

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

LARRY GERACI, AN INDIVIDUAL,

PLAINTIFF,

VS.

DARRYL COTTON, AN INDIVIDUAL;
AND DOES 1 THROUGH 10,
INCLUSIVE,

DEFENDANTS.

CASE No. 37-2017-
00010073-CU-BC-CTL

AND RELATED CROSS-ACTION.

DEPOSITION OF
FIROUZEH TIRANDAZI
Lemon Grove, California
Thursday, March 14, 2019

Reported By:
Lorena Barron
CSR No. 12058
NDS Job No. 212544

<p>1 SUPERIOR COURT OF THE STATE OF CALIFORNIA 2 COUNTY OF SAN DIEGO 3 4 LARRY GERACI, AN INDIVIDUAL)) 5 Plaintiff,)) 6 vs.)) Case No. 37-2017-00010073 7 DARRYL COTTON, AN INDIVIDUAL; AND) DOES 1 THROUGH 10, INCLUSIVE.) 8) CU-BC-CTL Defendants.) 9 _____) 10 11 12 13 14 15 DEPOSITION OF FIROUZEH TIRANDAZI 16 THURSDAY, MARCH 14, 2019 17 LEMON GROVE, CALIFORNIA 18 19 20 21 22 Reported by: Lorena Barrón 23 CSR. No. 12058 24 NDS Job No.: 212544 25</p>	<p>1 APPEARANCES OF COUNSEL 2 3 FOR THE PLAINTIFF: 4 FERRIS & BRITTON BY SCOTT H. TOOTHACRE, ESQ. 5 501 WEST BROADWAY SUITE 1450 6 SAN DIEGO, CALIFORNIA 92101 619.233.3131 7 8 9 FOR DEFENDANT/CROSS-COMPLAINANT DARRYL COTTON: 10 LAW OFFICE OF JACOB P. AUSTIN BY JO ELLEN PLASKETT, ESQ. 11 ANDREW FLORES, ESQ. 1455 FRAZEE ROAD 12 SUITE 500 SAN DIEGO, CALIFORNIA 92108 13 619.357.6850 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 SUPERIOR COURT OF THE STATE OF CALIFORNIA 2 COUNTY OF SAN DIEGO 3 4 LARRY GERACI, AN INDIVIDUAL)) 5 Plaintiff,)) 6 vs.)) Case No. 37-2017-00010073 7 DARRYL COTTON, AN INDIVIDUAL; AND) DOES 1 THROUGH 10, INCLUSIVE.) 8) CU-BC-CTL Defendants.) 9 _____) 10 11 12 13 14 15 16 DEPOSITION OF FIROUZEH TIRANDAZI, taken on behalf 17 of the Defendant/Cross-Complainant Darryl Cotton, 18 beginning at 10:06 a.m. and ending at 12:37 p.m. on 19 Thursday, March 14, 2019, at 7880 Broadway, Lemon Grove, 20 California, before Lorena Barrón, CSR. No. 12058, for 21 the State of California. 22 23 24 25</p>	<p>1 I N D E X 2 WITNESS: 3 FIROUZEH TIRANDAZI 4 EXAMINATION: PAGE 5 BY MS. PLASKETT 7, 99 6 BY MR. TOOTHACRE 63 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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1 FIROUZEH TIRANDAZI,
2 having first been duly sworn, was
3 examined and testified as follows:
4
5 MS. PLASKETT: Hi. Good morning. My name is
6 Jo Ellen Plaskett. I'm here specifically appearing for
7 Darryl Cotton, who's a defendant in the case of Geraci
8 versus Cotton. And I'm here with my associate, who is
9 also special appearing.
10 MR. FLORES: Yes. Andrew Flores also on
11 behalf of Darryl.
12 MR. TOOTHACRE: Scott Toothacre on behalf of
13 Mr. Geraci and Gina Austin.
14
15 EXAMINATION
16 BY MS. PLASKETT:
17 Q Can you please say and spell your full name?
18 A My full name is Firouzeh Tirandazi and it's
19 spelled, F-i-r-o-u-z-e-h. Last name Tirandazi,
20 T-i-r-a-n-d-a-z-i.
21 Q Have you ever used any aliases or other names?
22 A I've always gone Firouzeh Tirandazi, my maiden
23 name, Niknam, N-i-k-n-a-m.
24 Q How long have you worked for the City?
25 A So, I started with the City, I believe, in

1 '93. And then I worked for the City until 2006. I took
2 a leave of absence and then I returned to the City in
3 2015. And I've been working with the City since.
4 Q Did you always work within this team, the CUP
5 application team?
6 A No.
7 MR. TOOTHACRE: Jo, can I get that -- your
8 answer back, because my pen went dry.
9 1993 to 2006?
10 THE WITNESS: That's correct.
11 MR. TOOTHACRE: And then a leave of absence?
12 THE WITNESS: Uh-huh. And then I retired.
13 MR. TOOTHACRE: No. When did you?
14 THE WITNESS: I left the City in 2006 and then
15 I retired in 2009. And then I came back in 2015. Same
16 position, but I left the City.
17 So obviously I didn't start as a development
18 project manager, I started as a planning intern and I moved
19 up. I left the City as a DPM 2. I came back as a DPM 2.
20 And now I've been promoted to a DPM 3.
21 BY MS. PLASKETT:
22 Q And what does a DPM 3 --
23 A Development Project Manager 2 and then
24 Development Project Manager 3. It's basically the
25 highest level of the development project manager series

1 in the City.
2 **Q Are you part of the team?**
3 A So we have geographical areas, and I've kind
4 of moved around within that geographical area. Um, and
5 then for some time I did handle or manage the processing
6 of conditional use permit applications for marijuana,
7 medical marijuana consumer cooperatives at the time, and
8 then transition into marijuana outlets. And then I was
9 then moved into the Expedite program and had nothing to
10 do with the marijuana CUP applications. I've kind of
11 come back to that in the beginning of January of this
12 year.
13 **Q You're back into the processing of CUP --**
14 A Uh-huh. Correct.
15 **Q -- for marijuana?**
16 As well an Expedite program for the CUPS for
17 medical marijuana outlets or marijuana outlets?
18 A Could you repeat that question, please?
19 **Q Is there a thing -- anything called an**
20 **expedited program to get a CUP for marijuana outlets**
21 **expedited?**
22 A So we have an Expedite program, um, in the
23 City of San Diego, and there are certain criteria that
24 need to be met. It's the Affordable Housing, In-Fill
25 Development, Sustainable Development projects and

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1 certain criteria, um, that need to be met.
2 So, um, it depends on whether they meet the
3 criteria to be processed in the Expedite program.
4 **Q Would somebody applying for a -- put in an**
5 **application for a CUP for a marijuana outlet, would they**
6 **qualify to be in this program?**
7 A It depends on if they meet the criteria or
8 not. And that's available on the City's website, the
9 criteria for the Affordable Housing, In-Fill
10 Development.
11 MR. TOOTHACRE: And was that the same in 2017?
12 THE WITNESS: Um, I don't know the answer to
13 that.
14 BY MS. PLASKETT:
15 **Q Would this case qualify, would this particular**
16 **application for Mr. Cotton and Geraci, would they**
17 **qualify for the expedited program?**
18 **Do you know?**
19 A I don't believe that the application was
20 submitted under the Expedite program, and I don't know
21 that they would qualify, um, at the time that the
22 application was deemed complete.
23 **Q When the application was deemed complete, they**
24 **would have qualified?**
25 A No, I don't know that, because I don't -- they

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1 weren't submitted under that program, I don't believe.
2 **Q So do you have to submit under that particular**
3 **program?**
4 A Well, you have to qualify and you would
5 submit. So if they did qualify, they probably would
6 have submitted under the program. But I know that this
7 project wasn't -- or any of those two projects were
8 being processed in the Expedite program. I don't
9 believe they qualified for it.
10 **Q Once you've put in an application --**
11 **MR. TOOTHACRE: Those applications, were you**
12 **referring to 6220?**
13 **THE WITNESS: Well, those are the two that I'm**
14 **here to testify against, correct?**
15 **MR. TOOTHACRE: Let me clear that up.**
16 **BY MS. PLASKETT:**
17 **Q So you had mentioned the two projects.**
18 **Are you talking about the application for**
19 **Mr. Cotton and Geraci and the one for Mr. Magagna, the**
20 **6220 Federal?**
21 A Yes.
22 **Q Thank you.**
23 **MR. TOOTHACRE: Okay. Thanks.**
24 **BY MS. PLASKETT:**
25 **Q Is it possible, once you've submitted a CUP**

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1 **application for a marijuana outlet, to then transfer**
2 **into the expedited program?**
3 A Um, no.
4 **Q So you have --**
5 A You have to -- it's from the start, because
6 it's a different process. It's on a different process,
7 different track, because we do a mandatory initial
8 review, prior to official submit. So it's a -- a more
9 thorough, full-blown preliminary review.
10 We have a preliminary review process in the
11 City. So, um, through the Expedite program, projects --
12 when they want to submit through the Expedite program,
13 um, there's a review of the plans set and then a
14 mandatory initial review is, um, conducted where all the
15 review disciplines that would typically be involved in
16 the review of the project would be reviewing that
17 project and then providing early feedback to the
18 applicant so that they can decide to proceed with it or
19 not.
20 **Q All right. Thank you.**
21 **Other than working for the City, do you have**
22 **any ownership interest in any businesses?**
23 A Um, with my husband, um, we do. But he
24 handles that. It's 10 percent interest in an IT
25 company. I don't know the name.

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1 Q Do you hold any professional licenses?
 2 A Um, no.
 3 Q Do you process any of the CUP applications for
 4 other projects besides the marijuana outlets?
 5 MR. TOOTHACRE: Vague as to time.
 6 BY MS. PLASKETT:
 7 Q Since 2015, when you returned, have you
 8 processed any CUP applications for purposes other than a
 9 marijuana outlet?
 10 A Yes.
 11 Q What percentage do you think the marijuana
 12 outlet applications is part of your workload from 2017
 13 to now?
 14 A So for from 2017, I -- so, I think 2017 until
 15 October of 2017, I think I, um -- that was my primary
 16 workload, um, processing those. Maybe -- maybe not
 17 primary. 90 percent, I would say, of the workload,
 18 because I have workload from my other geographic area.
 19 And then I was -- then all of my projects were
 20 transferred to other reviewers, because I was moved into
 21 the Expedite program.
 22 And then as part of the Expedite program, I
 23 have two CUP applications that qualified and submitted
 24 under the Expedite program. But for marijuana
 25 production facilities, not marijuana outlets.

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1 Q Okay. The cultivation and production --
 2 A Uh-huh.
 3 Q Okay. Did you ever have any professional
 4 licenses? Did you ever hold any?
 5 A (Witness shakes head.)
 6 Q Thank you.
 7 What are your geographical areas?
 8 A It was pretty much the -- initially, it was
 9 the northern -- well, not related to marijuana
 10 facilities, because those are not geographic basis, all
 11 of them. It doesn't matter where they are.
 12 But non-marijuana projects, the majority of my
 13 projects were in the northern part of the city. I had
 14 projects in La Jolla, Penasquitos, Carmel Valley, Torrey
 15 Pines.
 16 Q Okay.
 17 A And a few here and there, depending on
 18 workload. They had to, you know, reassign certain other
 19 geographic areas.
 20 Q When they reassign to another geographical
 21 area, does that --
 22 A Or to another team.
 23 Q It triggers a transfer to another team?
 24 A (Witness nods head.)
 25 Q Okay.

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1 MR. TOOTHACRE: Was that yes?
 2 THE WITNESS: Yes.
 3 MR. TOOTHACRE: You have to speak audibly so
 4 she can get it down.
 5 THE WITNESS: Okay.
 6 MR. TOOTHACRE: I might remind you from time
 7 to time. I'm not picking on you. People do it all the
 8 time.
 9 BY MS. PLASKETT:
 10 Q So if you were in the northern part of the
 11 city, when did you transfer to have cases in this area?
 12 A I don't recall the exact date.
 13 Q Okay. Around 2017 and '18?
 14 A No. It was definitely -- I would say, um -- I
 15 would say December of 2016, January 2017.
 16 Q Okay. Is it common to move -- to change
 17 projects managers?
 18 A Um, so things happen. It could be that, um,
 19 the person that was handling those projects, um, got a
 20 promotion and left. And they were looking to who's
 21 going to take over the projects. They picked a DPM to
 22 take over those projects. And, therefore, the workload
 23 of the DPM was then reassigned to others. So it's
 24 managing the workload within the department.
 25 Q And when they do the transfer, is it a group

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1 decision?
 2 A It's management decision, but the -- the --
 3 there's no interruption in the process.
 4 Q Is there -- when there's a change, does the
 5 new person have to get up to speed on these cases?
 6 A Um, which cases are we speaking about?
 7 Q In particular, a marijuana outlet case, such
 8 as the CUP application that we have, it was transferred
 9 three times, to three different DPMs.
 10 In doing so, is there an interruption when
 11 there is a transfer from a DPM to another DPM?
 12 A There is no -- I mean, the DPM would have to
 13 get up to speed. But it's not, um, that difficult to
 14 get up to speed. It happens all the time with other
 15 projects.
 16 Q Do you have a meeting between the teams to
 17 catch the new team up?
 18 A Yeah. Not a meeting, but, I mean, it could be
 19 a meeting. But, um, or just a one-on-one. Sharing the
 20 highlights. And everything is documented in the system,
 21 the project tracking system.
 22 Q I'm actually getting a little bit ahead of
 23 myself with these questions. So we'll be coming back to
 24 that process. I'll try to keep this a little bit in
 25 order.

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1 **So is it common to have three project managers**
2 **on a CUP application for --**
3 A It's common to, um, transfer projects based on
4 workload needs or workload management.
5 **Q Is it common for a DPM to have competing**
6 **licenses, completing applications for the same area?**
7 A Yes.
8 **Q And is it considered a conflict of interest to**
9 **be -- having two competing at the same time?**
10 A No. DPMs are impartial. They are just
11 basically processing the application through the
12 process, or managing the application through the
13 process.
14 **Q What is the process, going down this same**
15 **thing, when they make a change from -- like, for**
16 **instance, in this case, they made a change from you to**
17 **Ms. Cac.**
18 A Uh-huh.
19 **Q What is the process? How is that done?**
20 A There is a -- so in the project tracking
21 system, we have project manager assignments. So that,
22 um, assignment is changed in the system. The, um, hard
23 copy of the project file is done -- transferred to the
24 new DPM. And at that point, there's a discussion
25 about -- this is where this project is. The assessment

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1 letters are available online. And where we are, like,
2 waiting for a re-submittal, where we are at that
3 project.
4 And then at that point, the new project
5 manager takes over managing the project or the
6 application.
7 **Q Is there anything in the tracking system that**
8 **shows deficiencies in paperwork? Like necessary**
9 **paperwork?**
10 A Could you clarify that?
11 **Q So if -- I'll move to this point, actually.**
12 **Exhibit 1 is going to be an affidavit for**
13 **Medical Consumer Cooperative for a conditional use**
14 **permit, the CUP DS190.**
15 A Uh-huh.
16 MS. PLASKETT: And this will be Exhibit 1.
17 (Exhibit 1 was marked.)
18 BY MS. PLASKETT:
19 **Q Are you familiar with this form?**
20 A Yes.
21 **Q All right. In this form, it -- can you list**
22 **who is listed as the property owner or authorized agent?**
23 A Yes.
24 **Q Does it list Ms. Rebecca Berry as the owner on**
25 **this form?**

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1 A If I may clarify. The purpose -- yes, to
2 answer your question, yes.
3 **Q And for the purpose of this form?**
4 A The purpose of this form is an affidavit by
5 the applicant or the agent of the applicant, to
6 demonstrate that the radius math and radius spreadsheet
7 they have provided is correct and accurate, to the best
8 of their knowledge.
9 They do have to identify, um, sensitive uses
10 that are within a thousand feet and residential zone
11 that's within a hundred feet.
12 So this is the purpose of -- so when -- when
13 staff receives this, um, we don't really care about who
14 has signed it, because this is not important for that.
15 The Ownership Disclosure Statement is what staff looks
16 at, to make sure that the owner has signed the
17 application upon submittal of the application.
18 **Q The reason I bring this up now is, would your**
19 **tracking system show that there's a change in ownership**
20 **or the agent, the person that made the application? For**
21 **instance, Ms. Berry here has listed herself as an owner.**
22 A Uh-huh.
23 MS. PLASKETT: And Exhibit 2 would be the
24 Ownership Disclosure Statement, the DS318.
25 (Exhibit 2 was marked.)

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1 BY MS. PLASKETT:
2 **Q Does it -- in part one, am I correct to say,**
3 **"Please list below the owners and tenants of the above**
4 **referenced property. The list must include the names**
5 **and addresses of all -- bolded "all" -- persons who have**
6 **an interest in the property, recorded or otherwise, and**
7 **state the type of property interest (e.g. tenants who**
8 **benefit from the permit, all individuals who own the**
9 **property."**
10 A Uh-huh.
11 **Q Is that the correct reading of that, part of**
12 **that Part 1 paragraph?**
13 A You're reading the paragraph, yes.
14 **Q Thank you.**
15 **Does it also, under "Note: The applicant is**
16 **responsible for notifying the Project Development**
17 **Agreement, DDA" -- oh, I'm sorry.**
18 **"A signature from the assistant executive**
19 **director of San Diego redevelopment agency shall be**
20 **required for all parcels which a disposition agreement,**
21 **DDA has been approved or executed by the City property."**
22 **I'm sorry. I messed that up.**
23 A That doesn't apply.
24 **Q Please scratch that. "Note: The applicant is**
25 **responsible for notifying the project manager of any**

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1 changes in ownership during the time the application is
 2 being processed or considered."
 3 Is that a correct reading of the first note?
 4 A Yes.
 5 Q The second part of that. "Changes in
 6 ownership are to be given to the project manager at
 7 least 30 days prior to any public hearing on the subject
 8 project."
 9 Is that a correct reading of that?
 10 A Correct.
 11 Q Finally, "Failure to provide accurate and
 12 current ownership information could result in a delay of
 13 the hearing process."
 14 A Yes.
 15 Q Is that correct?
 16 So in looking in your -- the disclosure
 17 statement, it's got Rebecca Berry listed as a
 18 tenant/lessee; is that correct?
 19 A Yes.
 20 Q And it has Darryl Cotton listed as the owner.
 21 A Correct.
 22 Q Would your tracking system notify you that
 23 there is a change in the status of Rebecca Berry from an
 24 owner to a tenant?
 25 MR. TOOTHACRE: Vague and ambiguous.

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1 BY MS. PLASKETT:
 2 Q On Form DS318, it lists Ms. Berry as a tenant.
 3 On Exhibit 1, it lists Ms. Berry as an owner.
 4 Is there anything in your tracking system that
 5 would alert you to this change?
 6 A The tracking system is updated with the
 7 application submitted. It's not an automatic alert if
 8 there's a change. If we're not notified, then we would
 9 not be making the change.
 10 When the application was submitted, this is a
 11 requirement, with initial submittal.
 12 MR. TOOTHACRE: Are you referring to --
 13 THE WITNESS: Exhibit 1.
 14 Along with the Ownership Disclosure Statement.
 15 And, again, for purposes of accepting an application, we
 16 look at a signed Ownership Disclosure Statement signed by
 17 the property owner, and we validate that against the Grant
 18 Deed that was provided with that. That demonstrates that
 19 is the property owner. And that information is inputted
 20 into the system.
 21 BY MS. PLASKETT:
 22 Q Okay. Thank you.
 23 Because of the change in owner, the conflict
 24 on who owns this property between Exhibit 1 and
 25 Exhibit 2, could that -- could the change in ownership

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1 delay this project, or the application process?
 2 A In order for staff to determine or validate
 3 there's a change in ownership, we would need a signed
 4 Ownership Disclosure Statement, along with a Grant Deed
 5 showing who the new owner is.
 6 At that point we would then make the necessary
 7 changes.
 8 Q Can a project like this be assigned a project
 9 number without an initial Grant Deed showing ownership?
 10 A The application would not be accepted if we
 11 don't have an Ownership Disclosure Statement and the
 12 Grant Deed. It's one of the initial submittal
 13 requirements. Or some sort of legal form. Maybe a
 14 title report that demonstrates who the property owner
 15 is. Typically, it's the Grant Deed that's provided.
 16 Q If there isn't -- Ms. Berry is the one who
 17 submitted this application. And if she failed to
 18 provide a Grant Deed with her name on it, what would
 19 happen to her application?
 20 A Could you repeat that question?
 21 Q If Rebecca Berry, who is claiming that she was
 22 an owner of this property on Exhibit 1, if she did not
 23 present a Grant Deed with her application, what would
 24 happen to her application?
 25 A Again, in order for an application to be

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1 accepted, there needs to be proof of ownership and a
 2 signed Ownership Disclosure Statement, which is your
 3 Exhibit 2.
 4 Q If there is a change of ownership going
 5 through the process of this application, does the DPM
 6 stop the process, pending the Grant Deed showing new
 7 ownership?
 8 A We would not know of new ownership, unless we
 9 are notified of new ownership. And we need -- again,
 10 proof of new ownership and revised Ownership Disclosure
 11 Statement.
 12 Q Does that lack of the Grant Deed or proof of
 13 the ownership, would that stop the application process?
 14 A I guess. Just to repeat what I'm saying is
 15 that, someone calling us, someone telling us there's
 16 been a change in ownership, that's not sufficient proof
 17 for anything.
 18 We need actual proof that there has been a
 19 change in ownership. And if there's a change in
 20 ownership, there's no hesitation. They would provide
 21 the change in ownership information or the proof. And
 22 the -- a signed Ownership Disclosure Statement and the
 23 project would stay on track.
 24 Q What would happen if you had two people
 25 claiming an ownership in the application?

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1 **MR. TOOTHACRE: Incomplete hypothetical.**
 2 **THE WITNESS: Um, we would need proof to**
 3 **demonstrated who is the most current owner of the**
 4 **property.**
 5 **BY MS. PLASKETT:**
 6 **Q And would that delay the processing of the**
 7 **application waiting for the proof?**
 8 A We would not be waiting for the proof, I
 9 guess. We have what we have in our application. We
 10 assume it's legal and accurate information that's been
 11 provided to us. And we continue processing the
 12 application. Until we're notified we have a change of
 13 ownership, here is our new Ownership Disclosure
 14 Statement, and here's our new proof of new ownership.
 15 At that point we would just merely change the
 16 ownership information.
 17 **Q And if -- can there be two people claiming**
 18 **ownership to one CUP application?**
 19 A Again, that's ownership -- we don't have an
 20 ownership to a CUP application. We have an ownership to
 21 the property.
 22 **Q In these forms, are all persons with an**
 23 **ownership interest in the property mandated to be on the**
 24 **forms for this application?**
 25 A Only the Ownership Disclosure Statement. And

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1 the, um, the information is only provided on the general
 2 application form.
 3 **Q Have you, as a DPM 3, ever experienced more**
 4 **than one person claiming ownership of property?**
 5 A So, um, ownership of the property. Um, I --
 6 yes. Only this project.
 7 **Q Of course. This one's jinxed. Okay. Thank**
 8 **you.**
 9 **But is it mandatory that all parties involved**
 10 **be disclosed in this application with an ownership or**
 11 **business interest?**
 12 **MR. TOOTHACRE: I'm just going to object that**
 13 **it calls for a legal conclusion.**
 14 **BY MS. PLASKETT:**
 15 **Q Is there a law that -- that you know of that**
 16 **states that all -- anybody with an ownership interest on**
 17 **a property that's -- they're submitting a CUP**
 18 **application for a marijuana outlet, is there a law that**
 19 **states that all parties must be disclosed to the City?**
 20 A Um...
 21 MR. TOOTHACRE: Same objection.
 22 You can answer. I'm preserving the record.
 23 THE WITNESS: I'm just trying to think
 24 about -- so the purpose of the Ownership Disclosure
 25 Statement is that it validates that the owner is aware

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1 of the application that is being submitted on his
 2 property. Whether he is -- and, um, when we get close
 3 to a hearing, we -- if it's an LLC -- I mean, in this
 4 case, um, my recollection is that Darryl Cotton was
 5 identified as the grantee and the sole owner of the
 6 property.
 7 So we would not think that there's any other, um,
 8 individual that would have an interest, because its sole,
 9 um, person that owned the person as shown on the Grant
 10 Deed.
 11 The purpose of that statement is, if you have an
 12 LLC, or some sort of corporation, um, you would identify
 13 all officers that are involved with that LLC for disclosure
 14 purposes so that when the project is taken before a
 15 decision-maker, they can recuse themselves if there's a
 16 conflict of interest.
 17 BY MS. PLASKETT:
 18 **Q Okay. Thank you.**
 19 **You had mentioned in the expedited process**
 20 **that they do an initial review of everything?**
 21 A Uh-huh.
 22 **Q In this application, this CUP application for**
 23 **a medical marijuana outlet or marijuana outlet, would**
 24 **there be a review check on the paperwork prior to it**
 25 **moving forward? Do they do the same check looking at**

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1 **the document?**
 2 A It's different processes -- no.
 3 They look at the submittal requirements. All
 4 of them go through the same process. But the Expedite
 5 program, they actually provide full sets of plans for
 6 all the review team for initial review.
 7 **Q So is there anybody that actually reviews when**
 8 **somebody puts in a CUP application for a marijuana**
 9 **outlet, or any -- does any human being sit down and go**
 10 **through the paperwork to see if there's any**
 11 **inconsistency?**
 12 A I don't do submittal, so I don't know exactly
 13 what they do. But that's done through our submittals
 14 section within the department.
 15 **Q Do you get --**
 16 A It's a submittal completeness check, that
 17 basically validates the application. For any
 18 application, what are their required documents. The
 19 submittal requirements are available on the City's
 20 website as well, for CUP. What documents need to be
 21 provided.
 22 **Q And so it's their task to go through these**
 23 **documents and look for --**
 24 A Do they have a Grant Deed? Do they have this
 25 form? Do they have that form? Do they have the correct

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1 number sets of plans? That's what they do.
2 **Q And is there -- is the submittal completeness,**
3 **is there a team of people or one person?**
4 A It's on the third floor of development
5 services department and multiple people are tasked with
6 that.
7 We're getting applications in daily.
8 **Q I bet you are.**
9 A Yeah.
10 **Q Thank you. Thank you for explaining that,**
11 **because there are a lot of things that I don't**
12 **understand in this process. And I'm trying to**
13 **understand them. So I appreciate your candor and your**
14 **time.**
15 **Okay. Going back from the discussion of**
16 **transferring from one project manager to another project**
17 **manager.**
18 **Do you recall any of the team meetings**
19 **regarding this, the 6176 Federal?**
20 A I do not recall a team meeting.
21 **Q Do you recall when you transferred this case,**
22 **this application to Ms. Cac?**
23 A I think all of my -- again, I don't -- I'm so
24 busy, but I honestly -- whenever I transferred into the
25 Expedite program, at that point, those were the projects

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1 that were transitioned. Um, I don't remember. I don't
2 remember the date. Honestly I don't.
3 **Q Instead of the date, do you remember the**
4 **substance of the conversation?**
5 A No. I -- no. I mean, the project file would
6 have had all of the information in it. And I basically
7 transitioned it.
8 **Q Would I be able to look at the notes that go**
9 **with this file when transition is publicly available?**
10 A Which project are we talking about?
11 **Q The 6176 Federal.**
12 A Okay. Mr. Cotton's?
13 **Q Mr. Cotton's.**
14 A So my recollection is that -- again, I wasn't
15 involved. But I know that there was another, um -- and
16 I didn't process or involve with the other application
17 at all. But I know when that was approved, um, the
18 applicant of this -- Mr. Cotton's property was asked,
19 um, that if they want to move forward to a final
20 decision, um, of denial, because they would have not
21 been in compliance with the municipal code. Or they
22 would like to withdraw the application. And I believe
23 they requested that they withdraw the application.
24 And when an application is withdrawn,
25 everything is, um -- the hard copy is destroyed. We

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1 don't retain project applications that are withdrawn,
2 that don't go through the process.
3 **Q Can you remember whether it was Ms. Berry or**
4 **Mr. Cotton who asked that it be withdrawn?**
5 A I don't. I don't know who asked that it be
6 withdrawn. If -- whoever that was identified as the
7 applicant typically requests that an applicant should be
8 withdrawn. And that is common.
9 **Q Could Mr. Cotton also withdraw the application**
10 **that was put in by Mr. Berry or by Ms. Berry?**
11 A No, because the applicant, um, was Ms. Berry.
12 **Q And only she can withdraw that application?**
13 A The applicant can.
14 **Q I have a question, only because of the way I**
15 **think it's on the general application.**
16 **I had read where it said that the owner -- I**
17 **think it's here. I'm not sure what form it is. I've**
18 **got it highlighted, but what it said is that the owner**
19 **or the agent basically have the right to withdraw the**
20 **application, which is different than what you had just**
21 **said to me.**
22 **MR. TOOTHACRE: Vague and ambiguous as to what**
23 **document we're discussing.**
24 **BY MS. PLASKETT:**
25 **Q With regards to only an applicant having the**

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1 **ability to cancel or withdraw a CUP application for a**
2 **marijuana outlet.**
3 **Can I have a -- can I take a break? I can't**
4 **find this. I'm so sorry.**
5 **(Off the record.)**
6 **MS. PLASKETT: Back on the record, please.**
7 **I'm going to submit Exhibit 3, which is a general**
8 **application Form DS3032.**
9 **(Exhibit 3 was marked.)**
10 **BY MS. PLASKETT:**
11 **Q Do you recognize this form?**
12 A Yes.
13 **Q And under number, I believe it's 3, it lists**
14 **the property owner as a lessee/tenant, a Rebecca Berry;**
15 **is that correct?**
16 A Which number are we talking about?
17 **Q 3.**
18 A Oh, okay. Yes.
19 **Q Under No. 4, the permit holder name, this is**
20 **the property owner person or entity that is granted**
21 **authority by the property owner to be responsible for**
22 **scheduling inspections, receiving notices of failed**
23 **inspection, permit expirations or revocation hearings,**
24 **and who has the right to cancel the approval, in**
25 **addition to the property owner. And it lists a**

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1 municipal code.
 2 Is this the correct reading of that No. 4,
 3 permit holder name?
 4 A That is correct.
 5 Q You had just stated that only the applicant
 6 can withdraw or cancel an application. This general
 7 application, No. 4, contradicts that.
 8 It says that the property owner -- my reading
 9 is that the property owner can also cancel withdraw.
 10 Is that true?
 11 A I can't speak to that. That's not how we have
 12 interpreted that. It's whoever that has been given the
 13 right to process the application on behalf of the
 14 property owner.
 15 Q So the way you're interpreting it, the City is
 16 interpreting it, it's only the applicant?
 17 A Whoever that's been given the right to process
 18 the application.
 19 MS. PLASKETT: I'm going to submit Exhibit 4,
 20 which is an email from Ms. Firouzeh or Ms. Tirandazi to
 21 Mr. Cotton, becky@tfcfd and brianna@bhpsonline.
 22 (Exhibit 4 was marked.)
 23 MR. TOOTHACRE: Does that have a date on it?
 24 MS. PLASKETT: It is dated March 21st, 2017.
 25 ///

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1 BY MS. PLASKETT:
 2 Q Can you read this, please.
 3 A "As a follow-up per our conversation this
 4 morning regarding your potential interest as property
 5 owner" --
 6 MR. TOOTHACRE: I think she -- do you mean out
 7 loud?
 8 THE WITNESS: Do you want me to read it out
 9 loud or just read it to myself?
 10 BY MS. PLASKETT:
 11 Q You can read it to yourself.
 12 A Okay.
 13 Q In my reading of this email to Mr. Cotton,
 14 it's -- it states that because he's not the financially
 15 responsible party for the subject application, that you
 16 required -- or the City required written acknowledgment
 17 from Ms. Berry, the applicant, to withdraw the CUP
 18 application.
 19 Is that true?
 20 A And -- yes. Ms. Berry was also the applicant,
 21 who happened to be the financial responsible party. So
 22 it's just a matter of use of the term.
 23 Q Okay.
 24 A They were both the same.
 25 Q Does this email basically tell Mr. Cotton that

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1 he cannot cancel this application without written
 2 acknowledgment from Ms. Berry?
 3 A Yes.
 4 MS. PLASKETT: Exhibit No. 5 would be two
 5 pages. And it's from you, Ms. Tirandazi, on
 6 September 29, 2017 to Holly Gravino [sic], David
 7 Demian -- Durmien, Abhay Schweitzer, Fitzgerald,
 8 regarding 6176 Federal.
 9 (Exhibit 5 was marked.)
 10 BY MS. PLASKETT:
 11 Q And can you please review this letter?
 12 A Uh-huh.
 13 Q In reading this email --
 14 A Uh-huh.
 15 Q -- what was your intent to communicate to
 16 Mr. Cotton or Mr. Demian?
 17 A I -- my recollection is that they wanted to
 18 know whether or not they have the right to submit
 19 another application on the same property. And so
 20 development services doesn't deny anyone to submit an
 21 application. And I just wanted to let them know that we
 22 have another one that's in process. And explaining
 23 how -- how it would be processed, and what would happen
 24 once one of them is approved.
 25 Q Thank you.

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1 Did under the cancellation -- excuse me, the
 2 last exhibit, was Mr. -- was Ms. Berry's application
 3 ever canceled? At that point in time, after receiving
 4 the request for Mr. Cotton to cancel Ms. Berry's
 5 application, was it canceled or did the City continue to
 6 process Ms. Berry's application?
 7 A I'm sorry. I wasn't even involved at that --
 8 at this point when the other project was approved.
 9 Q I'm still talking about the Cotton project,
 10 the Cotton/Berry project.
 11 A Okay.
 12 Q When they -- when Mr. Cotton was wanting to
 13 cancel Ms. Berry's CUP on the property, was it canceled?
 14 A No.
 15 Q Did the City continue working on it?
 16 A Yes.
 17 Q Do you recall if Mr. Cotton asked to submit
 18 another CUP?
 19 A I don't recall if it was Mr. Cotton or someone
 20 else on his behalf or who, but I know that there was a
 21 request to submit another CUP that -- um, on the same
 22 property.
 23 Q Was that request initially denied?
 24 A I don't recall. I think in the beginning
 25 it -- perhaps. But then as we discussed it with

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1 management and our City attorney, it was advised that we
2 cannot -- anyone can submit an application. We cannot
3 put a stop and we would -- they can submit the
4 application and move through the process.
5 So it could be that initially I may have, and
6 then per this email I said you could go ahead and
7 submit.
8 **Q Okay. Thank you.**
9 A But it's very rare. And I -- that someone
10 would be asking to submit another application on the
11 same property. So it was a new one for me.
12 **Q I bet this case had a bunch of new ones for**
13 **you.**
14 **Do you know who Mr. Larry Geraci is?**
15 A No.
16 **Q Do you know anything about the lawsuit between**
17 **Mr. Geraci and Mr. Cotton?**
18 A You know, there was some lawsuit. I don't
19 know if it was the same one. There was one that
20 involved the City as well, but I didn't really get
21 pulled into it.
22 So the high level, I know there's been some
23 lawsuits going on, but I know who -- who the parties
24 are, and I know one, I think, involved the City, but I
25 don't know if it ever went anywhere. So I don't -- I

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1 didn't really get pulled into those.
2 **Q If -- once -- do you recall Mr. Cotton**
3 **contacting your office and stating that he is the owner**
4 **of the property?**
5 A Yes.
6 **Q And did you recall him asking to cancel?**
7 A Um, at first he -- the first conversation he
8 had with me I recall was, he was surprised that he got a
9 notice on his property and he didn't know anything about
10 it. And that's how -- and accused the City of falsely
11 accepting the application. I opened up the project file
12 to find out, Oh, wow. Who -- who signed the Ownership
13 Disclosure Statement? And I found that it was
14 Mr. Cotton.
15 So I explained to him, I said, "Well, we
16 have -- you have signed an Ownership Disclosure
17 Statement. And, therefore, the application was
18 submitted because there was a signed Ownership
19 Disclosure Statement signed by you, which matches the
20 Grant Deed, demonstrating who the legal owner of the
21 property is."
22 And then he said, "Okay. Well, let me check
23 into it." So I think that there was some follow-up
24 conversations and then he said, "Oh, yeah, I remember
25 now."

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1 I don't remember the details of that
2 conversation. And I think then later on he called and
3 he wanted to withdraw it. And I said, "Well, the
4 applicant will also need to agree to the withdrawal."
5 And we cannot have this application withdrawn.
6 And then I think from that point on, it got to the point
7 where the question as to whether he can have another --
8 can he submit his own application, and I think in the
9 beginning I may have said no, because we typically don't
10 accept applications on the same property. But I think
11 after consulting with our management and city attorney,
12 um, it was clarified that DSD cannot deny the
13 opportunity of someone wanting to submit an application.
14 And, therefore, I believe I, um, indicated
15 that he -- that they could submit another application.
16 I don't know who I communicated that to. I don't know
17 if it's Mr. Cotton or someone else. But I know it was
18 related to another CUP application on the property.
19 **Q Okay. Thank you. That helps -- the narrative**
20 **really helps me, because I don't know exactly what**
21 **happened in this process.**
22 A Uh-huh.
23 **Q And having the ability for you to explain how**
24 **it's happening really will expedite this. So thank you.**
25 **Do you recall Mr. Cotton bringing up the name**

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1 Geraci?
2 A The name is familiar.
3 **Q And did he -- do you remember -- recall if he**
4 **complained that Mr. Geraci's name is not on any of these**
5 **forms?**
6 A I don't recall.
7 **Q Okay. Thank you.**
8 **Do you recall any conversations with Ms. Berry**
9 **regarding her interest in this application, her interest**
10 **in the property?**
11 A No.
12 **Q Thank you.**
13 **There was a letter from your office in 2017**
14 **that brought up the issue about the Grant Deed where --**
15 **wherein the City made a demand for a Grant Deed or said**
16 **they would cancel the project.**
17 **And in that letter, it stated that if the**
18 **Grant Deed wasn't produced showing the applicant or**
19 **somebody with the Grant Deed, that the project had been**
20 **canceled.**
21 **Do you recall that happening?**
22 A No.
23 **Q I'm not sure if it was during your tenure as**
24 **the DPM or if it was Ms. Cac, but you don't remember**
25 **that?**

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1 A No, I don't recall that specifically. No
 2 Grant Deed.
 3 Q Would it be normal for an application to
 4 continue if the City requests a Grant Deed and not --
 5 and a Grant Deed is not given? Is not produced?
 6 MR. TOOTHACRE: Incomplete hypothetical.
 7 Vague and ambiguous.
 8 THE WITNESS: Um, so, again, the City does not
 9 accept an application without proof of ownership and
 10 signed Ownership Disclosure Statement.
 11 BY MS. PLASKETT:
 12 Q And if they do ask for the Grant Deed, in this
 13 case, it's my understanding that a Grant Deed was
 14 requested by the City. It wasn't provided, yet the City
 15 continued to process the application.
 16 MR. TOOTHACRE: Assumes facts and misstates
 17 the evidence.
 18 BY MS. PLASKETT:
 19 Q My question is, why would the City continue
 20 processing an application if the Grant Deed they
 21 mandated wasn't provided?
 22 MR. TOOTHACRE: Same objection.
 23 THE WITNESS: I honestly don't understand
 24 the -- it's hypothetical. I don't understand the
 25 specifics. I couldn't speak to that.

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1 BY MS. PLASKETT:
 2 Q So it wasn't you that asked for the Grant Deed
 3 for Mr. Cotton?
 4 A I believe there may have been a discussion
 5 where he claimed that he had sold the property. There's
 6 a new property owner. And I said, "Okay. Well, then I
 7 would need a revised Ownership Disclosure Statement and
 8 a Grant Deed to proceed with the application."
 9 Q Do you recall ever receiving that?
 10 A No. Not during my tenure, I did not.
 11 Q Was it around that time it was transferred
 12 from you to Ms. Cac?
 13 A Again, if you have the emails, you should know
 14 the dates. I don't remember the dates.
 15 Q All right. Thank you.
 16 Do you recall ever receiving the new Grant
 17 Deed with a new owner's name?
 18 A I did not.
 19 Q Did you continue to process this application?
 20 A Until it was transferred, yes.
 21 Q Okay. Thank you.
 22 Would these -- would the issue of the change
 23 in ownership and the request for the Grant Deed have
 24 slowed down processing the application?
 25 A No. Again, we have an application and we have

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1 all of the required documents to process an application.
 2 And if there's a change in ownership, it's the
 3 responsibility of the applicant to notify us that
 4 there's a change in ownership. Um, and at that point we
 5 would make sure that at the end of -- you know, on the
 6 permit, that we have the correct legal information
 7 identified on the permit.
 8 Q Okay. Do you believe in processing this
 9 application, was -- did Mr. Cotton have the same rights
 10 as Ms. Berry with regards to this application?
 11 MR. TOOTHACRE: Vague and ambiguous. Calls
 12 for legal conclusion.
 13 THE WITNESS: I can't answer that question.
 14 BY MS. PLASKETT:
 15 Q If you had conflicting instructions regarding
 16 this CUP application, would you -- would you be asking
 17 Mr. Cotton or Ms. Berry?
 18 MR. TOOTHACRE: Same objections.
 19 THE WITNESS: So, again, we had all of the
 20 documents and the signatures to proceed with the
 21 application. And the Ownership Disclosure Statement
 22 demonstrated that the property owner had agreed to this
 23 application being submitted, and was being processed.
 24 So that would really be a civil matter that would
 25 have to be handled. We had the documents and continue with

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1 the processing of the application.
 2 BY MS. PLASKETT:
 3 Q Could you process this -- is it possible to
 4 process a CUP application with an agent when the owner
 5 objects?
 6 MR. TOOTHACRE: Same objections.
 7 THE WITNESS: If the applicant has submitted
 8 the application with the authorization of the owner, we
 9 have everything we need to process the application.
 10 BY MS. PLASKETT:
 11 Q What would happen if the owner wanted to
 12 withdraw the applicant's application on his property?
 13 MR. TOOTHACRE: Same.
 14 THE WITNESS: We would need the request to
 15 come from the applicant, as well.
 16 BY MS. PLASKETT:
 17 Q So the owner cannot stop the application
 18 without the applicant's approval; is that correct?
 19 A Well, it wasn't the owner that submitted the
 20 application. It was the owner that authorized the
 21 application to be submitted on his behalf. So the
 22 applicant then would have to request to withdraw the
 23 application.
 24 Again, when you -- if you think of a big
 25 picture, high level, those issues would have had to have

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1 been worked out, because what would happen is, if the
 2 owner did not agree to it, at the hearing he would
 3 object and the decision-maker would probably deny the
 4 application.
 5 But we have everything in -- that we need, in
 6 order to process. Legally, I don't think we could have.
 7 I can't speak legally, because I'm not a legal person.
 8 But we had everything that we needed in order to process
 9 the application.
 10 **Q Thank you.**
 11 **Do you recall if Mr. Cotton ever submitted an**
 12 **application for a competing CUP on that property?**
 13 A I don't -- I honestly don't recall if I was
 14 still managing that if he did. Um, I don't recall.
 15 **Q Thank you.**
 16 **Do you need a break?**
 17 A No, I'm good.
 18 **Q Everybody good? Okay.**
 19 **Do you recall -- that's what I've been looking**
 20 **for. I got these documents this morning, so I'm a**
 21 **little behind on this.**
 22 **This would be Exhibit 6.**
 23 **(Exhibit 6 was marked.)**
 24 **BY MS. PLASKETT:**
 25 **Q A letter from the City of San Diego. Abhay**

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1 **Schweitzer from Ms. Tirandazi regarding the application**
 2 **for the CUP Project No. 520606.**
 3 **And this is -- the letter, you say, "The City**
 4 **staff has been informed that the project site has been**
 5 **sold."**
 6 A Uh-huh.
 7 **Q "In order to continue the processing of your**
 8 **application, with your project re-submittal, please**
 9 **provide a new Grant Deed, updated Ownership Disclosure**
 10 **Statement, and a Change of Financial Responsibility --**
 11 **or Responsible Party Form, if the financial responsible**
 12 **party has also changed."**
 13 A I'm sorry. Which page are you at?
 14 **Q Page 1, I guess you would call --**
 15 A Okay.
 16 **Q My question is --**
 17 A We never got the proof.
 18 **Q Why didn't you continue processing the**
 19 **application?**
 20 A Because we were told that there has been no
 21 change in ownership, and we never got proof that there
 22 has been a change in ownership.
 23 **Q And do you have anything to prove you were --**
 24 **or do you remember by whom you were told that there was**
 25 **no change of ownership?**

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1 A I believe the -- Abhay Schweitzer, perhaps. I
 2 think I was dealing with him as the point of contact on
 3 the project. But none was provided to us. Had one been
 4 provided, then we would have stopped or made the change.
 5 **Q Thank you.**
 6 **Is there anything else in this?**
 7 **MR. FLORES: Not in that, no.**
 8 **BY MS. PLASKETT:**
 9 **Q And I believe these documents will assist in**
 10 **when the change was made from you to Sharon Cac. Cheryl**
 11 **Cac?**
 12 **Unfortunately, 5/31/18 is the date at the top**
 13 **of this, which would be Exhibit 8, I believe?**
 14 **THE REPORTER: No. 7.**
 15 **(Exhibit 7 was marked.)**
 16 **BY MS. PLASKETT:**
 17 **Q Does this assist you in the date of change**
 18 **between you and Ms. Cac? I got that online.**
 19 A Uh-huh. Where are you seeing that this is
 20 when it was changed on this date?
 21 **Q Well, I'm seeing her name for the first time**
 22 **in the online.**
 23 A Uh-huh.
 24 **Q And I'm trying to pin down when it went from**
 25 **you to Ms. Cac?**

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1 A No. This does not demonstrate that this is
 2 the date that it was changed.
 3 **Q Do you have any idea when that change was**
 4 **made?**
 5 A Again, I don't -- I don't recall.
 6 **Q Was it made in conjunction with your new**
 7 **title?**
 8 A It was a transition period. So I don't know
 9 which specific project was transitioned out. And
 10 when -- and when the part cut off was finally made.
 11 **Q Okay. Thank you.**
 12 **And do you know when it was transferred from**
 13 **Ms. Cac to Mr. Castaneda?**
 14 A No.
 15 **Q Thank you.**
 16 **MR. TOOTHACRE: What's Mr. Castaneda's full**
 17 **name?**
 18 **THE WITNESS: Hugo. H-u-g-a -- g-o.**
 19 **MR. TOOTHACRE: Is it Castañeda?**
 20 **THE WITNESS: Correct.**
 21 **MR. TOOTHACRE: Thank you.**
 22 **BY MS. PLASKETT:**
 23 **Q With regards to soil reports.**
 24 **When are soil reports mandated to be in your**
 25 **file?**

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1 A I don't have the answer to that. I'm not a
 2 subject matter expert on that. I don't know.
 3 Q Do you have any discretion with regards to
 4 waiving any technical requirements on an application?
 5 A No. I would waive, based on, um, the subject
 6 matter expert or the specific review disciplines, um,
 7 based on their guidelines waiving something.
 8 Q Can you, with regards to the soil sample on
 9 the subject property, do you have it within your
 10 authority to delay it until later in the process after?
 11 A Um, specific to this --
 12 Q Project.
 13 A To this project? I don't remember -- I don't
 14 recall having done that.
 15 Q Normally in processing these, when does the
 16 City ask for the geological report?
 17 MR. TOOTHACRE: Vague and ambiguous.
 18 THE WITNESS: Again, I, um -- that's not my
 19 area of expertise.
 20 BY MS. PLASKETT:
 21 Q Do you have a supervisor you would ask if you
 22 have an issue that you can't resolve?
 23 A Um, yes.
 24 Q And who is your supervisor's name?
 25 A Today or?

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1 came in while I was managing it. I don't recall. But
 2 the question to be able to process to on the same
 3 property, is -- this is the only one.
 4 Q Thank you.
 5 Did you do any work on Mr. Magagna's CUP
 6 application for 7226 Federal?
 7 MR. TOOTHACRE: 6220 Federal.
 8 THE WITNESS: No.
 9 BY MS. PLASKETT:
 10 Q Do you know who did?
 11 A I'm assuming Cherlyn Cac? I don't know.
 12 Q Do you remember any conversations about either
 13 project?
 14 MR. TOOTHACRE: Vague and ambiguous.
 15 BY MS. PLASKETT:
 16 Q Do you recall any professional conversations
 17 between you and your supervisors or the subsequent
 18 property manager?
 19 A Development project manager?
 20 Q Correct. Regarding these two properties?
 21 A No.
 22 Q Thank you.
 23 Have you ever met Mr. Magagna?
 24 A He is an applicant on several projects.
 25 MR. TOOTHACRE: Currently?

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1 Q At that time --
 2 A At that time.
 3 Q -- in 2017.
 4 A It would have been, um, it would have been Tim
 5 Daley.
 6 Q I've seen his name.
 7 MR. TOOTHACRE: I have too.
 8 BY MS. PLASKETT:
 9 Q And I couldn't figure out who he was.
 10 Out of curiosity, who is Brianna? I see her
 11 copied in your email.
 12 A It may have been a, um -- I wanted to make
 13 sure that I keep the parties all on the same page. Um,
 14 I don't know. I don't recall who that was.
 15 Q BHPSONline.com. I couldn't figure out who she
 16 was either.
 17 A I don't -- I don't recall who that is. It
 18 could have been -- he was copied on another email and my
 19 response, I want to make sure I include everyone.
 20 Q All right. Thank you.
 21 How many times have you had to process the
 22 competing applications on the same property for a CUP
 23 for a marijuana outlet?
 24 A I think this was the only one. And I don't --
 25 I honestly, I don't remember if the second application

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1 THE WITNESS: Um, yes.
 2 BY MS. PLASKETT:
 3 Q Going backwards in time. I was searching for
 4 a letter regarding the denial of Mr. Cotton's CUP,
 5 competing CUP applications.
 6 This is a letter from Mr. Cotton's prior
 7 counsel regarding the acceptance of Mr. Cotton's CUP for
 8 the same property.
 9 Do you -- we'll mark this as Exhibit 8.
 10 (Exhibit 8 was marked.)
 11 MR. TOOTHACRE: What was 6 then?
 12 Did I screw up again?
 13 THE WITNESS: 6 was the letter, I think.
 14 MS. PLASKETT: We'll figure it out at the end.
 15 We'll have to do that again.
 16 BY MS. PLASKETT:
 17 Q My part -- this is -- my part of the paperwork
 18 wasn't included here.
 19 Do you recall receiving this letter?
 20 I'll give it to you next. It's probably in
 21 the file.
 22 A Did you give me several copies?
 23 MR. FLORES: Yeah, there's more than one copy,
 24 yes.
 25 MS. PLASKETT: Thank you.

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1 THE WITNESS: Um, well, it's addressed to me
 2 2017. I must have received it, but I don't recall the
 3 specifics.
 4 BY MS. PLASKETT:
 5 Q Thank you.
 6 Going back to Mr. Magagna. You said he had an
 7 application or on several current projects.
 8 Have you ever met with him?
 9 A No. I know him, because he comes to hearings
 10 for my projects.
 11 Q Do you --
 12 A But he -- we may have had a meeting with,
 13 um -- wait. I may have been in a couple of meetings not
 14 related to that project. He's got a marijuana
 15 production facility. CUP application.
 16 Q Okay.
 17 A That I believe, um -- I have a meeting with
 18 him and his consultant.
 19 Q You wouldn't happen to remember who
 20 Mr. Magagna's consultant was on these projects, these
 21 current projects, would you?
 22 A Um, Gina Austin is on one of the projects that
 23 I have.
 24 Q Okay. Do you know if Abhay Schweitzer?
 25 A No. It's not Abhay Schweitzer.

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1 A I think he came one time and paged me upfront
 2 in the beginning. And I did go out front to see how I
 3 could help him.
 4 Q And were you able to help him?
 5 A I don't remember the details of the
 6 conversation.
 7 Q Thank you.
 8 Do you remember there being a zoning issue
 9 with regards to this application?
 10 A Um, yes.
 11 Q And do you remember if the zoning issue was
 12 resolved?
 13 A Yes.
 14 Q And was it a clerical error in the municipal
 15 code? Do you recall?
 16 A There was -- I don't -- I don't know if it was
 17 a clerical error in the municipal code, but it did get
 18 corrected or revised or whatever and it went into
 19 effect.
 20 Q Did you continue processing the application
 21 during the zoning issue?
 22 A Um, I don't remember. I think the initial,
 23 um -- I don't believe the -- I believe the ordinance had
 24 already been approved by council. And at that point, we
 25 processed it. I don't recall.

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1 Q How about Mr. Bartell, Larry Bartell?
 2 MR. TOOTHACRE: Jim Bartell?
 3 BY MS. PLASKETT:
 4 Q Jim Bartell?
 5 A Not on that one particular project.
 6 Q How many applications do you think you've
 7 processed, since you've been back on the job?
 8 A Um...
 9 Q Dozens? Hundreds?
 10 A I -- I don't know.
 11 Q Okay.
 12 A Too busy to count.
 13 Q Fair enough.
 14 Have you ever met Neil Dutta?
 15 A No.
 16 Q Does that name sound familiar?
 17 How often do you work with Techne?
 18 A Um, so he is an applicant on some
 19 applications. Um, I've had maybe four or five CUP
 20 applications with him being the architect/designer.
 21 Q And we're talking about --
 22 A Abhay Schweitzer.
 23 Q Thank you.
 24 Did you ever meet with Darryl Cotton
 25 personally?

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1 Q Okay. Thank you.
 2 Your best estimate is all we're asking for.
 3 Thank you.
 4 A Yeah.
 5 Q Do you recall what, if anything, caused delays
 6 in the application of Ms. Berry's CUP?
 7 A No. I mean, the delay would have been on the
 8 part of the applicant submitting the application, if
 9 there was a delay. I don't recall that there were
 10 delays --
 11 Q Okay.
 12 A -- during the time I was managing it.
 13 Q Did you ever speak with Ms. Cac about this
 14 case in -- after the denial of the -- let me rephrase
 15 that.
 16 Do you recall speaking with Ms. Cac about this
 17 particular application in the last 12 months?
 18 A Yes.
 19 Q And what was that conversation about?
 20 A So, actually, I ended up becoming Ms. Cac's
 21 supervisor when I was promoted to DPM 3. And we had a
 22 workload. We were looking at the workload. And I
 23 believe, um, I had asked that she would go through and,
 24 you know, any applications that are in the queue that
 25 have not been actively being processed, per municipal

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1 code, they have to be actively processed. And if we
 2 don't have any activity in 90 days, at that point, we
 3 would notify the applicant that, you know, you've been
 4 inactive for 90 days. Please advise if you want to
 5 proceed. Or, um, you would be requesting to withdraw
 6 your application.
 7 And in this case, I believe I had just talked
 8 to Cherlyn about closing out projects, where, um -- or
 9 following up with the applicants where projects have no
 10 activity or projects that, um, we would be recommending
 11 denial, because of, um, non-compliance with the
 12 municipal code.
 13 And I may have asked her to follow up with the
 14 applicant and to request whether they would like to
 15 continue processing the application, the final decision
 16 where a staff would be recommending denial because of
 17 within a thousand feet, another approved facility or if
 18 they wish to withdraw the application.
 19 **Q And do you recall what was decided in this**
 20 **case?**
 21 A I believe it's -- it was withdrawn, because
 22 our project tracking system shows that it was withdrawn.
 23 **Q Okay. And you wouldn't happen to know who**
 24 **withdrew the application?**
 25 A Not off the top of my head, no.

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1 **Q Okay. Thank you.**
 2 **When there is a transition from one DPM to**
 3 **another DPM, does -- is there somebody, such as a**
 4 **supervisor, that monitors the transition to make sure**
 5 **they stay on track?**
 6 A We all have supervisors.
 7 **Q And did the supervisors monitor a transition**
 8 **from one DPM to another to make sure that they've**
 9 **actually gotten what they're supposed to get?**
 10 A Um, we're all adults and professionals. So
 11 we're not micromanaged.
 12 **Q Okay.**
 13 A So as a DPM 2, you would know what -- um, what
 14 you need to have in order to continue processing of the
 15 application. So I think there -- it's -- make sure
 16 that, um, it's -- for workload management purposes, that
 17 the project files are transferred.
 18 **Q Okay. And is there anybody that monitors to**
 19 **make sure that it's transferred?**
 20 A No. That's -- it -- there's no reason why it
 21 wouldn't, I guess.
 22 **Q Okay. Fair enough.**
 23 **Who makes the decision to transfer certain**
 24 **cases to other DPMs?**
 25 A It's a workload management. And it's by our

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1 department management. Project management section.
 2 **Q Is there actually a department called workload**
 3 **management?**
 4 A No. It's our development services department,
 5 project management division.
 6 So, um, there's often -- you know, due to a
 7 staff person taking a leave of absence or someone
 8 getting a promotion. Someone being sick, um, you know,
 9 for a long period of time. Um, we have a list of what
 10 everyone's workload is, and how to -- and then our, um,
 11 management decides how to, um, transfer that workload to
 12 be equitable.
 13 In this case, though, there was a -- a
 14 transition of me into a different area within the
 15 department. And then Cherlyn Cac coming into the
 16 department. And, therefore, took over most of these
 17 projects.
 18 **Q Most of your projects?**
 19 A Uh-huh. And then John Fisher was another, um,
 20 individual. Um, bless his heart, he passed away.
 21 **Q I'm sorry.**
 22 A But he -- he had been sick and --
 23 **Q Hold on a second.**
 24 **Have you ever seen an application be affected**
 25 **time-wise when they're transferred from one DPM to**

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1 **another?**
 2 **Are there any delays that you know of?**
 3 A There shouldn't be.
 4 **Q In this case, a particular -- do you remember**
 5 **there being any type of delays?**
 6 A Um, I don't recall, no.
 7 **Q I'm almost to the end of my questions.**
 8 **MS. PLASKETT: Off the record, please.**
 9 **(Off the record.)**
 10 **MS. PLASKETT: Can we go back on the record,**
 11 **please?**
 12 **BY MS. PLASKETT:**
 13 **Q All right. I've got a couple I'm going to try**
 14 **to get through real quick.**
 15 **Do you recall about what time period in 2017**
 16 **Mr. Cotton requested to put in his own CUP? Spring?**
 17 **Summer? Fall?**
 18 A I don't recall at all.
 19 **Q Do you recall telling him he couldn't?**
 20 A I do. In the beginning.
 21 **Q And Mr. Cotton is claiming that he made this**
 22 **request in March of 2017, and it was only after you**
 23 **received the letter by his attorneys in September of**
 24 **2017. Did you give him permission?**
 25 **Does that sound like a correct statement?**

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1 A I don't recall.
 2 **Q Did the letter from his attorneys influence**
 3 **you in changing your mind?**
 4 A I don't recall.
 5 **Q Okay. Fair enough.**
 6 **Do all CUP projects for a marijuana outlet**
 7 **require a soil analysis?**
 8 A Are you talking about a geological technical
 9 report?
 10 **Q Yes, ma'am.**
 11 A I -- I don't believe so, because I've had some
 12 that have required it, and I have some that don't
 13 require it. And there's information bolted on that too,
 14 which talks about what triggers it.
 15 And, again, I don't -- I'm not a submittal.
 16 So they do, um -- they determine what technical studies
 17 are required based on criteria that they have.
 18 **Q Do you happen to know the name of any of the**
 19 **supervisors in the submittal department? Any of them?**
 20 A Dolores Gonzalez.
 21 **Q Thank you.**
 22 **How long does it usually take to process one**
 23 **of these CUPs for a marijuana outlet, average time in**
 24 **your experience in the past two years?**
 25 A It varies.

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1 **Q So if -- would a geological soil survey**
 2 **analysis request cause the processing of this CUP**
 3 **application for a marijuana outlet to be delayed or**
 4 **stop?**
 5 A I don't know.
 6 MR. TOOTHACRE: Incomplete hypothetical.
 7 THE WITNESS: I don't know.
 8 MS. PLASKETT: Um, I really don't think -- I
 9 think I've asked you everything that everybody wanted me
 10 to, within reason.
 11 Thank you.
 12 MR. TOOTHACRE: I have some.
 13 MS. PLASKETT: All right. He usually clears
 14 up what I forget.
 15 Thank you.
 16
 17 EXAMINATION
 18 BY MR. TOOTHACRE:
 19 **Q What are the criteria for the expedited**
 20 **program?**
 21 A Um, so there's an information bulletin and
 22 it's also within our municipal code, Chapter 14, Article
 23 3, Division 9, I believe.
 24 Um, it's basically Affordable Housing In-Fill
 25 Development and Sustainable Development, um, criteria.

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1 MR. TOOTHACRE: I assume we're talking about
 2 the marijuana ones?
 3 MS. PLASKETT: Yes.
 4 THE WITNESS: Marijuana outlets.
 5 BY MS. PLASKETT:
 6 **Q Correct. CUP MO's.**
 7 A About a year. Maybe a little bit longer.
 8 Close to a year. A little bit longer.
 9 **Q Did you know how long it took to get Magagna's**
 10 **competing CUP for the marijuana outlet at 6220 Federal**
 11 **approved?**
 12 A No, I do not know.
 13 **Q Would you be surprised to hear that it was**
 14 **less than a year?**
 15 A No.
 16 **Q Do you have any idea why Mr. Cotton's or**
 17 **Ms. Berry's CUP application for a marijuana outlet took**
 18 **19 months?**
 19 A They didn't resubmit, I would think.
 20 **Q Didn't resubmit what?**
 21 A Um, so the project is reviewed. Um, at the
 22 end of the review cycle, an assessment letter is issued,
 23 and then it's the applicant's responsibility to
 24 resubmit.
 25 I don't know why it would take that long.

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1 And if you're a residential development and
 2 you have affordable housing, you qualify, certain
 3 percentage of affordable housing.
 4 Uh, if you're in In-Fill Development -- if
 5 you're industrial -- for these types of projects,
 6 basically, if you're industrial, um, commercial or
 7 residential development within the promise zone,
 8 San Diego promise zone.
 9 **Q And where would I look to find out where the**
 10 **promise zone is?**
 11 A It's an overlay. It's available on the
 12 City's, um, website.
 13 **Q And has that been the same since 2017, to your**
 14 **knowledge?**
 15 A I don't -- I don't recall when it went into
 16 effect. But I know that when I went into the Expedite
 17 program, it was adopted by council.
 18 **Q Okay. I think you indicated that somebody**
 19 **wanted to withdraw 6176, Geraci/Cotton/Berry**
 20 **application.**
 21 **Was that after 6220 had been approved?**
 22 A The request to withdraw -- I don't know when
 23 the other application came in. Um, so I received a
 24 request to withdraw the application. I don't recall
 25 when, and I don't know if it was -- it was probably

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1 before it transitioned out.
2 **Q There was a request to withdraw 6176 before**
3 **you transitioned out?**
4 A Right. By Mr. Cotton.
5 **Q Oh, correct. Okay. But it kept being**
6 **processed after that, correct?**
7 A It continued to be processed after that.
8 **Q Okay. I misunderstood. Now I see what you're**
9 **talking about by Mr. Cotton.**
10 **I have some of the same documents.**
11 **Were yours numbers? Are you going to be able**
12 **to recreate those?**
13 A I don't have a number on this letter, May 19th
14 letter.
15 MR. TOOTHACRE: What number are we after?
16 MS. PLASKETT: 8 would be the number on
17 this -- defense letter is 8.
18 MR. TOOTHACRE: This is going to be 9.
19 (Exhibit 9 was marked.)
20 BY MR. TOOTHACRE:
21 **Q Firouzeh, what I've handed you is Exhibit 9,**
22 **which is an email dated 3/14/2017, from you to Becky**
23 **Berry.**
24 **Do you recall this email?**
25 A Yes.

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1 BY MR. TOOTHACRE:
2 **Q Have you seen these before?**
3 A Right. This is when I must have been
4 notified. It's the day after the other email.
5 **Q Right.**
6 A This must be after I was notified that the
7 code has changed.
8 **Q And it indicates, "Firouzeh just called me.**
9 **Jeff Murphy spoke to her and we are good to go. She**
10 **will be sending out NOA within a week."**
11 **Who is Jeff Murphy?**
12 A He was planning director --
13 **Q Is that --**
14 A -- at the time.
15 **Q Is that a supervisor of yours?**
16 A No. Planning director is, um -- so the code
17 team, where the code changes are made, is under the
18 planning department, not development services
19 department.
20 **Q Okay. So this is the ironing out of the**
21 **zoning issue?**
22 A I don't see my name. I don't remember seeing
23 these emails until the end. So the other communication
24 is...
25 MS. PLASKETT: There's one.

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1 **Q Okay. And in this email, are you indicating**
2 **that you believe 6176 is improperly being processed in a**
3 **zone that is not proper for that function?**
4 **Boy, that was horrible.**
5 A That is correct, but I was -- the day after --
6 basically, this zone had taken -- this zone change had
7 taken place and stuff had not been communicated.
8 And I think the day after or two days after, I
9 was advised that council did adopt the ordinance. And,
10 therefore, um, they are allowed to continue to process.
11 **Q Do you recall if there was a conflict between**
12 **the municipal code and is there a Form 190. Proposal**
13 **190?**
14 A Um, the information, the one with the 170.
15 **Q 170. That's correct.**
16 A There was a conflict, yes.
17 **Q Okay. And so now that got resolved?**
18 A By the revision to the ordinance.
19 MR. TOOTHACRE: Okay. I'll mark this as 10.
20 (Exhibit 10 was marked.)
21 THE WITNESS: Or adoption of the ordinance. A
22 corrected discrepancy.
23 MR. TOOTHACRE: This is, for the record, a
24 series of emails dated March 15th from Gina Austin, cc'd
25 to Jim Bartell. Abhay Schweitzer.

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1 If we look on the second page, there's one from
2 you.
3 THE WITNESS: Yeah. Which is the same one,
4 Exhibit 9.
5 BY MR. TOOTHACRE:
6 **Q Right.**
7 **Do you recall sending that email regarding the**
8 **zoning issue?**
9 A I do. I do, because when I got the
10 application, the first thing -- the use is not allowed
11 in this zone. Why are we accepting an application? And
12 then it was clarified that the code had changed.
13 The staff had just not communicated that that
14 had taken effect.
15 MR. TOOTHACRE: I'll hand you another exhibit,
16 which will be No. 11.
17 (Exhibit 11 was marked.)
18 BY MR. TOOTHACRE:
19 **Q This is dated, March 16th, 2017. It appears**
20 **to be from Mr. Cotton, and it's to you with a cc to**
21 **Rebecca Berry.**
22 **Do you recall this email?**
23 A Um, yes.
24 This is when I was being, um, questioned as to
25 why the application was accepted and he wasn't aware of

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1 it.
2 **Q Okay. You indicate, "As requested, please**
3 **find attached the Ownership Disclosures Statement signed**
4 **by you, property owner, and Rebecca Berry, a**
5 **tenant/lessee on October 31, 2016."**
6 A Uh-huh.
7 **Q So he was requesting proof that he had signed**
8 **the Owner Disclosure Statement?**
9 A Correct.
10 **Q Okay. And did you actually send him a copy of**
11 **the disclosure statement?**
12 A Yes.
13 **Q Next sentence you indicate, "The project was**
14 **deemed complete on March 13, 2017, and is currently in**
15 **first cycle."**
16 **What does that mean? What is deem and**
17 **complete, first of all?**
18 A So, basically, um -- again, it's a submittal.
19 When an applicant wants to submit an application for
20 discretionary application, um, they make an appointment
21 with our submittal team and have the required documents
22 to make that submittal.
23 Um, there's a completeness check. I don't
24 know how long that takes usually. And they go through
25 the completeness check to make sure all the required

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1 documents and number of copies have been provided.
2 And then, um, at that point, the application
3 is accepted. Payment is made to process the CUP or the
4 permit. And that's when it's deemed complete. That
5 deemed complete date is important, um, in that any
6 regulation, um, for example, if they submit it on
7 certain date, based on certain regulations, and those
8 regulations change later on, that -- they have to be
9 complete and are subject to all of the regulations that
10 were in effect at the time the application was deemed
11 complete.
12 **Q Okay. Understood.**
13 **And what is the first review cycle?**
14 A That is -- so we have review cycles.
15 Typically, applications are submitted, and I think it's
16 ten working days review cycle or 15-day review cycle for
17 CUP applications. And staff completes the review within
18 a few days. The assessment letter is issued, and that
19 completes the first review cycle.
20 **Q Okay.**
21 A When this application is resubmitted, then
22 it's the second review cycle.
23 **Q Okay. And after the first review cycle, do**
24 **they pull out further information that's required? Or**
25 **what's the purpose of that?**

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1 A So when we review a project, sometimes they
2 don't have accurate information on plans. They're
3 missing information. Um, and the review team reviews
4 those applications to the project plans to make sure
5 that it's in compliance with the development
6 regulations, applicable policy documents.
7 **Q And so is the applicant required to correct**
8 **all the deficiencies pointed out in the first review**
9 **cycle, and then resubmit?**
10 A That is correct.
11 **Q Okay. And I take it there's a second review**
12 **cycle, correct?**
13 A That is correct. Usually. Unless all
14 deficiencies are addressed.
15 **Q And that they would point out further**
16 **deficiencies?**
17 A Uh-huh.
18 **Q And then it would be for the applicant to**
19 **correct all those and deficiencies and resubmit again?**
20 A Correct.
21 **Q Who determines how many cycles there's going**
22 **to be?**
23 A We hope that usually it doesn't go more than
24 four cycles, but with these applications, sometimes they
25 try to turn it around very fast, and they omit a lot of

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1 things that was already communicated to them before?
2 **Q You mean, the applicant?**
3 A Right.
4 **Q Okay.**
5 **MR. TOOTHACRE: So we're up to 12?**
6 **THE REPORTER: Yes.**
7 **(Exhibit 12 was marked.)**
8 **BY MR. TOOTHACRE:**
9 **Q And for the record, Exhibit 12 is email from**
10 **Firouzeh Tirandazi to Darryl Cotton.**
11 **Do you recall this email? It should say 12 on**
12 **the bottom.**
13 A Yes.
14 **Q Okay. And this is -- you say it's the**
15 **follow-up conversation this morning, regarding your**
16 **potential interest as property owner, and withdrawing**
17 **the above interest to you, the application.**
18 **Did Mr. Cotton have a conversation with you**
19 **where he indicated he would like to withdraw the CUP**
20 **application?**
21 A Yes.
22 **Q Okay. And you say, "I just noticed that you**
23 **were not the financial responsible party for the subject**
24 **application. As such, I will also use written**
25 **acknowledgement from Ms. Rebecca Berry, the applicant,**

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1 who is the financial responsible party to withdraw the
2 CUP application."
3 Do you know whether or not Ms. Berry ever gave
4 a written acknowledgement to withdraw that CUP
5 application?
6 A No.
7 Q And then does the next page go with this
8 exhibit? It seems to be a different email from Darryl
9 Cotton to you. "Firouzeh, thank you for the 2/14
10 Council docket."
11 A Yeah. "Firouzeh" -- there's a lot of
12 information there, that perhaps I just missed it.
13 "Would you be able to tell me where that can be found?"
14 This was, um, his inquiry about the zone
15 change, because he didn't -- I believe he -- what I had
16 provided him is the link to the council, um, agenda that
17 includes the ordinance that demonstrates the zone was,
18 um -- the zone -- that use was -- the municipal code was
19 revised to allow that use within that zone. His
20 property zone.
21 Q Okay. Do you have any conversations with him
22 about that?
23 A Um, I believe he was asking me about it, and I
24 was giving him information.
25 Q Okay. Did he indicate what his concern was

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1 regarding the zone?
2 A Um, I don't, but I think he may have thought
3 that his -- the zone does not allow the use.
4 Q Okay. Did you find it odd that Mr. Cotton was
5 having all these inquiries on this particular CUP when
6 the financial responsible party was Rebecca Berry?
7 A It's his property, so he was asking questions.
8 I didn't think anything of it.
9 Q Was the point of contact on this project,
10 Abhay Schweitzer?
11 A I believe so.
12 MR. TOOTHACRE: Going on to No. 13.
13 (Exhibit 13 was marked.)
14 BY MR. TOOTHACRE:
15 Q This appears to be from Abhay Schweitzer to
16 you, correct?
17 A Uh-huh.
18 Q And I think you have to read from the back
19 forward.
20 A Right.
21 Q We are -- he says -- Abhay Schweitzer says,
22 "We are working with the property owner on this project
23 to get the notice posted, but we have not been able to
24 do it yet. Would it be possible to get an extension?"
25 A Right.

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1 Q Do you recall him making that inquiry to you?
2 A I'm seeing it now, but, no, I don't recall
3 this.
4 Q Do you recall -- did he ever indicate to you
5 why they were having trouble getting the notice posted
6 on the property?
7 A Maybe at a high level that there's an issue
8 with the property owner, not the details of it.
9 Q Okay. And then you replied, "Per the San
10 Diego Municipal Code, the notice of application is to be
11 posted within five business days of receipt. And then
12 you cite the municipal codes; is that correct?
13 A That's correct.
14 Q And then, Abhay asks you, "Hi, Firouzeh, thank
15 you for the response. What happens if we can't post on
16 time or if we can't post at all?" Correct?
17 A Uh-huh. Correct.
18 Q And then you indicate it would be in violation
19 was the code, correct?
20 A It would be in violation of the code, but then
21 I also added, "The SDMC further states error in posting
22 doesn't invalidate".
23 Q Does it invalidate?
24 A The decision on an applicant -- I mean, I
25 don't remember the specifics. The code does say it

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1 needs to be posted. But then again, if there's an error
2 in posting, "The posting required by this section, is
3 intended only to supplement other notice requirements of
4 this division. The decision on an application for a
5 permit, map or others matter, should not be invalidated,
6 because of any error or irregularity and the posting of
7 the notice."
8 Q Do you recall whether or not this inability to
9 have access to the property to do the posting, cause
10 some delay in the processing of the application?
11 A No. It would not have caused delay in
12 processing the application. There was also a notice,
13 mail notice. And the purpose of the notice is to notify
14 occupants and property owners within a 300-foot radius,
15 that an application is in process.
16 MR. TOOTHACRE: I've marked as No. 14.
17 (Exhibit 14 was marked.)
18 BY MR. TOOTHACRE:
19 Q This appears to be a May 8th, 2017 email from
20 Firouzeh Tirandazi to Mr. Cotton.
21 Do you recall sending this email?
22 A I do not recall, but it's -- it seems that I
23 have.
24 Q What was your purpose in sending this to
25 Mr. Cotton?

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1 A It may have been a response to a phone call or
2 a message, asking about the status of the project and
3 when it's gonna go to hearing. I may have just --
4 rather than call him back, sent him an email.
5 **Q Okay. And this is nothing more than saying**
6 **what the process is going to be?**
7 A No. This is just explaining the process.
8 MR. TOOTHACRE: Handing you 15.
9 (Exhibit 15 was marked.)
10 MR. TOOTHACRE: And for the record, Exhibit 15
11 is a email dated, Wednesday, August 9th, 2017.
12 The top one appears to be from Rodney Bruce.
13 BY MR. TOOTHACRE:
14 **Q Do you know a Rodney Bruce?**
15 A I don't. No.
16 **Q CC to Daniel Tames.**
17 **Do you know who Daniel Tames is?**
18 A I don't know. It was a while ago, so I don't
19 specifically remember. I remember there were a few
20 other folks somehow involved, but I don't remember the
21 details.
22 **Q Okay. CC to Joe Hurtado.**
23 **Do you know who Joe Hurtado is?**
24 A Not at all. No. That one I don't even
25 remember noticing it on here.

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1 **Q Abhay Schweitzer is on there. Darryl Cotton**
2 **and Jim Bartell, correct?**
3 A Uh-huh. Uh-huh.
4 **Q On the last page it says, "Hello Firouzeh. My**
5 **name is Daniel Tames from Ene-Te Studio."**
6 A Uh-huh.
7 **Q "I'm trying to see if it's possible to**
8 **schedule a meeting with you and see some issues and**
9 **questions that we have regards on Project No. 520606."**
10 **Is that the Geraci project, to the best of**
11 **your knowledge? Rebecca Berry project?**
12 A That -- yes. That project number is Rebecca
13 Berry project.
14 **Q Okay. And he wants to have a meeting with**
15 **you.**
16 **Did you end up having a meeting with him?**
17 A I don't believe so. Typically, um, we deal
18 directly with the point of contact that's been assigned
19 on the project. And I don't recall. I don't remember.
20 **Q Okay. And the next page forward. It appears**
21 **to be another email from Rodney Bruce, August 7, 2017 at**
22 **1:14 p.m. You're cc'd on it. Actually, you're cc'd on**
23 **it and it's titled to you. "Firouzeh, we are in the**
24 **process of starting a different application outside of**
25 **the one you currently have in progress for the Federal**

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1 **Boulevard property."**
2 **Do you recall whether or not Rodney Bruce**
3 **submitted a --**
4 A I don't remember who it was, but I recall an
5 interest in submitting another application.
6 **Q Is this the same application that Mr. Cotton**
7 **was talking about submitting? Do you know?**
8 A I believe so.
9 **Q And then on the first page there's an email**
10 **from Rodney Bruce to you. "Firouzeh, how long is the**
11 **previous application allowed to stay on the City's**
12 **records without any action towards progressing the**
13 **application? Would the City keep the application open**
14 **infinitely?"**
15 A Uh-huh.
16 **Q And did you respond to that?**
17 A I don't remember.
18 **Q What's the answer to that question?**
19 A How long is the previous application allowed
20 to stay on the City's records without any action towards
21 progressing the application. We do not keep an
22 application open until infinity. Um, granted for the
23 property, at what point -- if the current applicant has
24 not been or unable to produce a Grant Deed for the
25 property, at what point will the City cease to consider

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1 the validity of the application and force an application
2 closure.
3 So I don't remember the specifics of this, but
4 our standard is, um, typically, within 90 days, um, if
5 the application stays inactive -- and, again, we don't
6 proactively go after applicants saying, Hey, your 90
7 days is up. We haven't received anything, what do you
8 want to do, because we are supervisor busy.
9 And, um, we expect that an application to come
10 in. So if something has been sitting there for quite
11 sometime and hasn't, you know, progressed, we would then
12 reach out to them and say, What do you want to do? Do
13 you want to withdraw your application or when do you
14 expect to resubmit?
15 And sometimes they say, Well, we're delayed.
16 We plan to resubmit within the next two months.
17 **Q Okay.**
18 A But that's how it typically works. And I
19 don't remember specific to this, um, application.
20 **Q Okay. Below that it says, Good afternoon.**
21 A Uh-huh.
22 **Q And it appears to me that this has been cut**
23 **and pasted into this particular email string because**
24 **there's no heading, but I believe it's you speaking.**
25 **Good afternoon, this is a follow up to the phone**

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1 conversation I just had with Daniel Tames.
 2 A Okay.
 3 Q The Development Services Department is
 4 currently processing a CUP application for an MCC on
 5 site located at 6176 Federal Boulevard. Another
 6 application for the same use on the same property cannot
 7 be processed. A new application can be accepted if the
 8 current application is withdrawn. A request to withdraw
 9 the current application must come from both the property
 10 owner and the financial responsible party associated
 11 with the current CUP.
 12 A Uh-huh.
 13 Q Is that what you testified to earlier? That
 14 Mr. Cotton wanted to submit a second application on the
 15 same property, and you requested that if he was going to
 16 do that, he had to withdraw the prior one with the
 17 consent of Rebecca Berry?
 18 A That was our initial response. And then as I
 19 had indicated previously, after following up with
 20 management and our city attorney's office, we were
 21 advised that we cannot deny an opportunity for someone
 22 to submit an application.
 23 Q Okay. You indicate, Daniel advise that
 24 ownership of the property has changed.
 25 Do you recall --

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1 A Yes.
 2 Q -- Daniel Tames telling you that?
 3 A Possibly.
 4 Q Okay. You say prior to --
 5 A Uh-huh.
 6 Q -- on the current application, I will need an
 7 updated general application, a new Ownership Disclosure
 8 Statement and a new Grant Deed, so that way we may have
 9 the most updated information for the project.
 10 A Uh-huh.
 11 Q Did you ever receive an updated Grant Deed
 12 showing that the property had sold?
 13 A No.
 14 Q Okay. Is that why the first application by
 15 Rebecca Berry continued to be processed?
 16 A Yes.
 17 Q You say, If, as a result of this, there's a
 18 new financial responsible party, please provide the
 19 Change of Responsible Party Form.
 20 A Uh-huh.
 21 Q Did anybody ever provide the Change of
 22 Responsible Party Form?
 23 A Not during the time I was managing the
 24 project.
 25 Q Okay. And now can you reiterate? If you wish

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1 to withdraw the current CUP application, please provide
 2 a request in writing, signed by the current financial
 3 responsible party and the property owner.
 4 Did you of receive that?
 5 A No.
 6 MR. TOOTHACRE: 16.
 7 (Exhibit 16 was marked.)
 8 BY MR. TOOTHACRE:
 9 Q This appears to be a follow up from Abhay
 10 Schweitzer to you, regarding the same subject, dated
 11 8/10/2017.
 12 A Uh-huh.
 13 Q He says, "Good morning, Firouzeh. The
 14 ownership of this property has not changed since we
 15 submitted. The information we originally submitted in
 16 the general application, accompanying Grant Deed and
 17 financially responsible party is accurate, therefore, no
 18 revision to those documents are needed. The only change
 19 in ownership will be done after the CUP is approved and
 20 from the current owner to our client. We intend to
 21 continue processing this project without any delays."
 22 Do you recall receiving that?
 23 A I'm seeing it now.
 24 Q You do now?
 25 A Well, no. I mean, obviously I did, but I just

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1 don't remember. Yeah, I mean, I didn't see them.
 2 Q So do you recall just go ahead and
 3 processing --
 4 A Yes.
 5 Q -- that CUP in the normal course?
 6 A Right.
 7 Q Do you recall sending an email to Abhay
 8 Schweitzer, stating, "Good morning. If you look at your
 9 submittal report sent with the last project it says
 10 letter -- the geotechnical report is identified as a
 11 required document."
 12 Do you recall saying that to Abhay Schweitzer?
 13 A It's here and it seems that I did send it.
 14 Q Do you know whether or not Abhay Schweitzer
 15 was having difficulty accessing the property to obtain a
 16 geotechnical report?
 17 A I do not know.
 18 Q Do you know whether Abhay Schweitzer attempted
 19 to go around the requirement of -- technical report, by
 20 submitting a geotechnical report for properties located
 21 at 602 Euclid Avenue, in the northwest corner of Federal
 22 Boulevard, in an attempt to fulfill the requirement of
 23 the geotechnical requirements?
 24 A So this, the third page of this document is
 25 directed to, um, our geology reviewer and it looks like

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1 that's what he's asking requesting to do. I see that I
 2 was copied on the email as well?
 3 **Q Is that Mr. Kreg?**
 4 A Yes. I don't know what he ended up doing on
 5 this. I don't recall.
 6 **Q Do you recall whether the 602 Euclid Avenue**
 7 **report in the northwest corner of Federal Boulevard and**
 8 **60th reports, were adequate or whether or not**
 9 **Mr. Schweitzer had to obtain the geotechnical reports on**
 10 **the actual property at 6176?**
 11 A I do not recall.
 12 **Q If Mr. Schweitzer was not able to have access**
 13 **to the property at 6176 for approximately three months**
 14 **to obtain a geological report, would that have delayed**
 15 **the processing of the application?**
 16 MS. PLASKETT: **Objection. Improper**
 17 **hypothetical.**
 18 THE WITNESS: **Could you ask the question**
 19 **again?**
 20 MR. TOOTHACRE: **Yes.**
 21 **BY MR. TOOTHACRE:**
 22 **Q If Mr. Schweitzer was unable to get the**
 23 **geotechnical access to the 6176 property, to conduct the**
 24 **geotechnical evaluations for three months, would that**
 25 **have delayed the processing of the application by that**

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1 **three months?**
 2 A Um, so, if a -- one of our review disciplines
 3 is requiring a technical study to complete its review,
 4 and the reviewer does not have that technical study,
 5 then that review cannot be completed until that review
 6 is submitted.
 7 **Q Okay. And you can't complete a cycle -- what**
 8 **is it that they resubmit, a re-submittal?**
 9 A A re-submittal.
 10 **Q Okay. You cannot complete -- strike that.**
 11 **You cannot submit a re-submittal on a cycle**
 12 **until all of the information that is requested is**
 13 **complete; is that correct?**
 14 A That is correct. Although if an applicant
 15 wishes to submit, um, they understand that they need
 16 that document in order to have a completed review and a
 17 complete and environmental determination made to -- but,
 18 um, sometimes we do receive requests where, um, it's
 19 taking longer to have a technical study prepared. And
 20 then they would want to defer a submittal of that, so we
 21 don't want to hold up the review. We would allow them,
 22 but the end of the day they will need to have all the
 23 requirement documents.
 24 **Q So it's not going to be approved without that**
 25 **report?**

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1 A That's correct. And it would -- yeah, it
 2 would delay it.
 3 MS. PLASKETT: Do you know if there was a
 4 deferment in this case.
 5 THE WITNESS: I don't recall.
 6 MR. TOOTHACRE: I'm handing you what's been
 7 marked as Exhibit 18, which was already marked earlier.
 8 I just don't know what number it was, so I remarked it.
 9 (Exhibit 18 was marked.)
 10 BY MR. TOOTHACRE:
 11 **Q This is the letter from Finch Thornton &**
 12 **Baird, September 22nd, 2017 to you, Development Project**
 13 **Manager II.**
 14 **Do you recall this document?**
 15 A Um, I believe -- I don't -- this is the same
 16 one. I mean, if it's addressed to me, I'm sure I
 17 received it.
 18 **Q Okay. He's requesting, one, that you remove**
 19 **Ms. Berry from the project, 520606, correct?**
 20 A Uh-huh.
 21 **Q Was she ever removed from that project?**
 22 A Um, no.
 23 **Q And Request 2, that you accept the second**
 24 **application from Mr. Cotton; is that correct, on Page 2?**
 25 A Yes.

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1 **Q And did Mr. Cotton ever submit a second**
 2 **application, to your knowledge?**
 3 A I don't know.
 4 **Q Okay.**
 5 A We did get a second application. I wasn't
 6 involved in that --
 7 **Q Okay.**
 8 A -- to my recollection.
 9 MR. TOOTHACRE: Okay. Let's do 19.
 10 (Exhibit 19 was marked.)
 11 BY MR. TOOTHACRE:
 12 **Q I'm handing you Exhibit 19, sent from you to**
 13 **Holly J. Glavinic and cc'd to David S. Demian.**
 14 **I don't think you've seen that one yet.**
 15 A Uh-huh.
 16 **Q Is this an email you sent?**
 17 A It's -- looks like it is.
 18 **Q And you say, "Good afternoon Mr. Demian,**
 19 **Development Services Department is in receipt of your**
 20 **correspondence dated, September 22, 2017. You may**
 21 **submit an application for a CUP for a medical marijuana**
 22 **outlet -- strike that, for marijuana outlet." may.**
 23 **Is this after talking to your supervisors,**
 24 **you're deciding that you couldn't prevent anybody from**
 25 **submitting an application?**

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1 A That is correct.
 2 Q Okay.
 3 A It seems that the letter -- this email went
 4 out in response to the letter that was received.
 5 Q That's what I understood.
 6 The last paragraph you indicate, "Please be
 7 advised that the City is only able to make a decision on
 8 one of these applications. The first project deemed
 9 ready for a decision by a hearing officer will be
 10 scheduled for a public hearing, following any final on
 11 one of the CUP applications submitted for the above
 12 referenced address. The CUP applications still in
 13 process, would be obsolete and would need to be
 14 withdrawn;" is that correct?
 15 A Correct.
 16 Q And why is that?
 17 A Um, because we cannot have two marijuana
 18 outlets on the same property. It's in violation of the
 19 1,000-foot distance.
 20 Q Got it. Okay.
 21 MR. TOOTHACRE: And then Exhibit 20.
 22 (Exhibit 20 was marked.)
 23 THE WITNESS: So this is in response. Holly
 24 Glavinic, is a response to the email that I had
 25 received, which included this letter.

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1 MR. TOOTHACRE: Correct.
 2 THE WITNESS: Because I -- yeah.
 3 BY MR. TOOTHACRE:
 4 Q And that's in reference again to Exhibit 19.
 5 A Uh-huh.
 6 Q Yes?
 7 A I'm sorry. Reference to?
 8 Q Exhibit 19?
 9 A That's correct. Yes.
 10 Q And I'm handing you 20, if I could. Which
 11 appears to be a May 15, 2017 email from Darryl Cotton to
 12 you.
 13 He says, "Hello Firouzeh, following up on our
 14 conversation on Friday, I appreciate that you
 15 procedurally cannot accept the updated Ownership
 16 Disclosure Statement, reflecting Richard Martin, for the
 17 CUP application on the property."
 18 Do you recall Mr. Cotton attempting to provide
 19 an updated Ownership Disclosure Statement reflecting
 20 Richard Martin?
 21 A Possibly. I do not recall specifically.
 22 Q And do you recall saying that you couldn't
 23 accept that updated statement?
 24 A So if I may add. I don't like things being
 25 taken out of context.

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1 Q Sure.
 2 A And just to clarify. Um, I would not be able
 3 to take just an ownership disclosure. I'm sorry, just
 4 an application that says this is the new owner. I would
 5 need proof. I need an Ownership Disclosure Statement
 6 along with some legal proof that shows there's been a
 7 change in ownership. And who the new legal property
 8 owner is.
 9 Q Okay. Did he --
 10 A I did not -- I don't recall receiving it.
 11 That's probably why the -- the ownership information
 12 never changed.
 13 Q Okay. And your response down below is saying,
 14 "You may have misunderstood me. If the property has
 15 changed over, feel free to provide an updated general
 16 application Ownership Disclosure Statement and a new
 17 Grant Deed."
 18 A Uh-huh.
 19 Q Was any of that provided to you?
 20 A No.
 21 MR. TOOTHACRE: Handing you 21.
 22 (Exhibit 21 was marked.)
 23 BY MR. TOOTHACRE:
 24 Q I don't know if you sharing the light on this,
 25 although you are in the cc.

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1 Who is Ms. Sokolowski?
 2 A She is, um -- she's our deputy director over,
 3 um, project management and submittal.
 4 Q Do you know whether or not Mr. Cotton was
 5 having discussions with her regarding the 6176 project?
 6 A I do not know.
 7 Q Did she ever have any discussions with you
 8 regarding that project?
 9 A No.
 10 Q Did you take any action when you received your
 11 cc on this?
 12 A I don't believe so. I don't know if I was
 13 still involvement with the application in 2018, summer
 14 of 2018.
 15 Q It's cc'd to Ken Malbrough.
 16 Who's Ken Malbrough?
 17 A I believe he's the chair of the planning
 18 group.
 19 Q Okay. And do you know who G. Braun is,
 20 SanDiego.gov?
 21 A No, I do not.
 22 Q How about Fitzgerald, PJ?
 23 A She is, um, the assistant deputy director for
 24 project management.
 25 Q Mr. Cotton says to Ms. Sokolowski, "Your last

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1 email took you a week for you to respond to me. After
 2 all that time it was superfluous and did not address any
 3 one of the five issues I had raised in my Friday" --
 4 something is cut off, -- "fairly and impartially. DSD
 5 is handling the 6220 and 6176 Federal Boulevard
 6 applications. I gave you specific issues that as deputy
 7 director, I thought you would" --
 8 MS. PLASKETT: Something is missing there.
 9 MR. TOOTHACRE: Yeah, something is missing
 10 there.
 11 BY MR. TOOTHACRE:
 12 Q "-- nothing substantively whatsoever. After
 13 reading my 7/27/18 email, there is no way I believe you
 14 can see this as a business as usual or request or
 15 response yet, that is evidence I've provided you within
 16 that email."
 17 Do you recall whether or not 6176 and 6220
 18 were processed any differently from one another?
 19 A I wasn't involved in the other applications,
 20 so I don't know how it was processed.
 21 Q Okay.
 22 A But I don't see a reason why it would be.
 23 Q Have you heard any discussions in the office
 24 regarding that?
 25 A No.

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1 Q Had you heard any discussions in the office
 2 that Mr. Cotton was asserting that 6220 was receiving
 3 favoritism over 71 -- 6176?
 4 A I don't recall.
 5 MR. TOOTHACRE: Last one. This appears to be
 6 the fairly lengthy email from Mr. Cotton. Subject: 6176
 7 to Cherlyn Cac, Ken Marlborough, Michelle Sokolowski,
 8 Martha Blake.
 9 Who's Martha Blake?
 10 A She's the general project manager. I don't
 11 know what her involvement in this is.
 12 Q "Firouzeh Tirandazi. Chen Hoy."
 13 Who's Chen Hoy?
 14 A I don't know.
 15 Q And PJ Fitzgerald. You don't know who that
 16 is? How about Laura Black? Do you know who Laura Black
 17 is?
 18 A Laura Black is the, um, the deputy director
 19 over at planning department.
 20 Q Okay. He indicates that, "As you no doubt
 21 have seen from the other emails I sent off yesterday,
 22 there is an increase in concern on my part that DSD MMCC
 23 CUP application at 6176 Federal Boulevard, Project No.
 24 520606 and the accompanying MOCP application at 6220
 25 Federal Boulevard," it gives a project number -- "are

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1 not being processed fairly and impartially by DSD."
 2 Do you recall any conversations in the office?
 3 A No. I don't believe -- because I think I had
 4 transitioned out and I stayed away from it. I had my
 5 own projects to deal with.
 6 Q Okay. He indicates, "As to your directing me
 7 to seek out additional information from Ken Marlborough,
 8 unfortunately that is no longer an option for me. In an
 9 email exchange I had with Mr. Marlborough, he told me he
 10 will no longer respond to my inquiries. And as of
 11 today, he has not responded to my email at the beginning
 12 of this thread."
 13 Were you aware that Mr. Marlborough had refused
 14 to correspond with Mr. Cotton at any point?
 15 A I don't recall.
 16 Q He lists his five questions at the bottom.
 17 A Oh, Gerry Braun is identified in this email.
 18 He's chief of staff.
 19 Q Of what?
 20 A San Diego City Attorneys office. Third
 21 paragraph.
 22 Q Do you know if there's any discussions with
 23 the city attorney staff and your department regarding
 24 this email?
 25 A No. I -- I -- I don't know.

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1 Q Okay. His questions are down below, No. 1.
 2 "The 6176 CUP application is currently in Cycle 7 slash
 3 8, cycle review status. It took DSD five months from
 4 10/31/16 to 3/13/17 to even get past preliminary
 5 approval, whereby a project number slash manager was
 6 assigned."
 7 How is it that 6220 CUP application has
 8 reached a Cycle 12 review status, when it was only
 9 produced to DSD in March of 2018?
 10 Are you able to answer that question?
 11 A So, again, with the project, I believe, um,
 12 the first one came in prior to the zone change that
 13 allowed the application to proceed.
 14 Q Right.
 15 A And, therefore, perhaps submittal -- they
 16 didn't have everything they needed, in order to deem the
 17 application complete, and, um, start off the review.
 18 Q Are you aware of any other causes that might
 19 be in response to his question No. 1 there?
 20 A Yeah. I mean, it went through that process.
 21 They were probably advised that the use is not allowed
 22 in the zone.
 23 And, therefore, um, they submitted it after --
 24 seems -- they were able to deem it complete after the,
 25 um, the zone change took place to allow the use within

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1 that zone.
2 **Q Okay. The second question is, "With the**
3 **accelerated process that 6220 CUP is being processed at,**
4 **has anyone, other than myself, contacted DSD to inquire**
5 **as to how a competing CUP has managed to get so far past**
6 **the 6176 CUP in less than four months."**
7 **Do you know why that CUP was processed so**
8 **fast?**
9 **A** I don't know. I wasn't involved in the other
10 application. But the turn around times from City's
11 standpoint, would have been, um, similar. There's no
12 reason that they would be different. It's a matter of
13 how long it took from -- it's not always the -- I guess
14 the City's -- City causing the delay. Sometimes it's
15 the applicants causing the delay, because they don't
16 submit in time or they don't address all of the issues
17 when they do submit.
18 **Q Was anybody, other than Mr. Cotton, raising**
19 **this issue that 6220 appeared to be going at a rapid**
20 **pace?**
21 **A** I wasn't involved in that project, and I
22 don't --
23 **Q I was just wondering if it was a topic --**
24 **A** I didn't hear anything.
25 **Q Okay. He's asking in No. 3, "What companies**

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1 **perform the professional architecture design and**
2 **engineering services, with regard to the 6220 CUP."**
3 **You probably don't know that.**
4 **A** I don't know what this is.
5 **Q Okay. I don't know what No. 4 even means.**
6 **Are you aware of whether or not Mr. Bartell**
7 **was on Mr. -- strike that.**
8 **On Rebecca Berry's CUP application?**
9 **A** Um, I -- yes, because I think he was copied on
10 some emails and then he also called me regarding the
11 zoning.
12 **Q Okay. Did he ever give you any indication he**
13 **wanted 6176, his project, to fail?**
14 **A** No.
15 **Q Did anybody ever give you any indication they**
16 **wanted 6176 to fail?**
17 **A** No. Not -- no.
18 **Q Did anybody, as far as you know, on behalf of**
19 **the City, intentionally fail -- or not fail. Strike**
20 **that.**
21 **Do you know whether or not anybody in the City**
22 **provided favoritism to 6220 over 6176?**
23 **A** I -- we don't -- we do not staff -- provide
24 any favoritism. We're impartial in processing of the
25 applications. We're so overloaded too. Thank God.

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1 Otherwise...
2 **MR. TOOTHACRE:** I have nothing further.
3
4 **EXAMINATION (RESUMED)**
5 **BY MS. PLASKETT:**
6 **Q Does a CUP application for a marijuana outlet**
7 **require a designation of an architect or blueprints?**
8 **A** Designation of architects or blueprints.
9 If you -- I'm sorry. What is the -- I don't
10 understand.
11 **Q Does the CUP application require a designation**
12 **of an architect or to blueprints?**
13 **Like in the beginning, um, do you require an**
14 **architect be involved or blueprints be submitted?**
15 **A** We have plans submitted, and they are
16 typically designed by a design professional whether it's
17 an engineer or an architect or -- they have to be legit,
18 um, drawings.
19 **Q Would you consider Abhay Schweitzer a design**
20 **professional or an architect?**
21 **MR. TOOTHACRE:** Calls for speculation.
22 **THE WITNESS:** He has submitted drawings that
23 have been acceptable.
24 **BY MS. PLASKETT:**
25 **Q All right. When we were -- Mr. Toothacre**

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1 **asked you a question about delays regarding their**
2 **ability to get soil samples.**
3 **A** Uh-huh.
4 **Q Going back to that subject, do you recall if**
5 **there were any other items on the list that were also**
6 **holding up the project, besides the zoning issue?**
7 **MR. TOOTHACRE:** Strike that. I mean, you
8 misspoke. You switched to the zoning issue from the
9 soils issue.
10 **BY MS. PLASKETT:**
11 **Q The soils issue.**
12 **With regard to the soils issue, when they were**
13 **having -- when he was asking questions about access to**
14 **the soil and any delays it caused, do you recall if**
15 **there were other outstanding items that also need to be**
16 **resolved?**
17 **A** I don't recall. It's -- I don't recall. I
18 mean, it would be in the assessment letters for the
19 project. I would have identified what outstanding items
20 are issues. It's too detail for me to remember.
21 **Q Is that possible, something like the soils**
22 **issue, you had mentioned, that they could be deferred?**
23 **Do you know if they were -- the soils issue**
24 **were deferred in this particular --**
25 **A** I don't remember on this particular project.

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1 Q Okay. And with regards to the planning
 2 groups, I believe Ken somebody --
 3 A Marlborough?
 4 MR. TOOTHACRE: Marlborough.
 5 MS. PLASKETT: Marlborough.
 6 BY MS. PLASKETT:
 7 Q Is there more than one planning group for a
 8 particular area?
 9 A So every -- they're recognized the planning
 10 groups. And each community has its own planning group.
 11 I forget which community is this? Encanto?
 12 Q I think it's Encanto.
 13 A Right. So Ken Marlborough was the chair of the
 14 San Diego planning group. Um, he's the chair of the
 15 group. Now, there's a number of folks that sit on that
 16 community.
 17 Q Okay. And could there be a different group,
 18 you know, a block away?
 19 A In the different community, yes. Like, um,
 20 there is La Jolla Community planning group. Or, um --
 21 all the different -- uptown planning group.
 22 All the different communities within the city
 23 have their own recognized planning groups.
 24 Q Okay. I have a question regarding submittal
 25 process.

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1 When do you get your project number? Is it
 2 after you've been approved through the submittal
 3 process?
 4 A I think you're assigned a project number, um,
 5 once you have submitted initial set of documents to go
 6 through a completeness review.
 7 Q Okay. All right.
 8 MS. PLASKETT: Don't think I have anything
 9 else.
 10 You've been wonderful. Thank you.
 11 MR. TOOTHACRE: I have nothing.
 12 THE WITNESS: Okay. Done?
 13 MR. TOOTHACRE: Yeah, we are done.
 14 How do you want to handle it?
 15 MS. PLASKETT: I would like to relieve the
 16 reporter of her duties. And if you would, please send
 17 the original transcript --
 18 Would you like it sent directly to you, so you
 19 could review it and make any changes necessary?
 20 THE WITNESS: Yes. Uh-huh.
 21 MS. PLASKETT: So we'll get your address. I
 22 believe she's got your card, and send it directly to our
 23 witness. And what, a week, ten days to review it and
 24 then send it to -- back to us.
 25 THE WITNESS: Okay.

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1 MS. PLASKETT: Okay. Perfect.
 2 So after you review, a week to ten days, please
 3 send it to us. We'll make arrangements, we can pick it up.
 4 And if there's any problems with that, any
 5 delays, please let us know, so we can fix the calendar.
 6 Once we have it, we'll send it to you.
 7 THE WITNESS: So will you be sending me in an
 8 email or is it a hard copy?
 9 MR. TOOTHACRE: It's a hard copy.
 10 MS. PLASKETT: It will be a hard copy in an
 11 envelope.
 12 THE WITNESS: Then you'll deliver it to my
 13 address. 1222 First Avenue, MS 501, San Diego,
 14 California 92101.
 15 MR. TOOTHACRE: And then we will take a copy.
 16 Should the original be lost or unavailable at
 17 time of trial, a certified copy can be used in its stead.
 18 THE REPORTER: Did you want a copy from
 19 yesterday's depo?
 20 MR. TOOTHACRE: Yes. I should have told you
 21 that yesterday.
 22
 23 (Exhibits 17 and 22 were marked.)
 24 (Whereupon at 12:37 p.m. the deposition was
 25 concluded.)

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1
 2
 3
 4 * * *
 5 I hereby declare under penalty of perjury that
 6 the foregoing is my deposition under oath; that I have
 7 read my deposition and have made the necessary
 8 corrections, additions or changes to my answers that I
 9 deem necessary.
 10 In witness thereof, I hereby subscribe my name
 11 this _____ day of _____, 2019.
 12
 13
 14
 15
 16 _____
 17 FIROUZEH TIRANDAZI
 18
 19
 20
 21
 22
 23
 24
 25

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1 STATE OF CALIFORNIA)
 : ss.
 2 COUNTY OF SAN DIEGO)
 3 I, LORENA BARRÓN, Certified Shorthand Reporter
 4 in and for the State of California, Certificate No.
 5 12058, do hereby certify:
 6 That the witness in the foregoing deposition was
 7 by me first duly sworn to testify the truth, the whole
 8 truth, and nothing but the truth in the foregoing cause;
 9 that the deposition was taken before me at the time and
 10 place herein named; that said deposition was reported by
 11 me in shorthand and transcribed, through computer-aided
 12 transcription, under my direction; and that the
 13 foregoing transcript is a true record of the testimony
 14 elicited at proceedings had at said deposition.
 15 I do further certify that I am a disinterested
 16 person and am in no way interested in the outcome of
 17 this action or connected with or related to any of the
 18 parties in this action or to their respective counsel.
 19 In witness whereof, I have hereunto set my hand
 20 this 2nd day of April, 2019.
 21
 22

 23 LORENA BARRÓN
 24 CSR No. 12058
 25

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1 ERRATA SHEET
 2
 3 If any corrections to your deposition are necessary,
 4 indicate them on this sheet, giving the change, page
 5 number, line number and reason for change.
 6 PAGE LINE FROM TO
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 8 Reason _____
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