

Linda K. Ash, Esq.
Land Use Consultant
Ventura, California 93001
(805) 407-1992
lka99law@gmail.com

March 15, 2020

Santa Barbara County Board of Supervisors
123 East Anapamu Street
Santa Barbara, California 93101

Re: Appeal of Planning Commission Approval of LUP 18-00351 granted to Santa Rita Valley Ag., Inc for Cultivation of Outdoor Cannabis filed by Blair Pence, Case No. 19APL-00000-00032

Dear Chair Hart and Honorable Members of the Board of Supervisors:

My name is Linda Ash and I represent Santa Rita Valley Ag., Inc. (SRVAG) in the above-mentioned appeal filed by Blair Pence (Pence) of the Planning and Development Department and Planning Commission's approval of SRVAG's land use permit for outdoor cannabis cultivation (Permit). After 20 years of service, I retired in November 2018 from my position as a Senior Assistant County Counsel for the County of Ventura representing the Planning Department, the Planning Commission and Board of Supervisors on all types of land use matters, including permit appeals and litigation. I also was the County's lead advisor on cannabis and have lectured at high-level law enforcement and legal conferences. I have considerable experience in both cannabis and land use appeals.

I am writing to advise your Board of the unfortunate and disturbing events that occurred on the morning of March 10, the date the Pence appeal was to be heard, which resulted in SRVAG making the regrettable decision to work with Pence on a settlement and postpone the hearing until April 21, 2020.

First, the night before, I became sick with the flu and was therefore unable to attend the hearing. I was planning on presenting by telephone thanks to the Clerk of Board. Then, without me there, the three SRVAG principals began discussing settlement with Pence before the Board hearing started. They called and told me that Pence was extremely upset and was threatening to sue them for 1.6 million dollars. I noted that Pence had already told us he was going to sue SRVAG and the County at the Planning Commission hearing and there was nothing to worry about as Pence has no case. They told me that this was different - Pence was seriously threatening them and they felt they had to settle with Pence before the hearing started.

A little later, after "negotiating" with Pence, the SRVAG team called and advised me of the terms that Pence required in order not sue, which in my opinion were highly punitive and ill-

advised. Of course, because I was not in the best frame of mind with the flu and was not present during these negotiations, I did not know what was actually transpiring that led them to discuss the unfavorable one-sided terms. I was not there to hear the verbal threats or witness Pence's intimidating behavior. Luckily, because the County staff advised that some of the proposed terms were not consistent with County policies, and furthermore, there were clearly issues that still needed to be worked out, the parties agreed to request to continue the hearing until April 21, 2020.

It was not until the next day that I learned what had really happened. Pence had launched angry and vicious threats to intimidate SRVAG into settling. On more than one occasion that morning, Pence threatened that he was going to come after the SRVAG principals personally and suggested the legal action would interfere with their other business dealings and even effect their family. He made clear that he was going to sue them all personally – suggesting that he had more capital for legal expenses leading to an outcome where SRVAG would not be able to keep up and would have to concede to his requests to avoid further legal exposure. He further threatened to drag them into depositions and endless subpoenas as well as other threats. He also threatened to sue them for a stop work order and hold up their project for years. He made these threats against their businesses and them personally and their families several times. Needless to say, the SRVAG principals were not only caught off guard by Pence's threats, they felt extremely intimidated and fearful. While I had thought the \$1.6 million litigation threat that they were referring to was Pence's CEQA lawsuit on the permit, Pence meant he was coming after them personally and was going to do anything to put them out of business.

Hearing now about Pence's despicable, if not illegal, conduct and threats, I now understand why SRVAG was agreeable to the one-sided terms. It is most unfortunate that I was sick and not there to protect them from Pence's misconduct and that the time constraints to reach a deal before the hearing was placing additional pressure on them. Had I been there and knew what was going on, I would have not allowed this to happen.

Now that the time pressure is off and I am better and have had the opportunity to educate them on the true legal situation - that Pence cannot come after them, their other businesses or their families, and that his threatened litigation against the County and SRVAG will not succeed for many reasons, and that Pence's conduct can be stopped in court if necessary, SRVAG realizes that it is not in their best interest to take the Pence deal and that they would like to go forward with pursuing their permit with your Board.

SRVAG would like to sincerely apologize for the inconvenience that this delay has caused the Board, County staff and the community. What happened is regrettable on many levels. We look forward to the hearing to show the Board that SRVAG project meets all of the County requirements and is entitled to its permit.

Santa Barbara County Board of Supervisors
March 15, 2020
Page 3

Although Pence has a right to bring his appeal, he does not have the right to threaten applicants. Furthermore, as demonstrated thoroughly by staff, his appeal has no merit.

Thank you for your time and consideration. We look forward to presenting our project to your Board on April 21, 2020.

Best Regards,

Linda K. Ash

Linda K. Ash
Santa Rita Valley Ag, Inc., representative

ec: Santa Rita Valley Ag. Inc.
Rey Harmon, County of Santa Barbara
Kathryn Lehr, County of Santa Barbara
Daniel Klemann, County of Santa Barbara