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August 19, 2019

Damian Martin  
[damian.martin.esq@gmail.com](mailto:damian.martin.esq@gmail.com)

Re: Public Records Act Request dated June 17, 2019 - PRA # 11327

Dear Mr. Martin:

The City of Pasadena ("City") has retained our firm to assist with responding to public records act requests. The City is in receipt of your June 13, 2019 public records act request where you seek 14 categories of records "for the period starting on November 7, 2016 (the date the City Council authorized the City Manager to enter into a three-year agreement with HdL Companies) to present. Each category, and the City's response thereto, is discussed below.

**Request No. 1:** "Any (draft, preliminary, and final by any person or collectively decision-making body) 'scoring sheets', written explanations, or notes of the selection committee, including HdL Companies (or any employee or agent of HdL Companies), appointed pursuant to Sections 5.78.070 and 5.78.080 of the Pasadena Municipal Code to score and review of any cannabis retailer screening application, including WOW's (the 'Selection Committee')."

**City's Response to Request No. 1:** The City has disclosable records responsive to your request. Redacted versions of 62 of the 122 cannabis permit applications can be found here: <https://ww5.cityofpasadena.net/planning/redacted-cannabis-applications/>. The scoring information can be found in the first few pages of each of the applications. The City will continue to redact and place additional cannabis retailer permit applications on the website (link above) as they become available. You can expect that approximately fifteen additional redacted cannabis permit applications will be on the website every two weeks beginning August 30, 2019. Additionally, once all the redacted applications have been placed on the website, the City expects to review the applications that were posted as of August 29, 2019 to determine whether additional information, that was previously redacted, should be disclosed from these applications.

The Public Records Act permits a local agency to withhold from disclosure records that are exempt from disclosure, or portions of such records that are covered by an exemption. (Cal.

Gov. Code, § 6250 et seq.) The City is withholding records from disclosure, in part, pursuant to one or a combination of the exemptions listed below:

- A. Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with the licensing agency to establish his or her personal qualification for the license, certificate, or permit applied for. (Cal. Gov. Code § 6254(n)).
- B. Corporate financial data. (Cal. Gov. Code § 6254.15).
- C. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, are exempt from disclosure pursuant to California Government Code Section 6254(c), as well as other similar information protected by the privacy provisions of Article I, Section 1 of the California Constitution. (Cal. Gov. Code § 6254(k)).
- D. Copyrighted material, the disclosure of which is exempted or prohibited pursuant to federal or state law. (Cal. Gov. Code § 6254(k)).<sup>1</sup>
- E. The records contain information that is exempt from disclosure under California Government Code section 6255, as the public interest served in not disclosing the information clearly outweighs the public interest served by disclosure, as set forth in *Times Mirror Co. v. Superior Court* (1991) 53 Cal. 3d 1325; *Rogers v. Superior Court* (1993) 19 Cal. App. 4th 469; *California First Amendment Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159.

**Request No. 2:** “The identity of each member of the Selection Committee.”

**City’s Response to Request No. 2:** The City provided this information to you on July 11, 2019.

**Request No. 3:** “Any guidance or instructions that were provided, reviewed, or discussed by any person or collectively decision-making body (including the Selection Committee) in the process of the scoring and reviewing any cannabis retailer screening application, including WOW’s.”

**City’s Response to Request No. 3:** On July 11, 2019, the City provided you with the following documents: Final Proposal Email and Attachment, Final Contract\_HdL\_31379, and Scoring Methodology 5.20.10 file. In addition, the Commercial Cannabis Permit Application Review

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<sup>1</sup> Although the City cannot reproduce copyrighted material without the consent of the author, any copyrighted material will be made available for you to inspect in person at City hall. Please contact Jennifer Paige, Deputy Director of Planning and Community Development at (626) 744-7231 after September 30, 2019 to make arrangements to inspect any copyrighted material.

Criteria can be found here: [https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2018/12/Review-Criteria\\_1.16.19-Revised.pdf](https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2018/12/Review-Criteria_1.16.19-Revised.pdf).

**Request No. 4:** “A summary and the minutes of any meeting of the Selection Committee and between any members of the Selection Committee.”

**City’s Response to Request No. 4:** The City does not have any documents responsive to this request.

**Request No. 5:** “Any materials (including any Owner/Applicant Forms, Cover Letters, or Business Plans) that were reviewed or discussed by any person or collectively decision-making body (including the Selection Committee) in the process of the scoring and reviewing any cannabis retailer screening application, including WOW’s.”

**City’s Response to Request No. 5:** On July 11, 2019, the City provided you with the following documents: Final Proposal Email and Attachment, Final Contract\_HdL\_31379, and Scoring Methodology 5.20.10 file. In addition, redacted versions of 62 of the cannabis retailer permit applications can be found here: <https://ww5.cityofpasadena.net/planning/redacted-cannabis-applications/>. The City will continue to redact and place additional cannabis retailer permit applications on the website (link above) as they become available. You can expect that approximately fifteen additional redacted cannabis permit applications will be on the website every two weeks beginning August 30, 2019. Additionally, once all the redacted applications have been placed on the website, the City expects to review the applications that were posted as of August 29, 2019 to determine whether additional information, that was previously redacted, should be disclosed from these applications.

**Request No. 6:** “Any communications (and records thereof, e.g., email attachments) between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and HdL Companies (or any employee or agent of HdL Companies).”

**City’s Response to Request No. 6:** The City may have disclosable records responsive to this request. The City has not completed its search of documents responsive to this request. The City anticipates making documents available to you, if any, based on the production scheduled set forth below. Additionally, the City may withhold certain records from disclosure based on the exemptions set forth on page 6 of this letter.

**Request No. 7:** “The record, summary, and minutes of any meeting between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and HdL Companies (or any employee or agent of HdL Companies).”

**City’s Response to Request No. 7:** The City may have disclosable records responsive to this request. The City has not completed its search of documents responsive to this request. The

City anticipates making documents available to you, if any, based on the production scheduled set forth below. Additionally, the City may withhold certain records from disclosure based on the exemptions set forth on page 6 of this letter.

**Request No. 8:** “Any materials reviewed or discussed at any meeting between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and HdL Companies (or any employee or agent of HdL Companies).”

**City’s Response to Request No. 8:** On July 11, 2019, the City provided you with the following documents: Final Proposal Email and Attachment, Final Contract\_HdL\_31379, and Scoring Methodology 5.20.10 file. In addition, the Commercial Cannabis Permit Application Review Criteria can be found here: [https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2018/12/Review-Criteria\\_1.16.19-Revised.pdf](https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2018/12/Review-Criteria_1.16.19-Revised.pdf). The City has not completed its search of documents responsive to this request. The City anticipates making documents available to you, if any, based on the production scheduled set forth below. Additionally, the City may withhold certain records from disclosure based on the exemptions set forth on page 6 of this letter.

**Request No. 9:** “Any communications (and records thereof, e.g., email attachments) between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and the Selection Committee (or any individual member or agent of any individual member).”

**City’s Response to Request No. 9:** The City may have disclosable records responsive to this request. The City has not completed its search of documents responsive to this request. The City anticipates making documents available to you, if any, based on the production scheduled set forth below. Additionally, the City may withhold certain records from disclosure based on the exemptions set forth on page 6 of this letter.

**Request No. 10:** “The record, summary, and minutes of any meeting between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and the Selection Committee (or any individual member or agent of any individual member).”

**City’s Response to Request No. 10:** The City may have disclosable records responsive to this request. The City has not completed its search of documents responsive to this request. The City anticipates making documents available to you, if any, based on the production scheduled set forth below. Additionally, the City may withhold certain records from disclosure based on the exemptions set forth on page 6 of this letter.

**Request No. 11:** “Any materials reviewed or discussed at any meeting between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and the Selection Committee (or any individual member or agent of any

individual member).”

**City’s Response to Request No. 11:** On July 11, 2019, the City provided you with the following documents: Final Proposal Email and Attachment, Final Contract\_HdL\_31379, and Scoring Methodology 5.20.10 file. In addition, the Commercial Cannabis Permit Application Review Criteria can be found here: [https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2018/12/Review-Criteria\\_1.16.19-Revised.pdf](https://ww5.cityofpasadena.net/planning/wp-content/uploads/sites/56/2018/12/Review-Criteria_1.16.19-Revised.pdf). The City has not completed its search of documents responsive to this request. The City anticipates making documents available to you, if any, based on the production scheduled set forth below. Additionally, the City may withhold certain records from disclosure based on the exemptions set forth on page 6 of this letter.

**Request No. 12:** “Any communications (and records thereof, e.g., email attachments) between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and (i) any owner / operator of any cannabis retailer screening applicant, (ii) any agent(s) of any applicant, (iii) any consultant(s) of any applicant, and/or (iv) any lobbyist(s) of any applicant.”

**City’s Response to Request No. 12:** The City may have disclosable records responsive to this request. As this request was extremely broad, and you did not specifically identify the names of the owners/operators, agents, consultants or lobbyist, the City has compiled a list of all the cannabis retailer permit applicant owners, operators and agents that were listed on the cannabis permit applications, as well as any known consultants/lobbyist of those businesses. This has resulted in a list of more than 300 individuals. Searching for any communications between more than 300 individuals and City officers, employees and agents will take several months. I would like to discuss with you how we can possibly narrow the scope of this request so that you can obtain information that you seek.

**Request No. 13:** The record, summary, and minutes of any meeting between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and (i) any owner / operator of any cannabis retailer screening applicant, (ii) any agent(s) of any applicant, (iii) any consultant(s) of any applicant, and/or (iv) any lobbyist(s) of any applicant.

**City’s Response to Request No. 13:** The City may have disclosable records responsive to this request. As this request was extremely broad, and you did not specifically identify the names of the owners/operators, agents, consultants or lobbyist, the City has compiled a list of all the cannabis retailer permit applicant owners, operators and agents that were listed on the cannabis permit applications, as well as any known consultants/lobbyist of those businesses. This has resulted in a list of more than 300 individuals. Searching for any communications between more than 300 individuals and City officers, employees and agents will take several months. I would like to discuss with you how we can possibly narrow the scope of this request

so that you can obtain information that you seek.

**Request No. 14:** Any materials reviewed or discussed at any meeting between any former or current officer (e.g., Mayor, City Council, City Manager, City Attorney), employee, or agent of the City of Pasadena and (i) any owner / operator of any cannabis retailer screening applicant, (ii) any agent(s) of any applicant, (iii) any consultant(s) of any applicant, and/or (iv) any lobbyist(s) of any applicant.

**City's Response to Request No. 14:** The City may have disclosable records responsive to this request. As this request was extremely broad, and you did not specifically identify the names of the owners/operators, agents, consultants or lobbyist, the City has compiled a list of all the cannabis retailer permit applicant owners, operators and agents that were listed on the cannabis permit applications, as well as any known consultants/lobbyist of those businesses. This has resulted in a list of more than 300 individuals. Searching for any communications between more than 300 individuals and City officers, employees and agents will take several months. I would like to discuss with you how we can possibly narrow the scope of this request so that you can obtain information that you seek.

As noted above, the City has not completed its search or review of the documents responsive to categories 6 through 14 above. The City may withhold records from disclosure, in whole or in part, pursuant to one or a combination of the exemptions listed below:

- A. Attorney-Client privileged communications are exempt from disclosure pursuant to California Evidence Code Section 954. (Cal. Gov. Code § 6254(k)).
- B. Writings that are attorney work product are exempt from disclosure pursuant to the California Evidence Code and California Code of Civil Procedure Section 2018.030. (Cal. Gov. Code § 6254(k)).
- C. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, are exempt from disclosure pursuant to California Government Code Section 6254(c), as well as other similar information protected by the privacy provisions of Article I, Section 1 of the California Constitution. (Cal. Gov. Code § 6254(k)).
- D. Preliminary drafts, notes, or interagency or intra-agency memoranda are exempt from disclosure. (Cal. Gov. Code § 6254(a)).
- E. The records contain information that is exempt from disclosure under California Government Code section 6255, as the public interest served in not disclosing the information clearly outweighs the public interest served by disclosure, including the

deliberative process privilege, as set forth in *Times Mirror Co. v. Superior Court* (1991) 53 Cal. 3d 1325; *Rogers v. Superior Court* (1993) 19 Cal. App. 4th 469; *California First Amendment Coalition v. Superior Court* (1998) 67 Cal. App. 4th 159.

Once we have had an opportunity to review the records, we may send a supplemental letter citing additional grounds for withholding the disclosure of certain records. Where we can reasonably segregate and redact exempt information from a record, we will do so and produce the disclosable information. If any of the above-referenced exemptions are inapplicable to a particular category, we will notify you in a follow up letter when we produce the documents.

Based on the volume of records that must be reviewed in response to this public records act request, we should be able to make any additional disclosable records available to you on the following schedule:

- First production: September 12, 2019
- Second production: September 26, 2019
- Third production: October 10, 2019
- Fourth production: October 24, 2019

If we are able to make the documents available prior to the time periods indicated above, we will do so.

Thank you.

Very truly yours,



Maricela E. Marroquin

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