

# CITY OF SAN DIEGO MASTER PUBLIC RECORDS ACT STEERING DOCUMENT

By Amy Sherlock and Darryl Cotton

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The City of San Diego (the “City”) is committed to transparency and providing easy access to public records pursuant to the California Public Records Act (CPRA). The California [Public Records Act](#) gives the public the right to access records created and maintained by public agencies in the course of their normal business. A PRA can be requested and tracked through the City of San Diego website portal at [Public Records Act Request](#) with specific PRA’s on file when you enter the [search portal](#).

The following list is comprised of PRA’s that have been acquired which pertain to the City’s Adult-Use of Cannabis (“Adult-Use”) laws and regulations which the City has responded to in areas specific to Adult-Use and fall under what we have collectively termed; OPERATION CANNA-GREED.

Each PRA in this Master PRA Steering Document (“Steering Doc”) will include a brief description of what the PRA will address with a hyperlink to that PRA. Some of these PRA’s are quite large so once in the PRA there will be a CONTENT Section which provides a breakdown of what we consider significant statements, emails, texts or data that warrant our comments. Those comments will always be in italics. The original request and the City’s response documents will follow. Where a response has not yet been provided, the PRA will link to the request with future updates to this Steering Document showing the response with Bates Numbers in red at the bottom of the pages to show the request and response have been completed.

## KEY TERMS AND ABBREVIATIONS USED

Adult Use of Marijuana Act	AUMA
California Environmental Quality Act	CEQA
Cannabis Business Tax	CBT
Certificate of Occupancy	CofO
City of San Diego	City
Conditional Use Permit	CUP
Destination Based Tax	DBT
Development Services Department	DSD
Grand Jury Complaint	GJC
Mitigated Negative Declaration	MND
Multi-Habitat Planning Area	MHPA

## **PRA NO.**      **CONTENT AND PARTIES with COMMENTS IN ITALICS**

- [17-2076](#)      Unidentified party request re CUP transfer at 8863 Balboa Ave., Ste. E, from 01/01/2017 thru 06/12/2017, which includes Austin, Bartell, Church, Howard, Malan, Peterson, Mohajerani, Razuki, Schweitzer and Tirandazi.
- [18-1332](#)      Unidentified party request of documents and communications re certain CUP Licensees who are unwilling to provide financial documents for independent audit, from

06/17/2015 thru 04/13/2018, which includes Cac, Celaya, Fisher, Fitzgerald, Gargas, Gutierrez, Hwang, Masterson, Moore, Poblette, Ramos, Sokolowski and Tirandazi.

*It's clear from these communication that on June 6, 2018, [Ricardo Ramos](#), City of San Diego, Deputy Director Business Tax Manager communicated to [Michelle Sokolowski](#) that certain licensees were "disputing the request" to provide financial data. (See Pg. 005 -006)*

*Of note, Michelle Sokolowski and Edith Gutierrez gave Amy Sherlock, Darryl Cotton and attorney Andrew Flores the run around when they met with a visibly upset Sokolowski on February 5, 2020, and requested information from the City as to how the 8863 Balboa CUP, which Michael "Biker" Sherlock had acquired, prior to his death, was transferred around his widow, Amy Sherlock without her knowledge or consent. (See [02/14/2020 Sherlock to Mayor Faulconer Email](#))*

18-4128

Unidentified party request of documents and communications re the CUP at 3279 National Ave., from 02/27/2018 thru 08/14/2018, which includes Alvarez (David). Austin (Alan), Austin (Gina), Abalos, Alo, Anguiano, Black, Borg, Daly, Demorest, Dickson, Eck-Escobar, Fatema, Francisco, Fitzgerald, Gonzales (Delores), Frick, Gonzalves, Hayes, Hamala, Islas, Jackson, Jaurequi, Khaligh, Kohler, Lee, Leo, Lowe, Lyon, McPherson, Medina, Moshirian, Muto, Neuffer, Peterson, Ross, Santos, Shearer-Nguyen, Sherer, Schultz, Sheldon, Steele, Thomas, Tirandazi, Tracy, Trajono, Vera, Yepiz, Zounes

*Keeping in mind this project was also located in a [HUD "Promise Zone"](#) (See Pg's. 094-100, 136), no CEQA was required (See Pg. 059 & 108-109) despite extensive renovation and it backs up to a river bed (See Pg. 059), DSD staff recommended it not be approved (See Pg. 097) because of sensitive use setback issues (See Pg. 121) and this "What about the ordinance???" email from Marsha Lyon, City of San Diego Sr. Prevention Specialist (See Pg. 017) the project was still approved for the applicant, Aaron Magagna, a Gina Austin and Marcela Escobar-Eck client.*

*Alan Austin, the project architect, states during the project review, they are exempt from having to do a Bulletin 580 review as there are no exterior changes. Development Project Manager Jeffrey Peterson replies that the historical photos of the building and the previous building plans the building HAS had exterior work done to it. He references the "approximately 12 ventilation systems have been mounted on the side of the wall are just some of the things that can be seen." What Peterson did not know was that those were not ventilation systems but were instead the exterior mounted condensing units that were maintaining optimal indoor cannabis cultivation temperatures in an operation that had not yet been City approved yet we in full swing cannabis cultivation operation. (See [exterior condenser image](#) and comments at Pg's. 172-173)*

19-1123

Unidentified party request of all CUP records for Glass Tek Enterprises, 9212 Mira Este Courts, from -4/22/2014 thru 04/22/2015.

- [19-4688](#) Unidentified party request for records regarding CUP processing at 8863 Balboa Ave., Ste. E, from 06/02/2014 thru 09/30/2019, which includes, Ahmadi, Anderson, Austin, Barranon, Bartell, Black, Bowden, Boeh, Bui, Byers, Church, Curlee, Del Valle, Essary, Gargas, Geiler, Goodman, Grippi, Griswold, Gutierrez, Harcourt, Hayford, Henegar, Holt, Howell, Lambert (Andy), Jauregui, Kipnis, Tyner, Lambert (Drew), Larson, Lind, Malan, Manansala, Mardikan, Montesorro, Richmond, Sallen, Schoenfisch, Schweitzer, Sheaffer, Sherlock (Biker), Sperry, Teasley, Tirandazi, Torres, Quinn and Vachi.
- On 11/25/2015, Brad Harcourt represents to the City that he is the Co-Founder and President of Full Circle Enterprises, Inc. ("FCE-8738" See Pg. 092) That is not true. The SOS filings for this entity can be seen that Harcourt was a member in FCE-8738 not the President and was dissolved on 12/02/2015 the day Biker supposedly, as in committed suicide. The timing of the communications with the City coupled with the purposeful intent by Harcourt and others, to deprive Amy of her beneficial rights to the CUP and the property cannot be ignored by this exchange. (See [FCE-8738 Articles](#))*
- On 01/10/2017, Harcourt sends an email to Tirandazi and Glenn with CC to attorney Ross Goodman and others that as a result of Biker's death the 8863 CUP "would not be going to Austin's new client cooperative," Ninus Malan. (See Pg. 072)*
- [21-3415](#) Unidentified party request for multiple CUP location records from the past 10 years, to include application, permit and licenses.
- [22-2832](#) Unidentified party request for ALL cannabis CUP permits issued by the City. This PRA was discovered inside [PRA 23-1729 \(See Pg. 047\)](#). The responsive Docs at:
- [City of San Diego Completed Cannabis Projects](#)
- [Data on Currently Operational Adult-Use Businesses](#)
- [22-4066](#) Darryl Cotton's request for documents related to the CUP transfer at 8863 Balboa Ave., Ste. E, from Michael "Biker" Sherlock to Brad Harcourt.
- The response was one page, and it did not address the Sherlock to Harcourt transfer at all, instead it provided the 5/24/2021 transfer into the receiver, Michael Essary's name.*
- [22-4976](#) Amy Sherlock's request for all record of the CUP submission and approval process at 8863 Balboa Ave. Ste. E from 2015 to present (2022)
- [22-4983](#) Amy Sherlock's request for Balboa CUP documents at 8863 Balboa Ave., Ste. E.
- What distinguishes this City response from others is just how little documentation they provided Amy in their response to her request.*
- [22-4995](#) Unidentified party request for all documents and communications regarding the 6220 Federal Blvd. CUP application and approval documents for applicant Aaron Magagna.
- [22-5095](#) Amy Sherlock's request for all CUP background checks at 8863 Balboa Ave., Ste. E.
- What stands out here is that the information that is NOT being released based on what they are claiming is a hold by SDPD, Captain Jeffrey Jordan. Which is convenient for*

*DSD Travis Cleveland who is the keeper of the gate when it comes to Amy Sherlock requests on anything Balboa. (See Pg. 004)*

[22-5096](#) Amy Sherlock's request for all CUP Ownership Disclosure Statements at 8863 Balboa Ave., Ste. E from 2014 to present.

*What stands out here is how little information is given to Amy by Travis Cleveland in this response.*

[22-5151](#) Amy Sherlock's request for all email communications with DSD staff Edith Gutierrez and Firouzeh Tirandazi related to the marijuana dispensary at 8863 Balboa Ave. Ste. E for project under 3 different project numbers. (See supporting [GJC dated 12/18/2023](#))

[23-1729](#) Amy Sherlock requests cannabis dispensary to include applications, death and marriage certificates, transfers, contracts and proof of estate executor.

[23-1730](#) Amy Sherlock's request to release Brad Harcourts, City Form No. DS 191 Medical Marijuana Consumer Cooperative Permit.

*What this document represents is that Brad Harcourt, despite his statements that he only participated in the land transactions with Biker Sherlock, actively participated in the cannabis venture as well.*

[23-1731](#) Goldn Bloom CUP records and email communications

[23-2125](#) Request for Councilmember Myrtle Cole correspondence with Taisha Brown and Chris Williams.

[23-2712](#) Unidentified party request of all Social Equity Cannabis Licenses communications between Best, Gates, Kind, McElresh and Nathaniel.

[23-2768](#) Amy Sherlock's request for traffic accidents at 6220 Federal Blvd., since the opening of the Magagna CUP-Originals dispensary.

[23-3603](#) Amy Sherlock's request for Hearing Officer Minutes from 12/03/2014 thru 12/17/2014.

[23-4836](#) Amy Sherlock's request for attorney Robert Otilie's letter to the Planning Commission regarding a Planning Commission Hearing held on December 15, 2016. Otilie describes what he sees as a Planning Commissioner, Anthony Wagner who has taken on the role of expert witness, providing expert testimony as an advocate, witness and a judge in a liquor license approval.

*As can be seen in their response, the City did not provide the requested letters as they are "not maintained in electronic format." (See Pg. 001-002) The December 13, 2016, letter addressed to Commissioner Wagner and a follow up December 14, 2015 letter to Stephen Haase, Chair have been acquired and are included in the link.*

*Otilie describes conduct Commissioner Wagner had engaged in his decision making process whereby he, "qualified yourself as an expert witness, provided what you*

*contended was expert testimony, and then based your decision to grant a liquor license on your own expert testimony. It was a first. I have never heard of that in 39 years as a lawyer.” (See Pg. 003)*

*Ottillie describes the Planning Commission process as a Quasi-Judicial Proceeding in which a Commissioner is “Essentially a Judge.” He cites Matthews v. Eldridge (1976) U.S. 319,331 the United States Supreme Court decision in which, “The federal Due Process Clause imposes constraints on governmental decisions that deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth and Fourteenth Amendments.” (See Pg. 004)*

*What Ottillie describes in his letters what has been a bias by the Planning Commission in approving certain licenses (i.e. liquor or adult-use cannabis) when it is not in the public’s best interest to do so or, as can be supported by mounting evidence, those in government who would consider and ultimately approve these licenses have a personal financial interest in doing so.*

**THIS AREA WILL BE RESERVED FOR A FINANCIAL DATA LINK THAT SHOWS FINANCIAL AND LOBBYING REPORTS.**

23-7108

Unidentified party requests communications City Staff to include Monica Montgomery-Steppe, Henry Foster, Lara Gates, Elyse Lowe with cannabis companies, lobbyists, consultants and and lobbyists in San Diego to include Terrie Best, Armand King, Duane Alexander, Emma Johnson, Johann Balbuena, Christopher Lefall, Adrian Gonzales, Staci McClanahan Dent, Michael Polite, Spencer Andrews, Breton Peace, Gina Austin, Anthony Avalos, Miklos Campuzano, Aaron Magagna, Doug McCrady, Jessica McElfresh, Daniel Meier, Mathew Nathaniel, Phil Rath, Arkan Somo, Andrea St. Julian, Tak Soto, Matt Yaghagan, Sammi Ma, Jay Bowser, and Leroy Brady.

*This is an extensive, 1500 page look at what somebody who had an interest in exposing the inner workings of how the adult-use licensing scheme worked in the City and who were the players involved. Just asking for this information proves they knew there was smoke. They wanted to see where smoke would lead to the fire. Since this is such a large and complex response, we devoted an introduction to the PRA which will provide highlights and comments to the PRA.*

23-7334

Amy Sherlock requests the 911 call on December 3, 2015, from the Tourmaline Beach area reporting a death.

*As with PRA 23-4836 the City does not have records to fulfill this request.*

24-3007

Unidentified party request for all emails from Cynthia Morgan-Reed and Rich Ormond to Lara Gates and Ricardo Ramos.

24-4724

Amy Sherlock’s request for all documents and correspondence between Tirandazi, Gutierrez and the City Attorneys Office re the 8863 Balboa Ave., Ste. E CUP between 2017 and 2018,

*What is remarkable here is that the City has NO responsive documents to this request even though Gutierrez acknowledges in email communications with Steve Lake she is seeking legal counsel from a “management analyst” on what documents are necessary to transfer the CUP away from Biker. (See [Exhibit B2](#))*

- [24-5099](#) Unidentified party request for all [CITY OF SAN DIEGO vs. XTRACTA DISTRIBUTION, INC., et al, Case No. 37-2022-00020499-CU-CL-CTL \(Complaint\)](#) a [Dismissal with Prejudice](#) and in support of this PRA, a referral to other instances of uncollected Cannabis Business Tax revenues which, in the [December 18, 2024 GJC](#) describe a wider pattern of these cases occurring within the City.
- [25-1287](#) Darryl Cotton’s request for a list of those Adult-Use CUP’s that required a CEQA determination prior to being approved over the last 5 years.
- [25-1379](#) Darryl Cotton’s request for all communications and records regarding a MND and the environmental impact to the California Gnatcatcher Survey and Attenuation requirement in a recognized MHPA zone for a CUP the City issued at 4337 Home Avenue.
- [PRA 25-1451](#) Darryl Cotton’s request for all City Social Equity and Economic Development (SEED) accounting to include funding sources and how much and where that money was spent.
- [PRA 25-1454](#) Darryl Cotton’s request for all [CITY OF SAN DIEGO vs. XTRACTA DISTRIBUTION, INC., et al, Case No. 37-2022-00020499-CU-CL-CTL \(Complaint\)](#) a [Dismissal with Prejudice](#) and in support of this PRA, a referral to other instances of uncollected Cannabis Business Tax revenues which, in the [December 18, 2024 GJC](#) describe a wider pattern of these cases occurring within the City.
- [PRA 25-1455](#) Darryl Cotton’s request for all records showing the CBT and DBT reported, paid and post audit results for Adam Knopf and Golden State Greens (“GSG PL, Inc.) and what actions the City has taken to protect the City from any future failure to pay those tax liabilities and assure accurate reporting to the City.
- [25-1461](#) Darryl Cotton’s request for a list of any and all adult-use cannabis operating CUP’s within the City that were granted a Certificate of Occupancy prior to building plans being approved or field inspections having been made between 2014 and 2025.