

A Comparison between 6176 and 6220 Federal Blvd., by the City of San Diego Development Services Department (DSD) Processing of Conditional Use Permits (CUP) for Marijuana Outlets (MO).

By Darryl Cotton

01/15/2020

On 7-15-19, after 5 days of trial on a sham Breach of Contract lawsuit that stemmed from the sale of my commercial real estate property, located at 6176 Federal Blvd., to **Larry Geraci (Geraci)**. The matter has now been decided and settled by a jury of my peers. I lost, Geraci won and the jury awarded him \$260K in damages. But what did he really win and how did he go about achieving that win? That is what this document intends to provide the reader.

As it relates to the processing of the 6176 Conditional Use Permit (6176 CUP) process thru the City of San Diego Development Services Department (DSD), Geraci had full control of that process. I had no say or participation in the CUP processing at my own property. Which means when it became apparent to Geraci that he would not be able to purchase my property and he filed suit, that the CUP, if granted, would go to me, the property owner. With that Geraci made the conscience decision to see that the 6176 CUP be denied using any means necessary. And as you're about to see, that plan relied heavily on the active cooperation of DSD to achieve that goal.

On March 22, 2017 I received a letter from Geraci Attorney Michael Weinstein [Demand Letter](#) informing me that a 3 sentence document that Geraci, a CA licensed real estate agent had prepared and I both signed, [The 11/02/16 Document](#) was his claim that this was now a fully integrated, binding real estate contract. One that contained all the terms and conditions that would allow me to sell my property to Geraci and have him develop it into a license marijuana outlet (MO). On the other hand, I had believed, based on an email I had sent to later that day that Geraci was going to reduce our 11/02/16 oral agreement to writing whereby in that email I reminded him of that, to which he replied with an affirmation of; ['No No Problem at All'](#). Weinstein didn't see it that way and per Geraci's instructions, filed the sham lawsuit [Geraci v Cotton 03/21/17](#) in an attempt to protect his clients rights and to recover claimed expenses as of March 21, 2017 of \$300K +. Where his client would have spent \$300K + prior to the filing of this lawsuit on a 'normally' processed CUP will be the focus of this paper.

When litigation began in March 2017, Geraci had to maintain the appearances that would show he was continuing to pursue the 6176 CUP in good faith. What he knew all along was that he would not get the property as I had sold it to someone else and that the only thing that could to reduce his financial exposure in a sham lawsuit was to make it look like he was pursuing the 6176 CUP in good faith while in reality looking for ways to have it denied.

What Geraci and his team of architects, lawyers, a lobbyist and his relations with City staff accomplished was to have DSD allow certain unusual things to happen that led to 6176 CUP being denied by having a competing CUP at 6220 Federal Blvd., (6220 CUP) approved. That CUP was applied for and granted to Aaron Magagna. The following information will present some of the unusual issues that are unexplainable when it comes to how the normal CUP process works with DSD and what makes the processing of 6220 entirely suspect. In fact, besides the fact that the 6176 CUP was 1.5 years ahead of the 6220 CUP application the main obstacle for the 6220 approval would have been that there are 2 licensed child care facilities located within 1000' of the 6220 property. That issue was fully described in a report I generated [6220 Federal Blvd Child Care Setbacks](#) that shows the distances on a map generated by Title Pro as well as the audio recording transcription of the 10/18/18 public hearing where various parties discussed the project prior to its having been approved by the planning commission. 6220 should not have been a threat to 6176 for numerous reasons. This paper will cover all of them.

Cotton-Malbrough emails from 06/11/18 through 06/13/18

Ever since the Geraci lawsuit was filed I suspected that my rights as the property owner to the CUP could be easily compromised. But after the Malbrough exchange I knew for a fact something was up. With that I reached out in a series of two emails to everyone from the mayor's office, the city attorney and DSD that I suspected the processing of the 2 CUP's was not being done fairly and impartially. I wanted as many people within the City of San Diego to know what my concerns were so I sent these emails out;

1) [Cotton emails; 07-25-thru-8-04-18 to City of San Diego re CUP processing](#)

2) [Cotton's expanded distribution emails; 07-25-thru-7-27-18 to City of SD re CUP processing](#)

As you can see I was pretty much ignored with a pat on the head and told to go away.

Now let's go back to the submitted DSD project documents that start the timeline for processing:

[6176 FIRST FULL SET OF DRAWINGS SUBMITTED DATE: 02/22/17](#). What can be seen by these drawings is that they were submitted by TECHNE and a group of licensed design team professionals, with experience in the MO CUP Submittal process. From the date of acceptance, 10/31/16 to the date of first full set of submittal it took nearly 4 months to develop those drawings so they could be submitted to DSD. As can be seen these drawings are stamped by Michael Morton, a licensed CA architect.

[6220 FULL SET OF DRAWINGS SUBMITTED DATE: - 05/08/18](#) The drawings begin on Page 30 of this link. Here you can see that when compared to the 6176 drawings there are no licensed architectural stamp on these drawings and the three plan submission dates are listed on the cover sheet of these drawings. A comparison of the two drawings can be seen in the next section.

SECTION 2: TECHNE'S INTENTIONALLY WORTHLESS APPEAL

On 10/18/18 the 6220 CUP was approved during the Planning Commissions hearing.

On 12/14/18 TECHNE Appealed that decision: [TECHNE APPEAL of the 6220 CUP Approval](#)

On page two, Section A: DETAILED LIST OF MISSING INFORMATION of that appeal, Abhay Schweitzer (Schweitzer) of TECHNE, attempts to show in the image on the left, that the PROJECT TEAM box was indecipherable and information was missing;

i. Project Applicant information is Missing on sheet CS

ii. Existing Use is Missing in project information on sheet CS

All it's really going to take to prove the Schweitzer/TECHNE/DSD conspiracy involved in the 6220 approval is to subpoena whatever records they have that show DSD provided TECHNE the image on the left when the image on the right is what DSD had on file for the 6220 project.

As can be seen by the image on the right the PROJECT TEAM box is clearly readable and therefore not objectionable in the original [6220 CUP Hearing of 10/18/18](#) planning commission hearing or during the [6220 CUP Appeal 12/06/18](#) in which Schweitzer was making an 'objection' to the 6220 approval with a manipulated image that DSD could easily overrule that objection by saying they have all the required information in the proper format and that is not unreadable. What a farce!

But it gets worse! What these drawings ARE missing though is a stamp from a licensed CA architect. The architectural firm is listed as [Pacific Design Concepts \(pacdesignconcepts.com\)](http://pacdesignconcepts.com) which has no website just a place holder showing the website is under construction and are based out of Las Vegas, NV. The architect is listed as Jerry Gaparic, CEL No: 702.204.9398 email: jerryg@pacdesignconcepts.com and the Project Manager (why do you need a PM listed on your drawings?) is listed as Bruno Vasquez, Cell No: 619.823.9750 email: brunov@pacdesignconcepts.com (although Atty Cynthia Morgan Reed introduced Vasquez as the architect at the 10/18/18 Planning Commission hearing and she is a Land Use Specialist!) none of the Pacific Design people or the entity is listed with the CA Board of Architects as being licensed for the disciplines required by DSD IB-514 Professional Certifications Requirements when submitting drawings for a proposed project.

Address Missing & Client's Name Misspelled. If I'm Aaron Magagna and I'm the one fully responsible and doing multiple reviews on these drawings for the CUP submittal process, don't you think I'd make sure my 'architect' has my name spelled correctly?

Marengo Morton Architects: **6176** Architect of Record; Michael Rene Morton CA Architect Lic No C 19371. Morton also indicates the dates of the Completeness Review; 10/28/16 and the First Full Submittal of 02/22/17. When compared to 6220 the Completeness Review date isn't shown at all.

Pacific Design Concepts - **6220** Architect of Record; Jerry Gaparich Architect of Record Stamp – Missing. Also Note Plan Revision Dates. **Based on these dates the complete and final approved drawings took less than 90 days in just 3 submittals from an unlicensed design group. Impossible!**

SECTION 3: DSD SCREEN SHOT COMPARISONS SHOWING CUSTOMER INFORMATION

Setting aside the fact that this unlicensed CA design group with no local experience in MO CUP's did for the 6220 project in just 7 months what it took a skilled team of TECHNE professionals over two years to attempt to do and during that process TECHNE never even SET UP to SCHEDULED Community Planning Group review for the 6176 project. But all that aside, they managed to do so without EVER having ANY of their information posted on the DSD website as can be seen below by a comparison of the two projects screen shots.

Cherlyn Cac was the DSD Project Manager (PM) for about a year on the 6176 CUP when it was turned over to the 3rd or 4th PM, Hugo Castaneda (if you count Delores Gonzales it was 4) when Cac went on to the competing 6220 CUP. **Cac presented the DSD recommendation at the 10/18/18 planning commission that the 6220 CUP be approved over the 6176 CUP.** Of course this would seem to be an obvious conflict of interest even if the two CUPS were processed fairly. They were not only processed unfairly, Cac and her boss Tirandazi (who was also a 6176 CUP PM) was instrumental in seeing 6220 approved OVER the 6176 CUP. At least, if they had been smart about it DSD would have slipped Hugo Castaneda into the 6220 PM slot instead of making him the 6176 CUP PM. **Of note; no one on Team Geraci ever objected to the fact, during the entire time they knew about it, that Cac supporting the 6220 approval represented a conflict of interest with the 6176 CUP**

6220 DSD Screenshot as of 5/31/18

6220 DSD Screenshot as of 11/07/18

Project 598124 - Federal Blvd Marijuana Outlet

Project Information

Scope ENCANTO (Process 3) Conditional Use Permit to operate a Marijuana Outlet (MO) located at APN 543-020-0400 on Federal Boulevard with the removal and demolition of existing structures and construct a 1,882-square-foot building. The 0.11 acre lot, located on the north side of Federal Boulevard and east of Winnett Street, is in the CO-2-1 zone within the Encanto Neighborhoods Community Plan area. Council District 4.

Administrative Hold

DSD Contact Cac, Cheryl
(619)238-6327
ccac@sanidiego.gov

Application Expiration 03/11/2028

Deposit Account Number 24007747
Add a deposit in the amount of:

Customer Information

Customer	Firm	Role
Carlos A Gonzalez	Technie	Agent
Aaron Magagna	A-M Industries	Agent
Terry Strom	Strom Entitlement-Permitting	Agent
Aaron Magagna	A-M Industries	Applicant
Abhay Schweitzer	Technie	Concerned Citizen
Aaron Magagna		DA-DS 3242
Terry Strom	Strom Entitlement-Permitting	FORMER-PI of Contact
John Ek		Owner
Aaron Magagna	A-M Industries	Point of Contact

Invoice Number: 734407

Status: Paid
Issued: 10/31/2018 02:51 PM Gonzalez, Dolores
Payment Method: Check
Check: 3640
Refundable To: Rebecca A Berry
PI: \$0

Customer: Berry, Rebecca
Firm: **Development:** 327754
Project: 520600
Job: 1002930
Approval: 18 26167
PRJ: Project Approval

Fee Description

Quantity	Units	Fee Amount
1.00	Each	\$545.00
8,245.00	Dollars	\$8,245.00
1.00	Each	\$10.00
Approval Total:		\$8,800.00
Job Total:		\$8,800.00
Project Total:		\$8,800.00
Invoice Total:		\$8,800.00

Project Manager: Gonzalez, Dolores

Carlos Gonzales of TECHNE is listed as an Agent for the competing 6220 CUP. Is Carlos any relation to Debra Gonzales as shown above in Exhibit 147-004 from DSD who opened the 6176 CUP and where money is going unaccounted for at DSD and most certainly unreconciled with Geraci's [Ex 140 City Treasurer Expenses](#)?

John Ek gets listed as an owner on the 6220 property.

Terry Strom is now listed as a FORMER point of contact and no longer represent Magagna on this project.

6176 DSD Screenshot as of 5/31/18

5/8/2018 6176 DSD Online Project-Owner Information 5-31-18.png

Scope ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for the Medical Marijuana Consumer Cooperative located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-2-1 base zone of the Encanto Neighborhoods: Southeastern community plan within council district 4.

Administrative Hold

DSD Contact Cac, Cheryl
(619)238-6327
ccac@sanidiego.gov

Application Expiration 03/11/2027

Deposit Account Number 24007070
Add a deposit in the amount of:

Customer Information

Customer	Firm	Role
Rebecca Berry		Agent
Jared Jones	Barbara Harris Permitting	Agent
Ben Peterson		Agent
Bree Harris	Barbara Harris Permitting	Agent
Darryl Cotton	Eida Empr. Inc/Fleet Services	Agent
Rebecca Berry		Applicant
Michael Rene Morton	Michael Morton AIA	Architect
Rebecca Berry		DA-DS 3242
Rebecca Berry		Lessee/Tenant
Abhay Schweitzer		Point of Contact
Abhay Schweitzer	Technie	Point of Contact

John Ek gets listed as an owner on the 6220 property but, me, Darryl Cotton, who is listed as the owner on the signed and submitted DS-318 Ownership Disclosure Statement DSD has on file, is listed as an Agent not the owner. 6176 doesn't even list an owner. Could this have anything to do with the Engebretson v City of San Diego case?

In addition to 6176 showing the architect of record as Michael Rene Morton there is Barbara Harris Permitting listed on the DSD Project Information sheet throughout the entire 2+ year project. Those names never came off. 6220 not only doesn't show their architect information, the only professional associated with the processing of the 6220 CUP is Terry Strom and he was only associated with the project for 1 month! We are expected to believe that only Magagna and possibly Ek got this project's design work done on their own in just 7 months? Their entire story falls apart right there.

6176 DSD Screenshot as of 1/19/19

Who is Sandra Gonzales and why is she being listed as an Agent on the 6176 CUP? **Is she any relationship to Carlos or Deborah Gonzales?** She's late to the game, What exactly was her function? To see that 6176 was denied while 6220 was approved?

In January 2019 Michael Morton and Barbara Harris Permitting are both still associated with a project that cannot get approved because a competing CUP, given to the same DSD PM that had worked so faithfully on their behalf is now supporting a competing CUP.

In this screen shot DSD has **Cotton going from an Agent to a 'Concerned Citizen'**. All they had to do is look at the DS-318 that both Cotton and Berry signed on 10/31/16 and they would have KNOWN he was the property owner. They go out of their way to not only not list Cotton as the Property Owner, **they don't list ANYONE as the property owner.**

Project 520606 - Federal Blvd MMCC

Project Information

Scope: ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for a Marijuana Outlet located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-2-1 base zone of the Encanto Neighborhoods - Southeastern community plan within council district 4.

Administrative Hold

DSD Contact: Castaneda, Hugo
(619)448-6220
Hcastaneda@sanidiego.gov

Application Expiration: 03/11/2027

Deposit Account Number: 24007070
Add a deposit in the amount of:

Customer Information

Customer	Firm	Role
Jared Jones	Barbara Harris Permitting	Agent
Ben Peterson		Agent
Bree Harris	Barbara Harris Permitting	Agent
Sandra A Gonzalez		Agent
Rebecca Berry		Applicant
Michael Rene Morton	Michael Morton AIA	Architect
Darryl Cotton	Eida Empr. Inc/Fleet Services	Concerned Citizen
Rebecca Berry		DA-DS 3242
Rebecca Berry		Lessee/Tenant
Abhay Schweitzer	Techno	Point of Contact

One explanation for what would have been Schweitzer's lackluster performance in seeking to overturn the 6220 CUP was that one of his employees is listed as an 'AGENT' for the 6220 CUP. Considering that 6176 was a TECHNE project **how is it that one of his employees could be an agent for the 6220 CUP without there being a conflict of interest?** There are reports Schweitzer had an interest in the 6220 CUP. Considering those reports and one of his employee's is listed as an agent there would have absolutely been a conflict of interest which [Schweitzer Trial Testimony 07-09-2019 Page 52 Line 14](#) denied at trial.

The other issue that can found here is nowhere on the 6220 CUP is the architect listed. It wasn't until I saw drawings in the 10/18/18 HO report that I had any idea who was listed for the 6220 architectural work. In fact in the 5/31/18 image one can see [Strom Permitting Services](#) being listed as Point of contact and the only experienced contracting service either Magagna or Ek would have hired.

In the 6220 screenshot from 11/07/18, Strom is listed as a Former Point of Contact. With that DSD notation to the account **everything fell on Magagna, an unlicensed inexperienced party to the CUP that would not be acceptable for submitting drawings to DSD for this project.** I spoke with Terry Strom in August 2019 and it was during that call he told me that he did not have a normal working relationship with Magagna and that it led to Magagna cutting ties with Strom early in the project, early April 2017 was his recollection so Magagna could manage the CUP process himself and save money. **I guess you can do that when you already have help in your back pocket. And where did that engineering help come from? It came from DSD itself. For that we need to compare the civil engineering drawings that were submitted for both projects.**

SECTION 4: COMPARING ARCHITECTURAL SERVICES

6176 used a total of 3 different architects. For a project this size that is inconceivable.

6176 Architect One Through 6/12/18 the architect of record was Michael Rene Morton, AIA, @ [Marengo Morton Architects](#) Architect of Record: CAAB License No C 19371 Works for: Marengo Morton Architects Ph: 858.459.3769 email: Michael@marengomortonarchitects.com As far as DSD was concerned from their website screen shots (see Section 3 screenshots) Mr. Morton was the only architect of record for the entire project. No other architect substituted in. However per [Ex 147-042 TECHNE BILLING STATEMENT](#) it shows that **Mr. Morton ceased doing billable work on the 6176 project effective 06/12/18.**

6176 Architect Two was; Mark T Viguri, AIA: CAAB License No C 25509 who owns [Pacific Architecture and Planning Inc.](#) Ph: 858.775.9691 Email: Unknown. Mr. Viguri billed TECHNE for design work **AFTER the [6176 3rd & FINAL FULL PLAN SUBMITTAL on 06/08/18](#)**

147-042 Viguri 06/14/18 for 3.3 hours =	594.00
147-042 Viguri 06/15/18 for 1.5 hours =	270.00
147-045 Viguri 07/12/18 for 0.5 hours =	70.00
147-046 Viguri 07/12/18 for 1.5 hours =	210.00
147-046 Viguri 07/12/18 for 4.5 hours =	630.00
147-046 Viguri 07/13/18 for 5.3 hours =	742.00
147-047 Viguri 07/23/18 for 3 hours =	420.00
147-047 Viguri 07/24/18 for 3.5 hours =	490.00
147-047 Viguri 07/24/18 for 3 hours =	420.00
147-048 Viguri 07/25/18 for 2 hours =	280.00
147-048 Viguri 07/25/18 for 2.5 hours =	350.00
147-049 Viguri 07/30/18 for 0.5 hours =	70.00
147-050 Viguri 08/06/18 for 3.8 hours =	532.00
147-050 Viguri 08/06/18 for 3.6 hours =	504.00
147-050 Viguri 08/07/18 for 2.1 hours =	294.00
147-050 Viguri 08/07/18 for 1.7 hours =	238.00
147-051 Viguri 08/15/18 for 2.8 hours =	392.00
147-051 Viguri 08/15/18 for 1.3 hours =	182.00
147-052 Viguri 08/17/18 for 1.7 hours =	<u>238.00</u>
Total:	6,926.00

6176 Architect Three was; Geanine Rollins, Associate AIA: (Not licensed through CAAB)

Geanine Rollins Linked In Profile Works for: GNR Drafting Services

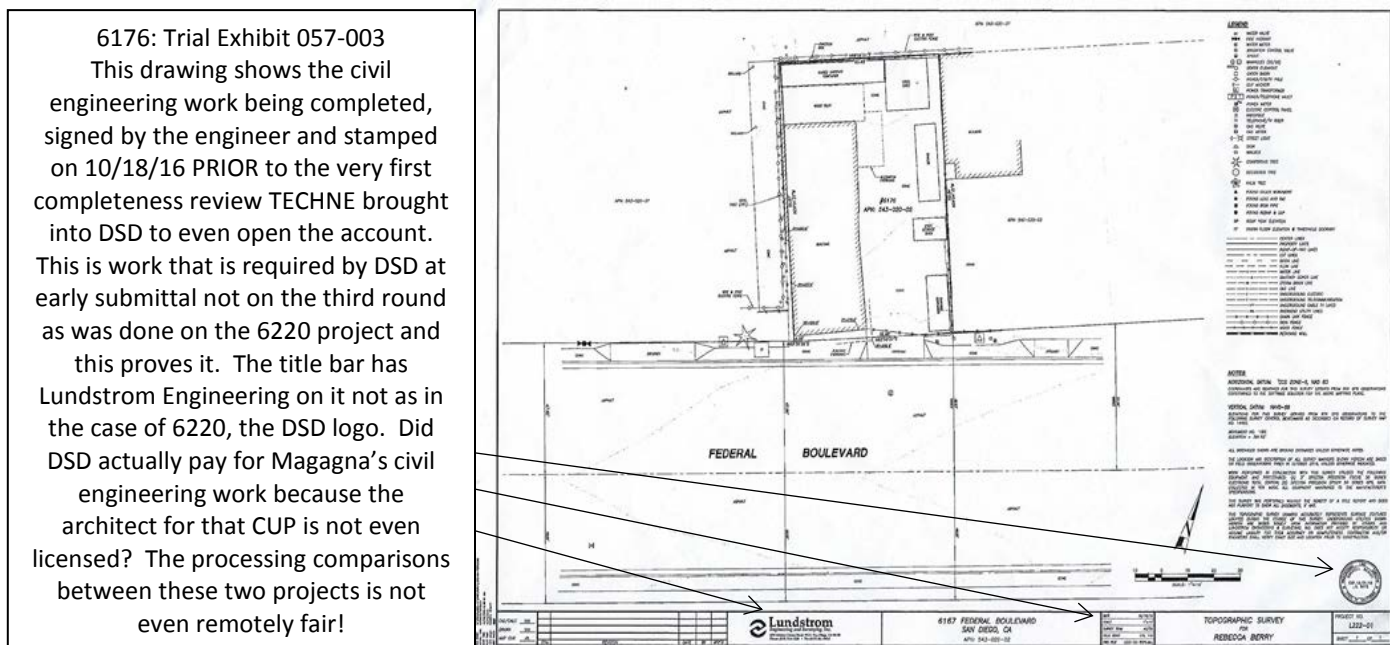
147-057 Rollins 10/01/18 for 2.3 hours =	322.00
147-057 Rollins 10/02/18 for 2.1 hours =	294.00
147-057 Rollins 10/03/18 for 1.3 hours =	182.00
147-060 Rollins 10/25/18 for 0.5 hours =	70.00
147-060 Rollins 10/29/18 for 1.3 hours =	182.00 Prepared plans for City Resubmittal
147-063 Rollins 10/31/18 for 0.5 hours =	<u>70.00</u>
Total:	1,120.00

Between Viguri and Rollins TECHNE billed \$8,046.00 for architectural services after the third and final set of drawings were submitted to DSD on 06/08/18 supposedly for architectural work done at 6176. I contend that these architectural fees were done on behalf the 6220 project and the strawman company for the project was Pacific Design who by not publicly disclosing them on the DSD website and during the DSD plan review they thought they would get away with it. That is where screen shots and paying attention to who's doing what, when and where PLUS tracking all the TECHNE billing statements offered during the trial exhibits finally helps to make sense of what happened here. It took 3 years and a sham trial to identify these issues but eventually the truth does come out.

SECTION 6: EXAMINING CIVIL ENGINEERING STAMPED DRAWINGS

6176; as can be seen in the next image, the civil engineering work was, as indicated in the Title Bar at the bottom of the drawing, was performed by Lundstrom Engineering and stamped by their licensed civil engineer Darrell Begley. This is the normal, early in the plans stage, (this was included in the first full set of submitted drawings) submittal process for this information to go into DSD to be reviewed, commented on for corrections or passed as approved.

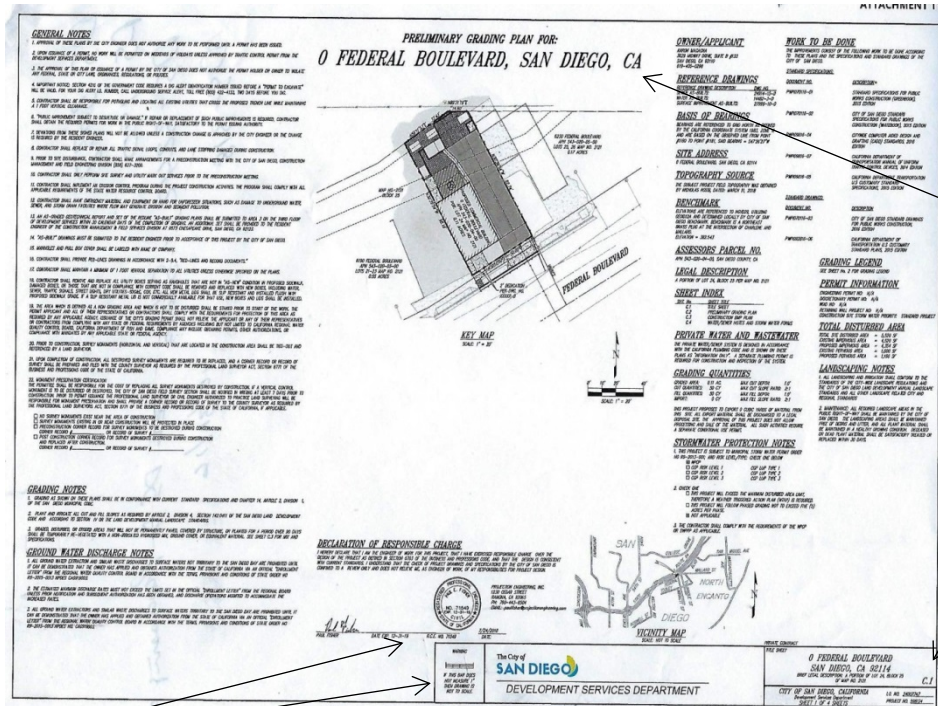
6176 Civil Engineering Topographic Survey



Of note; The image above was taken from the [6176 FULL SET OF ARCHITECTURAL DRAWINGS](#) . By a review of the entire file you will see that Michael Morton, the architect of record stamped each of the architectural drawings individually in this set.

As can be seen in the following image, at 6220 the Civil Engineering work was performed by a licensed civil engineer, Paul Fisher, Cell No: 760.443.6504 email; paulfisher@projectionengineering.com who owns [Projection Engineering](#). Unlike the title bar for 6176 civil engineering which shows Lundstrom Engineering this title bar shows the project engineering is being done by the City of San Diego Development Services Department not Projection Engineering. No wonder these drawings were fast tracked. **They were DSD drawings that never had to go through the multi layered discipline reviews.**

6220 Civil Engineering Topographic Survey



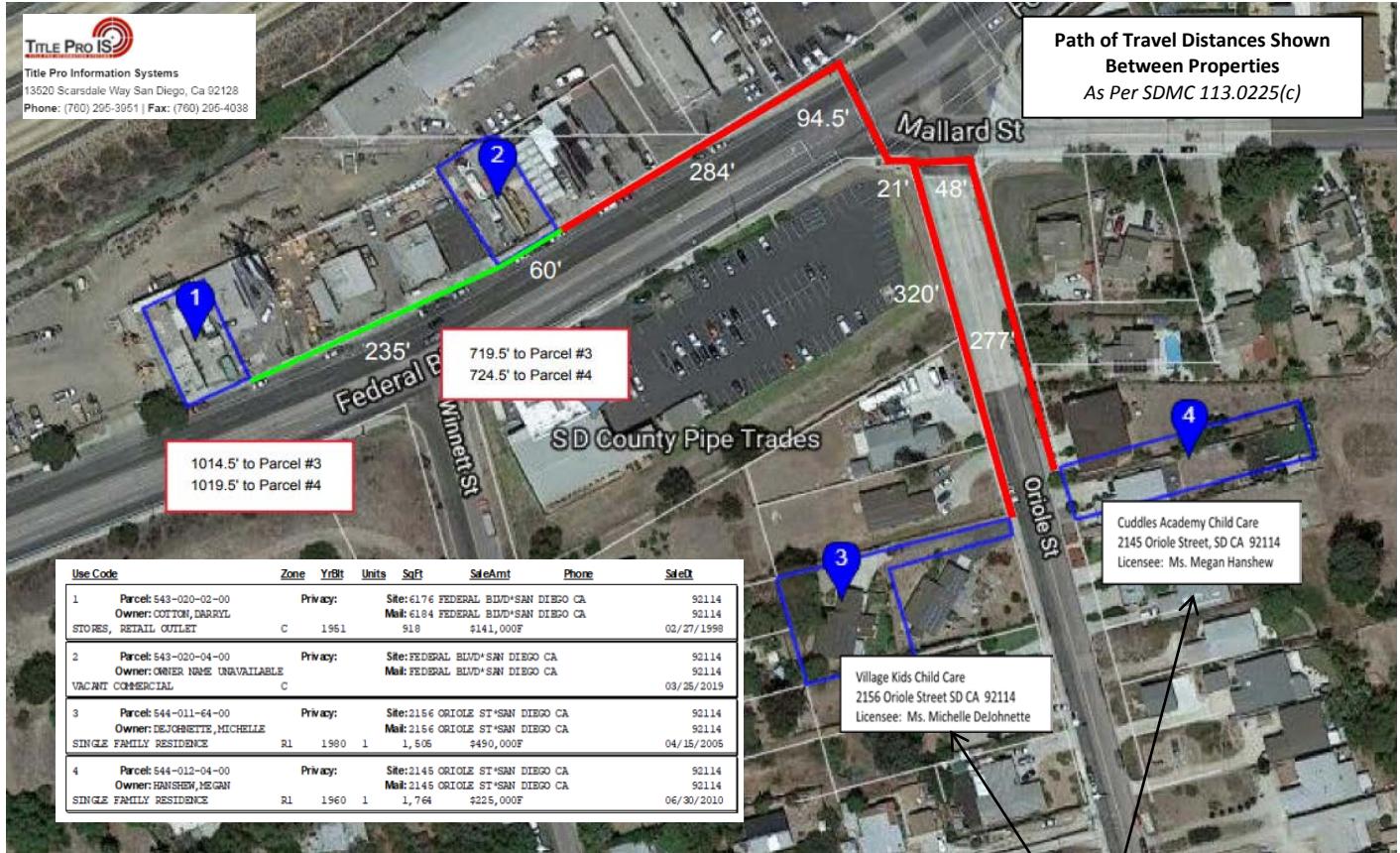
I spoke with Paul Fisher during a phone call on 01/15/2020 to see if he could shed some light on the work that he had done on this project. He told me that Aaron Magagna had hired him and not the architect Pacific Design Concepts. He also had no idea how the drawings ended up being titled with a San Diego Development Services Department identification nor why the address was not listed. For Paul to have stamped these drawings without having the stamped architectural drawings makes no sense.

As previously stated, DSD requirements for design certification by licensed professionals can be found @ [DSD IB 514 Professional Certifications Requirements](#) which when reviewing Section V the drawings must also contain a statement by the design professionals who have taken DSD training to expedite discretionary drawings processing. Pacific Design lacked that statement as well, yet they were still able to get their design work done to a final approval of the CUP within 7 months with one unlicensed architect and a project manager who goes to public presentations and pretends he's an architect, compared to what TECHNE did in 2 years with 3 different architects. Absurd!

SECTION 7: DSD PROJECT DEVELOPMENT SCREEN SHOTS

Through screen shots and other images I can show the total arrogance DSD and Team Geraci displayed in the processing and expedited approval of the 6220 CUP over the 6176 CUP.

Child Care Setbacks



Service	[1625] Federal Blvd. MMCC - 10/16/2018 - CUP processing / Sandra Gonzales: [8:28am - 11:16am] Continued reviewing and redlining plans. Searching municipal code regarding the setbacks, zoning information. (Competing phase)	2.80	\$140.00 USD	\$392.00 USD
Service	[1625] Federal Blvd. MMCC - 10/16/2018 - CUP processing / Ben Peterson: [11:38am - 11:39am] setting up time to meet with principal to go over remaining cycle issues	0.10	\$140.00 USD	\$14.00 USD
Service	[1625] Federal Blvd. MMCC - 10/16/2018 - CUP processing / Ben Peterson: [2:21pm - 3:15pm] preparing for meeting with principal	0.90	\$140.00 USD	\$126.00 USD
Service	[1625] Federal Blvd. MMCC - 10/17/2018 - CUP processing / Carlos Gonzalez: [8:14am - 10:16am] Assisted to Hearing Officer meeting.	2.10	\$18.00 USD	\$37.80 USD
Service	[1625] Federal Blvd. MMCC - 10/17/2018 - CUP processing / Ben Peterson: [2:04pm - 4:17pm] reviewing revised grading plan and amending proposed site plan as needed before sending to landscape consultant; Sending final site plan to landscape consultant to complete proposed landscape plan	1.30	\$140.00 USD	\$182.00 USD
Service	[1625] Federal Blvd. MMCC - 10/17/2018 - CUP processing / Ben Peterson: [4:34pm - 5:04pm] Preparing for meeting with principal to go over outstanding cycle issues	0.60	\$140.00 USD	\$84.00 USD
Service	[1625] Federal Blvd. MMCC - 10/17/2018 - CUP processing / Sandra Gonzales: [5:05pm - 5:47pm] Per principals instructions, verify and research if there is or has been a childcare day care or any church near the zone of the project.	0.70	\$140.00 USD	\$98.00 USD
Service	[1625] Federal Blvd. MMCC - 10/18/2018 - CUP processing / Sandra Gonzales: [8:29am - 9:01am] Continued searching for the exact address of childcare day care contacted the company and retrieved accurate address and searched for close church establishments. Sent all photos to principal to review.	0.90	\$140.00 USD	\$126.00 USD
Service	[1625] Federal Blvd. MMCC - 10/18/2018 - CUP processing / Ben Peterson: [9:55am - 9:23am] amending responses creating cover sheets and printing submittal package	0.40	\$140.00 USD	\$56.00 USD
Service	[1625] Federal Blvd. MMCC - 10/22/2018 - CUP processing / Ben Peterson: [8:37am - 9:47am] Meeting with City staff for clarification of dedication	1.20	\$140.00 USD	\$168.00 USD
Service	[1625] Federal Blvd. MMCC - 10/22/2018 - CUP processing / Ashley Schweitzer: [8:37am - 10:00am] Meeting with DSD staff	1.40	\$140.00 USD	\$196.00 USD
Service	[1625] Federal Blvd. MMCC - 10/25/2018 - CUP processing / Ben Peterson: [8:02am - 9:55am] reviewing email from engineering reviewer and applying new ROW requirements for separation exhibit	1.90	\$140.00 USD	\$266.00 USD

Two Licensed Child Care Facilities that are listed with the State and have City of San Diego Business Licenses. They should not have been hard to identify by anyone who attended the 10/18/18 Planning Commission Hearing

Trial Ex 147-059 TECHNE Billing Statement shows Schweitzer had been made aware of at least one of these child care facilities when he addressed it in his billable time on two separate dates with another Gonzales. This time Sandra Gonzales who is listed on the 6176 CUP as an agent. **Armed with this information prior to the 10/18/18 hearing, Schweitzer doesn't argue it, but instead uses just 0.45 seconds of his 3 min of allotted time to object to the number of parking spaces 6220 has allowed for in their drawings.**

And if there are any remaining doubts about how the 6220 project was taken in and processed by DSD have a look at these DSD screen shots from 04/05/18

Note the photo and APN being used are proper for this address

Note there are no inspections or dependent approvals required for the 6220 CUP approval

And if the previous project screenshots from 04/05/18 weren't enough than the screen shots from 2 month later would have you really spinning if you happened to be tracking this project like Bartell said he was at trial ([Bartell Trial Testimony 07/10/19 Page 24 Line 1](#)).

With that being said here are screenshots from 06/08/18 which shows not only was 6220 being given preferential treatment by DSD, DSD was actively trying to hide the project in plain sight by modifying essential elements such as the APN and the project image for anyone who might happen to look in and want to track it.

Note the project number remains the same but the photo being used is that of the City of San Diego Parking Garage and APN being used is no longer that of the project property. **Someone had to go in and make these changes** and if changes had to be made **why didn't the Project Status comments change?** They still show a no holds approval to be granted like one might expect from cycle reviews holds that ask for multi discipline plan corrections along the way. That did not occur. As far as DSD was concerned 6220 was going to get approved no matter what so that 6176 could not qualify for an MO CUP.

This all begs the question; **what hold does Bartell and Geraci have over these people?** Did the \$300K in bribes Geraci purported to spend on City Council members have anything to do with it? Does anyone need any proof of that claimed \$300K in his original complaint where Geraci seeks \$300K in compensatory damages on a CUP application that by their own accounting in [Ex 137; 6176 Full Cost Accounting](#) of the \$260K Geraci was awarded at trial, just \$32K of that amount can be shown spent prior to the lawsuit being filed in March 2017. Where did the other \$268K + of that claimed \$300K get spent?

SECTION 9: UNDERSTANDING WHERE AND WHEN THAT \$260K JUDGEMENT MONEY GOT SPENT?

At trial Geraci and his lawyers introduced [Trial Exhibit 137: All Vendor Expenses](#). To get a better understanding of where and when the money that was claimed spent we divided each of the individual vendor's bills up into three categories; the totals which were charge/paid amounts prior to the March 21, 2017 litigation, next would be the charge/paid amounts for the period between the start of the litigation and the effective end of the line for the 6176 CUP which would have been the 10/18/18 approval of the 6220 CUP and finally what Geraci was charge/paid after the 10/18/18 CUP was approved.

Vendor Name	Thru 03/21/17	03/21/17 - 10/18/18	Post 10/18/18
Austin Legal	2,592.00	4,230.11	0.00
Bartell and Associates	9,011.05	58,595.25	6,136.05
City Treasurer	0.00	6,000.00	7,500.00
Lundstrom Engineering	4,400.00	0.00	0.00
McElfresh Law	0.00	0.00	1,245.00
Mituza Traffic Consulting	0.00	4,200.00	0.00
Sam Wade Landscape Architects	1,500.00	4,447.91	2,301.16
SCST	0.00	2,265.50	0.00
Snipes-Dye	0.00	12,147.50	0.00
TECHNE	14,800.00	35,876.24	35,955.51
Title Pro	0.00	300.00	0.00
Totals	32,303.05	128,062.51	53,137.72
\$260,109.28 %	12.4%	49.2%	20.4%

At trial Geraci testified he had personally reviewed and approved of the expenses shown in Exhibit 137. In that testimony, [Geraci Trial Transcript 07-03-2019 Page 156 Line 20](#) Geraci leads the jury through a line item by line item explanation of each of the expenses and what they were for. But as can be by their own records, they are showing \$268K less than what they claimed was \$300K spent when they filed their lawsuit [Geraci v Cotton 03/21/17 in Para 12](#) and in Weinstein's [Demand Letter](#).

Keeping in mind that Geraci is a tax and financial advisor [Geraci Tax and Financial](#), with [Geraci Trial Transcript 07-03-2019 Page 56 Line 3](#) **claiming 40 years of accounting experience** how can he be \$268K off in his expenses assessment 3 years after the lawsuit was filed? Also why is Geraci spending \$53K after the competing CUP was approved? In fact how can he justify non-construction and litigation related expenses of 20% of the awarded money AFTER 6220 was approved?

The bigger issue requires we take one last look at the numbers based on the claimed \$300K in pre-litigation expenses what Geraci can account for in Exhibit 137. Geraci either lied in his complaint or for whatever reason didn't seek the \$300K plus the combined column 2 and 3 values he was due.

Pre-litigation Claim:	\$300,000.00	This was cited as a minimum amount.
Column Two Total:	\$128,062.51	
Column Three Total:	<u>\$ 53,137.72</u>	
Total Amount:	\$481,299.23	Why didn't Geraci seek this amount?

For this exercise we need to keep in mind what information is available to us in the preceding chart for vendor expenses that were charge/paid in the middle column. These would presumably be legitimate expenses to the 6176 CUP if indeed they were a result of work requested by DSD for plan approvals that any other CUP who happened to be competing with 6176 would also be required to have. It will also be important to note when DSD is requiring this work in relation to when in the design review process the work should have been required by DSD. That is where other issues surface for DSD and Ms. Cac. For that let's review; **6176: Trial Ex 136 3rd and Final Set of Submitted Drawings to DSD on 06/18/18**

6176: 136-001 It may be a little hard to read even when blown up. Why TECHNE provided such poor image quality for this exhibit is curious but for our purposes now the last submission date is on the stamped set of drawing is shown as **06/18/19**. DSD did not take in another set of drawings that we have record of or that Schweitzer acknowledged at trial. This is it folks.

Now keep in mind TECHNE's billing statements reflect an unusual amount of design, architectural and engineering work going into the 6176 project **after the 3rd and final plans submittal**. Let's also keep in mind that this is a 2 story building on a 6K sq-ft plot, which if we're counting the completeness review of 10/31/16 to 06/18/18 we now have 20 months of architectural work being performed on this project. For a project this size, that too is absurd!

When questioned at trial Schweitzer confirms the timeline from the completeness review pf 10/28/16 through the 3rd and final plan submittal he 'thinks' was the last DSD submittal for this project. How can you not know this you fraud! You know damn well what you were doing for 6220 and your vague recollections specifically as it relates to this time line makes you look guilty as hell.

Number of Submittals: [Schweitzer Trial Testimony: 07-09-2019 Page 50 Lines 10-26](#)

Number and identity of DSD PM's: [Schweitzer Trial Testimony 07-09-2019 Pages 74-76 Lines 3- 8](#)

Schweitzer has a hazy memory of Cherlyn Cac and can't even begin to recall Hugo Castenada. Why not? Because by this point they were non essential in getting 6176 approved. All efforts were being applied to getting 6220 approved.

SECTION 8: DSD PROJECT MANAGERS AND A CHANGING OF THE GUARD. BUT WHY?

As previously pointed out; during the trial when Schweitzer was asked if he knew who the DSD PM's were for the 6176 CUP and how many he had worked with over the course of two years, other than Tirandazi he didn't seem to know. It isn't until he was specifically asked about Cherlyn Cac the PM who replaced Tirandazi on or around September 2017 and remained the PM on the 6176 CUP for approximately one year until she was replaced around September 28, 2018 with another PM; Mr. Hugo Castaneda. Besides the fact that Schweitzer can't seem to remember Cac until he's reminded of her, someone who he worked with for a year and now is working on behalf of Magagna, his 'competitor' the question becomes why was Cac was moved to the 6220 project in the first place?

If nothing else it was an obvious conflict of interest DSD/Cac had with the 6176 CUP when she went before the Planning Commission on 10/18/18 and made 'staff recommendation' that 6220 be approved. Keep in mind, they all have a working relationships with Bartell and Schweitzer as per their own sworn statements they have processed between 15 and 20 CUPS each within the City of San Diego and the ONLY one they didn't get approved was 6176! AND Cac did in 7 months for an inexperienced Magagna and his unlicensed design team what she could not do in 1 year while being PM on the 6176 project with team TECHNE leading that charge! It is ABSURD!

Project 520606 - Federal Blvd MMCC

Project Information

Scope: ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for the Medical Marijuana Consumer Cooperative located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-2-1 base zone of the Encanto Neighborhoods. Southeastern community plan within council district 4.

Administrative Hold

DSD Contact: Cac, Cherlyn (619)236-6327 ccac@sandiego.gov

Application Expiration: 03/11/2027

Deposit Account Number: 24007070 Add a deposit in the amount of: +

Customer Information

Review Cycles

[Cycle #9] - Opened

[Cycle #9] - In Review

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1705705	LDR-Planning Review	Completed	09/13/2018	09/14/2018		Yes
1705706	LDR-Environmental	Started	09/18/2018			Yes
1705707	LDR-Engineering Review	Completed	09/13/2018	09/14/2018		Yes
1705708	LDR-Transportation Dev	Completed	09/13/2018	09/13/2018		Yes
1705709	LDR-Geology	Completed	09/13/2018	09/11/2018		Yes
1705710	LDR-Landscaping	Assigned	09/13/2018			Yes

6176: This screen shot was taken on 09/18/18 shows **Cherlyn Cac** as the **DSD Contact**. Also of interest is the fact that Cac is asking for an LDR-Engineering Review (perhaps Snipes Dye's-bullshit billing) nearly 2 years into the project and 3 months after the 3 and final plan submittals!

Project 520606 - Federal Blvd MMCC

Project Information

Scope: ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for a Marijuana Outlet located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-2-1 base zone of the Encanto Neighborhoods. Southeastern community plan within council district 4.

Administrative Hold

DSD Contact: Castaneda, Hugo (619)446-5220 Hcastaneda@sandiego.gov

Application Expiration: 03/11/2027

Deposit Account Number: 24007070 Add a deposit in the amount of: +

Customer Information

Review Cycles

[Cycle #8] - Opened

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1589124	BDR-Structural	Assignment Pending				Yes

[Cycle #12] - Accepted

Jobs

6176 FFDRAI RI

6176: This screen shot was taken on 09/28/18 shows Hugo Castaneda, is now the 4th DSD PM and the new Point of Contact. Of course Schweitzer not only can't remember this PM he also didn't object to Cac being moved over to 6220 either.

The questions become; who was responsible for reassigning Cac and why couldn't Schweitzer remember her at trial? He knew Cac from the 6176 project and if both he and Bartell were tracking the 6220 progress on the DSD website they BOTH should have been up in ARMS when they became aware that their SEASONED DSD PM was not only no longer going to be processing the 6176 CUP to its successful conclusion she was going to be taking on a COMPETING CUP that if approved would deny the 6176 CUP they had been working on since 10/31/16! In fact prior to Cac taking on 6220 in full she is adding a \$12K [Trial Exhibit 123: Snipes-Dye Report – Engineer of Record: Son P Nguyen](#) for work that was billed between 05/24/18 and 09/07/18 on an engineering task to 6176 that should have been identified and done at the beginning of the CUP process!

All of these people are ethically challenged! All you have to do to expose them for what they've done is to follow the money and the Screenshots they left behind!

Map

Address 6220 1/3 FEDERAL BL

APN 543-020-04-00

BC Codes

Project

Project ID 598124 (Web/Projects/Details/598124)

Account 24007747

Admin Hold No

Project Name Federal Blvd Marijuana Outlet

Project Contact Cac, Cheryl (819)236-6327 ccac@sandiego.gov

Project Scope ENCANTO (Process 3) Conditional Use Permit to operate a Marijuana Outlet (MO) located at APN 543-020-0400 on Federal Boulevard with the removal and demolition of existing structures and construct a 2,436-square-foot building. The 0.11 acre lot, located on the north side of Federal Boulevard and east of Winnett Street, is in the CO-2-1 zone within the Encanto Neighborhoods Community Plan area, Council District 4.

Fees

Type	Category	Quantity	Type Unit	Status
There are no Fees associated with this approval				

Exceptions

6220 DSD Screenshot taken on 04/05/18 shows Cac as the DSD Contact.

Project 520606 - Federal Blvd MMCC

Project Information

Scope ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for the Medical Marijuana Consumer Cooperative located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-2-1 base zone of the Encanto Neighborhoods: Southeastern community plan within council district 4.

Administrative Hold

DSD Contact Cac, Cheryl (819)236-6327 ccac@sandiego.gov

Application Expiration 03/11/2027

Deposit Account Number 24007070

Add a deposit in the amount of:

Customer Information

Review Cycles

[Cycle #8] - Opened

[Cycle #9] - In Review

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1705705	LDR-Planning Review	Completed	09/13/2018	09/14/2018	Yes	Yes
1705706	LDR-Environmental	Started	09/18/2018		Yes	Yes
1705707	LDR-Engineering Review	Completed	09/13/2018	09/14/2018	Yes	Yes
1705708	LDR-Transportation Dev	Completed	09/13/2018	09/13/2018	Yes	Yes
1705709	LDR-Geology	Completed	09/13/2018	09/11/2018	Yes	Yes
1705710	LDR-Landscaping	Assigned	09/13/2018		Yes	Yes

6176 DSD Screenshot taken on 09/18/18 shows Cac as the DSD Contact.

As previously stated, Cac had no business acting as PM on competing CUP's and then making a staff recommendation that 6220 be approved over 6176. And this can't be stressed enough. Bartell states in his [Bartell Trial Transcript 07-10-2019 Page 23 Line 11](#) that he had been 'tracking' the 6220 CUP progress. Why was he, Geraci and Schweitzer not raising hell that the PM who had been on the 6176 CUP project was going to assist a competitor that if approved would deny their CUP? Geraci never even attended the planning commission hearings! He knew that his team would follow his directions and have 6220 approved. **Everyone, including DSD played their parts perfectly.** That is unless someone like me was paying attention to put it up evidence of their wrongdoing in a document like this one!

SECTION 9: COMPARING DSD'S 'UNUSUAL' HANDLING OF THE COMMUNITY PLANNING GROUP

Development Services Department

Project Details | Open DSD

Project 598124 - Federal Blvd Marijuana Outlet

Project Information

Scope ENCANTO (Process 3) Conditional Use Permit to operate a Marijuana Outlet (MO) located at APN 543-020-0400 on Federal Boulevard with the removal and demolition of existing structures and construct a 2,436-square-foot building. The 0.11 acre lot, located on the north side of Federal Boulevard and east of Winnett Street, is in the CO-2-1 zone within the Encanto Neighborhoods Community Plan area, Council District 4.

Administrative Hold

DSD Contact Cac, Cheryl (819)236-6327 ccac@sandiego.gov

Application Expiration 03/11/2028

Deposit Account Number 24007747

Add a deposit in the amount of:

Customer Information

Review Cycles

[Cycle #6] - In Review

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1668307	LDR-Planning Review	Completed	06/01/2018	06/01/2018	Yes	Yes
1668308	LDR-Engineering Review	Completed	06/01/2018	06/05/2018	Yes	Yes
1668309	LDR-Transportation Dev	Started	06/14/2018		Yes	Yes
1668310	Community Planning Group	Completed	06/01/2018	06/01/2018	Yes	Yes
1668311	Fire-Plan Review	Completed	06/01/2018	06/05/2018	Yes	Yes
1668312	LDR-Geology	Completed	06/01/2018	05/30/2018	Yes	Yes

Business

6-19-18

Scope ENCANTO (Process 3) Conditional Use Permit to operate a Marijuana Outlet (MO) located at APN 543-020-0400 on Federal Boulevard with the removal and demolition of existing structures and construct a 1,952-square-foot building. The 0.11 acre lot, located on the north side of Federal Boulevard and east of Winnett Street, is in the CO-2-1 zone within the Encanto Neighborhoods Community Plan area, Council District 4.

Administrative Hold

DSD Contact Cac, Cheryl (819)236-6327 ccac@sandiego.gov

Application Expiration 03/11/2028

Deposit Account Number 24007747

Add a deposit in the amount of:

Customer Information

Review Cycles

[Cycle #7] - Accepted

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1668310	LDR-Planning Review	Assignment Pending			Yes	Yes
1668311	LDR-Engineering Review	Assignment Pending			Yes	Yes
1668312	LDR-Transportation Dev	Assignment Pending			Yes	Yes
1668313	Community Planning Group	Assignment Pending			Yes	Yes
1668314	Fire-Plan Review	Assignment Pending			Yes	Yes
1668315	LDR-Landscaping	Assignment Pending			Yes	Yes
1668316	LDR-Environmental	Assignment Pending			Yes	Yes

6-19-18

Project 598124 - Federal Blvd Marijuana Outlet

Project Information

Scope ENCANTO (Process 3) Conditional Use Permit to operate a Marijuana Outlet (MO) located at APN 543-020-0400 on Federal Boulevard with the removal and demolition of existing structures and construct a 1,952-square-foot building. The 0.11 acre lot, located on the north side of Federal Boulevard and east of Winnett Street, is in the CO-2-1 zone within the Encanto Neighborhoods Community Plan area, Council District 4.

Administrative Hold

DSD Contact Cac, Cheryl (819)236-6327 ccac@sandiego.gov

Application Expiration 03/11/2028

Deposit Account Number 24007747

Add a deposit in the amount of:

Customer Information

Review Cycles

[Cycle #9] - Opened

[Cycle #10] - Opened

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1701573	LDR-Engineering Review	Assignment Pending			Yes	Yes
1701574	LDR-Transportation Dev	Assignment Pending			Yes	Yes
1701575	Community Planning Group	Assignment Pending			Yes	Yes
1701576	LDR-Landscaping	Assignment Pending			Yes	Yes
1701577	LDR-Environmental	Assignment Pending			Yes	Yes

[Cycle #9] - In Review

7-20-18

Project 598124 - Federal Blvd Marijuana Outlet

Project Information

Scope ENCANTO (Process 3) Conditional Use Permit to operate a Marijuana Outlet (MO) located at APN 543-020-0400 on Federal Boulevard with the removal and demolition of existing structures and construct a 1,682-square-foot building. The 0.11 acre lot, located on the north side of Federal Boulevard and east of Winnett Street, is in the CO-3-1 zone within the Encanto Neighborhoods Community Plan area, Council District 4.

Administrative Hold

DSD Contact Cac, Cheryl
(619) 236-6327
cac@sandiego.gov

Application Expiration 03/11/2028

Deposit Account Number 24007747
Add a deposit in the amount of:

Customer Information

Review Cycles

[Cycle #9] - Opened

[Cycle #12] - Opened

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1702026	LDR-Engineering Review	Assignment Pending			Yes	
1702027	LDR-Transportation Dev	Assignment Pending			Yes	
1702028	Community Planning Group	Assignment Pending			Yes	
1702029	LDR-Landscaping	Assignment Pending			Yes	

[Cycle #8] - In Review

Project 598124 - Federal Blvd Marijuana Outlet

Project Information

Scope ENCANTO (Process 3) Conditional Use Permit to operate a Marijuana Outlet (MO) located at APN 543-020-0400 on Federal Boulevard with the removal and demolition of existing structures and construct a 1,682-square-foot building. The 0.11 acre lot, located on the north side of Federal Boulevard and east of Winnett Street, is in the CO-3-1 zone within the Encanto Neighborhoods Community Plan area, Council District 4.

Administrative Hold

DSD Contact Cac, Cheryl
(619) 236-6327
cac@sandiego.gov

Application Expiration 03/11/2028

Deposit Account Number 24007747
Add a deposit in the amount of:

Customer Information

Review Cycles

[Cycle #9] - Opened

[Cycle #14] - Opened

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1716332	LDR-Environmental	Assignment Pending			Yes	
1716334	LDR-Transportation Dev	Assignment Pending			Yes	
1716335	Community Planning Group	Assignment Pending			Yes	

Jobs

ATTACHMENT 9

City of San Diego
Development Services
1221 First Ave., 9th Fl.
San Diego, CA 92101

Community Planning Committee
Distribution Form Part 2

Project Name: Federal Blvd Marijuana Outlet
Project Number: 598124
Distribution Date:

Project Scope/Location: ENCANTO (Process 3) Conditional Use Permit to operate a Marijuana Outlet (MO) located at APN 543-020-0400 on Federal Boulevard with the removal and demolition of existing structures and construct a 1,682-square-foot building. The 0.11 acre lot, located on the north side of Federal Boulevard and east of Winnett Street, is in the CO-3-1 zone within the Encanto Neighborhoods Community Plan area, Council District 4.

Applicant Name: _____
Applicant Phone Number: _____

Project Manager: Cac, Cheryl
Phone Number: (619) 236-6327
Fax Number: (619) 321-3200
E-mail Address: cac@sandiego.gov

Committee Recommendations (To be completed for Initial Review):

	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve			
<input type="checkbox"/> Vote to Approve With Conditions Listed Below			
<input type="checkbox"/> Vote to Approve With Non-Standing Recommendations Listed Below			
<input type="checkbox"/> Vote to Deny			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			

COMMITTEES:

NAME: Kenneth Malbrough
TITLE: CVC/CPG Chair Person
SIGNATURE:
DATE: 8/17/2018

Please return to:
Project Management Division
City of San Diego
Development Services Department
1221 First Avenue, 9th Fl.
San Diego, CA 92101

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.
(05-17)

6220 DSD Screenshots taken from 06/01/18 thru 11/07/18 which show **5 different Review ID numbers** over 5 months all for DSD Community Planning Group review task assignments. Since the project went from submission to approval in 7 months that is in the order of 1 new Review ID per month. When you consider that the Chair of the CPG [Malbrough Refuses Future Communications With Cotton Email of 06/13/18](#)

It becomes apparent that something was very wrong with the way Malbrough was being asked to take a position in this CPG play. Cac was having issues with this task and the sheer number of CPG Review ID's for 6220 would indicate something was amiss. Cac needed that CPG approval and Malbrough was not going to participate willingly unless he got something out of it because he knew that when Cac told him to cease all communications with me and he did it that the potential for this to blow back on him existed. Well guess what? It blew back. For that all you have to do is compare the 6176 CPG tasks to the 6220 CPG tasks.

Project 520606 - Federal Blvd MMCG

Project Information

Scope ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for the Medical Marijuana Consumer Cooperative located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-3-1 base zone of the Encanto Neighborhoods: Southeastern community plan within council district 4.

Administrative Hold

DSD Contact Cac, Cheryl
(619) 236-6327
cac@sandiego.gov

Application Expiration 03/11/2027

Deposit Account Number 24007070
Add a deposit in the amount of:

Customer Information

Review Cycles

[Cycle #8] - Opened

[Cycle #7] - Accepted

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1589116	LDR-Planning Review	Assignment Pending			Yes	
1589117	LDR-Environmental	Assignment Pending			Yes	
1589118	LDR-Engineering Review	Assignment Pending			Yes	
1589119	LDR-Transportation Dev	Assignment Pending			No	
1589120	Community Planning Group	Assignment Pending			Yes	
1589121	LDR-Geology	Assignment Pending			Yes	
1589122	PLD-Water & Sewer Dev	Assignment Pending			Yes	
1589123	LDR-Landscaping	Assignment Pending			Yes	

Project 520606 - Federal Blvd MMCG

Project Information

Scope ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for the Medical Marijuana Consumer Cooperative located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-3-1 base zone of the Encanto Neighborhoods: Southeastern community plan within council district 4.

Administrative Hold

DSD Contact Cac, Cheryl
(619) 236-6327
cac@sandiego.gov

Application Expiration 03/11/2027

Deposit Account Number 24007070
Add a deposit in the amount of:

Customer Information

Review Cycles

[Cycle #8] - Opened

[Cycle #7] - In Review

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1589116	LDR-Planning Review	Completed	07/20/2018	07/19/2018	Yes	
1589117	LDR-Environmental	Completed	07/16/2018	07/16/2018	Yes	
1589118	LDR-Engineering Review	Completed	07/11/2018	06/29/2018	Yes	
1589119	LDR-Transportation Dev	Completed	07/11/2018	07/11/2018	Yes	
1589120	Community Planning Group	Assignment Pending	07/11/2018		Yes	
1589121	LDR-Geology	Completed	07/11/2018	07/02/2018	Yes	
1589122	PLD-Water & Sewer Dev	Completed	07/11/2018	07/10/2018	Yes	
1589123	LDR-Landscaping	Completed	07/11/2018	07/09/2018	Yes	

6176: Here are 2 DSD Screenshots taken from 05/31/18 thru 07/20/18. As can be seen the CPG Review ID number remains the same. As can be seen in the next series of screenshots Cac actually removes the CPG task review from her Cycle Reviews and it is not reintroduced as a task until her replacement PM, Hugo Castenada takes over at which point he issues a new Review ID Number for the CPG task.

I started taking screenshots of the DSD website in April 2018 with my initial focus being on the 6220 CUP progress. In May 2018 I started taking screenshots of the 6176 CUP progress as well. If DSD had other review ID No's associated with CPG task review prior to the 5/31/18 screen shot I wouldn't know that. Of note; Cac was a Geraci witness who was scheduled to testify at trial however only Tirandazi testified at trial. Geraci's side never brought her in. She'll have her chance in federal court.

Project 520606 - Federal Blvd MMCC

Project Information

Scope: ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for the Medical Marijuana Consumer Cooperative located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-2-1 base zone of the Encanto Neighborhoods. Southeastern community plan within council district 4.

Administrative Hold

DSD Contact: Cac, Cheryl
(619)238-6327
cac@sandiego.gov

Application Expiration: 03/11/2027

Deposit Account Number: 24007070
Add a deposit in the amount of: +

Customer Information

Review Cycles

Cycle #95 - Accepted

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1705705	LDR-Planning Review	Assignment Pending			Yes	
1705706	LDR-Environmental	Assignment Pending			Yes	
1705707	LDR-Engineering Review	Assignment Pending			Yes	
1705708	LDR-Transportation Dev	Assignment Pending			Yes	
1705709	LDR-Geology	Assignment Pending			Yes	
1705710	LDR-Landscaping	Assignment Pending			Yes	

Cycle #12 - Opened

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1705705	LDR-Planning Review	Completed	09/13/2018	09/14/2018	Yes	
1705706	LDR-Environmental	Started	09/18/2018			
1705707	LDR-Engineering Review	Completed	09/13/2018	09/14/2018	Yes	
1705708	LDR-Transportation Dev	Completed	09/13/2018	09/13/2018	Yes	
1705709	LDR-Geology	Completed	09/13/2018	09/13/2018	Yes	
1705710	LDR-Landscaping	Assigned	09/13/2018			

Project 520606 - Federal Blvd MMCC

Project Information

Scope: ENCANTO NEIGHBORHOODS SOUTHEASTERN - (Process 3) Conditional Use Permit for the Medical Marijuana Consumer Cooperative located in the proposed new 1,955 square foot commercial development. The 0.14 acre site is located at 6176 Federal Blvd in the CO-2-1 base zone of the Encanto Neighborhoods. Southeastern community plan within council district 4.

Administrative Hold

DSD Contact: Castenada, Hugo
(619)445-5223
hcastenada@sandiego.gov

Application Expiration: 03/11/2027

Deposit Account Number: 24007070
Add a deposit in the amount of: +

Customer Information

Review Cycles

Cycle #12 - Accepted

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1705705	LDR-Planning Review	Assignment Pending			Yes	
1705706	LDR-Environmental	Assignment Pending			Yes	
1705707	LDR-Engineering Review	Assignment Pending			Yes	
1705708	LDR-Transportation Dev	Assignment Pending			Yes	
1705709	LDR-Geology	Assignment Pending			Yes	
1705710	LDR-Landscaping	Assignment Pending			Yes	

Cycle #12 - Opened

Review ID	Discipline	Status	Due Date	Completed Date	Lateness	Active
1705705	LDR-Planning Review	Assignment Pending			Yes	
1705706	LDR-Environmental	Assignment Pending			Yes	
1705707	LDR-Engineering Review	Assignment Pending			Yes	
1705708	LDR-Transportation Dev	Assignment Pending			Yes	
1705709	LDR-Geology	Assignment Pending			Yes	
1705710	LDR-Landscaping	Assignment Pending			Yes	

6176: Here are 3 more DSD Screenshots taken from 08/01/18 thru 09/28/18. As can be seen by the left two images, Cac, or someone at DSD, made the conscience decision to remove the CPG task from 6176 review. It wasn't until Cac dropped her name as the PM for the 6176 CUP and Castenada took over that CPG became an issue again. I surmise that since everything I was doing in terms of screenshots was being put up on my website they had to do something that would help explain CPG processing at some point in the future. Well guess what? You're going to get your wish. Expect a subpoena on all your internal DSD records for both the 6176 and 6220 CUPS.

SECTION 10: FOLLOW THE 6176 DSD MONEY

For this next exercise we're going to start with a focus on Trial Exhibit 140 which is the money Geraci claim DSD had taken in on the 6176 project.

City Treasurer

Date: 12.20.17
Check #: 4481
Amount: 6,000.00

Date: 10.31.18
Check #: 4506
Amount: 100.00

Date: 10.31.18
Check #: 4506
Amount: 3,000.00

Date: 11.01.18
Check #: CC
Amount: 6,400.00

13,300.00

Invoice #806763

Invoice Information

Status: Invoiced
Issued on: 10/20/2017
Issued by: Trandex, Froush
Customer: Berry, Rebecca
Firm: Paid

Invoice Details

Project #520606 (Web/Projects/Details/520606) - Federal Blvd
MMCC
Cac, Cheryl (619)238-6327

Project Fees

Project Subtotal: \$8,000.00

Deposit Account: 14245 Dollars
Deposit Account: 8245 Dollars
Invoice Total: \$8,000.00

Invoice Revenue

Revenue Account: PLANNING SUBDIVISION DPST
Amount: \$8,000.00

6176: Exhibit 140-001 shows what [Geraci Tax and Financial Advisors](#) specialize in, he is claiming he spent overall on the 6176 CUP through City Treasurer payments \$13.5K. Pay particular attention to the dates these payments show as credit. As you're about to see, things get wonky very quickly and it's their own exhibits that expose the DSD accounting irregularities.

6176: 140-002 on 10/20/17 shows an interesting amount of \$14,245 with \$8,245 having been credited. What this means is the very next page shows an unaccounted for \$14K. Also the \$14,245 is not shown on Geraci's statement of account as having been paid either.

6176: 140-003 on 12/21/17 two months later DSD shows this \$6K credit which of course is where they start the accounting on the first page of this exhibit. Not only is the accounting wonky here, there is no case where DSD lets an account go unfunded for two months without shutting the project down.

In fact if you look at how the payment is being described under the Revenue Account it's being described as a Deposit. If it were not for the contradiction values in 140-002 one could take that as a deposit to start the account which is exactly what Geraci's records represent this was in their exhibit

Bank of America Online Banking

LST Investments LLC: Account Activity Transaction Details

Check number: 00000004481

Post date: 12/21/2017

Amount: -6,000.00

Type: Check

Description: Check

Merchant name: CITY OF SAN DIEGO

Transaction category: Cash, Checks & Misc: Other Bills

6176: 140-004 shows a 12/21/17 DSD post date of this check and this is the date Geraci's trial exhibit shows the first payment to DSD

City of San Diego Development Services Department

Deposit Account Statement

Project Number: 520606

Project Manager: Patrick Trandazi

Activity Since Last Statement

Date: 11/30/16

Amount: \$0.00

11/01/16 Beginning Balance: \$5,000.00

11/01/16 Total Account Deposits: \$0.00

Ending Balance as of 11/30/2016: \$5,000.00

Minimum Required Balance: \$5,000.00

Payment Due By: Not Required

in Tech 10/26/16 invoice paid 10/31/16

6176: 140-005 Deposit Account Statement from 11/01/16 thru 11/30/16 shows as of November 2016 Tirandazi was the PM, the \$5K Minimum Required Balance is Not Required and on 10/26/16 someone from Geraci's side wrote in that 'in Tech' paid a 10/26/16 invoice on 10/31/16.

City of San Diego Development Services Department

Deposit Account Statement

Project Number: 520606

Project Manager: Patrick Trandazi

Activity Since Last Statement

Date: 12/31/16

Amount: \$0.00

12/01/16 Beginning Balance: \$5,000.00

12/01/16 Total Account Deposits: \$0.00

Ending Balance as of 12/31/2016: \$5,000.00

Minimum Required Balance: \$5,000.00

Payment Due By: Not Required

6176: 140-006 Deposit Account Statement from 12/01/16 thru 12/31/16 In this DSD statement we would expect to see any of the October/November payments Geraci had made reflected as a credit. As can be seen here nothing except an insignificant reversal of staff charges. By DSD records, no payments show having been made yet the CUP is being processed.

Now before we go on with a review of the DSD statements it's important we bring up another exhibit. **This is Exhibit 147 which is the TECHNE billing statement** for all line item charges and credits. There is a wealth of information in this exhibit but for now we're going to focus on what that statement has to do with DSD and their accounting.

TECHNE

Date	Check #	Amount
10/05/16	Cash	6,000.00
10/31/16	3640	8,800.00
04/10/17	4470	3,500.00
04/13/17	4471	367.52
10/23/17	4480	21,305.14
05/14/18	4489	6,555.31
06/27/18	4494	5,148.27
10/23/18	4504	30,000.00
11/07/18	4507	13,118.29
12/04/18	4510	7,245.20
12/04/18	4511	2,392.02
04/15/19	1247	3,000.00
		86,533.75

6176: 147-001 on 10/05/16 Schweitzer/TECHNE shows a \$6K cash payment credit. On 10/31/16 he applies a \$8,800 credit into the TECHNE account for Rebecca Berry's check no 3640 which had been made out to the City Treasurer. This should have never been a TECHNE credit. Of note, if you these two amounts together you have \$14,800. *Roughly the amount showing in 140-002.*

From 04/13/17 thru 10/23/17 TECHNE has 6 month's work where he shows no billings on a project he is supposedly actively engaged in design work. That is not a normal billing relationship that a design professional has with their client. They are not the client's bank for these services. I find this very odd. I would also be interested in knowing how the architect of record was paid for their services. TECHNE never shows a payable to them.

Invoice Number: 734407

Invoice Date: 10/31/2016 02:48 PM

Invoice To: Wilkins, Jenni

Invoice From: Delores Gonzales

Project Manager: Delores Gonzales

Project Number: 520606

Project Name: Project Approval

Quantity: 1.00

Unit: Hour

Rate: \$10.00

Amount: \$10.00

Project Total: \$10.00

Invoice Total: \$10.00

6176: 147-004 DSD Invoice dated 10/31/16. There is something funny about this invoice. If you look up at the payment information on the top line you'll see the date but an area of this invoice has been blocked out.

What can be seen is that the invoice was issued by Delores Gonzales for the 520606 CUP Account form Rebecca Berry's check no 3640 and there is a To: line that says Wilkins, Jenni....before it is blocked out. In addition to wanting to know more about Wilkins and what role she played in this, I want to know more about Delores Gonzales who they refer to as a PM on this invoice. If she is indeed a PM there were 4 different PM's on the 6176 project.

REBECCA A BERRY

PH. 619.292.4885

3640

10/31/2016

City Treasurer

California Coast City

3640

6176: 147-005 Rebecca Berry writes check number 3640 to the City Treasurer. Yet Techne still shows this as a credit to his account and a review of 140-001 the City Treasure statement of charges doesn't show any of this. What went on between DSD, Berry, Geraci, Bartell and Gina Austin? You tell me. One thing is for sure. From a strictly accounting standpoint, something is **very, very** wrong here.

The Missing DSD Invoices

What Exhibit 147 did not include shows 2 DSD invoices showing payment made, which were created by DSD Representative, Delores Gonzalez to Rebecca Berry for the 6176 CUP.

Development Services Department
Invoice #734406

Invoice Information

Status	Voided
Issued on	10/31/2016
Issued by	Gonzalez, Delores
Customer	Berry, Rebecca
Firm	
Paid	

Invoice Details

Project #520606 (Web/Projects/Details/520606) - Federal Blvd MMCC
Cis. Cheryl (819)236-8327

Project Subtotal **\$8,555.00**

Project Fees	Project Fees Subtotal	\$8,555.00
Close Out Fee	1 Each	\$545.00
Deposit Account	8000 Dollars	\$8,000.00
Mapping	1 Each	\$10.00
Invoice Total		\$8,555.00

Invoice Revenue

Fund	Revenue Account	Amount
DEPOSITS	PLANNING SUBDIVISION DPST	\$8,000.00
PLANNING & DEVELOPMENT REVENUE FUND	STREET ADDRESS CHANGE FEE	\$10.00
PLANNING & DEVELOPMENT REVENUE FUND	DEP FEES	\$545.00

Upon payment of any Development Impact Fees (DIF), Regional Transportation Congestion Improvement Program (RTCIP), or Facilities Benefit Assessment (FBA) fees, the 90-day protest period in which you may protest these fees under Government Code section 66022 will begin. A written protest must be filed with the City Clerk pursuant to Government Code section 66022. The protest procedures under section 66022 are additional to other procedures authorized or required under the San Diego Municipal Code. Please contact Facilities Financing at 619-533-3670 to request additional information.

Date TimeStamp: 06/25/2018 15:51:20
Invoice FAQ (<https://www.sandiego.gov/development-services/development-services/invoices.shtml>)

<https://pendent.sandiego.gov/Web/Invoices/Details/734406>

Development Services Department
Invoice #734407

Invoice Information

Status	Paid
Issued on	10/31/2016
Issued by	Gonzalez, Delores
Customer	Berry, Rebecca
Firm	
Paid	10/31/2016 \$8,800.00

Invoice Details

Project #520606 (Web/Projects/Details/520606) - Federal Blvd MMCC
Cis. Cheryl (819)236-8327

Project Subtotal **\$8,800.00**

Project Fees	Project Fees Subtotal	\$8,800.00
Close Out Fee	1 Each	\$545.00
Deposit Account	8245 Dollars	\$8,245.00
Mapping	1 Each	\$10.00
Invoice Total		\$8,800.00

Invoice Revenue

Fund	Revenue Account	Amount
DEPOSITS	PLANNING SUBDIVISION DPST	\$8,245.00
PLANNING & DEVELOPMENT REVENUE FUND	STREET ADDRESS CHANGE FEE	\$10.00
PLANNING & DEVELOPMENT REVENUE FUND	DEP FEES	\$545.00

Upon payment of any Development Impact Fees (DIF), Regional Transportation Congestion Improvement Program (RTCIP), or Facilities Benefit Assessment (FBA) fees, the 90-day protest period in which you may protest these fees under Government Code section 66022 will begin. A written protest must be filed with the City Clerk pursuant to Government Code section 66022. The protest procedures under section 66022 are additional to other procedures authorized or required under the San Diego Municipal Code. Please contact Facilities Financing at 619-533-3670 to request additional information.

Date TimeStamp: 06/25/2018 15:54:48
Invoice FAQ (<https://www.sandiego.gov/development-services/development-services/invoices.shtml>)

<https://pendent.sandiego.gov/Web/Invoices/Details/734407>

Now let's go back to where we left off in Exhibit 140

City of San Diego
Development Services Department

1333 First Avenue San Diego, CA 92101

Attn: Rebecca Berry
3882 Guilford Dr
San Diego, CA 92122

INVOICE: 734406/734407

Project Number: 520606
Project Manager: Phyllis Thomsen

STATUS: Minimum Required Balance: \$5,000.00
Payment Due By: Not Required

Deposit Account Statement

Account: 24087678
9/30/17 To: 10/31/17

Project: 520606
Activity Since Last Statement

Date	Amount
10/31/17 Beginning Balance	\$115.30
Ending Balance as of 10/31/17	\$1,152.30

6176: 140-008 DSD Deposit Account Statement 01/01/17 thru 01/31/17

DSD still shows the an end of January balance of \$8,152.30 this is essentially a balance that remains from the 11/16 Deposit Statement and does not reflect the Berry Pmt on 10/31/16 OR what we should recall was a handwritten notation on the 140-005 statement that shows a balance of \$8,245 was paid by 'In Tech' that makes one wonder what really got paid towards this account or may have been diverted to staff or those above staff? One thing's for sure. TECHNE took that \$8,800 as a credit on their statement and as can be seen by their accounting summary, a \$6K cash payment went somewhere. The DSD division needs to be thoroughly audited because if it's happening here it may be happening at a much larger scale. But unfortunately for us with this accounting, we're still not done with Exhibit 140.....

In Exhibit 140 there is a large gap in what Geraci provided for DSD Deposit Account Statements after the previous 140-008 exhibit ending 1/31/17. There is no telling what was charged or what was paid from the records we got at trial. What we do know is that while **there were no more Deposit Account Statements issued after the 1/31/17 statement that we were privy to.** And that's important. How much money did DSD charge between the 1/31/17 billing cycle and what Geraci shows in 140-001 as the first payment being credited on 12/20/17. Where are the rest of the monthly Deposit Account Statements between 1/31/17 and up until the time Geraci terminated the 520606 CUP because Magagna beat him to the finish line?

Speaking of the finish line, Magagna crossed it first with his planning commission win of 10/18/18. Why would TECHNE make an urgent request in an email dated 10/31/18 to Geraci and someone by the name of Amanda Guinn with a cc to Kenneth Adelson (both unknowns) after that hearing for two checks made out to the City Treasurer?

Amanda Guinn

From: Abhay Schweitzer <abhay@techn-e-us.com>
Sent: Wednesday, October 31, 2018 1:22 PM
To: Larry Geraci; Amanda Guinn
Cc: Kenneth Adelson
Subject: Federal Blvd. - Need 2 checks

Good afternoon,

I need two checks urgently:

1. \$100 made out to City Treasurer
2. \$1,000 made out to City Treasurer

Sending Ken from my office to pick them up.

ABHAY SCHWEITZER
Assoc. AIA- Principal

3956 30th Street, San Diego, CA 92104
techn-e-us.com sustainable@techn-e-us.com
p 619-940-5814 m 313-595-5814

6176: 140-010

This is an **urgent email dated 10/31/18** needing not one but two checks to the City Treasurer. Since the last account activity from DSD shows January 2017 I find this odd in that it requires two payments and there has been a 10 month unaccounted for lapse in DSD charges.

6176: 140-011

This shows that the urgently requested payments were made the same day on two different checks that based on the check numbers came from LST Investments. Oddly enough the checks themselves are not shown. Normally they are. Again why did 2 different payments have to be made to the same agency?

6176: 140-012

Speaking of urgent. This invoice was created on 09/26/18 and as can be seen on the next image at 140-014 was not paid until 11/01/18. One issue that immediately leaps to mind is why was there an urgent payment needed to DSD on 10/31/18 when this 09/26/18 invoice was still unpaid? If the urgent payments of \$1,125 were necessary for the appeal then we deserve to see a DSD invoice for that amount and again why was it necessary to pay it in two payments?

This invoice shows that \$20,645 has been charged to the account with \$14,245 having been paid and a balance remaining of \$6,400. Lastly the **urgency** to pay an invoice issued by [Tim Daly DSD Level III Supervisor](#) on 09/26/18 is not the case as can be seen by 140-014 Geraci pays this invoice on 11/01/18 over 30 days later. Why is Daly taking over billing for either Cac or Castaneda and what was Daly's supervisory roles in both the 6176 and 6220 CUPs?

6176: 140-014

This \$6.400 payment shows being made on 11/01/16 at a fairly slow pay of 30 days from when it was invoiced. This means that based on DSD accounting per 140-012 LST/Geraci/Techne/Berry paid that \$20,645 yet it is not being represented in the compensatory charges sought at trial. Those DSD charges only show \$13.5K. So where did the extra \$7K paid end up going and why wasn't it sought at trial?

Lastly why does Geraci makes this 6176 payment after the Magagna 6220 CUP was approved at all? Geraci would presumably be upset with DSD and Cac in particular, for her role in seeing the 6176 CUP denied. What this payment goes to is a subterfuge on the part of DSD to either pay down 6220 CUP expenses or keep Daly out of the DSD financial loop if he had just inherited this project from the other Level III Supervisor, Tirandazi who at trial testified she was Cac's boss. If this was a legitimate charge why didn't Tirandazi or Castaneda create the invoice?

If you managed to get this far you have to believe, as I do, that there are issues with the way these two cups were processed that must be explored. Since the CUP goes with the property and Geraci wasn't going to get the property he had to pull out every stop to see that I not get that CUP. And since he had a contract dispute that was brought on by his own making he was forced to act like he was pursuing the CUP while in fact he had no intention of doing so.

Geraci would have had the 6176 CUP denied by a soils report from a contractor that he was paying and would have done his bidding. I resisted that without a 3rd party court appointed administrator that Geraci fought to have installed and won when the judge agreed that it was unnecessary to protect my interests. Having worked as a developer/contractor for some 20 years I knew that even when the judge granted the soils contractor permission to access my property against my will I had to be there while the work was done and hear for myself that the field findings by the geologist supported the proposed development, the report they issued would have to convey that as well

Suffice it to say that I let the contractor know in an email [SCST Emails](#) that if their report deviated from the field conditions and results the Geologist reported to me on the day the exploratory holes were drilled, I would sue that contractor and the Geologist for helping Geraci contribute to the theft that was a CUP I should have been entitled to. Without soils the only other avenue Geraci had was to see the competing CUP finish before Geraci's.

Lastly Geraci had hired attorney Gina Austin to help him navigate the CUP process for him. Per her testimony at trial Austin went on to quit working for Geraci when she was named as a defendant in my federal law suit [Cotton v Geraci et al 02/09/18](#) which was put on a stay until the state court matters could be adjudicated. Based on her being named in that lawsuit, Austin had no legal reason to quit representing Geraci in the processing of the 6176 CUP. In fact it is my position that she had an even greater responsibility to Geraci in seeing that the 6176 CUP was approved.

Austin deciding to quit working for Geraci in the critical stages of the 676 CUP would be bad enough but at trial Austin admits she also has Aaron Magagna as her client as well! No wonder she couldn't help Geraci with the 6220 Appeal and had to use her co-conspirator Jessica McElfresh who did nothing, not even speak at the appeal to argue the approval of 6220 CUP. I guess with \$260K in award money and another \$300K he can't seem to account for, Geraci didn't see the need to spend any real money on a lawyer who wouldn't speak at the hearing anyway. And he didn't. At trial he shows receipt the \$1,245 he paid McElfresh; [Trial Exhibit 142: Jessica McElfresh Billing to Geraci for 6220 Appeal Work](#)

Austin certainly didn't represent Geraci on the 6220 Appeal and she certainly didn't represent Magagna at his Planning Commission Hearing. For that they had to dig into their bag of lawyers and come up with another lawyer; Cynthia Morgan Reed, see flowchart; [Canna-Greed: A Flowchart](#)

Austin claimed [Austin Trial Testimony 07-08-2019 Page 60 Line 11](#) that although she represents Magagna she did not assist him on the 6220 CUP processing. Considering the facts surrounding the 6220 approval that is just not plausible. It took a team effort that included DSD to get this done and during the process I've caught Austin and her cohorts in so many lies it will be a fine day when I see them all pay the price for their illegal and corrupt activities.

As of this writing I have applied for a [Motion to Unstay Federal Complaint in Cotton v Geraci 12/23/19](#). For their own reasons two federal judges looked at this motion and recused themselves from the case, just days ago I learned that the third judge granted my motion to unstay the case and I will be proceeding to expose these activities in a competent federal court.

I hope I have laid forth enough information to see these issues, once vetted in front of a proper court and jury, a jury who has been instructed to follow the law not make it, justice will finally be served and these people will pay for what they've done.