

City of San Diego Hearing Officer Reviews and Minutes Report

A Deep Dive

By Darryl Cotton and Tiffany Knopf

March 5, 2024

How does the City of San Diego lose 30 months of Hearing Officer Minutes? Why is it in their best interest to not have these Minutes? When asked about it, [what was their explanation?](#) Notwithstanding their less than candid email explanation, (unlike actual Minutes, searching YouTube videos is not finding a legally recognized document) we believe that the problem the City has with these Minutes is that they would show other Hearing Officer decisions where the applicant was denied. We have no way of telling how many applicants were processed and paid for but are no longer on the City's website. Where it can be shown that those were denied applications and not appealed, the City has a no refund policy for those applications. In cases where the applications were processed, tens or hundreds of thousands of dollars were spent and the applicants never had a chance as the successful applicant had already been decided by a preferential treatment, corrupt pay-to-play processing system.

This will be an in-depth review of ALL the Adult-Use Cannabis HO Reports on the City's website. Combined with what we have uncovered in the [Planning Commission Appeals Deep Dive](#), we will chronologically demonstrate how this government malfeasance has occurred in a systematic and organized fashion over the course of many years.

Screenshots of Missing 2022, 2021 and July-December 2022 Missing HO Minutes.

Hearing Officer Minutes

FILTER BY YEAR

02/16/2022	Hearing Officer February 16, 2022 Meeting Minutes PDF
02/02/2022	Hearing Officer February 2, 2022 Meeting Minutes PDF
01/26/2022	Hearing Officer January 26, 2022 Meeting Minutes PDF
12/18/2019	Hearing Officer December 18, 2019 Meeting Minutes PDF
12/04/2019	Hearing Officer December 4, 2019 Meeting Minutes PDF
11/19/2019	Hearing Officer November 20, 2019 Meeting Minutes PDF

01/25/2023	Hearing Officer January 25, 2023 Meeting Minutes PDF
12/13/2022	Hearing Officer December 14, 2022 Meeting Minutes PDF
06/22/2022	Hearing Officer June 22, 2022 Meeting Minutes PDF
06/08/2022	Hearing Officer June 8, 2022 Meeting Minutes PDF
05/25/2022	Hearing Officer May 25, 2022 Meeting Minutes PDF
05/11/2022	Hearing Officer May 11, 2022 Meeting Minutes PDF
04/20/2022	Hearing Officer April 20, 2022 Meeting Minutes PDF
04/06/2022	Hearing Officer April 6, 2022 Meeting Minutes PDF

We will now begin showing each project that the city has on their website for Hearing Officer Reports (HOR) on a project-by-project basis so that information, relative to the Hearing Officer (HO) decisions can be easily accessed from one location. Where there are empty fields in the project, for example in the Planning Commission information, it is likely the result of that particular applicant not pursuing an appeal and appeals go through the Planning Commission. The chronological order, oldest to newest, of what we're presenting here will be determined by the HO Hearing date in bold. The Control F feature allows you to find any project when applying the search word (search "MISSING") you wish to find.

While this report is weighted heavily in focusing on those 30 months of missing HO Minutes, you will see that we have discovered missing Minutes in both the Hearing Officer and the Planning Commission Hearings with some occurring outside of the 30 months we've identified earlier. Whenever possible you will

see that this information has been presented to DSD Staff in an email with their response to our query next to the project we've identified. Sadly, these missing minutes not only make it difficult to track the process but some point to what may be seen as certain agents within the city, who might not have wanted to have the process as transparent as it should have been.

We have two attachments to this Report that show what the City of San Diego Development Services Department (DSD) has reported as of October 2023. We took that DSD information and correlated what can be found on their website that points to a Hearing Officer Report, (HOR) which are necessary in the CUP application process. As you will see in [Attachment 1](#), there are 7 CUPs which have been issued in which a DSD site search for those Reports cannot be found. The hyperlinks are in the attachment should you wish to verify our search results.

In [Attachment 2](#), we take a look into how the DSD Hearing Officer Reports (HOR) have been posted to their website over the years. With DSD website screenshots taken February 3, 2024, we begin with a look at their 2013 HOR posts. As noted in the attachment, they are flawless. As we investigate those subsequent years, with the exception of 2019, we see a total of 30 missing HOR's, all occurring since the passage of adult-use cannabis laws. If there is to be a fair and transparent application process, this type of gamesmanship is completely unacceptable.

To that end I sent Travis Cleveland, DSD Project Man an email asking him about the discrepancies in what is posted on the DSD website for HOR's as compared to Attachment 1 with 7 missing HOR's and in short order he replied that he is unable to assist me with that request as he has "recently been transferred out of the cannabis division." That would be him being transferred today because just yesterday we were in email communication. [Here is today's email exchange.](#)

The DS-3242 references you'll see below are the Financially Responsible Party that the City requires at the application and was found in the Project Links. This is what the [blank forms look like](#) if you'd like to see one. It's relevant because this is who the city says has signed this form and taken responsibility for the application.

Please make sure to see our Conclusions at the end of this Report which will take into account what we've discovered and how it appears to engage multiple City agencies, certain attorneys and lobbyists in an attempt to monopolize the adult-use cannabis industry within the City of San Diego.

Project Name:	MPF 10671 ROSELLE STREET, Process Three Decision
APN:	340-150-21-00
Property Owner:	Greg King, GMG SD, LLC (DSD Website)
Applicant Permittee:	Doug Gans, Torrey Holistics, Inc (DSD Website)
Point of Contact:	Kristi Byers Architect
Agent:	Khoa Nguyen, Rath Miller (PPR Solutions Inc)
DS-3242:	Doug Gans
HO Hearing Date:	2019/01/23
HO Report No:	HO-19-001
Minutes Item No:	9
Status:	WITHDRAWN
PC Hearing Date:	2019/02/06
PC Report No:	HO-19-001
PC Status:	Item 3 Deny the Appeal Approve the CUP in favor of: Khoa Nguyen, Phil Rath, Robin Madafer, Kristi Beyers. Opposed by Marcos Getchell. See also PC Deep Dive @ Pg's 245-248

Resolution No: HO-7195
Project No: [585605](#)
CUP No: [2072708](#) issued on 2019/09/23
Recorded CUP No: [2015-0598043](#) Owners: GMG Enterprises, Greg King, Michael Schwartz, Gil Kort. Permittee: Torrey Holistic Clinic, Tony Hall, President @ Pg's 7-11
[2019-0410285](#) Owner: GMG Enterprises, Gregory King. Permittee: Torrey Holistics, Tony Hall, CEO and Douglas Gans, CFO @ Pg. 7
[2022-0260729](#) Owner: GMG Enterprises, Gregory King. Permittee: Torrey Holistics, Tony Hall @ Pg. 8

Project Name: MPF 9731 Siempre Viva Road, Process Three Decision
APN: 646-160-04-00
Property Owner: Courtney Business Center([DSD Website](#)) and [HOR Pg. 24](#)
Applicant Permittee: Josh Waggoner ([DSD Website](#)) and Paragon Partners @ [HOR Pg. 22](#)
Point of Contact: Josh Waggoner
DS-3242: Raymond J. Taylor
HO Hearing Date: **2019/01/23**
HO Report No: [HO-19-005](#)
Minutes Item No: 8
Status: [WITHDRAWN](#)
PC Hearing Date: 2019/05/09
PC Report No: [PC-19-037](#)
PC Status: [Item 2 Deny the Appeal](#) and Approve the CUP, In favor: Phil Rath, Khoa Nguyen, Scott Bennett, Tim Dickinson, Jessica McElfresh and Perla Gutierrez. Opposed by Marcos Getchell

Resolution No: None
Project No: [585480](#)
CUP No: [2070245](#) Issued on 2019/06/21
Recorded CUP No: [2019-0199080](#) Owner: Courtney Business Center, LLC, Michael A. Vogt. Permittee: Omar Yousef Ibrahim @ Pg's 7-11

Project Name: MPF 9350 Trade Place, Process Three Decision
APN: 341-050-30-00
Property Owner: San Diego Trade Partners LP ([HOR Pg. 19](#))
Applicant Permittee: Tradeworx Partners Inc, ([DSD Website](#)) and [HOR Pg. 19](#)
Point of Contact: Alan Austin, Khoa Nguyen, Rath Miller
DS-3242: Eman Elajou
HO Hearing Date: **2019/02/06**
HO Report No: [HO-19-009](#)
Minutes Item No: 9
Status: [Approved](#) in favor of: Gina Austin, Alan Austin, Preston Roll, Juma Elajou and Abdulla Elajou. Opposed by: Kelly McCormick and Shahin Mobine

PC Hearing Date: 2019/05/09
PC Report No: [PC-19-044](#)
PC Status: [Item 5 Deny the Appeal](#) to approve the CUP in favor: Gina and Alan Austin, Brittany Biesterfeld. Opposed by Marcos Getchell. See also PC Deep Dive @ [Pg's 251-254](#)

Resolution No: HO-7197
Project No: [585643](#)

CUP No: [2068720](#) Issued on 2019/08/28
Recorded CUP No: [2019-0345347](#) Owner: San Diego Trade Partners, LP, Jumah Elajou. Permittee: Eman Elajou @ Pg's 8-10

Project Name: MPF 2220 Niels Bohr Court, Process Three Decision
APN: 646-230-06-00
Property Owner: Michael Vogt, Pacific Rim Business Center @ [HOR Pg. 22](#)
Applicant Permittee: Willie Senn
Point of Contact: Michael Vogt, Scott Bernet, Adrian Moon
DS-3242: Willie Senn
HO Hearing Date: **2019/02/06**
HO Report No: [HO-19-010](#)
Minutes Item No: 8
Status: [Approved](#) in favor of: Phil Rath, Michael Vogt, Khoa Nguyen, Jessica McElfresh and Scott Bernet. Opposed: Rodney Eales and Kathleen Lippitt
PC Hearing Date: 2019/05/05
PC Report No: [PC-19-045](#)
PC Status: [Item 4 Deny the Appeal and Approve the CUP](#) by Phil Rath, Gina Austin, Khoa Nguyen, Nathan Shaman, Scott Bernet. Opposed by Marcos Getchell. See also PC Deep Dive @ [Pg's 248-251](#)
Resolution No: HO-7196
Project No: [585368](#)
CUP No: [2062816](#) Issued on 2019/07/23
Recorded CUP No: [2019-0278304](#) Owner: Pacific Rim Business Centre, LLC, Michael A. Vogt. Permittee: Willie Frank Senn @ Pg. 6.

Project Name: MPF 9220 Mira Este Ct., Process Three Decision
APN: 343-082-50-00
Property Owner: RM-USE, LLC, Owner
Applicant Permittee: Humanity Holdings, Inc. James Schmachtenberger
Point of Contact: Sapphire Blackwood, Khoa Nguyen, Rodney Eales, Marcos Getchell, Andrea Reyes
DS-3242: James Schmachtenberger, Kearny Partners, LLC
HO Hearing Date: **2019/02/20**
HO Report No: [HO-19-011](#)
Minutes Item No: 7
Status: [Approved](#) In favor: Jessica McElfresh. Opposed: Kathleen Lippitt
PC Hearing Date: 2019/06/06
PC Report No: [PC-19-041](#)
PC Status: [Item 4 WITHDRAWN](#) Also see PC Deep Dive @ [Pg's 271-275](#)
Resolution No: HO-7205
Project No: [585378](#)
CUP No: [2063424](#) Issued on 2019/06/13
Recorded CUP No: [2019-0227137](#) Owner: RM-USE, LLC, Ronald Lee Reynolds, Mgr. Permittee/Owner: Humanity Holdings, Inc. James Schmachtenberger, CEO @ Pg. 7

Project Name: MPF 4655 Ruffner Street, Process Three Decision
APN: 356-160-35-00

Property Owner: Nguyen Family Trust ([DSD Website](#)) and Nguyen Family Trust @ [HOR Pg.22](#)
Applicant Permittee: Doug McCrady @ [HOR Pg. 22](#)
Point of Contact: Alan Austin, Khoa Nguyen, Marcos Getchell, Rodney Eales...
DS-3242: Doug McCrady
HO Hearing Date: **2019/02/20**
HO Report No: [HO-19-014](#)
Minutes Item No: 9
Status: [Approved](#) In favor by Gina Ausin and Doug McCrady. Opposed b Charles Wang and Terri-Ann Skelly
PC Hearing Date: 2019/06/06
PC Report No: [PC-19-049](#)
PC Status: [Item 3 Appeal Denied](#) CUP Approved. In favor of Gina Austin, Peachy McCrady, Aaron Magagna, Jared Angell, Ian Lellis, Dillon Sanchez, Brittany Biesterfeld, Doug McCrady and Alan Austin. Opposed by Kathleen Lippitt, Tim Nguyen, Ping Wang, Wesley Quach, Lauren Garces, Charles Wang, Timm Ryan Johnson, Kelly McKay, Elizabeth Davis Hynd, Kathy Wang, Daniel Wang, Andrew Ly, John Turpit, Jceheon Chu, Tracy Nguyen, Issac Wang, Phivan Nguyen, John J. Kang, Lijun Zhou, Alan Beck, Paul Young, Thanh K. Nguyen, Dr. Allen Chan, William Perno and Becky Johnson. Also see PC Deep Dive @ [Pg's 277-278](#)
Resolution No: HO-7203
Project No: [604122](#)
CUP No: [2135497](#) Issued on 2019/09/07
Recorded CUP No: [2019-0345333](#) Owner: Tri T. Nguyen and Chi T. Luong, Trustees of the Nguyen Family Trust dated February 20, 2004. Permittee: Douglas Bruce McCrady @ Pg. 7.

Project Name: HEALING CENTER CUP AMENDMENT - Process Three Decision
Project Address: 3703 Camino Del Rio South
APN: 439-520-08-00
Property Owner: DEL RIO MEDICAL AND DENTAL PLAZA, LLC, Brian Baker, Director @ [HOR 28](#)
Applicant Permittee: The Healing Center, James Dickinson @ [HOR 28](#)
Point of Contact: Michael Rollins, Khoa Nguyen, Adrian Moon
DS-3242: Raymond Taylor
HO Hearing Date: **2019/02/20**
HO Report No: [HO-19-015](#) and reference to [HO-15-073](#)
Minutes Item No: 10
Status: [Approved](#) in favor: Jessica McElfresh, Khoa Nguyen, Scott Bernett, Justin Schaepli. Opposed: None
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found - References to [PC-15-098](#)
PC Status: No Appeals Found
Resolution No: HO-7204
Project No: [545920](#) and [378883](#)
CUP No: [1928416](#) Issued on 2019/03/27
Recorded CUP No: [2015-0471737](#) Owner: Surgical Institute of Pain Management, David J. Smith President. Permittee: The Healing Center Cooperative, Raymond J. Taylor, President. [2019-0108851](#) Owner: Del Rio Medical and Dental Plaza, LLC, Brian Baker, Director Permittee: The Healing Center of San Diego, a CA Corporation, James Dickinson VP on Pg. 7.

Comments: Under Project Number 378883, in the 2015/06/24 HO Minutes @ [Item 4](#) this project was approved under Resolution No. HO-6837.

Project Name: MPF 3279 NATIONAL AVENUE, Process Three Decision
APN: 550-161-12-00
Property Owner: Aaron Magagna ([DSD Website](#)) and @ [HOR Pg 27](#)
Applicant Permittee: Aaron Magagna
Point of Contact: Alan and Gina Austin, Khoa Nguyen, Marcos Getchell, Rodney Eales...
DS-3242: Aaron Magagna
HO Hearing Date: **2019/02/20**
HO Report No: [HO-19-016](#)
Minutes Item No: 4
Status: [Approved](#) in favor, Gina Austin, Marcelo Escobar-Eck,
PC Hearing Date: 2019/06/06
PC Report No: [PC-19-048](#)
PC Status: [Item 2 WITHDRAWN](#) See Planning Commission Deep Dive @ [Pg's 256-271](#)
Resolution No: HO-7199
Project No: [585635](#)
CUP No: [2068128](#) Issued on 2019/07/01
Recorded CUP No: [2019-0256037](#) Owner / Permittee: Aaron Jacob Magagna @ Pg. 7

Project Name: MPF 3940 Home Avenue, Process Three Decision
APN: 540-581-06-00
Property Owner: Robert Kahn [HOR @ Pg. 17](#)
Applicant Permittee: Aaron Magagna
Point of Contact: Aaron Magagna, Rodney Eales, Khoa Nguyen, Marcos Getchell,
DS-3242: Aaron Magagna
HO Hearing Date: **2019/03/06**
HO Report No: [HO-19-020](#)
Minutes Item No: 8
Status: [Approved](#) in favor; Gina Austin, Marcela Escobar-Eck, Aaron Magagna, Alma Magagna and Brittany Biesterfield. Opposed: Khoa Nguyen
PC Hearing Date: 2019/06/06
PC Report No: [PC-19-042](#)
PC Status: [Item 5 WITHDRAWN](#) in favor; None. Opposed; William Perno, Dawn Kamali, Elizabeth Davis Hynd and Kelly McKay.
Resolution No: HO-7213
Project No: [611536](#)
CUP No: [2167710](#) issued on 2019/06/13
Recorded CUP No: [2019-0227101](#) Owner: Robert B. Kahn. Permittee: 2018HMPF, LLC, Aaron Magagna, CEO @ Pg. 7

Project Name: MPF 2243 VERUS STREET, Process Three Decision
APN: 622-120-42-00
Property Owner: Jerrold B. Siegel Cannversions, Inc.
Applicant Permittee: Cannversions, Inc.
Point of Contact: Catherine Brown, Khoa Nguyen

DS-3242: Jerald Mitchell
HO Hearing Date: **2019/04/03**
HO Report No: HO-19-022
Minutes Item No: 7
Status: [Denied](#) in favor of: Cathy Brown, Jerrold Siegel, Nick Goldberg, Jennifer Matthews, Mark Fisher, Bradley Allen Fisher, Jerald Mitchell, Rick Wright, and Will Senn. Opposed by: Kathleen Lippitt, Sapphire Blackwood, Khoa Nguyen, Judi Strang, Kelly McCormick, Becky Johnson and Sean St. Peter.

PC Hearing Date: 2019/06/27
PC Report No: [PC-19-056](#)
PC Status: Deny the Appeal and Uphold the HO Decision to Deny the CUP. In favor of the appeal: Jennifer Luther and Rodney Eales. Opposed: Kathleen Lippitt and Cathy Brown.

Resolution No:
Project No: [585642](#)
CUP No: 2069323
Recorded CUP No: NA
Permit Holder: NA

Project Name: MPF 8390 MIRAMAR PLACE, Process Three Decision
APN: 343-300-01-00
Property Owner: Michael R. Pack ([HOR @ Pg. 22](#))
Applicant Permittee: Wayne Yamamoto
Point of Contact: Toby Hallal, Benjamin Hynes
DS-3242: Wayne Yamamoto
HO Hearing Date: **2019/03/06**
HO Report No: [HO-19-023](#)
Minutes Item No: 9
Status: [Approved](#) in favor of: Wayne Yamamoto. Opposed: Kelly McCormick, Khoa Nguyen and Kathleen Lippitt.

PC Hearing Date: 2019/06/06
PC Report No: [PC-19-040](#)
PC Status: [Item 6 Withdrawn](#) No speakers slips in favor or against.
Resolution No: HO-7214
Project No: [585648](#)
CUP No: [2068281](#) issued on 2019/06/21
Recorded CUP No: [2019-0231865](#) Owner: R. Michael Pack. Permittee: Wayne Yamamoto @ Pg. 7

Project Name: MO 3940 Home Avenue, Process Three Decision
APN: 540-581-06-00
Property Owner: Robert Kahn ([HOR @ Pg. 21](#))
Applicant Permittee: Aaron Magagna
Point of Contact: Aaron Magagna
DS-3242: Aaron Magagna
HO Hearing Date: **2019/03/20**
HO Report No: [HO-19-034](#)
Minutes Item No: 7
Status: [Approved](#) in favor: Gina Austin, Bruno Vasquez, Aaron Magagna, Alma Magagna and Brittany Biesterfeld. Opposed: Kathleen Lippitt

PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7218
Project No: [599099](#)
CUP No: [2115900](#) issued on 2019/06/07
Recorded CUP No: [2019-0203556](#) Owner: Robert B. Kahn. Permittee: 2018HMO, LLC, Aaron Magagna, CEO @ Pg. 8
Comments: Please read the [Planning Commission Appeals Deep Dive](#), @ Commission Action on Pg's 357 and 358 for a project analysis. The way this project got approved without reconsideration was "gaming the system" in plain view.

Project Name: San Diego Releaf, Process Three Decision
Project Address: 10170 Sorrento Valley Road, Ste. A
APN: 343-130-09-00
Property Owner: CIRE Equity
Applicant Permittee: Abhay Schweitzer
Point of Contact: Abhay Schweitzer-Techne, Ben Peterson, Carlos A. Gonzales-Techne, John Kaup, Heather Riley-SVRMC, LLC
DS-3242: Heather Riley-SVRMC, LLC
HO Hearing Date: **2019/03/20**
HO Report No: [HO-19-035](#)
Minutes Item No: 8
Status: [Denied](#) in favor: Heather Riley, Abhay Schweitzer, Geanine Rollins, Renny Bowden and Bradford Harcourt. Opposed: Gina Austin, Kelly McCormick, Becky Johnson, Zaire Smith, Travis Coulter, Russell Betts, Sean St. Peter, Christopher Pearce and Brittany Biesterfeld
PC Hearing Date: 2019/06/13
PC Report No: [PC-19-052](#)
PC Status: [Item 6 Deny the Appeal](#) and Uphold the HO Decision to Deny the CUP. In favor: Heather Riley, Jim Bartell. Michael Morton, Sandra Gonzalez, Abhay Schweitzer, Becky Johnson, Kathleen Lippitt. Opposed: Gina Austin
Resolution No: HO-7219
Project No: [575936](#)
CUP No: 2033810
Recorded CUP No: [2018-0523305](#) Owner: CIRE STNL, LLC, Trevor Smith Co-Managing Member. Permittee: SVRMC, LLC, Renny Bowden, Managing Member @ Pg. 7 (The CUP No. on the Recorded Doc, 2071481, does not match the application CUP which. As can be seen above was denied. How did CUP No. 2071481 get processed approved when CUP No. 2033810 was denied?)
Comments: This is Gina Austin at her finest. She represents Releaf to see that they are denied by stacking the application with all her people. And the Planning Commission does her bidding by issuing the denial.
See also [Planning Commission Appeals Deep Dive](#) @ Pg's 289-291 and the audio recording of this Hearing/Item, [beginning @ 1:55:45](#)

Project Name: MPF 10110 SORRENTO VALLEY, Process Three Decision

APN: 343-130-16-00
Property Owner: Helf Sorrento, LLC ([HOR @ Pg's 29-30](#))
Applicant Permittee: Sean St. Peter
Point of Contact: Sean St. Peter, Khoa Nguyen, Cathay Brown
DS-3242: Sean St. Peter
HO Hearing Date: **2019/04/03**
HO Report No: [HO-19-037](#)
Minutes Item No: 8
Status: [Item 8 Approved](#). In favor: Gina Austin and Sean St. Peter. Opposed: Nick Goldberg, Kathleen Lippitt, Kelly McCormick, Becky Johnson, Sapphire Blackwood, Judi Strang, Khoa Nguyen, Jennifer Matthews, Mark Fisher, Will Senn, Rick Wright, Bradley Fisher and Cathy Brown.

PC Hearing Date: 2019/06/27
PC Report No: [PC-19-057](#)
PC Status: [Item 1 Appeal Upheld](#) and Deny the HO Approval of the CUP. In favor: Gina Austin, Brittany Biesterfeld, Tamara Rozmus, Christopher Pierce, Sean St. Peter, Alan Austin and Cathy Brown. Opposed: Judi Strang and William Perno.

Resolution No: HO-7223
Project No: [585348](#)
CUP No: [2196094](#) Denied
Recorded CUP No: NA
Permit Holder: NA

Comments: See also [Planning Commission Appeals Deep Dive](#) Pg's 303-314 for an informative look at how this was denied. It starts to look like there are the same people opposing multiple projects and they have the same arguments over and over. It may well be controlled opposition that Gina musters up to have decisions ultimately go the way she wants them to go.

Project Name: MPF 9151 REHCO ROAD, Process Three Decision
APN: 343-030-58-00
Property Owner: Rehco Holdings, LLC ([HOR @ Pg. 23](#))
Applicant Permittee: Matthew Longo
Point of Contact: Joe Esposito, Khoa Nguyen-Rath Miller, Kelly Hayes, Esq.
DS-3242: Matthew Longo
HO Hearing Date: **2019/04/03**
HO Report No: [HO-19-039](#)
Minutes Item No: 10
Status: [Denied](#) In favor; Kelly Hayes, Joe Esposito and Lance Rogers. Opposed: Kathleen Lippitt, Khoa Nguyen, Judi Strang, Kelly McCormick, Becky Johnson, Gina Austin, Bradley Fisher, Rick Wright, Cathy Brown, Jennifer Matthews, Mark Fisher and Nick Goldberg.

PC Hearing Date: 2019/06/27
PC Report No: [PC-19-059](#)
PC Status: [Item 3 Deny the Appeal](#) and Uphold the HO Decision to deny the CUP. In favor: Matt Longo and Lance Rogers. Opposed: Kathleen Lippitt

Resolution No: HO-7225
Project No: [585470](#)
CUP No: 2070318

Recorded CUP No: NA
Permit Holder: NA

Project Name: MPF 3443 PICKWICK STREET, Process Three Decision
APN: 545-071-11-00
Property Owner: Mike Norby
Applicant Permittee: Mike Norby
Point of Contact: Joe Esposito, Estrada Land Planning
DS-3242: Mike Norby
HO Hearing Date: **2019/04/03**
HO Report No: [HO-19-040](#)
Minutes Item No: 9
Status: [Denied](#) In favor: Kelly Hayes, Joe Esposito and Lance Rogers. Opposed: Kathleen Lippitt, Khoa Nguyen, Judi Strang, Kelly McCormick, Becky Johnson, Gina Austin, Bradley Fisher, Rick Wright, Cathy Brown, Jennifer Matthews, Mark Fisher and Nick Goldberg

PC Hearing Date: 2019/06/27
PC Report No: [PC-19-055](#)
PC Status: [Item 2 Deny the Appeal](#) and Uphold the HO Decision to Deny the CUP. In favor: Lance Rogers. Opposed: Kathleen Lippitt

Resolution No: HO-7224
Project No: [603679](#)
CUP No: 2136164
Recorded CUP No: [2018-0513580](#) Owner: Michael J. Norby. Permittee: Sherman Asset MGMT, LLC, Michael J. Norby, Owner

Comments: As can be seen here this CUP No. 2136164 was denied yet under a different CUP No, 2063998, issued on December 14, 2018, the project was approved. What is going on here? See also [Planning Commission Appeals Deep Dive](#) @ Pg's. 314-316

Project Name: MPF 7955 Arjons Drive, Process Three Decision
APN: 341-160-48-02
Property Owner: Fifty Five Arjons, LLC Faridehi Kashmeri ([HOR @ Pg. 12](#))
Applicant Permittee: Dr. Duncan Neal
Point of Contact: Alan Austin, Shauna McAbee
DS-3242: Dr. Duncan Earl
HO Hearing Date: **2019/05/15**
HO Report No: [HO-19-041](#)
Minutes Item No: 8
Status: [Denied](#). In favor: Gina Austin. Opposed: Becky Johnson, Judy Strang, Terri-Ann Skelly, and Kathleen Lippitt.

PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7233
Project No: [602575](#)
CUP No: NA
Recorded CUP No: NA

Permit Holder: NA

Project Name: MPF 9850 Via De La Amistad, Process Three Decision
APN: 646-160-39-00
Property Owner: Barob Group LTD ([HOR @ Pg. 13](#))
Applicant Permittee: Bear Realty LLC
Point of Contact: Joe Esposito, Estrada Land Planning
DS-3242: D. Barry Simmons
HO Hearing Date: **2019/05/15**
HO Report No: [HO-19-045](#)
Minutes Item No: 10
Status: [Denied](#) in favor: Joe Esposito and Barry Simons. Opposed: Becky Johnson, Judy Strang, Terri-Ann Skelly, Kathleen Lippitt and Gina Austin
PC Hearing Date: 2019/07/25
PC Report No: [PC-19-067](#)
PC Status: [Item 4 Deny the Appeal](#) and Uphold the HO Decision to Deny the CUP. In favor:
Resolution No: HO-7235
Project No: [611944](#)
CUP No: 2172905
Recorded CUP No: NA
Permit Holder: NA

Comments: As previously stated, it seems like the same group of people keep coming up as opposition. This time Gina Austin sides with them for the predetermined outcome. See also [Planning Commission Appeals Deep Dive](#) @ Pg's 325-326.

Project Name: MPF 8020 Ronson Road, Process Three Decision
APN: 356-120-62-00
Property Owner: Neva L. Hartjen and Tim Monetta, Co-Trustees of the Hartjen Family 1983 Trust
Applicant Permittee: Rodney Eales, RS Industries, LLC ([HOR @ Pg. 12](#))
Point of Contact: Whitney Hodges, Esq, Rodney Eales, Anna Karpetyan, Marcos Getchell
DS-3242: Rodney Eales
HO Hearing Date: **2019/05/15**
HO Report No: [HO-19-047](#)
Minutes Item No: 9
Status: [Denied](#) In favor: Shahine Mobine and Rodney Eales. Opposed: Becky Johnson, Judy Strang, Terri-Ann Skelly, Kathleen Lippitt, Gina Austin and Khoa Nguyen
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7234
Project No: [599948](#)
CUP No: NA
Recorded CUP No: NA
Permit Holder: NA

Project Name: MPF 7920 Arjons Ste H, Process Three Decision

APN: 341-060-50-02
Property Owner: Norma Ortiz, S.A.M.'s Management Venture, LLC ([HOR @ Pg. 13](#))
Applicant Permittee: Norma Ortiz
Point of Contact: Joe Esposito, Estrada Land Planning
DS-3242: Norma Ortiz
HO Hearing Date: **2019/06/19**
HO Report No: [HO-19-061](#)
Minutes Item No: 8
Status: [Denied](#). In favor: Edward Wicker Opposed: None
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7248
Project No: [585414](#)
CUP No: NA
Recorded CUP No: NA
Permit Holder: NA

Project Name: 4337 HOME AVENUE MARIJUANA OUTLET NUP/CUP - Process Three Decision
APN: 541-060-19-00
Property Owner: Avad Investments Inc. ([HOR @ Pg. 70-71](#))
Applicant Permittee: Avad Investments Inc.
Point of Contact: Denise Vo, Therese Quiroz
DS-3242: Randall Zaitona
HO Hearing Date: **2019/07/24**
HO Report No: [HO-19-068](#)
Minutes Item No: 5
Status: [Approved](#) In favor: Felix Tinker, Sean Scaramella, Melissa Krause, Arkan Somo, Randall Zaitona, Bayda Somo, Valentina Zaitano and Denise Vo. Opposed: Peggy Walker, Kathleen Lippitt, Theresa Quiroz, Pedro Quiroz and Mary Baum
PC Hearing Date: 2019/12/05
PC Report No: [PC-19-100](#)
PC Status: [Motion 1: Grant the Appeal and Deny the 2117121 CUP](#)
[Motion 2: Deny the Appeal and Approve NUP 2140441](#)
[Motion 3: Grant the Appeal and Deny the 2225844 CUP \(ABC Type 20 license\)](#)
[In favor:](#) Denise Vo, Sean Scaramella, Arkan Somo, and Randall Zaitona.
[Opposed:](#) Theresa Quiroz, Kathleen Lippitt, Pedro Quiroz, Jennifer Hoffman, Peaches Turner, Laura Ann Fernea, Dawn Kamali, Marsha Lyon, Leticia Leal, William Perno, Fabiola Alvarez, Enrique De La Cruz, Cynthia Sanchez. Rickie Brown, and Peggy Walker
Resolution No: HO-7256
Project No: [593686](#)
CUP No: [2117121](#)
Recorded CUP No: NA
Permit Holder: NA

Project Name: MO (MARIJUANA OUTLET) 2281 FAIRMOUNT AVENUE - Process Three Decision
APN: 541-280-09-00

Property Owner: SCHNAUTZ REVOCABLE FAMILY TRUST, DATED FEBRUARY 21, 1994
Applicant Permittee: Blake Marchan, Marsh and Ash
Point of Contact: Toby Hallal, TRH Inc.
DS-3242: Blake Marchand
HO Hearing Date; **2019/09/18**
HO Report No: [HO-19-081](#)
Minutes Item No: 4
Status: [Approved](#) in favor of: Toby Hallal, Chris Wahl, Rayna Del Rosario, Theresa Quiroz, Pedro Quiroz, Heather Riley, Spencer Andrews, Jonathan Sacc, Blake Marchand, Breton Peace. Opposed: Kathleen Lippitt, Becky Johnson, Sirwa Mahil, Yajush Sharma

PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7271
Project No: [607352](#)
CUP No: [2149607](#) issued on 2020/02/19.
Recorded CUP No: [2020-0043960](#) Owners: Schnautz Revocable Family Trust, Kim and Sharon, Co-Trustees. Permittee: Blake Marchand.@ Pg's 12-13.

Project Name: MARIJUANA OUTLET 11189 SORRENTO VALLEY ROAD, SUITE #103, PROCESS THREE DECISION
APN: 310-121-18-03
Property Owner: John Kraemer, Beachwalk Properties, Inc. ([HOR @ Pg. 27](#))
Applicant Permittee: Erin Phillips, STWC Holdings, Inc.
Point of Contact: Erin Phillips
DS-3242: Erin Phillips, STWC Holdings, Inc
HO Hearing Date; **2019/11/20**
HO Report No: [HO-19-103](#)
Minutes Item No: 5
Status: [Approved](#) in Favor: Gina Austin, Khoa Nguyen, Erin Phillips, Shawn Phillips, Brittany Biesterfield and Brandon Johnson. Opposed: Holly McClurg, Chris Delehanty, Jeff Muehl, Mark Pong, Cathy Birks, Mike Galis, Jason Romeo, Pedro Dantus, Kathleen Lippitt, Rebecca Raap, Holly McCormick, Stefanie West, Schalon Newton, Steve Laverson and Christy Herold

PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7293
Project No: [559038](#)
CUP No: [2038237](#) Issued on 2020/02/27
Recorded CUP No: [2020-0093971](#) Owner: Beachwalk Properties, Inc., John Kraemer. Permittee: STWC Sorrento Valley, LLC, Erin Phillips Member @ Pg. 8.

Comments: Alan Austin is listed as the Designer on the [HOR @ Pg. 31](#). Gina Austin did the Community Group Presentation on the [HOR @ Pg. 23](#).

Project Name: Marijuana Production Facility 4425 Convoy Street; Process Three Decision

APN: 356-290-17-00
Property Owner: MB-Star Center, LLC [HOR @ Pg. 15](#)
Applicant Permittee: Xtracta Distribution LLC
Point of Contact: Brianna Coston, Gina Austin
DS-3242: Steven Dang
HO Hearing Date; **2019/11/20**
HO Report No: [HO-19-106](#)
Minutes Item No: 6
Status: [Continued to 2019/12/04](#) on 2019/12/04 @ [Item 4 the project was Approved](#) with speakers in favor: – Gina Austin, Brittany Biesterfield, Steve Dang, Kent Coston and Brianna Coston. Opposed: None

PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7297
Project No: [616814](#)
CUP No: [2202096](#) Issued on 2020/09/29
Recorded CUP No: [2020-0242323](#) Owner: MB-STAR Center, LLC, Marc R. Brutton. Officer. Permittee: Xtracta Distribution, LLC, Steven Michael Dang, Managing Member @ Pg's 7-8.

Project Name: MARIJUANA OUTLET 7625 CARROLL ROAD, Process Three Decision
Project Address: 7625 Carroll Road
APN: 343-100-35-00
Property Owner: Rick Engebretson (DSD Website) Green Road, LLC in [HOR @ Pg. 19](#)
Applicant Permittee: Rick Engebretson
Point of Contact: Caryn Bailey, rAd Architects
DS-3242: Rick Engebretson
HO Hearing Date; **2020/02/19**
HO Report No: [HO-20-009](#)
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: UNKNOWN
Project No: [632038](#)
CUP No: [2272235](#) issued on 2020/03/12
Recorded CUP No: [2019-0070069](#) Owner / Permittee: Green Road, LLC, Rick Engebretson, Manager @ Pg. 8
[2020-123094](#)-Amendment Owner / Permittee: Green Road, LLC, Rick Engetretson, Manager @ Pg. 7

Project Name: Harbor Collective CUP Amendment, Process Three Decision
Project Address: 2405 Harbor Drive
APN: 538-800-02-00
Property Owner: Basil Shamoun ([DSD Website](#))
Applicant Permittee: Kent Coston, Coston Architects ([DSD Website](#)) NS Harbor, Inc., ([HOR Pg. 1](#))
Point of Contact: Brianna Coston, Coston Architects

DS-3242: [Noel Shamoun](#)
HO Hearing Date: **2021/03/04**
HO Report No: [HO-21-013](#)
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found - References to [PC-15-078](#)
PC Status: No Appeals Found
Resolution No: UNKNOWN
Project No: [652745](#)
CUP No: [2372402](#)
Recorded CUP No: [2021-0319530](#) Owner: Basil Shamoun. Permittee NS Harbor, Inc, Noel Shamoun @ Pg 6.

Project Name: Bakery Sorrento Cannabis Outlet CUP/CDP, Process Three Decision
Project Address: 11330 SORRENTO VALLEY RD
APN: 310-121-01-00
Property Owner: Gary Rogers
Applicant Permittee: Brandon Johnson
Point of Contact: Alan Austin, [Austin and Associates](#), [Gina Austin's](#) husband ([not a licensed architect](#))
DS-3242: Brandon Johnson
HO Hearing Date: **2021/04/28**
HO Report No: [HO-21-022](#)
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: UNKNOWN
Project No: [665588](#)
CUP No: [2437097](#)
Recorded CUP No: [2021-0549714](#) Owner: Gary Rogers. Permittee: Bakery Sorrento, LLC, Brandon Johnson, Manager @ Pg. 7.

Project Name: 4337 Home Avenue Cannabis Outlet CUP, Process Three Decision
APN: 541-060-19-00
Property Owner: Arkan Somo, Avad Investments, Inc
Applicant Permittee: Arkan Somo, Avad Investments, Inc
Point of Contact: Sean Scaramella, [Latitude 33](#)
DS-3242: Arkan Somo, Avad Investments, Inc
HO Hearing Date: **2021/05/26**
HO Report No: [HO-21-025](#)
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: Unknown

Project No: [665772](#)
CUP No: [2430967](#)
Recorded CUP No: NONE FOUND
Permit Holder: UNKNOWN

Project Name: 2605 CAMINO DEL RIO CANNABIS CUP, Process Three Decision
APN: 438-180-32-00
Property Owner: Camino Del Rio, LLC ([DSD Website](#)) 420 Oceanside, LLC ([HOR @ Pg. 1](#))
Applicant Permittee: Abhay Schweitzer ([Techne-Not a licensed architect](#)) Adam Knopf ([HOR @ Pg. 3](#))
Point of Contact: [Gina Austin](#) and Abhay Schweitzer
DS-3242: Adam Knopf
HO Hearing Date; **2021/06/09**
HO Report No: [HO-21-029](#)
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: 2021/09/09
PC Report No: [PC-21-038](#)
PC Status: **MISSING** [See email to DSD with reply acknowledging the missing 09/09/21 Minutes](#)
Resolution No: UNKNOWN
Project No: [622996](#)
CUP No: [2233027](#)
Recorded CUP No: [2021-0707595](#) Owner: 420 Oceanside, LLC, Andy S. Hirmez, President. Permittee: Adam Knopf @ Pg. 9.
2021/06/04: City of San Diego [DSD Memorandum to the Hearing Officer](#)
2021/06/07: City of San Diego [REVISED DSD Memorandum to the Hearing Officer](#)

Project Name: Gateway Cannabis Outlet CUP, Process Three Decision
Project Address: 995 Gateway Center Way
APN: 546-440-25-00
Property Owner: Gateway SMP, LLC ([DSD Website](#)) and SOI @ [HOR @ Pg. 101](#)
Applicant Permittee: Abhay Schweitzer, [Techne](#) Harvest of San Diego, LLC ([HOR @ Pg's 102-107](#))
Point of Contact: Abhay Schweitzer & Jesse Francouer, Harvest of San Diego, LLC
DS-3242: Steve White, Harvest of San Diego, LLC ([HOR @ Pg 108](#))
HO Hearing Date; **2021/08/18**
HO Report No: Part One @ [HO-21-038](#) and [Part Two @ HO-21-038](#) Drawings stamped as applicant address being 1155 W. Rio Salado Parkway, Ste. 201, Tempe, AZ 85281 @ pg. 7
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: 2022/12/08
PC Report No: [PC-22-070](#)
PC Status:
Resolution No: UNKNOWN
Project No: [660383](#)
CUP No: [2411994](#)
Recorded CUP No: The only CUP we found having been recorded was [2023-0145791](#) which is shown further down in this Report under what appears to be a different application. I support that by pointing to the HO Hearing dates. This project has a hearing date of 2021/08/18. The second project had an HO Hearing date of 2022/11/16, which make

the June 5, 2023, recording date make sense for the second project application. It's explained away as this is a change in applicants where this one did not have the community support and had been denied but without the HO Minutes it's impossible to know what happened at the HO level for this application.

Permit Holder: UNKNOWN

Project Name: 3433 Pickwick Street Cannabis Production Facility Amendment
APN: 545-071-11-00
Property Owner: Mike Norby, Sherman Asset Management ([HOR @ Pg. 26](#))
Applicant Permittee: Mike Norby
Point of Contact: Joe Esposito, Rocio Casco, Mike Norby
DS-3242: Mike Norby
HO Hearing Date; **2022/03/16**
HO Report No: [HO-22-010](#)
Minutes Item No: 2
Status: [Approved](#) In favor: Joe Esposito, Estrada Land Planning. Opposed: None
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7434
Project No: [648988](#)
CUP No: [2351538](#) issued on 2023/04/24
Recorded CUP No: 2018-0513580 (***How is it that this 2022 Amendment grants the CUP but there is a recording in December 2018 [2018-0513580](#) authorizing the CUP? See HOR pg's 20-28***)
Permit Holder: Michael J. Norby

Comments: This same project, having been denied on **2019/04/03** and through appeal has been approved 2.5 years later, with **no opposition** (Was this hearing properly noticed? Where were all the Opposing parties from the hearing of 2019/04/03? None of them appeared.)

Project Name: March and Ash Sabre Springs Cannabis Outlet CUP, Process Three Decision
Project Address: 13510 Sabre Springs Parkway
APN: 316-420-01-00
Property Owner: MJF Partner LLC
Applicant Permittee: Blake Marchand, March and Ash Sabre Springs
Point of Contact: Blake Marchand
DS-3242: Blake Marchand
HO Hearing Date; **2022/07/06**
HO Report No: [HO-22-028](#)
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: UNKNOWN
Project No: [696683](#)

CUP No: [2580304](#) issued on 2023/11/01
Recorded CUP No: [2022-0435479](#) Owner: MJF Partners, LLC, Michael Foster, Managing Member.
Permittee: March and Ash Sabre Springs, Blake Marchand, CEO
Permit Holder: UNKNOWN

Project Name: Rancho Bernardo Cannabis Outlet, Process Three Decision
Project Address: 16375 Bernardo Center Drive
APN: 274-831-57-00
Property Owner: Bernardo Center Shops LLC ([HOR @ Pg. 47](#))
Applicant Permittee: Willie Senn
Point of Contact: Not Available Online
DS-3242: Not Available Online
HO Hearing Date: **2022/09/21**
HO Report No: [HO-22-040](#)
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: 2023/04/06
PC Report No: [PC-23-011](#)
PC Status: [Item 1. Deny the Appeal and Approve the CUP.](#) Speakers: Rob Brienza, Scott Chipman, Kathleen Lippitt, Lori Riordan, Teri-Ann Skelly, Diane Brundage, Doug Brundage, Benjamin Wier, Donald Bertsch, Gary Long, June Smith, Jennifer Rakers Nino, Nancy Turk, Diane Davis, Becky Rapp, Amy Davis, Peggy Walker, Phil Rath, Will Senn, Khoa Nguyen, Scott Bernet, Gina Austin, Brittany Biesterfield, Tamara Leatham-Rozmus, Ashley Molina, Charlie Copelan, Barbara Gordon, Domien Wrap, Kelly McCormick

Resolution No: UNKNOWN
Project No: [625766](#)
CUP No: [2243740](#)
Recorded CUP No: Not found in the SD County Database.
Permit Holder: Blake Marchand ([DSD Website](#))

Comments: While the HO Minutes are **missing**, a review of the Reports to the Planning Commission did show this project went to appeal where it was upheld. This is the first time I've seen the speakers were not identified as to who was for and against. At a minimum this is a very sloppy recording.

Project Name: Gateway Cannabis Outlet CUP, Process Three Decision
Project Address: 995 Gateway Center Way, Suites 107 and 108
APN: 546-440-25-00
Property Owner: [Gateway SMP LLC, Ali Ehsan @ Pg. 8](#)
Applicant Permittee: Prime Harvest LLC (Duane Alexander @ [HOR Pg. 35](#)) or [Abhay Schweitzer @ DSD](#)
Point of Contact: Abhay Schweitzer-Techne, Jesse Francouer-Harvest of San Diego LLC, Francine Maxwell, Shaun Chamberlin

DS-3242: Steve White, Harvest of San Diego LLC
HO Hearing Date: **2022/11/16**
HO Report No: [HO-22-051](#)
Minutes Item No: **MISSING**
Status: UNKNOWN

PC Hearing Date: 2022/12/08

PC Report No: [PC-22-070](#) and [2022/12/02 Memorandum of Appeal](#)

PC Status: **MISSING** [See email to DSD with reply acknowledging the missing 12/08/22 Minutes](#)

Since there are no Minutes we'll identify noteworthy statements made at the hearing.

[19:10 into the Hearing](#) it is noteworthy that Mr. Cleveland states in his presentation that the City "requires applicants to disclose ownership information."

[27:50 Commissioner Boomhower](#) asked if the Community Planning Group supported the original application and was told no. Cleveland then went on to say that the CPG did support this amended version.

[31:37 Appellant Shaun Chamberlain](#) speaks in support of the Appeal and raises many excellent points about the process and the applicant.

[On Page 4 of the HOR](#) it shows the attachments. Shaun Chamberlin's Appeal Application is not there. Kara Adam's is. As you will see, for the record she withdraws her appeal and supports the CUP.

[39:23 the second Appellant, Kara Adams](#), withdraws her Appeal and supports the CUP. This reeks of a frivolous, meritless appeal designed to assuage the Commissioners into believing the public can support this.

[41:50 Abhay Schweitzer](#) begins his 15 minute presentation to deny the appeal and affirm the HO decision to grant the appeal. Now remember, that HO approval was done DESPITE the fact that the CPG had voted AGAINST it! We've 'lost' the HO and the PC Minutes AND Shaun Chamberlain's appeal is nowhere in the Report to the Planning Commission AND your strawman appellant just withdrew her appeal!

[42:06 Duane Alexander](#) introduces his team.

[42:54 Abhay Schweitzer](#)

[43:56 Joanne Bowano](#) speaks about their minority ownership, diversity and ethics to the local community.

[50:06 Suzanne Varco Esq.](#) representing Duane and Prime Harvest D9 LLC

[55:10 Charles Alexander](#) speaks about Chamberlain working for Salam Razuki and how Razuki tried to murder his partner.

[58:09 Michael Pittman](#) re legalized cannabis as a distributor rep iso of this applicant.

[1:00:02 Carlos Gutierrez](#) iso the project and to reject the appeal.

[1:00:44 Dr. Sharon Whitehurst-Payne](#) President of the SD Unified School District iso the project as long as Duane and Charles live up to their promises for the community

[1:03:16 Gary Rollins](#) iso of the project they are willing to be a part of the community comparing them to Father Joe's or Red Cross in terms of what they contribute.

[1:05:29 Terri Best](#) Chapter Chair for ASA and iso of this project..

[1:06:49 Arman King](#) Black Advisory Board Chair iso of this project.

[1:13:10 Noell Roello](#) iso of the project for the opportunity it presents to the community and how the money will stay in our community to fix roads and such.

[1:16:54 Becky Rapp](#) Opposes the project as there has been push back from the CPG and this CUP has been bought off as they are within 1000 ft of a church to accommodate the industry at every turn.

[1:19:12 Kathleen Lippitt](#) Opposes the project because of the deep pockets of the marijuana industry having their way with the City. Shame on the City!

[1:21:33 Jake Hogan](#) Disabled veteran and cannabis advocate iso of the project.

[1:22:20 Francine Maxwell](#) opposes this business in this location.

[1:23:30 Kelly McCormick](#) opposes the project stating their gifts to the community come at a heavy price which is harmful to our community.

[1:35:40 Duane Alexander](#) states he has contacted all of the other tenants in the building and none of them were in opposition.

[1:35:55 Commissioner Malbrough](#) states he is also awarding the CUP with the increase in community (CPG) support.

[1:38:20 Commissioner Miyahara](#) states he is also awarding the CUP as there is no basis for the appeal.

[1:39:34 Commissioner Boomhower](#) states that DSD should take Travis's presentation and make it a tutorial. He is also of the project. If you had to listen to any one Commissioner state their opinion and reasoning prior to making a decision, this would be the one.

The vote passes unanimously. The appeal is denied and the CUP is awarded.

Resolution No: UNKNOWN

Original Project No: [660383](#)

New Project No: [PRJ-1067659](#) The new DSD portal doesn't give us any of the old application information. From here on out we will need to rely on whatever information the Reports and the Minutes will provide us.

CUP No: [2411994](#) or [3172940 @ Pg. 1](#)

Recorded CUP No: [2023-0145791](#)

Permit Holder: [Eulenthias Alexander, Prime Harves D9, LLC @ Page 8](#)

Comments: On [January 12, 2022 a Memorandum was issued for Reconsideration](#)
On [January 20, 2022 the Planning Commission](#) considered Item 1, APPROVING the Motion for Reconsideration with the following speakers in attendance: Shaun Chamberlin, Peggy Walker, Tyler Linville, dawn Kamil, Francine Maxwell, Kathleen Lippett, Sharon Whitehurst-Payne, William Perino, Becky Rapp and Kelly McCormick.

Project Name: 2555 Kettner Boulevard Cannabis Outlet, Process Three Decision

APN: 533-040-07-00

Property Owner: Kiran C. Walia ([HOR @ Pg. 101](#))

Applicant Permittee: Blue Square Assets, LLC, Rakesh Goyal ([HOR @ Pg. 100](#))

Point of Contact: UNKNOWN - Abhay Schweitzer-Techne, Michael Morton AIA ([HOR Pg. 102](#))

DS-3242: UNKNOWN

HO Hearing Date; **2023/01/25**

HO Report No: [HO-23-004](#)

Minutes Item No: 2

Status: [Approved](#)

PC Hearing Date: No Appeals Found

PC Report No: No Appeals Found

PC Status: No Appeals Found

Resolution No: HO-7478

Project No: [PRJ-1053097](#)

CUP No: [3143607 No Results Found](#)

Recorded CUP No: [2023-0257536](#) Owner: Jaspal S Walia. Permittee: Blue Square Assets, LLC, Rakesh Goyal @ Pg's 8-0.

Project Name: 8039 Balboa Avenue Cannabis Outlet, Process Three Decision

APN: 356-310-41-00

Property Owner: Balboa Avenue San Diego LLC, Mark Chapparone ([HOR @ Pg. 30](#))

Applicant Permittee: COSDD61, LLC, Aaron Magagna ([HOR @ Pg. 30](#))

Point of Contact: UNKNOWN - Abhay Schweitzer-Techne and Michael Morton AIA ([HOR @ Pg. 39](#))

DS-3242: UNKNOWN
HO Hearing Date: **2023/02/08**
HO Report No: [HO-23-008](#)
Minutes Item No: 6
Status: [Approved](#) No speaker for or against
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7484
Project No: [PRJ-1052799](#) The new DSD portal shows no Project information.
CUP No: [3142630 No Results Found](#)
Recorded CUP No: [2023-0145755](#) Owner: Balboa Avenue San Diego, LLC, Mark Chapparone, Managing Member. Permittee: COSDD61, LLC, Aaron Magagna, Authorized Signer @ Pg. 8.

Project Name: Cannabis 21+ Sorrento Valley, Process Three Decision
Project Address: 10150 SORRENTO VALLEY RD
APN: 343-130-16-00
Property Owner: Helf Sorrento LLC, Frank M. Goldberg ([HOR @ Pg. 32](#))
Applicant Permittee: Sean St. Peter, President ([HOR @ Pg. 32](#))
Point of Contact: Caryn Bailey ([DSD Website](#))
DS-3242: Sean St. Peter ([DSD Website](#))
HO Hearing Date: 2023/02/22
HO Report No: [HO-23-010](#)
Minutes Item No: **MISSING**
Status: UNKNOWN
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: UNKNOWN
Project No: [696758](#)
CUP No: [2581325](#) created
Recorded CUP No: [2023-0246196](#) Owner: HEIF Sorrento, LLC, Edward L. Goldberg, Asset Manager. Permittee: Sean St. Peter @ Pg. 7.

Comments: See also [HOR Pg's. 34-35](#) where referencing Project No. 545299 and CUP No, 1927100/ As far as the HO Minutes being missing and having not been appealed this is particularly egregious because the HO Hearings are NOT RECORDED. We have nothing on the official public record for what happened here. Is this a coincidence? Are any of these a coincidence? I think it's incredible that the HO Hearings are not recorded in the first place! There is **zero accountability** at that level.

Project Name: 5220 Anna Avenue Cannabis Outlet, Process Three Decision
APN: 436-660-11-00
Property Owner: Mike Gafa, Gafa Family Trust ([HOR @ Pg. 46](#))
Applicant Permittee: Aaron Magagna, Handled Management, LLC ([HOR @ Pg. 46](#))
Point of Contact: UNKNOWN
DS-3242: UNKNOWN
HO Hearing Date: **2023/03/08**

HO Report No: [HO-23-011](#)
Minutes Item No: 1
Status: [Continued](#) to March 22, 2023 at [Item 1 was WITHDRAWN](#)
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-23-011
Project No: [PRJ-1074123](#)
CUP No: [3182740 No Results Found](#)
Recorded CUP No: As of 02/05/2024 there was no record found in the SD County Recorder Database
Permit Holder: UNKNOWN

Project Name: 4909 Pacific Highway Cannabis Outlet, Process Three Decision
APN: 436-440-22-00
Property Owner: RAP HOLDINGS, LLC ([HOR @ Pg 1](#)) or Aaron Magagna ([HOR @ Pg. 27](#))
Applicant Permittee: Aaron Magagna, [Adam Knopf October 31, 2018 HO-18-099 @ Pg. 19 and 23](#)
Point of Contact: UNKNOWN
DS-3242: UNKNOWN
HO Hearing Date: **2023/03/22**
HO Report No: [HO-23-012](#) and [Attachment-9 Drawings](#)
Minutes Item No: 2
Status: [Approved](#) In favor Abhay Schweitzer, Gina Austin, Marcela Escobar-Eck, Corey Ferguson and Aaron Magagna. Opposed: Becky Rapp, Kelly McCormick, Judi Strang, Kathleen Lippitt and Peggy Walker.

PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7488
Project No: [PRJ-1070598](#)
CUP No: [3142554 No Results Found](#)
[3203668 No Results Found](#)
Recorded CUP No: [2019-0028509](#) Owner: RAP Holdings, LLC, Jon Lyons, Manager, United Partners, LLC, Jon Lyons, Managing Partner. Permittee: Golden State Greens, LLC, Adam Knopf, President @ Pg. 8.

Comments: [Page 25 of the HOR](#) shows both Magagna and Schweitzer doing CPG presentations.

This 2019 CUP does not line up with what would have been a 2023/03/33 hearing where his CUP was approved. On February 5, 2024 we researched the SD County for this address and could not find a recorded CUP other than the 2019 CUP shown above. This makes it almost a year and an updated CUP has not been filed with the Recorder.

Of note the GSG license was [surrendered back to the state](#) on 2023/05/26 which means that since May 2023 this should not be operational as there is no state license and the CUP has not been filed with the San Diego County Recorder. After all the trouble everyone went to in getting this CUP passed, we're really surprised they let this site go non-operational for what would now be 8 months.

Project Name: 1215 West Nutmeg Street Cannabis Outlet, Process Three Decision
APN: 533-011-01,02 & 10-00
Property Owner: Alan Marshall and Veronica Gentile ([HOR @ Pg. 64](#))
Applicant Permittee: COSDD21, LLC, Aaron Magagna ([HOR @ Pg. 64](#))
Point of Contact: See Allan Austin drawings (last revision @ 02/06/23) beginning at ([HOR Pg. 65](#))
DS-3242: UNKNOWN
HO Hearing Date: **2023/04/19**
HO Report No: [HO-23-019](#)
Minutes Item No: 3
Status: [Approved](#) In favor: Aaron Magagna, Kimberly Kantrud and Brittany Biesterfeld
Opposed: Judi Strang, Barbara Gordon and Peggy Walker
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7494
Project No: [PRJ-1054172](#)
CUP No: [3162252 No Results Found](#)
Recorded CUP No: As of 02/05/2024 there was no record found in the SD County Recorder Database.

Comments: This project does not look to be a buildable project. In fact it falls into a category we refer to as [Questionable CUPs](#). Notwithstanding the fact that this is Gina Austin's husband, who is not a licensed architect, did the design, I do not see how this ever gets an actual building permit. Instead, this looks to be a placeholder project that allows the approved project to sit for up to 3 years without anything getting done and a better location within the district can be found. What tends to be the giveaway is when the CUP is not recorded because construction was never begun and finalized. After nearly a year, this CUP has yet to have been filed with the County Recorder.

Project Name: 4575 CAMINO DE LA PLAZA NEW CANNABIS OUTLET, Process Three Decision
APN: 666-400-10-00
Property Owner: BAJA-MEX INSURANCE SERVICES, INC
Applicant Permittee: Jilette Joseph Yousif ([HOR @ Pg. 28](#))
Point of Contact: Kristi Beyers Architect ([HOR @ Pg. 30](#))
DS-3242: UNKNOWN
HO Hearing Date: **2023/06/21**
HO Report No: [HO-23-025](#)
Minutes Item No: 1
Status: Approved Subject to Permit Conditions. In favor: Gina Austin and Kristi Byers.
Opposed: Barbara Gordon, Kathleen Lippitt, Judi Strang and Kelly McCormick
PC Hearing Date: No Appeals Found
PC Report No: No Appeals Found
PC Status: No Appeals Found
Resolution No: HO-7501
Project No: PRJ-1061754
CUP No: PMT-3159485
Recorded CUP No: As of 02/05/2024 there was no record found in the SD County Recorder Database
Permit Holder: UNKNOWN

Comments: Team Gina is in favor while her regular band of opponents incessantly opposes issues that have no relevance at Hearing or Planning Commission levels. I wonder just what their compensation is for showing up at these events. It would be interesting to know if they have ever once prevailed when the opposing party happens to be a Gina client. Of note, Kristi Byers has been the architect on other Gina Austin projects.

Project Name: 909 Cardiff Street Cannabis Outlet, Process Three Decision
APN: 577-380-08-00
Property Owner: MWG Holdings Group, LLC ([DSD Website](#)) or LATO Investments, LLC ([HOR @ Pg. 24](#))
Applicant Permittee: MWG Holdings Group, LLC ([DSD Website](#)) or 909 Cardiff Holdings LLC ([HOR @ Pg. 24](#)) Tom Sheridan @ [Sheridan Law Group](#)
Point of Contact: Brian Saltzman, TSAC Engineering ([DSD Website](#)) and Alan Gilbert
DS-3242: Tom Sheridan, MWG Holdings Group ([DSD Website](#))
HO Hearing Date: **2023/09/06**
HO Report No: [HO-23-028](#)
Minutes Item No: 4
Status: [Approved](#) In favor: Armand King, Garry Rollins and Thomas Sheridan. Opposed: David Hetzer, Barbara Gordon, Kathleen Lippitt, Becky Rapp and Judi Strang
PC Hearing Date: No Appeal Found
PC Report No: No Appeal Found
PC Status: No Appeal Found
Resolution No: HO-7521
Project No: [655750](#)
CUP No: [2400710](#) issued 10/10/2023.
Recorded CUP No: [2023-0272420](#) Owner / Permittee: LATO Investments, Matthew Calogna @ Pg. 7.

Comments: This looks to be a properly processed CUP application with, unlike others, the CUP being recorded the same day it was approved. The only other thing that keeps jumping out at us is how the same group keeps opposing these projects and they don't seem to ever have any success. Who is paying them to keep showing up for these when clearly no one else in the community seems to have a problem with the businesses or maybe they aren't being properly noticed. In any event somebody ought to reach out to Judi Strang and her gang and let them know that their career in opposing these projects is at or near an end as all the CUPs have been issued. Time to find another crusade.

CONCLUSIONS

After considering the many issues raised in this Report one must also realize that the practice of "place-holding" exists when the CUP is approved but never recorded. This allows certain individuals to take control of what is one of only four CUPs that are allowed per Council District. If there is not a Recorded CUP No. associated with the project, or the project never gets built and opened for business, that may very well be what is occurring with that project. Why would one wish to do that? Because during that 3 year window between CUP approval and having the CUP recorded, the CUP ties up any competing CUP and it allows the owner of the approved CUP the ability to buy a different, i.e. better property and put that application through until the last minute where DSD "informs" them that there are no more CUPs being processed for that District at which time they rescind the place-holder CUP making the new project not only available for application but not likely to have ANY competition because they control the when and where that application is being

submitted. As illustrated in this project comparison report, [Questionable CUP's](#), these place-holders are completely unbuildable as an Adult-Use Cannabis Dispensary and how, given their locations they even got approved in the first place is highly questionable.

I've raised the issue earlier in this Report that we believe there is a strawman opposition team in place that someone, maybe from within the city-DSD or perhaps managed by one of the more unscrupulous lawyers, or perhaps a former head of DSD who is now a lobbyist for the cannabis cartel, who seem to have their way with DSD and application process. I really did not want to go down this rabbit hole, but I believe it must be understood. I'm going to pick on Judi Strang who has been opposing projects just within this Report over a dozen times. It seems like she is at damn near every project to oppose it. She never wins. She is always arguing issues that are not germane to the issues in front of a HO or Planning Commission. She has been making these arguments, unsuccessfully, for years. Don't take my word for it. Go to our [Planning Commission Deep Dive](#) and search her name. Judi and her group of loyal, canned opposition can be seen appearing on these issues since 2015. The same people. Interrupting their lives. Driving hundreds of miles to express opposition for regions well outside where they live. Who does this? Who can afford to do this? IMO their only function was to make it look like there was opposition so the approval of these projects would like DSD, the HO's and the Planning Commission had been doing their jobs. Sadly, with everything else we'll see here, that just has not been the case.

The issues raised here begin with missing documentation in the HO Minutes, missing HO Reports, missing PC Reports, projects that have recorded CUP's and some that do not. There needs to be an investigation done that holds those accountable for public trust so that we can be sure those in government are not self-enriched in what has been a position of trust. Trust in their fairness. Trust in the process. Trust that we will be heard. That is not what we have witnessed here, and evidence raised here begets even more questions and concerns if we were to explore all those adult-use applications filed before the 2019 period this Report began at.

What happens next will depend upon who reads this and how they choose to respond. We've made the decision to spend quite a bit of time researching this. If we're wrong anywhere, please tell us where. Does this go beyond even what has been reported here? It does. To that end there have been to date 15 Grand Jury Complaints filed seeking that a Grand Jury be convened to seek out the myriad twists and turns that have evolved with adult-use cannabis licensing. If you wish to see those complaints, they can be found at [Justice4Amy.org](#) in Section 17.

Darryl Cotton and Tiffany Knopf

SUPPORTING DOCUMENTS

[2014/09/08: City of San Diego Active Code Enforcement Cases](#) How is it that Ebon Johnson, and others, qualify for a CUP in the City of San Diego, after they have been identified as engaging in unlicensed cannabis activities?

[2015/03/12: San Diego Planning Commission Hearing](#) testimony of Attorney David Demian and Benjamin Zobal regarding the CUP Application process, it's inequalities and in the case of Zobal the Appeal process to deny competitors an opportunity to compete on a fair and level playing field. Alos hear the Demian and Zobal speaker testimony @ [2:24:46](#)

[2015/05/28 @ 3:05:15](#): San Diego Planning Commission Speaker Thomas Perkins Testimony re the inequalities in how the process is “Steering the System.”

[2016/12/13: Attorney Robert Ottilie Letter](#) Demanding Commissioner Anthony Wagner’s Recusal.

[2016/12/14: Attorney Ottilie Letter](#) to Commissioner Haase

[2016/12/15: Planning Commission Speakers](#) Ron Slayen, Scott Chipman and Robert Ottilie on the mishandling and unlawful approval of Adult-Use CUP applications and conflict of interest claims.

[2018/12/06: Planning Commission Minutes](#) Item 4 Commission Chair Peerson’s Recusal due to a financial conflict of interest on an Adult-Use CUP decision. Also hear the Peerson recusal @ [2:00:17](#)

[2019/02/14: Ethics Training Manual](#) for Planning Commission

[2019/06/06: Planning Commission Minutes](#) Page 3 Commission Comments “Gaming the System”

[2019/07/31 DSD and My Story of Setbacks](#) shows an intimate look at a **recorded** Hearing Officer Hearing where the same strawman opposition occurs (Judi Strang, Abhay Schweitzer, Jessica McElfresh, James Bartell) and they never argue that there are not one but two licensed childcare facilities within the sensitive use area that would have prohibited the project from being approved. To have done so would have raised issues that could have gotten the project denied and when you are a strawman opponent the real reason you’re there is to make it look like you’re opposed when in fact you are not.

[2019/09/26: Planning Commission Update](#) on Cannabis Permitting

[2019/09/26: William Perno City of San Diego Cannabis Cup](#) Issues Presentation

[2019/10/24: Planning Commission Minutes](#) re Item 2 12th Code Update, Phase 2 with speakers in favor: Phil Rath, Khoa Nguyen, Gina Austin, Jimmy Morrison, Jessica McElfresh, Marcela Escobar-Eck, Matt Adams, Spencer Andrews and Brittany Biesterfeld. Opposed: Natalie Wack, Enrique De La Cruz, Cynthia Sanchez, Allison Wall, Kathleen Lippitt, James Frost, Becky Rapp, Peggy Walker, Terri-Ann Skelly, John Misoni, Lorrie Frost, Marian Novak, William Perno, Marsha Lyon, Macy Baum, Lisa Bridges, Mary Badiner, Dawn Kamali, Fabian Alvarez, Ralph Staples, Danna Staples, Nancy Turk and John Wade

[A video of this Hearing/Item with all speakers can be seen beginning @ 27:17](#)

[2021/12/02: Report to the Planning Commission](#) re AMENDMENTS TO CANNABIS OUTLETS.

[2022/March: City of San Diego](#) Cannabis Outlet Status Report

[2022/01/12: City of San Diego](#) Memorandum on Requests for Reconsideration.

[2022/01/26: Councilmember Whitburn](#) PC Request for Continuance PC-21-062 Cannabis Outlets

[2022/09/01: Report to the Planning Commission](#) re Proposed Cannabis Municipal Code Amendments

[2022/09/08: PC Hearing Item No. 5](#) re SDMC Amendments with the following speakers: Barbara Gordon, Gina Austin, Becky Rapp, Judy Strang, Kelly McCormick, Gina Austin, Brittany Biesterfeld, Aaron Magagna, and Kathleen Lippett.

[Attachment 1](#) Community Planning Committee Minutes

[Attachment 2](#): Public Notices

[Attachment 3:](#) Stakeholders Correspondence. (*Gina Austin resorts to telling the PC they need to keep the bad actors out of the industry. This is an astonishing letter in that she exports the PC to correct many of the issues she has relied on to put those bad actors into CUP interests.*)

[Attachment 4:](#) SDMC Amendments

[2023/05/24: Could this happen in La Jolla?](#) Here we look at the effects having a pay-to-play dispensary put in where the City rushed the application process through and was so intent on seeing this dispensary approved on their “expedited” level (7 months start to finish) that they couldn’t be bothered by a traffic engineering report, or stamped drawings, that would determine the impact adding this business, at this location, would have on traffic patterns and the surrounding communities. Four years after that dispensary opened, these are the results. Why might you ask? Follow the money. It’s another Gina Austin/Aaron Magagna project coordinated through DSD Project Managers Firouzeh Tirandazi and Cherlyn Cac.

[2023/09/18: Potential Conflicts of Interest Report](#) within the City of San Diego Planning Commission.

[2024: City of San Diego Flow Chart for Discretionary Permits](#)

[2024/02/05 SD Union Tribune Judge Decides Against Razuki in Civil Case for Having “Unclean Hands”](#) What this reporter failed to report was that this case evolved between two business partners who were trying to establish licensed adult-use cannabis businesses. And that, in his [2018 Complaint](#), Razuki had oral agreements, superseding the written agreements which gave him 75% ownership (Pg’s 5:24-7:9).

The REASON Razuki could not disclose these interests is because he had been sanctioned by the City of San Diego and would have been ineligible to qualify for those licenses if he had been disclosed, as required by law, as a 20% or greater interest in these licenses.

[2024/02/06: SD Union Tribune City of Chula Vista is Sued](#) for Failure to Follow Their Own Licensing Rules.

[2023-2024 There are numerous Grand Jury Complaints](#) @ Section 13 which have been filed that expose the corruption that exists in licensing cannabis and certain bad actors that “game the system.”

ATTACHMENTS

[Attachment 1:](#) October 16, 2023, City of San Diego chart showing all Approved Cannabis Outlets within the City as well as our correlation to what Hearing Officer Reports are accessible to the public to assure the Hearing Officer Hearing was conducted and what the minutes reflected from that Hearing.

[Attachment 2:](#) February 3, 2024, 2013-2023 evaluation of all Hearing Officer Reports available on the City of San Diego DSD website. We did this so that any anomalies in the way the Reports are being posted to when we found missing Report numbers within the normal sequence these Reports and posted to their website. The Hearing Officer Hearing is a critical function to being awarded a CUP. It is also not a recorded event so there is no way, short of being at the Hearing, the public can review what took place at that hearing. In addition to everything else we discovered in this Deep Dive Report, the hardest thing to accept is that there are actual Hearing Officer Reports which are NOT in the system and it’s clear that the purpose to avoid having these Reports online is meant to hide, in plain sight what was done by those who seek to monopolize this industry.