



Department of  
Cannabis Control  
CALIFORNIA

Gavin Newsom  
Governor

Nicole Elliott  
Director

November 26, 2025

VIA EMAIL AND CERTIFIED MAIL

Heart of the Emerald Arcata, LLC  
Roy Gomez, Owner  
105 5th Street  
Eureka, CA 95501  
roygomez420@gmail.com

Re: Heart of the Emerald Arcata, LLC - Case No. DCC24-0002898-INV  
Default Decision and Order

Dear Mr. Gomez:

Pursuant to the Department of Cannabis Control's authority under Government Code section 11520, the Department finds Respondent Heart of the Emerald Arcata, LLC, in default and therefore will proceed as described in the attached Default Decision and Order.

Be advised that Government Code section 11520, subdivision (c), provides that Respondent may serve a written motion requesting that the Decision be vacated upon stating the ground relied on within seven (7) days after service of the Decision. Respondent may address any written motion to the Department via email at [DCCDecisions@cannabis.ca.gov](mailto:DCCDecisions@cannabis.ca.gov), or by post or courier to:

Department of Cannabis Control  
Office of the General Counsel  
2920 Kilgore Road  
Rancho Cordova, CA 95670

The Department in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

Barring such a timely motion, the attached Default Decision and Order involving Heart of the Emerald Arcata, LLC, will become effective on December 26, 2025.

Sincerely,

Douglas Smurr  
Assistant General Counsel

Enclosure

1  
2  
3  
4  
5  
6  
7  
8 **BEFORE THE**  
9 **DEPARTMENT OF CANNABIS CONTROL**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. DCC24-0002898-INV

12 **HEART OF THE EMERALD ARCATA, LLC**  
13 **ROY GOMEZ, OWNER**  
14 **1507 G Street**  
15 **Arcata, CA 95521**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

16 **Cannabis Retailer License**  
17 **No. C10-0001047-LIC**

Respondent.

18 **FINDINGS OF FACT**

19 1. On or about April 3, 2025, Complainant Evelyn Schaeffer, in her official capacity as  
20 the Deputy Director of the Compliance Division of the Department of Cannabis Control, filed  
21 Accusation No. CC24-0002898-INV against Heart of the Emerald Arcata, LLC (Respondent)  
22 with Roy Gomez as Owner (Owner) before the Department of Cannabis Control. (Accusation is  
23 attached as Exhibit A.)

24 2. On or about June 1, 2022, the Department of Cannabis Control (Department) issued  
25 Cannabis Retailer License No. C10-0001047-LIC to Respondent. The Cannabis Retailer License  
26 was in full force and effect at all times relevant to the charges brought in Accusation  
27 No. CC24-0002898-INV and expired on June 1, 2025. This lapse in licensure, however, pursuant  
28

1 to Business and Professions Code section 26031, subdivision (d), does not deprive the  
2 Department of its authority to institute or continue this disciplinary proceeding.

3 3. On or about April 7, 2025, Respondent was served by Certified and First Class Mail  
4 copies of the Accusation No. DCC24-0002898-INV, Statement to Respondent, Notice of  
5 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
6 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of  
7 Regulations, title 4, section 15002, is required to be reported and maintained with the  
8 Department. Respondent's address of record was and is: 1507 G Street, Arcata, CA 95521.

9 4. Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505(c) and/or Business and Professions Code section 124.

11 5. Government Code section 11506(c) states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
13 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
14 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
15 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
16 discretion may nevertheless grant a hearing.

17 6. The Department takes official notice of its records and the fact that Respondent failed  
18 to file a Notice of Defense within 15 days after service upon them of the Accusation, and  
19 therefore waived its right to a hearing on the merits of Accusation No. DCC24-0002898-INV.

20 7. California Government Code section 11520(a) states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense . . . or to appear at  
22 the hearing, the agency may take action based upon the respondent's express  
23 admissions or upon other evidence and affidavits may be used as evidence without  
24 any notice to respondent . . . .

25 8. Pursuant to its authority under Government Code section 11520, the Department finds  
26 Respondent is in default. The Department will take action without further hearing and, based on  
27 the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this  
28 matter, finds that the charges and allegations in Accusation No. DCC24-0002898-INV, are  
separately and severally, found to be true and correct by clear and convincing evidence.

9. The Department finds that the actual costs for Investigation and Enforcement are  
\$10,287.94 as of November 3, 2025.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Heart of the Emerald Arcata  
3 LLC with Roy Gomez, Owner has subjected its Cannabis Retailer License No. C10-0001047-LIC  
4 to discipline.

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Department of Cannabis Control is authorized to revoke Respondent's Cannabis  
7 Retailer License based upon the following violations alleged in the Accusation which are  
8 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this  
9 case:

- 10 a. Violation of Business and Professions Code sections 26030, subdivisions (a)  
11 and (c) and 26160, subdivision (e), and Title 4 of the California Code of  
12 Regulations, sections 15000.3, subdivision (d) and 17800, subdivisions (a)-(b);  
13 [Failure to comply with the Department's request for inspection of its licensed  
14 premises.]
- 15 b. Violation of Business and Professions Code sections 26030, subdivisions (a)  
16 and (c), and Title 4 of the California Code of Regulations, sections 150035,  
17 subdivision (d); [Failure to Notify the Department in Writing of Local  
18 Revocation within 48 Hours of Notice.]
- 19 c. Violation of Business and Professions Code sections 26030, subdivisions (a)  
20 and (c), and Arcata Municipal Code sections 5952, subdivision (A), and 5957,  
21 subdivision (C)(5); [Failure to Comply with Local Ordinance Regulating  
22 Commercial Cannabis Activity.]

23 **ORDER**

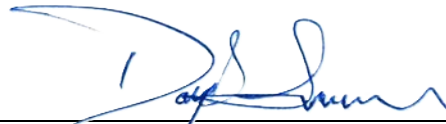
24 IT IS SO ORDERED that Cannabis Retailer License No. C10-0001047-LIC, issued to  
25 Respondent Heart of the Emerald Arcata, LLC with Roy Gomez, Owner, is revoked.

26 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
27 written motion requesting that the Decision be vacated and stating the grounds relied on within  
28

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on December 26, 2025.

4 It is SO ORDERED, November 26, 2025.

5  
6 

7 Douglas Smurr  
8 Assistant General Counsel  
FOR THE DEPARTMENT OF CANNABIS CONTROL

9 Default Decision and Order - LIC.docx  
DOJ Matter ID:SA2025800450

10 Attachment:  
11 Exhibit A: Accusation

# Exhibit A

Accusation

(HEART OF THE EMERALD ARCATA, LLC; ROY GOMEZ, OWNER)

1 ROB BONTA  
Attorney General of California  
2 GREGORY M. CRIBBS  
Supervising Deputy Attorney General  
3 ROB WHITE  
Deputy Attorney General  
4 State Bar No. 222504  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9608  
7 Facsimile: (619) 645-2061  
E-mail: RobertT.White@doj.ca.gov  
8 *Attorneys for Complainant*

9  
10 **BEFORE THE  
DEPARTMENT OF CANNABIS CONTROL  
STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

Case No. DCC24-0002898-INV

13 **HEART OF THE EMERALD ARCATA,  
LLC; ROGELIO GOMEZ, JR., aka ROY  
14 GOMEZ, OWNER.  
15 1507 G Street  
Arcata, CA 95521**

**ACCUSATION**

16 **Cannabis - Retailer License No. C10-  
0001047-LIC**

17 Respondent.  
18  
19

20 **PARTIES**

21 1. Evelyn Schaeffer (Complainant) brings this Accusation solely in her official capacity  
22 as the Deputy Director of the Compliance Division of the Department of Cannabis Control  
23 (Department).

24 2. On or about June 1, 2022, the Department issued Cannabis-Retailer License  
25 No. C10-0001047-LIC to Heart of the Emerald Arcata LLC with Rogelio Gomez, Jr., also known  
26 as Roy Gomez, as Owner. (Respondent). The Cannabis-Retailer License was in full force and  
27 effect at all times relevant to the charges brought herein and will expire on June 1, 2025, unless  
28 renewed.

**JURISDICTION**

3. This Accusation is brought before the Director (Director) for the Department, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 26010 of the Code states:

There is in the Business, Consumer Services, and Housing Agency, the Department of Cannabis Control under the supervision and control of a director. The director shall administer and enforce the provisions of this division related to the department.

5. Section 26010.5, subdivision (d), of the Code states:

The department has the power, duty, purpose, responsibility, and jurisdiction to regulate commercial cannabis activity as provided in this division.

6. Section 26012, subdivision (a), of the Code states:

It being a matter of statewide concern, except as otherwise authorized in this division, the department shall have the sole authority to create, issue, deny, renew, discipline, condition, suspend, or revoke licenses for commercial cannabis activity.

7. Section 26013, subdivision (a), of the Code states:

The department shall make and prescribe reasonable rules and regulations as may be necessary to implement, administer, and enforce its duties under this division in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code....

8. Section 26015, subdivision (a), of the Code states:

(a) The department may make or cause to be made such investigation as it deems necessary to carry out its duties under this division.

9. Section 26031 of the Code states, in part:

(a) The department may suspend, revoke, place on probation with terms and conditions, or otherwise discipline licenses issued by the department and fine a licensee, after proper notice and hearing to the licensee, except as provided in Section 26031.01, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

...



1 (c) The department may take disciplinary action against a licensee for any  
2 violation of this division when the violation was committed by the licensee's officers,  
3 directors, owners, agents, or employees while acting on behalf of the licensee or  
engaged in commercial cannabis activity.

4 (d) The suspension or expiration of a license issued by the department, or its  
5 suspension, forfeiture, or cancellation by order of the department or by order of a  
6 court of law, or its surrender without the written consent of the department, shall not,  
7 during any period in which it may be renewed, restored, reissued, or reinstated,  
deprive the department of its authority to institute or continue a disciplinary  
proceeding against the licensee upon any ground provided by law or to enter an order  
suspending or revoking the license or otherwise taking disciplinary action against the  
licensee on any such ground.

8 10. Section 26034 of the Code states:

9 All accusations against licensees shall be filed by the department within five  
10 years after the performance of the act or omission alleged as the ground for  
11 disciplinary action; provided, however, that the foregoing provision shall not  
12 constitute a defense to an accusation alleging fraud or misrepresentation as a ground  
13 for disciplinary action. The cause for disciplinary action in that case shall not be  
deemed to have accrued until discovery, by the department, of the facts constituting  
the fraud or misrepresentation, and, in that case, the accusation shall be filed within  
five years after that discovery.

## 14 **STATUTORY PROVISIONS**

15 11. Section 26030 of the Code states:

16 Grounds for disciplinary action include, but are not limited to, all of the  
17 following:

18 (a) Failure to comply with the provisions of this division or any rule or  
regulation adopted pursuant to this division.

19 ...

20 (c) Any other grounds contained in regulations adopted by the department  
21 pursuant to this division.

22 ...

23 (f) Failure to comply with the requirement of a local ordinance regulating  
commercial cannabis activity....

24 12. Section 26160, subdivision (e), of the Code states:

25 (e) A licensee, or its agent or employee, that refuses, impedes, obstructs, or  
26 interferes with an inspection of the premises or records of the licensee pursuant to this  
section, has engaged in a violation of this division....

27 ///

28 ///

1 **REGULATORY PROVISIONS**

2 13. Title 4 of the California Code of Regulations, section 15000.3, subdivision (d), states:

3 (d) Licensees shall ensure that the Department has immediate access to their  
4 licensed premises. If the Department is denied access to a licensee's premises for any  
reason, the licensee shall be held responsible and subject to discipline....

5 14. Title 4 of the California Code of Regulations, section 15035, subdivision (d), states:

6  
7 (d) A licensee shall ensure that the Department is notified in writing of the  
8 revocation of a local license, permit, or other authorization held by the licensee or any  
9 owner in their individual capacity, either by mail or electronic mail, within 48 hours  
of receiving notice of the revocation. The written notification shall include the name  
10 of the local agency involved, a written explanation of the proceeding or enforcement  
action, and the specific violation(s) that led to revocation....

11 15. Title 4 of the California Code of Regulations, section 17800, states, in pertinent part:

12 (a) The Department and its authorized representatives, for purposes of  
13 inspection, investigation, review, or audit, shall have full and immediate access to:

14 (1) Enter any premises licensed by the Department.

15 (2) Inspect and test any vehicle or equipment possessed by, in control of, or  
used by a licensee or their agents and employees for the purpose of conducting  
16 commercial cannabis activity.

17 (3) Test any cannabis goods or cannabis-related materials or products  
possessed by, in control of, or used by a licensee or their agents and employees for  
18 the purpose of conducting commercial cannabis activity.

19 (4) Copy any materials, books, or records of any licensee or their agents and  
employees.

20 (b) Failure to cooperate with and participate in any Department investigation  
21 pending against the licensee may result in a licensing violation subject to  
discipline....

22 **LOCAL AUTHORITY**

23 16. The Arcata Municipal Code, section 5952, subdivision (A), states:

24 A. Permit Required. It is unlawful to engage in commercial cannabis activity  
25 in the City of Arcata without first obtaining a commercial cannabis activity permit  
from the City Manager or his/her designee in accordance with this Chapter....

26 ///

27 ///

28 ///

17. The Arcata Municipal Code, section 5957, states, in pertinent part:

...

C. Permit Revocation. The City Manager may revoke a commercial cannabis activity permit for good cause, including, but not limited to, the following reasons:

5. Failure to pay fees, charges or fines....

### **COST RECOVERY**

18. Section 26031.1 of the Code states that:

(a) Except as otherwise provided by law, in an order issued in resolution of a disciplinary proceeding before the department, the administrative law judge, upon request, may direct a licensee found to have committed a violation to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the department or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(c) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the department to increase the cost award. The department may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(d) If an order for recovery of costs is made and timely payment is not made as directed in the department's decision, the department may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the department may have as to any licensee to pay costs.

(e) In any action for recovery of costs, proof of the department's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(f)(1) Except as provided in paragraph (2), the department shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the department may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the department to reimburse the department within that one-year period for the unpaid costs.

///

///

1 (g) All costs recovered under this section shall be considered a reimbursement  
2 for costs incurred and shall be deposited into the Cannabis Control Fund to be  
available upon appropriation by the Legislature.

3 (h) Nothing in this section shall preclude the department from including the  
4 recovery of the costs of investigation and enforcement of a case in any stipulated  
settlement.

### 5 **FACTUAL ALLEGATIONS**

6 19. On or about November 19, 2024, during normal business hours, Department staff  
7 attempted to conduct an unannounced regulatory compliance inspection of Respondent's licensed  
8 premises. Upon their arrival, Department staff proceeded to knock on the premises doors but did  
9 not receive a response. Department staff observed an individual standing outside the premises  
10 who appeared to be waiting to enter. Upon contact, this individual confirmed that they were  
11 waiting to enter the premises to make a purchase, and that they were not employed by  
12 Respondent. Department staff attempted to contact Owner Roy Gomez (Owner Gomez) at  
13 Respondent's phone number of record but was unable to speak to or leave a voicemail message  
14 for Owner Gomez.

15 20. Department staff left the licensed premises, and later that day sent an email to Owner  
16 Gomez at Respondent's email address of record and advised that the Department would conduct  
17 an inspection of Respondent's licensed premise the following day, November 20, 2024, between  
18 the hours of 11:00 a.m. and 1:00 p.m. The Department did not receive a reply to its email.  
19 Department staff also conducted an online investigation and located Respondent's Instagram  
20 account. Respondent's Instagram account gave no indication that Respondent was closed for  
21 business.

22 21. Department staff returned to Respondent's licensed premises on November 20, 2024,  
23 between the hours of 11:00 a.m. and 1:00 p.m., and again was unable to gain access to conduct an  
24 inspection. Once again, Department staff called Owner Gomez at Respondent's phone number of  
25 record but was unable to make contact.

26 22. On November 21, 2024, the Department sent an email to the City of Arcata's  
27 permitting department to confirm that Respondent was still operational. An email reply from  
28 Arcata's municipal staff confirmed that Respondent was still operational, but that a payment

1 deadline was missed. The Department was advised that Respondent had time to cure the default  
2 before the city would take adverse action.

3 23. On December 9, 2024, the Department was notified by e-mail that the City of Arcata  
4 revoked Respondent's Commercial Cannabis Activity Permit (CCAP). Per the Notification of  
5 Local Non-Compliance provided to the Department, Respondent's CCAP was revoked for non-  
6 payment of permitting fees. To date, the Department has not received any communications from  
7 Respondent confirming its operational (or non-operational) status.

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Failure to Provide the Department with Access to Licensed Premises)

10 24. Respondent is subject to disciplinary action under Code section 26030, subdivisions  
11 (a) and (c), in that it failed to comply with Code section 26160, subdivision (e), and Title 4 of the  
12 California Code of Regulations, sections 15000.3, subdivision (d) and 17800, subdivisions (a)-  
13 (b), requiring a licensee to comply with the Department's request for inspection of its licensed  
14 premises as more particularly alleged in paragraphs 19 through 23, above, which are hereby  
15 incorporated by reference and realleged as if fully set forth herein.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Failure to Notify the Department in Writing of Local Revocation  
18 within 48 Hours of Notice)

19 25. Respondent is further subject to disciplinary action under Code section 26030,  
20 subdivisions (a) and (c), in that it failed to comply with Title 4 of the California Code of  
21 Regulations, section 15035, subdivision (d), requiring a licensee to notify the Department, in  
22 writing, of the revocation of a local license, permit, or other authorization held by the licensee or  
23 any owner in their individual capacity within 48 hours of receiving notice of the revocation as  
24 more particularly alleged in paragraphs 19 through 23, above, which are hereby incorporated by  
25 reference and realleged as if fully set forth herein.

26 ///

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Failure to Comply with Local Ordinance Regulating Commercial Cannabis Activity)

3 26. Respondent is further subject to disciplinary action under Code section 26030,  
4 subdivision (f), in that it failed to comply with Arcata Municipal Code sections 5952, subdivision  
5 (A), and 5957, subdivision (C)(5), requiring commercial cannabis licensees to: (1) obtain a  
6 commercial cannabis activity permit (CCAP) from the City, and (2) pay the fees, charges, or fines  
7 associated with Respondent's CCAP as more particularly alleged in paragraphs 19 through 23,  
8 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Department issue a decision:

12 1. Revoking or suspending outright, or suspending with terms and conditions, or fining,  
13 or any combination thereof, the Cannabis-Retailer License Number C10-0001047-LIC, issued to  
14 Heart of the Emerald Arcata, LLC;

15 2. Ordering Respondent Heart of the Emerald Arcata, LLC, and Rogelio Gomez, Jr. as  
16 Owner to pay the Department of Cannabis Control the reasonable costs of the investigation and  
17 enforcement of this case, pursuant to Business and Professions Code section 26031.1;

18 3. Ordering the destruction of cannabis and cannabis goods in the possession of  
19 Respondent Heart of the Emerald Arcata, LLC, at Respondent's expense if revocation of  
20 Cannabis-Retailer License Number C10-0001047-LIC is ordered, pursuant to California Code of  
21 Regulations, title 4, section 15024.1, subdivision (a); and

22 4. Taking such other and further action as deemed necessary and proper.  
23  
24

25 DATED: April 3, 2025

*Evelyn Schaeffer*  
\_\_\_\_\_  
EVELYN SCHAEFFER  
Deputy Director of the Compliance  
Division  
Department of Cannabis Control  
State of California  
Complainant

**BEFORE THE  
DEPARTMENT OF CANNABIS CONTROL  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**HEART OF THE EMERALD ARCATA, LLC  
ROY GOMEZ, OWNER  
1507 G Street  
Arcata, CA 95521**

**Cannabis Retailer License  
No. C10-0001047-LIC**

Respondent.

Case No. DCC24-0002898-INV

**DEFAULT DECISION  
INVESTIGATORY EVIDENCE  
PACKET**

[Gov. Code §11520]

The Default Decision Investigatory Evidence Packet in support of the Default Decision and Order in the above-entitled matter consists of the following.

**Exhibit 1:** Pleadings offered for jurisdictional purposes: Accusation No. DCC24-0002898-INV, statement to respondent, notice of defense (two blank copies), request for discovery statutes (government code sections 11507.5, 11507.6 and 11507.7), and proof of service;

**Exhibit 2:** License Certification for Heart of the Emerald Arcata, LLC with Roy Gomez, Owner Cannabis Retailer License No. C10-0001047-LIC;

**Exhibit 3:** Certification of Costs by Department for Investigation in Case No. DCC24-0002898-INV dated November 3, 2025;

**Exhibit 4:** Certification of Costs by Department for Enforcement in Case No. DCC24-0002898-INV dated November 3, 2025; and

**Exhibit 5:** Investigative Report (without attachments) Case No. DCC24-0002898-INV.  
Dated: November 3, 2025

Respectfully submitted,

ROB BONTA  
Attorney General of California

*Harinder Kapur*

HARINDER KAPUR  
Senior Assistant Attorney General  
*Attorneys for Complainant*

# Exhibit 1

Accusation No. DCC24-0002898-INV  
Statement to Respondent  
Notice of Defense  
Request for Discovery  
Discovery Statutes, Proofs of Service



1 ROB BONTA  
Attorney General of California  
2 GREGORY M. CRIBBS  
Supervising Deputy Attorney General  
3 ROB WHITE  
Deputy Attorney General  
4 State Bar No. 222504  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 807-8381  
7 E-mail: RobertT.White@doj.ca.gov  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**DEPARTMENT OF CANNABIS CONTROL**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **HEART OF THE EMERALD ARCATA,**  
13 **LLC; ROY GOMEZ, OWNER.**

14 Respondent.

Case No. CC24-0002898-INV

**STATEMENT TO RESPONDENT**

[Gov. Code §§ 11504, 11505(b)]

15  
16  
17 **TO RESPONDENT:**

18 Enclosed is a copy of the Accusation that has been filed with the Department of Cannabis  
19 Control (Department), and which is hereby served on you.

20 Unless a written request for a hearing signed by you or on your behalf is delivered or  
21 mailed to the Department, represented by Deputy Attorney General Rob White, within fifteen  
22 (15) days after a copy of the Accusation was personally served on you or mailed to you, you will  
23 be deemed to have waived your right to a hearing in this matter and the Department may proceed  
24 upon the Accusation without a hearing and may take action thereon as provided by law.

25 The request for hearing may be made by delivering or mailing one of the enclosed forms  
26 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in  
27 section 11506 of the Government Code, to  
28

1                   **Rob White**  
2                   **Deputy Attorney General**  
3                   **600 West Broadway, Suite 1800**  
4                   **San Diego, CA 92101**  
5                   **P.O. Box 85266**  
6                   **San Diego, CA 92186-5266**

7                   You may, but need not, be represented by counsel at any or all stages of these proceedings.

8                   The enclosed Notice of Defense, if signed and filed with the Department, shall be deemed a  
9                   specific denial of all parts of the Accusation, but you will not be permitted to raise any objection  
10                  to the form of the Accusation unless you file a further Notice of Defense as provided in section  
11                  11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

12                 If you file any Notice of Defense within the time permitted, a hearing will be held on the  
13                 charges made in the Accusation.

14                 The hearing may be postponed for good cause. If you have good cause, you are obliged to  
15                 notify the Office of Administrative Hearings, 2349 Gateway Oak Drive, Suite 200, Sacramento,  
16                 CA 95833-4231, within ten (10) working days after you discover the good cause. Failure to  
17                 notify the Office of Administrative Hearings within ten (10) days will deprive you of a  
18                 postponement.

19                 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

20                 If you desire the names and addresses of witnesses or an opportunity to inspect and copy  
21                 the items mentioned in section 11507.6 of the Government Code in the possession, custody or  
22                 control of the Department you may send a Request for Discovery to the above designated Deputy  
23                 Attorney General.

#### 24                   **NOTICE REGARDING STIPULATED SETTLEMENTS**

25                 It may be possible to avoid the time, expense and uncertainties involved in an  
26                 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated  
27                 settlement is a binding written agreement between you and the government regarding the matters  
28                 charged and the discipline to be imposed. Such a stipulation would have to be approved by the  
29                 Department of Cannabis Control but, once approved, it would be incorporated into a final order.

30                 Any stipulation must be consistent with the Department's established disciplinary  
31                 guidelines; however, all matters in mitigation or aggravation will be considered A copy of the

1 Department's Disciplinary Guidelines will be provided to you on your written request to the state  
2 agency bringing this action.

3 If you are interested in pursuing this alternative to a formal administrative hearing, or if you  
4 have any questions, you or your attorney should contact Deputy Attorney General Rob White at  
5 the earliest opportunity.

6 Dated: April 7, 2025

7 ROB BONTA  
8 Attorney General of California  
9 GREGORY M. CRIBBS  
10 Supervising Deputy Attorney General

11 

12 ROB WHITE  
13 Deputy Attorney General  
14 *Attorneys for Complainant*

15 SA2025800450  
16 85054845.docx  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 ROB BONTA  
Attorney General of California  
2 GREGORY M. CRIBBS  
Supervising Deputy Attorney General  
3 ROB WHITE  
Deputy Attorney General  
4 State Bar No. 222504  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9608  
7 Facsimile: (619) 645-2061  
E-mail: RobertT.White@doj.ca.gov  
8 *Attorneys for Complainant*

9 **BEFORE THE**  
10 **DEPARTMENT OF CANNABIS CONTROL**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. DCC24-0002898-INV

13 **HEART OF THE EMERALD ARCATA,**  
14 **LLC; ROGELIO GOMEZ, JR., aka ROY**  
15 **GOMEZ, OWNER.**  
16 **1507 G Street**  
17 **Arcata, CA 95521**

**ACCUSATION**

18 **Cannabis - Retailer License No. C10-**  
19 **0001047-LIC**

Respondent.

20 **PARTIES**

21 1. Evelyn Schaeffer (Complainant) brings this Accusation solely in her official capacity  
22 as the Deputy Director of the Compliance Division of the Department of Cannabis Control  
23 (Department).

24 2. On or about June 1, 2022, the Department issued Cannabis-Retailer License  
25 No. C10-0001047-LIC to Heart of the Emerald Arcata LLC with Rogelio Gomez, Jr., also known  
26 as Roy Gomez, as Owner. (Respondent). The Cannabis-Retailer License was in full force and  
27 effect at all times relevant to the charges brought herein and will expire on June 1, 2025, unless  
28 renewed.

**JURISDICTION**

3. This Accusation is brought before the Director (Director) for the Department, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 26010 of the Code states:

There is in the Business, Consumer Services, and Housing Agency, the Department of Cannabis Control under the supervision and control of a director. The director shall administer and enforce the provisions of this division related to the department.

5. Section 26010.5, subdivision (d), of the Code states:

The department has the power, duty, purpose, responsibility, and jurisdiction to regulate commercial cannabis activity as provided in this division.

6. Section 26012, subdivision (a), of the Code states:

It being a matter of statewide concern, except as otherwise authorized in this division, the department shall have the sole authority to create, issue, deny, renew, discipline, condition, suspend, or revoke licenses for commercial cannabis activity.

7. Section 26013, subdivision (a), of the Code states:

The department shall make and prescribe reasonable rules and regulations as may be necessary to implement, administer, and enforce its duties under this division in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code....

8. Section 26015, subdivision (a), of the Code states:

(a) The department may make or cause to be made such investigation as it deems necessary to carry out its duties under this division.

9. Section 26031 of the Code states, in part:

(a) The department may suspend, revoke, place on probation with terms and conditions, or otherwise discipline licenses issued by the department and fine a licensee, after proper notice and hearing to the licensee, except as provided in Section 26031.01, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action. The disciplinary proceedings under this chapter shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

...

1 (c) The department may take disciplinary action against a licensee for any  
2 violation of this division when the violation was committed by the licensee's officers,  
3 directors, owners, agents, or employees while acting on behalf of the licensee or  
engaged in commercial cannabis activity.

4 (d) The suspension or expiration of a license issued by the department, or its  
5 suspension, forfeiture, or cancellation by order of the department or by order of a  
6 court of law, or its surrender without the written consent of the department, shall not,  
7 during any period in which it may be renewed, restored, reissued, or reinstated,  
deprive the department of its authority to institute or continue a disciplinary  
proceeding against the licensee upon any ground provided by law or to enter an order  
suspending or revoking the license or otherwise taking disciplinary action against the  
licensee on any such ground.

8 10. Section 26034 of the Code states:

9 All accusations against licensees shall be filed by the department within five  
10 years after the performance of the act or omission alleged as the ground for  
11 disciplinary action; provided, however, that the foregoing provision shall not  
12 constitute a defense to an accusation alleging fraud or misrepresentation as a ground  
13 for disciplinary action. The cause for disciplinary action in that case shall not be  
deemed to have accrued until discovery, by the department, of the facts constituting  
the fraud or misrepresentation, and, in that case, the accusation shall be filed within  
five years after that discovery.

## 14 **STATUTORY PROVISIONS**

15 11. Section 26030 of the Code states:

16 Grounds for disciplinary action include, but are not limited to, all of the  
17 following:

18 (a) Failure to comply with the provisions of this division or any rule or  
regulation adopted pursuant to this division.

19 ...

20 (c) Any other grounds contained in regulations adopted by the department  
21 pursuant to this division.

22 ...

23 (f) Failure to comply with the requirement of a local ordinance regulating  
commercial cannabis activity....

24 12. Section 26160, subdivision (e), of the Code states:

25 (e) A licensee, or its agent or employee, that refuses, impedes, obstructs, or  
26 interferes with an inspection of the premises or records of the licensee pursuant to this  
section, has engaged in a violation of this division....

27 ///

28 ///

1 **REGULATORY PROVISIONS**

2 13. Title 4 of the California Code of Regulations, section 15000.3, subdivision (d), states:

3 (d) Licensees shall ensure that the Department has immediate access to their  
4 licensed premises. If the Department is denied access to a licensee's premises for any  
reason, the licensee shall be held responsible and subject to discipline....

5 14. Title 4 of the California Code of Regulations, section 15035, subdivision (d), states:

6  
7 (d) A licensee shall ensure that the Department is notified in writing of the  
8 revocation of a local license, permit, or other authorization held by the licensee or any  
9 owner in their individual capacity, either by mail or electronic mail, within 48 hours  
of receiving notice of the revocation. The written notification shall include the name  
10 of the local agency involved, a written explanation of the proceeding or enforcement  
action, and the specific violation(s) that led to revocation....

11 15. Title 4 of the California Code of Regulations, section 17800, states, in pertinent part:

12 (a) The Department and its authorized representatives, for purposes of  
13 inspection, investigation, review, or audit, shall have full and immediate access to:

14 (1) Enter any premises licensed by the Department.

15 (2) Inspect and test any vehicle or equipment possessed by, in control of, or  
used by a licensee or their agents and employees for the purpose of conducting  
16 commercial cannabis activity.

17 (3) Test any cannabis goods or cannabis-related materials or products  
possessed by, in control of, or used by a licensee or their agents and employees for  
18 the purpose of conducting commercial cannabis activity.

19 (4) Copy any materials, books, or records of any licensee or their agents and  
employees.

20 (b) Failure to cooperate with and participate in any Department investigation  
21 pending against the licensee may result in a licensing violation subject to  
discipline....

22 **LOCAL AUTHORITY**

23 16. The Arcata Municipal Code, section 5952, subdivision (A), states:

24 A. Permit Required. It is unlawful to engage in commercial cannabis activity  
25 in the City of Arcata without first obtaining a commercial cannabis activity permit  
from the City Manager or his/her designee in accordance with this Chapter....

26 ///

27 ///

28 ///

17. The Arcata Municipal Code, section 5957, states, in pertinent part:

...

C. Permit Revocation. The City Manager may revoke a commercial cannabis activity permit for good cause, including, but not limited to, the following reasons:

5. Failure to pay fees, charges or fines....

### **COST RECOVERY**

18. Section 26031.1 of the Code states that:

(a) Except as otherwise provided by law, in an order issued in resolution of a disciplinary proceeding before the department, the administrative law judge, upon request, may direct a licensee found to have committed a violation to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) A certified copy of the actual costs, or a good faith estimate of costs where actual costs are not available, signed by the department or its designated representative shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The costs shall include the amount of investigative and enforcement costs up to the date of the hearing, including, but not limited to, charges imposed by the Attorney General.

(c) The administrative law judge shall make a proposed finding of the amount of reasonable costs of investigation and prosecution of the case when requested pursuant to subdivision (a). The finding of the administrative law judge with regard to costs shall not be reviewable by the department to increase the cost award. The department may reduce or eliminate the cost award, or remand to the administrative law judge if the proposed decision fails to make a finding on costs requested pursuant to subdivision (a).

(d) If an order for recovery of costs is made and timely payment is not made as directed in the department's decision, the department may enforce the order for repayment in any appropriate court. This right of enforcement shall be in addition to any other rights the department may have as to any licensee to pay costs.

(e) In any action for recovery of costs, proof of the department's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(f)(1) Except as provided in paragraph (2), the department shall not renew or reinstate the license of any licensee who has failed to pay all of the costs ordered under this section.

(2) Notwithstanding paragraph (1), the department may, in its discretion, conditionally renew or reinstate for a maximum of one year the license of any licensee who demonstrates financial hardship and who enters into a formal agreement with the department to reimburse the department within that one-year period for the unpaid costs.

///

///



1 (g) All costs recovered under this section shall be considered a reimbursement  
2 for costs incurred and shall be deposited into the Cannabis Control Fund to be  
available upon appropriation by the Legislature.

3 (h) Nothing in this section shall preclude the department from including the  
4 recovery of the costs of investigation and enforcement of a case in any stipulated  
settlement.

### 5 **FACTUAL ALLEGATIONS**

6 19. On or about November 19, 2024, during normal business hours, Department staff  
7 attempted to conduct an unannounced regulatory compliance inspection of Respondent's licensed  
8 premises. Upon their arrival, Department staff proceeded to knock on the premises doors but did  
9 not receive a response. Department staff observed an individual standing outside the premises  
10 who appeared to be waiting to enter. Upon contact, this individual confirmed that they were  
11 waiting to enter the premises to make a purchase, and that they were not employed by  
12 Respondent. Department staff attempted to contact Owner Roy Gomez (Owner Gomez) at  
13 Respondent's phone number of record but was unable to speak to or leave a voicemail message  
14 for Owner Gomez.

15 20. Department staff left the licensed premises, and later that day sent an email to Owner  
16 Gomez at Respondent's email address of record and advised that the Department would conduct  
17 an inspection of Respondent's licensed premise the following day, November 20, 2024, between  
18 the hours of 11:00 a.m. and 1:00 p.m. The Department did not receive a reply to its email.  
19 Department staff also conducted an online investigation and located Respondent's Instagram  
20 account. Respondent's Instagram account gave no indication that Respondent was closed for  
21 business.

22 21. Department staff returned to Respondent's licensed premises on November 20, 2024,  
23 between the hours of 11:00 a.m. and 1:00 p.m., and again was unable to gain access to conduct an  
24 inspection. Once again, Department staff called Owner Gomez at Respondent's phone number of  
25 record but was unable to make contact.

26 22. On November 21, 2024, the Department sent an email to the City of Arcata's  
27 permitting department to confirm that Respondent was still operational. An email reply from  
28 Arcata's municipal staff confirmed that Respondent was still operational, but that a payment

1 deadline was missed. The Department was advised that Respondent had time to cure the default  
2 before the city would take adverse action.

3 23. On December 9, 2024, the Department was notified by e-mail that the City of Arcata  
4 revoked Respondent's Commercial Cannabis Activity Permit (CCAP). Per the Notification of  
5 Local Non-Compliance provided to the Department, Respondent's CCAP was revoked for non-  
6 payment of permitting fees. To date, the Department has not received any communications from  
7 Respondent confirming its operational (or non-operational) status.

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Failure to Provide the Department with Access to Licensed Premises)

10 24. Respondent is subject to disciplinary action under Code section 26030, subdivisions  
11 (a) and (c), in that it failed to comply with Code section 26160, subdivision (e), and Title 4 of the  
12 California Code of Regulations, sections 15000.3, subdivision (d) and 17800, subdivisions (a)-  
13 (b), requiring a licensee to comply with the Department's request for inspection of its licensed  
14 premises as more particularly alleged in paragraphs 19 through 23, above, which are hereby  
15 incorporated by reference and realleged as if fully set forth herein.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Failure to Notify the Department in Writing of Local Revocation  
18 within 48 Hours of Notice)

19 25. Respondent is further subject to disciplinary action under Code section 26030,  
20 subdivisions (a) and (c), in that it failed to comply with Title 4 of the California Code of  
21 Regulations, section 15035, subdivision (d), requiring a licensee to notify the Department, in  
22 writing, of the revocation of a local license, permit, or other authorization held by the licensee or  
23 any owner in their individual capacity within 48 hours of receiving notice of the revocation as  
24 more particularly alleged in paragraphs 19 through 23, above, which are hereby incorporated by  
25 reference and realleged as if fully set forth herein.

26 ///

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Failure to Comply with Local Ordinance Regulating Commercial Cannabis Activity)

3 26. Respondent is further subject to disciplinary action under Code section 26030,  
4 subdivision (f), in that it failed to comply with Arcata Municipal Code sections 5952, subdivision  
5 (A), and 5957, subdivision (C)(5), requiring commercial cannabis licensees to: (1) obtain a  
6 commercial cannabis activity permit (CCAP) from the City, and (2) pay the fees, charges, or fines  
7 associated with Respondent's CCAP as more particularly alleged in paragraphs 19 through 23,  
8 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Department issue a decision:

12 1. Revoking or suspending outright, or suspending with terms and conditions, or fining,  
13 or any combination thereof, the Cannabis-Retailer License Number C10-0001047-LIC, issued to  
14 Heart of the Emerald Arcata, LLC;

15 2. Ordering Respondent Heart of the Emerald Arcata, LLC, and Rogelio Gomez, Jr. as  
16 Owner to pay the Department of Cannabis Control the reasonable costs of the investigation and  
17 enforcement of this case, pursuant to Business and Professions Code section 26031.1;

18 3. Ordering the destruction of cannabis and cannabis goods in the possession of  
19 Respondent Heart of the Emerald Arcata, LLC, at Respondent's expense if revocation of  
20 Cannabis-Retailer License Number C10-0001047-LIC is ordered, pursuant to California Code of  
21 Regulations, title 4, section 15024.1, subdivision (a); and

22 4. Taking such other and further action as deemed necessary and proper.  
23  
24

25 DATED: April 3, 2025

*Evelyn Schaeffer*  
\_\_\_\_\_  
EVELYN SCHAEFFER  
Deputy Director of the Compliance  
Division  
Department of Cannabis Control  
State of California  
Complainant

1 ROB BONTA  
Attorney General of California  
2 GREGORY M. CRIBBS  
Supervising Deputy Attorney General  
3 ROB WHITE  
Deputy Attorney General  
4 State Bar No. 222504  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 807-8381  
7 E-mail: RobertT.White@doj.ca.gov  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**DEPARTMENT OF CANNABIS CONTROL**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. CC24-0002898-INV

12 HEART OF THE EMERALD ARCATA,  
13 LLC; ROY GOMEZ, OWNER.

**REQUEST FOR DISCOVERY**

14 Respondent.

15 TO RESPONDENT:

16 Under section 11507.6 of the Government Code of the State of California, parties to an  
17 administrative hearing, including the Complainant, are entitled to certain information concerning  
18 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code  
19 concerning such rights is included among the papers served.

20 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE  
21 HEREBY REQUESTED TO:

22 1. Provide the names and addresses of witnesses to the extent known to the Respondent,  
23 including, but not limited to, those intended to be called to testify at the hearing, and

24 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the  
25 following in the possession or custody or under control of the Respondent:

26 a. A statement of a person, other than the Respondent, named in the  
27 initial administrative pleading, or in any additional pleading, when it is claimed that  
28

1 the act or omission of the Respondent as to this person is the basis for the  
2 administrative proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made  
4 by any party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the  
6 Respondent and of other persons having personal knowledge of the acts, omissions or  
7 events which are the basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical  
9 and blood examinations and things which the Respondent now proposes to offer in  
10 evidence;

11 e. Any other writing or thing which is relevant and which would be  
12 admissible in evidence, including but not limited to, any patient or hospital records  
13 pertaining to the persons named in the pleading;

14 f. Investigative reports made by or on behalf of the Respondent  
15 pertaining to the subject matter of the proceeding, to the extent that these reports (1)  
16 contain the names and addresses of witnesses or of persons having personal  
17 knowledge of the acts, omissions or events which are the basis for the proceeding, or  
18 (2) reflect matters perceived by the investigator in the course of his or her  
19 investigation, or (3) contain or include by attachment any statement or writing  
20 described in (a) to (e), inclusive, or summary thereof.

21 IN ADDITION, if cost recovery is requested in the pleading prayer, provide all writings  
22 which will support any objection which may be made by the Respondent, to Respondent's  
23 payment of investigation and enforcement costs to the Board.

24 For the purpose of this Request for Discovery, "statements" include written statements by  
25 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical  
26 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or  
27 summaries of these oral statements.  
28

YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery should be deemed to authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery within 30 days after service of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

Dated: April 7, 2025

ROB BONTA  
Attorney General of California  
GREGORY M. CRIBBS  
Supervising Deputy Attorney General

Rob Wink

ROB WHITE  
Deputy Attorney General  
*Attorneys for Complainant*

SA2025800450  
85054845.docx

**BEFORE THE  
DEPARTMENT OF CANNABIS CONTROL  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**HEART OF THE EMERALD ARCATA,  
LLC; ROY GOMEZ, OWNER.,**

Respondent.

Case No. CC24-0002898-INV

**NOTICE OF DEFENSE**

(Gov. Code §§ 11505 and 11506)

I hereby acknowledge receipt of a copy of the Accusation in the above-entitled proceeding, as well as the Statement to Respondent, Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery, and two copies of a Notice of Defense.

I further acknowledge that by filing this Notice of Defense, the Respondent is entitled to a hearing on the merits of the Accusation, and that under Government Code section 11506, the Respondent has a right to file a further Notice of Defense within the time specified in that section.

This Notice of Defense is filed on my own behalf as the Respondent or in my capacity as an authorized representative of an entity named as the Respondent in the Accusation.

Date:

Print Your Name:

Your Signature:

Respondent's Mailing Address:

Phone:

E-mail

**Check one box:**

☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Counsel's Mailing Address

Phone:

E-mail:

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearings and a copy sent to the Deputy Attorney General who represents Complainant so that Respondent's counsel will be on record to receive legal notices, pleadings and other papers.

**Check box if applicable:**

☐ I wish to avoid a hearing if possible and be considered for a stipulated settlement or stipulated surrender of license.

☐ I do not consent to electronic reporting.

The hearing in this case will be electronically reported/recorded, unless you check the box above to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearings and on counsel for Complainant fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

The agency taking the action described in the Accusation may have formulated disciplinary guidelines. You may obtain a copy of the guidelines by requesting them in writing from the agency. A link to the agency's website can be found on-line at <https://cannabis.ca.gov> at [https://www.dca.ca.gov/about\\_us/entities.shtml](https://www.dca.ca.gov/about_us/entities.shtml).

SA2025800450  
85054845.docx



**BEFORE THE  
DEPARTMENT OF CANNABIS CONTROL  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**HEART OF THE EMERALD ARCATA,  
LLC; ROY GOMEZ, OWNER.,**

Respondent.

Case No. CC24-0002898-INV

**NOTICE OF DEFENSE**

(Gov. Code §§ 11505 and 11506)

I hereby acknowledge receipt of a copy of the Accusation in the above-entitled proceeding, as well as the Statement to Respondent, Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery, and two copies of a Notice of Defense.

I further acknowledge that by filing this Notice of Defense, the Respondent is entitled to a hearing on the merits of the Accusation, and that under Government Code section 11506, the Respondent has a right to file a further Notice of Defense within the time specified in that section.

This Notice of Defense is filed on my own behalf as the Respondent or in my capacity as an authorized representative of an entity named as the Respondent in the Accusation.

Date:

Print Your Name:

Your Signature:

Respondent's Mailing Address:

Phone:

E-mail

**Check one box:**

☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Counsel's Mailing Address

Phone:

E-mail:

☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearings and a copy sent to the Deputy Attorney General who represents Complainant so that Respondent's counsel will be on record to receive legal notices, pleadings and other papers.

**Check box if applicable:**

☐ I wish to avoid a hearing if possible and be considered for a stipulated settlement or stipulated surrender of license.

☐ I do not consent to electronic reporting.

The hearing in this case will be electronically reported/recorded, unless you check the box above to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearings and on counsel for Complainant fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

The agency taking the action described in the Accusation may have formulated disciplinary guidelines. You may obtain a copy of the guidelines by requesting them in writing from the agency. A link to the agency's website can be found on-line at <https://cannabis.ca.gov> at [https://www.dca.ca.gov/about\\_us/entities.shtml](https://www.dca.ca.gov/about_us/entities.shtml).

SA2025800450  
85054845.docx

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7**  
**PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

**SECTION 11507.5: Exclusivity of discovery provisions**

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

**SECTION 11507.6: Request for discovery**

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

## **SECTION 11507.7: Petition to compel discovery; Order; Sanctions**

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

\*\*\*\*\*

**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**  
(Separate Mailings)

Case Name: **In the Matter of the Accusation against Heart of the Emerald Arcata LLC**

No.: CC24-0002898-INV

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On April 7, 2025, I served the attached **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 COPIES); and COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6, AND 11507.7** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 COPIES); and COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6, AND 11507.7** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Roy Gomez  
1507 G Street  
Arcata, CA 95521

**Certified Article Number**

9414 7266 9904 2237 9151 90

**SENDER'S RECORD**

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on April 7, 2025, at San Diego, California.

\_\_\_\_\_  
A. Ceja  
Declarant

\_\_\_\_\_  
*A. Ceja*  
Signature

600 West Broadway, Suite 1800  
San Diego, CA 92101  
P.O. Box 85266  
San Diego, CA 92186-5266



9414 7266 9904 2237 9151 90



ZIP 92101 \$  
02 4W  
00003859717

CFS

Roy Gomez  
1507 G Street  
Arcata, CA 95521

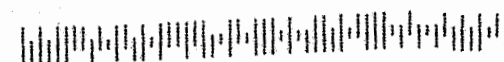
Vacant

ATTORNEY GENERAL  
SAN DIEGO

2025 APR 28 AM 9:26

-R-T-S- 955215001-1N \*94 04/21

RETURN TO SENDER  
VACANT  
UNABLE TO FORWARD  
RETURN TO SENDER



**C** FOLD AND TEAR THIS WAY →

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

Return Receipt (Form 3811) Barcode



9590 9266 9904 2237 9151 93

1. Article Addressed to:  
Roy Gomez  
1507 G Street  
Arcata, CA 95521

2. Certified Mail (Form 3800) Article Number

9414 7266 9904 2237 9151 90

PS Form 3811, Facsimile, July 2015

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

☐ Addressee

☒ B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

☐ No

If YES, enter delivery address below:

3. Service Type:

☒ Certified Mail

Reference Information  
SA20250045074cc  
Emerald Arcata LLC  
Rob White

Domestic Return Receipt

Thank you for using Return Receipt Service

# Exhibit 2

License History Certification for Respondent

(HEART OF THE EMERALD ARCATA, LLC; ROY GOMEZ, OWNER)





Department of  
Cannabis Control  
CALIFORNIA

Department of Cannabis Control  
licensing@cannabis.ca.gov, www.cannabis.ca.gov

# Cannabis Retailer License Adult-Use

**Business Name:**

Heart of the Emerald Arcata, LLC

Heart of the Emerald Arcata, LLC

**License Number:** C10-0001047-LIC

**License Type:** Retailer  
(Storefront)

The license authorizes Heart of the Emerald Arcata, LLC to engage in commercial cannabis Retail (Storefront) at the premises address listed above until the expiration date of this license. This license issued is pursuant to Division 10 of the California Business and Professional Code and is not transferable to any other person or premises location. This license shall always be displayed in a prominent place at the licensed premises. This license shall be subject to suspension or revocation if the licensee is determined to be in violation of Division 10 of the Business and Professions Code or regulations adopted thereunder.

**Premises Address:**

1507 G ST  
ARCATA, CA 95521-5647

**APN:**

020-097-007  
ARCATA, HUMBOLDT COUNTY

**Valid:** 6/1/2022

**Expires:** 6/1/2025

Scan to verify this  
license.



**Non-Transferable**

**Post in Public View**

# Scan to verify this license.



**Valid:**

6/1/2022

**Expires:**

6/1/2025

**License No:**

C10-0001047-LIC

**Legal Business Name:**

Heart of the Emerald Arcata, LLC

Heart of the Emerald Arcata, LLC

**Premises Address:**

1507 G ST

ARCATA, CA 95521-5647

**APN:**

020-097-007

ARCATA, HUMBOLDT COUNTY

1. Use your smartphone camera to scan the QR code for licensing information.
2. If your camera doesn't have scanning functionality, you can look up a location at **CAPotcheck.com** using license number C10-0001047-LIC.



Department of  
Cannabis Control  
CALIFORNIA

## Exhibit 3

Certification of Costs by Department for Investigation in  
Case No. DCC24-0002898-INV dated November 3, 2025

(HEART OF THE EMERALD ARCATA, LLC; ROY GOMEZ, OWNER)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**BEFORE THE  
DEPARTMENT OF CANNABIS CONTROL  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. DCC24-0002898-INV

**HEART OF THE EMERALD ARCATA,  
LLC; ROGELIO GOMEZ, JR., aka ROY  
GOMEZ, OWNER.  
1507 G Street  
Arcata, CA 95521**

**DECLARATION OF ASHTYN  
CAMPBELL REGARDING  
INVESTIGATIVE ACTIVITY**

**Cannabis Retailer License No.  
C10-0001047-LIC**

Respondent.

I, Ashtyn Campbell, declare and certify as follows:

1. I am employed as a Supervising Special Investigator (SSI) I within the Investigative Services Branch (ISB) of the Compliance Division of the Department of Cannabis Control (Department).

2. I have been designated as the Department representative to certify the costs of investigation in this case pursuant to Business and Professions Code section 26031.1. I make this certification in my official capacity as an SSI I and as a public employee pursuant to Evidence Code section 664.

3. The following list of SSIs, Special Investigators (SI) and enforcement support staff were assigned to the investigation of this case, which was initially opened by the Department's Compliance Division on or about November 19, 2024: Lead SI Russell Poag; SI Emily Walker; Associate Governmental Program Analyst Brandon Acker; and Lead SSI I Ashtyn Campbell.

4. In my official capacity as an SSI I, I review the costs incurred by the Department's ISB in the enforcement of the laws and regulations under its jurisdiction and certify that these costs were incurred by the Department. I am familiar with the time reporting system of the

1 Department's Compliance Division for the reasonable and necessary investigative work  
2 performed on a particular case. It is the duty of supervising special investigators to keep track of  
3 the time spent and to report that time in the Department's case management system at or near the  
4 time of the tasks performed.

5 5. The investigative activity summary entitled Heart of The Emerald Arcata LLC,  
6 Certification of Cost Recovery was obtained from the Department's case management system and  
7 includes the details of tasks performed by SIs and SSIs as maintained in the Department's case  
8 management system. The costs related to investigative activity include field time, research and  
9 report writing, meetings, and use of state vehicles. I hereby certify that the Heart of The Emerald  
10 Arcata LLC Certification of Cost Recovery, attached hereto and herein incorporated by reference  
11 is a true and correct copy of the investigative activity for this case. The investigative activity  
12 summary encompasses the total hours spent by the Department's ISB through February 10, 2025.  
13 The investigative activity summary does not include tasks performed after this date.

14 6. I certify pursuant to the provisions of Business and Professions Code section 26031.1  
15 that to the best of my knowledge the costs of investigative services set forth in this declaration are  
16 correct and were necessarily incurred in this case. The total hours of investigative activity and  
17 rates applicable to the above-entitled case are as follows:

18 a) Special Investigator and Enforcement Support Staff Field Time:

19 Investigator rate per hour: \$101.00 multiplied by 4 hours = \$404.00

20 Support Staff rate per hour: \$82.00 multiplied by 2 hours = \$164.00

21 b) Research and Report Writing:

22 Rate per hour: \$101.00 multiplied by 12.5 hours = \$1,262.50

23 c) Meetings:

24 Rate per hour: \$101.00 multiplied by 4 hours = \$404.00

25 d) Use of State Vehicles:

26 3 vehicles @ .58 per mile multiplied by 18 miles = \$10.44  
27  
28

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct and that this declaration was executed in Humboldt County on  
3 November 3, 2025.

Campbell, Ashtyn@Cannabis Digitally signed by Campbell,  
Ashtyn@Cannabis  
Date: 2025.11.03 16:29:19 -08'00'

Ashtyn Campbell  
*Declarant*

	A	B	C	D	E	F	G	H
1	Last Name	First Name	Hourly Rate	Field Time	Research and Report	Meetings	Total Hours	Total Expense
2	Lead SI, Poag	Russell	\$101.00	2	9.5	2	13.5	\$1,363.50
3	Supervising Special Investigator I, Campbell	Ashtyn	\$101.00	0	3	2	5	\$505.00
4	Assisting SI, Walker	Emily	\$101.00	2	0	0	2	\$202.00
5	Assisting AGPA, Acker	Brandon	\$82.00	2	0			\$164.00
6								\$0.00
7								\$0.00
8								\$0.00
9								\$0.00
10								\$0.00
11								\$0.00
12								\$0.00
13								\$0.00
14								\$0.00
15	Total Personnel Services							\$2,234.50
16								
17	Total Personnel Services and Operating Expense							\$2,244.94
18								
19								
20	Operating Expense	Count	Miles	@.58 per mile				
21	State Vehicles	3	18	\$10.44				
22	U-Haul Rental			\$0.00				
23	U-Haul Gas			\$0.00				
24	Total Operating Expense			\$10.44				

## Exhibit 4

Certification of Costs by Department for Enforcement in  
Case No. DCC24-0002898-INV dated November 5, 2025

(HEART OF THE EMERALD ARCATA, LLC; ROY GOMEZ, OWNER)



1 ROB BONTA  
Attorney General of California  
2 HARINDER KAPUR  
Senior Assistant Attorney General  
3 State Bar No. 198769  
600 West Broadway, Suite 1800  
4 San Diego, CA 92101  
Telephone: (619) 738-9407  
5 Facsimile: (916) 732-7920  
E-mail: Harinder.Kapur@doj.ca.gov  
6 *Attorneys for Complainant*

7 **BEFORE THE**  
8 **DEPARTMENT OF CANNABIS CONTROL**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. DCC24-0002898-INV

11 **HEART OF THE EMERALD ARCATA, LLC**  
12 **ROY GOMEZ, OWNER**

**CERTIFICATION OF PROSECUTION  
COSTS: DECLARATION OF  
HARINDER KAPUR**

13 Respondent.

Business and Professions Code section  
26031.1]

14  
15 I, HARINDER KAPUR, hereby declare and certify as follows:

16 1. I am a Senior Assistant Attorney General employed by the California Department of  
17 Justice (DOJ), Office of the Attorney General (Office). I am assigned to the Cannabis Control  
18 Section in the Civil Division of the Office. I have been designated as the representative to certify  
19 the costs of prosecution by DOJ and incurred by the Department of Cannabis Control in this case.  
20 I make this certification in my official capacity and as an officer of the court and as a public  
21 employee pursuant to Evidence Code section 664.

22 2. I represent the Complainant, Evelyn Schaeffer, Deputy Director of the Compliance  
23 Division of the Department of Cannabis Control, in this action. I was assigned to handle this case  
24 on or about October 28, 2025.

25 ///

26 ///

27 ///

1           3.     Our Office's computerized case management system reflects that the following  
2 persons have also performed tasks related to this matter: Robert T. White, Deputy Attorney  
3 General; Helen Koh, Senior Legal Analyst; Gregory M. Cribbs, Supervising Deputy Attorney  
4 General.

5           4.     I am familiar with the time recording and billing practices of DOJ and the procedure  
6 for charging the client agency for the reasonable and necessary work performed on a particular  
7 case. It is the duty of the time keeping employees to keep track of the time spent and to report  
8 that time in DOJ's computerized case management system at or near the time of the tasks  
9 performed.

10          5.     On November 3, 2025, I requested a billing summary for this case from the  
11 Accounting Department of the DOJ. In response, on November 3, 2025, I received a document  
12 entitled "Matter Time Activity by Professional Type." I hereby certify that the Matter Time  
13 Activity by Professional Type, attached hereto as Exhibit A, and herein incorporated by  
14 reference, is a true and correct copy of the billing summary for this matter that I received from the  
15 Accounting Department. The summary includes the billing costs incurred by me, as well as other  
16 professionals of the DOJ who worked on the matter; and sets forth the tasks undertaken, the  
17 amount of time billed for the activity, and the billing rate by professional type. The billing  
18 summary is comprehensive of the charges by the Office to the Department of Cannabis Control  
19 through November 3, 2025. It does not include billing for tasks performed after November 3,  
20 2025, up to the date of hearing.

21          6.     Based upon the time reported through November 3, 2025, as set forth in Exhibit A,  
22 DOJ has billed the Department of Cannabis Control \$8,043.00 for the time spent working on the  
23 above-entitled case.

24          7.     To the best of my knowledge the items of cost set forth in this certification are correct  
25 and were necessarily incurred in this case.

26                 I certify under penalty of perjury under the laws of the State of California that the foregoing  
27 is true and correct.

28     ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Executed on November 5, 2025, in the City of San Diego, California.

*Harinder Kapur*

HARINDER KAPUR

Senior Assistant Attorney General  
Declarant

SA2025800450  
85424183.docx

## **Exhibit A**



# Matter Time Activity By Professional Type

As of Nov 3, 2025

Matter ID: SA2025800450					Date Opened: 02/11/2025				
Description: Heart of the Emerald Arcata LLC (ACC)									
Professional Type: Attorney									
Fiscal Year: 2025									
Professional: Harinder K. Kapur									
Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj ?	Statement Date
803334946	11/3/25	CV-CCS:290	02668	Supervisory Review	0.25	\$228.00	\$57.00		
Harinder K. Kapur Totals:					0.25		\$57.00		
Professional: Robert Tomlin White									
803262047	8/7/25	CV-CCS:290	02668	Client Communication	1.00	\$228.00	\$228.00		8/31/25
Robert Tomlin White Totals:					1.00		\$228.00		
2025 Totals:					1.25		\$285.00		
Fiscal Year: 2024									
Professional: Gregory M. Cribbs									
605489792	3/13/25	CV-CCS:290	02668	Supervisory Review	0.50	\$228.00	\$114.00		3/31/25
605507780	3/24/25	CV-CCS:290	02668	Supervisory Review	1.50	\$228.00	\$342.00		3/31/25
605524774	4/2/25	CV-CCS:290	02668	Supervisory Review	0.25	\$228.00	\$57.00		4/30/25
Gregory M. Cribbs Totals:					2.25		\$513.00		
Professional: Robert Tomlin White									
803061564	2/28/25	CV-CCS:290	02668	Case Evaluation/Assessment	2.00	\$228.00	\$456.00		2/28/25
803091936	3/19/25	CV-CCS:290	02668	Pleading Preparation	2.00	\$228.00	\$456.00		3/31/25
803091939	3/20/25	CV-CCS:290	02668	Pleading Preparation	1.00	\$228.00	\$228.00		3/31/25
803091970	3/27/25	CV-CCS:290	02668	Pleading Preparation	2.00	\$228.00	\$456.00		3/31/25
803091983	3/28/25	CV-CCS:290	02668	Pleading Preparation	1.50	\$228.00	\$342.00		3/31/25
803104465	4/2/25	CV-CCS:290	02668	Pleading Preparation	1.00	\$228.00	\$228.00		4/30/25
803104469	4/2/25	CV-CCS:290	02668	Pleading Preparation	1.00	\$228.00	\$228.00		4/30/25
803104483	4/2/25	CV-CCS:290	02668	Pleading Preparation	1.00	\$228.00	\$228.00		4/30/25
803104544	4/3/25	CV-CCS:290	02668	Pleading Preparation	0.50	\$228.00	\$114.00		4/30/25
803104546	4/3/25	CV-CCS:290	02668	Pleading Preparation	0.25	\$228.00	\$57.00		4/30/25
803104558	4/3/25	CV-CCS:290	02668	Pleading Preparation	0.25	\$228.00	\$57.00		4/30/25
803104574	4/4/25	CV-CCS:290	02668	Pleading Preparation	1.00	\$228.00	\$228.00		4/30/25



## Matter Time Activity By Professional Type

As of Nov 3, 2025

Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj ?	Statement Date
803104611	4/7/25	CV-CCS:290	02668	Pleading Preparation	0.75	\$228.00	\$171.00		4/30/25
803104618	4/8/25	CV-CCS:290	02668	Analysis/Strategy	0.25	\$228.00	\$57.00		4/30/25
803124677	4/28/25	CV-CCS:290	02668	Analysis/Strategy	0.50	\$228.00	\$114.00		4/30/25
803124695	4/28/25	CV-CCS:290	02668	Document Analysis	0.50	\$228.00	\$114.00		4/30/25
803156788	5/5/25	CV-CCS:290	02668	Client Communication	0.50	\$228.00	\$114.00		5/31/25
803156795	5/6/25	CV-CCS:290	02668	Client Communication	0.25	\$228.00	\$57.00		5/31/25
803158864	5/21/25	CV-CCS:290	02668	Pleading Preparation	0.25	\$228.00	\$57.00		5/31/25
803158875	5/23/25	CV-CCS:290	02668	Pleading Preparation	2.00	\$228.00	\$456.00		5/31/25
803158890	5/28/25	CV-CCS:290	02668	Pleading Preparation	2.00	\$228.00	\$456.00		5/31/25
803171730	6/6/25	CV-CCS:290	02668	Pleading Preparation	1.00	\$228.00	\$228.00		6/30/25
Robert Tomlin White Totals:					21.50		\$4,902.00		
2024 Totals:					23.75		\$5,415.00		
Attorney Totals:					25.00		\$5,700.00		



# Matter Time Activity By Professional Type

As of Nov 3, 2025

Matter ID: SA2025800450					Date Opened: 02/11/2025				
Description: Heart of the Emerald Arcata LLC (ACC)									
Professional Type: Paralegal									
Fiscal Year: 2025									
Professional: Helen Koh									
Trans #	Date	Section	Client	Task	Hours Worked	Rate	Amount	Adj ?	Statement Date
803334883	11/3/25	CV-CCS:290	02668	Case Management	1.75	\$213.00	\$372.75		
Helen Koh Totals:					1.75		\$372.75		
2025 Totals:					1.75		\$372.75		
Fiscal Year: 2024									
Professional: Helen Koh									
803039897	2/11/25	CV-CCS:290	02668	Case Management	1.25	\$213.00	\$266.25		2/28/25
803052850	2/25/25	CV-CCS:290	02668	Case Management	0.25	\$213.00	\$53.25		2/28/25
803055328	2/27/25	CV-CCS:290	02668	Case Management	0.25	\$213.00	\$53.25		2/28/25
803072415	3/14/25	CV-CCS:290	02668	Pleading Preparation	5.75	\$213.00	\$1,224.75		3/31/25
803074281	3/17/25	CV-CCS:290	02668	Pleading Preparation	1.00	\$213.00	\$213.00		3/31/25
803078347	3/20/25	CV-CCS:290	02668	Case Management	0.25	\$213.00	\$53.25		3/31/25
803094038	4/3/25	CV-CCS:290	02668	Case Management	0.25	\$213.00	\$53.25		4/30/25
803136202	5/13/25	CV-CCS:290	02668	Case Management	0.25	\$213.00	\$53.25		5/31/25
Helen Koh Totals:					9.25		\$1,970.25		
2024 Totals:					9.25		\$1,970.25		
Paralegal Totals:					11.00		\$2,343.00		
SA2025800450 Totals:					36.00		\$8,043.00		



Cost of Suit Summary

As of Nov 3, 2025

MatterID: SA2025800450  
Description: Heart of the Emerald Arcata LLC (ACC)

Date Opened: Feb 11, 2025

Total Legal Costs: \$8,043.00  
Cost of Suit: \$0.00  
Grand Total: \$8,043.00

Totals include WIP time.

Rate	Hrs Wrkd	Amount
Matter Time Activity Summary		
Attorney		
2025-2026		
\$228.00	1.25	\$285.00
Total For: 2025-2026		\$285.00
2024-2025		
\$228.00	23.75	\$5,415.00
Total For: 2024-2025		\$5,415.00
Total for: Attorney		\$5,700.00
Paralegal		
2025-2026		
\$213.00	1.75	\$372.75
Total For: 2025-2026		\$372.75
2024-2025		
\$213.00	9.25	\$1,970.25
Total For: 2024-2025		\$1,970.25
Total for: Paralegal		\$2,343.00
Total Legal Costs		\$8,043.00

Entry No	Journal Date	Vendor #	Vendor	Schedule	Reference	Amount
Cost of Suit						
* Denotes soft costs which are not included in totals.						



# Exhibit 5

Investigative Report (without attachments)  
DCC Case No. DCC24-0002898-INV

(HEART OF THE EMERALD ARCATA, LLC; ROY GOMEZ, OWNER)



## INVESTIGATION REPORT



Department of  
Cannabis Control  
CALIFORNIA



### CASE INFORMATION

Case Number <b>DCC24-0002898-INV</b>	Date Received
License Number <b>C10-0001047-LIC</b>	Legal Business Name of Licensee or Unlicensed Party <b>Heart of the Emerald Arcata, LLC</b>
DBA	Premises Address <b>1507 G St. Arcata, CA 95521</b>
Business Phone Number <b>(707) 834-9781</b>	Author's Name <b>Russell Poag, Special Investigator #4042</b>
Date of Incident <b>11/20/2024</b>	Location of Incident <b>1507 G St. Arcata, CA 95521</b>

### DESIGNATED RESPONSIBLE PARTY (OWNER) OR UNLICENSED PERSON(S)

Name (First, Middle, Last) <b>Roy Gomez</b>	Title <b>Owner Applicant</b>
Address (include street, city, state, and zip code) <b>105 5TH St., Eureka, CA 95501</b>	
E-mail Address <b>info@heartoftheemerald.com</b>	Phone Number <b>(707) 834-9781</b>
Miscellaneous Information	

### SUMMARY

On November 19, 2024, I, Special Investigator Russell Poag, attempted to conduct an inspection of Heart of the Emerald Arcata, LLC, (Emerald) at 1507 G St. Arcata, CA (Premises). I was unable to gain access to the licensed premises on November 19, 2024, to conduct an inspection and I attempted again, after giving notice, on November 20, 2024. I was unable to gain access to the licensed premises on November 20, 2024.

I contacted the City of Arcata Community Development Administrative Specialist Mads Odom (AS Odom) to inquire if the business was still operational. I was informed by AS Odom that the local permit had been revoked.



## INVESTIGATION REPORT

### BACKGROUND

On June 1, 2022, Roy Gomez was issued a Cannabis Retailer License for Heart of the Emerald Arcata, LLC (Emerald), license number C10-0001047-LIC. (**Attachment A**)

On November 1, 2022, Department of Cannabis Control (Department) staff conducted an inspection of the licensed premises. No violations were found.

On December 13, 2023, Department Special Investigators Branden Howton and Russell Poag, conducted an inspection of the licensed Premises. A Notice to Comply was issued on December 19, 2023, for violations observed during the inspection.

### CASE NARRATIVE

On November 19, 2024, I, Special Investigator Russell Poag (SI Poag), along with SI Emily Walker (SI Walker), and Associate Governmental Program Analyst Brandon Acker (AGPA Acker) attempted to conduct an unannounced compliance inspection at Emerald's licensed Premises.

Upon arriving at the Premises, I knocked on the door and there was no answer. I then proceeded to the alternate door and knocked, and there was no answer. I observed a young person standing outside the alternate door, looking at their phone and at the door in a manner that suggested they were waiting to enter. I asked them if they were an employee and they stated they were not, they were waiting to enter the Premises to make a purchase, or words to that effect. I then looked for any signs or indications that the shop was closed and did not observe any notes, signs or any other indication that the shop was closed.

I then placed a phone call to the phone number on file with the Department, (707) 834-9781, for the Owner Applicant, Roy Gomez (Gomez). The voice mailbox was full, and I was unable to leave a voicemail.

At that time, SI Walker, AGPA Acker, and I left the Premises.

Upon returning to the office, I sent an email to the email on file with the Department, [info@heartoftheemerald.com](mailto:info@heartoftheemerald.com), and advised Gomez that the Department would conduct an inspection of the Premises on November 20, 2024. (**Attachment B**)

I did not receive a reply to the email.

I then conducted a search on Google's search engine and looked up the Instagram page, a social networking service, for Emerald to see if there was any indication that the business was closed. During my search, there was no indication that Emerald was closed, and normal store hours were shown on the Emerald's Instagram account, @heartoftheemerald\_arcata. (**Attachment C**)

On November 20, 2024, SI Walker, AGPA Acker, and I, returned to the Premises. I was again unable to gain access to the Premises to conduct an inspection. I again tried to call Gomez at the number on file with the Department and was unsuccessful. Department staff, SI Walker, AGPA Acker, and I then left the Premises.

On November 21, 2024, I emailed City of Arcata Administrative Specialist Mads Odom (AS Odom). I asked AS Odom if Emerald was still operational. AS Odom informed me that Emerald was still operational to their knowledge, but Emerald had recently missed a payment deadline but had time to make the payment before action was taken. (**Attachment D**)



## INVESTIGATION REPORT

On December 9, 2024, AS Odom notified the Local Verification unit and Cc'd me, that the local permit for Emerald had been revoked. (**Attachment E**) The email from AS Odom included a Notification of Local Non-Compliance. (**Attachment F**)

Emerald failed to provide the Department with access to the Premises on November 19, 2024, and November 20, 2024. Emerald appears to be non-operational; however, the Department has not received any communications from Emerald to that effect. Emerald's California Cannabis Track and Trace (CCTT) account shows there are currently 300 packages in their inventory. (**Attachment G**)

### WITNESS LIST

#### Witness #1

- Name: Russell Poag
- Title/Position: Special Investigator
- Address: 2920 Kilgore Rd. Rancho Cordova, CA 95670
- Phone: 279-220-7228
- E-mail: Russell.Poag@cannabis.ca.gov

#### Witness #2

- Name: Emily Walker
- Special Investigator
- Address: 2920 Kilgore Rd. Rancho Cordova, CA 95670
- Phone: 916-584-4247
- E-mail: Emily.Walker@cannabis.ca.gov

#### Witness #3

- Name: Brandon Acker
- Title/Position: Associate Governmental Program Analyst
- Address: 2920 Kilgore Rd. Rancho Cordova, CA 95670
- Phone: 408-309-3242
- E-mail: Brandon.Acker@cannabis.ca.gov

### PREPARER

Name	Title
Russell Poag	Special Investigator
Signature	Date

### REVIEWER

Name	Title
Ashtyn Campbell	Supervising Special Investigator I
Signature	Date

### LIST OF ATTACHMENTS

Attachment A: Retail License  
Attachment B: Inspection Notice Email  
Attachment C: Screenshot of Licensee's Instagram page  
Attachment D: Email to City of Arcata  
Attachment E: Email from City of Arcata  
Attachment F: Notice of Local Non-Compliance  
Attachment G: Package Report of Licensee's CCTT inventory

## PROOF OF SERVICE

Case Name: In the Matter of the Accusation Against: Heart of the Emerald Arcata, LLC  
DCC Case No. DCC24-0002898-INV  
License Number: C10-0001047-LIC, Commercial-Retailer

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Department of Cannabis Control, 2920 Kilgore Road, Rancho Cordova, CA 95670. On November 26, 2025, I served the within documents:

### NOTICE OF DEFAULT DECISION AND ORDER

- ☒ VIA ELECTRONIC TRANSMISSION. Pursuant to CCP § 1010.6, I caused the document(s) to be sent to the person(s) at the Email address(es) listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.
- ☒ VIA CERTIFIED MAIL by placing the envelope for collection and mailing following our ordinary business practices for collecting and transmitting mail through the United States Postal Service to the individual(s) or entity(ies) listed below.
  - ☐ Service via certified mail to be completed upon the following business day.

Heart of the Emerald Arcata, LLC  
Roy Gomez, Owner  
105 5th Street  
Eureka, CA 95501  
Certified Mail No. 7022 1670 0001 3411 3844  
roygomez420@gmail.com

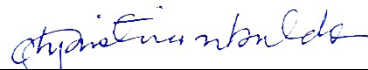
Evelyn Schaeffer (email only)  
Deputy Director  
Compliance Division  
Department of Cannabis Control  
Evelyn.Schaeffer@cannabis.ca.gov

Rob White (email only)  
Deputy Attorney General  
Cannabis Control Section  
Office of the Attorney General  
RobertT.White@doj.ca.gov

I am familiar with the Department's business practices for collecting and transmitting mail through the United States Postal Service. In accordance with those practices, correspondence placed in the Department's internal mail collection system is, in the ordinary course of business, deposited in the United States Postal Service, with postage paid, on the same day.

I declare under penalty of perjury under the laws of the State of California, and the United States of America, that the above is true and correct.

Executed on November 26, 2025, at Rancho Cordova, California.



---

Christina C. Ubaldo