot was "pre-approved"?
- 11) When did Mr. Reyes learn about the proximity of the Rudolf Steiner library? Using what authority did Mr. Reyes decide that libraries as referenced in the cannabis ordinance refers only to public libraries?
- 12) What was the purpose of the dozens of phone calls between Mr. Reyes and his staff and Pat Hurst?
- 13) On the day demands for Integral's CUP application were being made (July 22) what was the purpose of the calls from Reyes to McDonald that day? What was the purpose of McDonald's call to Reyes that night at 1:24 AM?
- 14) Have the outside investigators reviewed City emails and phone records? Have they interviewed David Reyes, Jennifer Paige, Guille Nunez and Nicholas Rodriguez?

- 15) When discussing the adoption of the cannabis ordinance, did Mr. Reyes repeatedly falsely claim to the Council that State law required a separation from libraries, parks and churches?
- 16) During the cannabis application process there are over 55 phone calls to and from Pam Thyret and David Reyes, Jennifer Paige and Guille Nunez. Did any of these calls relate to cannabis and if so what was discussed?

Until this matter has been adequately investigated, my client requests that the City Council halt all cannabis matters until it can be determined whether or not a fair, transparent, and unbiased licensing and permit process has occurred, without interference or undue influence of City Staff or one of more member of this Council.

Very Respectfully,



Michael J. Vogler, Esq.