

DECLARATION OF DARRYL COTTON re THOMAS AND ANJANETTE PERKINS

October 17, 2025

I, DARRYL COTTON, declare as follows:

This Declaration describes the events that happened to Thomas and Anjanette Perkins and Anjanette's elderly mother Linda Nunes (collectively the "Perkinses") during their 2014 application for a medical marijuana license in the City of San Diego ("City"). These applications were being awarded to those who qualified under a Conditional Use Permit ("CUP") that were very limited in number (4 per Council District – 36 citywide) and were based on strict zoning and applicant background screening. It is the limited number of these CUP's and the failure to perform the legally mandated background checks that led to the issues I will address in my Declaration.

In 2016, I owned a commercial property that based on zoning, qualified as a location where a CUP application could be submitted. I had no experience in this type of application, so I relied on certain so-called "professionals" who purportedly had that experience. The decision to pursue a CUP turned into the worse experience of my life. It was an application process replete with fraud and pay-to-play orchestrated by the "professionals" who represented me and the City officials who administered the application process and what I came to discover, was collaborating with those professionals. The CUP application process favored the few who were ever actually going to be granted a CUP because, as will be shown within, the City, in league with the "professionals," went through the motions of making the CUP application process fair and transparent but given the way the process was administered by the City, was anything but.

It is through my experiences that I discovered the corrupt CUP application and award process is not limited strictly to me. Over the years I began a campaign of researching all the CUP applications and identifying applicants who had similar experiences and in some cases, even had the same "professionals" involved in their application process¹.

In my research, I identified the Perkinses CUP application and saw that their application involved many of the "professionals" I had encountered during the CUP application at my property. I saw the same patterns of fraud and deception that occurred with the City and these "professionals." It caused me to reach out to them and hear their side of the story.

SECTION I. THE PERKINS CUP PROCESS

In August 2023, I contacted Anjanette Perkins ("AP") [via a private Facebook message](#) while in the process of creating my [May 13, 2024, Deep Dive Steering Document](#) ("Deep

¹ I began cataloging and posting my findings on two websites I built and can be found at 151farmers.org and Justice4Amy.org with both sites having litigation sections which provide vast evidence of what is described in this Declaration.

Dive”) report which focused on the widespread CUP fraud and abuse that I discovered existed in the City’s CUP application processes between 2014 and 2020.

Shortly after our FB correspondence AP and her husband Thomas Perkins (“TP”) agreed to speak with me. Following our phone conversation we all agreed that their April 17, 2014, CUP application for their 3430 Hancock Street property (“3430-PERKINS-CUP”) had serious processing issues that needed to be explored in far greater detail.

Our examination of the 3430-PERKINS-CUP process requires we compare and contrast their experience, *de facto*, with the experience they were entitled to have, *de jure*, with the City’s Development Services Department (“DSD”) administration and the appeal process they undertook with the City’s Planning Commission. What the Perkinses confirmed for me was that, based on their specific case², the City has created a CUP application process that by design, was, and continues to be, defective in that it was done on a supposedly, *de jure*, First-**Completed**-First-Approved (“FCFA”) basis, that was in reality a *fait accompli* for the City-favored competitor.

The underlying fault with this alleged FCFA process is that licenses are awarded regardless of what may be either an application submission earlier, or a better qualified of a competing applicant. Nor does it appear that the favored few are even held to the requirement that their application be fully completed prior to a CUP application being approved. In the specific example of the 3430-PERKINS-CUP application, this failure to require all applicants to have completed **every** step of the CUP application process, prior to approval, denied the Perkinses their 14th Amendment, guarantee of “*equal protection of the law.*”

This uneven application of the law, in turn, creates a fertile breeding ground for the corruption that damaged not only the Perkinses’ CUP opportunities, but continues to this day in the City’s pay-to-play administration of these highly coveted licenses, as these licenses provably go to certain bad-actor applicants who have purchased favor and influence with corrupt City employees.

Among the obvious anomalies I discovered when compared to ANY non-cannabis CUP application process within the City, was that certain bad-actor applicants could and did get ahead of others during the application process by covertly delaying those who had applied before them. The most serious anomaly to be found in the City’s processing of *favored* CUP applicants is the deliberate failure to require completion of the legally mandated background check. As this background check is a required part of the application process, the application is categorically **not** completed until this mandated³ background check is on record as having been completed!

² The Perkinses’ is one of at least 8 cases having significant, even overt, anomalies in the City’s processing and award of these CUPs. The cases are all described and documented within the Deep Dive Report.

³ See BPC § 15003 (all) “Owners of Commercial Cannabis Businesses. (a) An applicant for a commercial cannabis license or a licensee shall disclose all owners of the commercial cannabis business. An owner of the commercial cannabis business includes all of the following: (1) A person with an aggregate ownership interest of 20 percent or more in the commercial cannabis business, unless the interest is solely a security, lien, or encumbrance. For

Thus, no CUP having been approved without the requisite background check having been part of the application procedure prior to CUP approval, is operating legally. Therefore, any of the CUP applications who were competing with another CUP after its unlawful approval, have been harmed by the City's un-*"equal protection of the law."*

The Perkinses told me they had been somewhat suspicious of the process and the legal representation they had during that time which although that representation did set forth some of the basic inequities of the City's process, in hindsight, their attorneys could have sought immediate judicial relief by, for example, the filing of a Verified Petition for a Writ of Mandate seeking a Temporary Restraining Order, suspending the Cannabis Licensing Application Process until such time as the City could show cause why every applicant was not being given *"equal protection of the law."* The same protection is found in ALL City non-cannabis CUP applications. The Perkinses had every reason to be suspicious. That judicial challenge was never made.

The Perkinses were represented by attorney [Jessica McElfresh](#) ("McElfresh") of McElfresh Law, a self-proclaimed expert in cannabis law and regulation who would represent, "guide," them through the license application. Attorney [Donna Jones](#) ("Jones") of Shepard Mullin was hired to represent them at the appeal stage of the process. Jones recognized early on that the process was flawed and conveyed that to AP.

FW: follow up

From: Donna Jones (djones@sheppardmullin.com)
To: contact@freshselection.org; sdcpc@yahoo.com
Date: Monday, April 20, 2015 at 02:53 PM PDT

Hi Anjie,
Edith seems to be saying that Adam passed his background check, as did 8 other responsible persons, with 4 still in process. I'm just not sure if all 12 persons are associated with 3452 hancock, or if she's giving me the summary for all MMCC Facilities (even still, I don't think that 12 have been approved yet, so the numbers don't make sense to me).

Given what you've told me and shown me, it appears that illegally operating a dispensary is not of concern to the City and that it seems quite easy to pass the background check, unfortunately for all of us.
Donna

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purposes of this section, "aggregate" means the total ownership interest held by a single person through any combination of individually held ownership interests in a commercial cannabis business and ownership interests in an entity that has an ownership interest in the same commercial cannabis business. For example, a person who owns 10 percent of the stock in a commercial cannabis business as an individual shareholder and 100 percent of the stock in an entity that owns 10 percent of the stock in the same commercial cannabis business has a 20 percent aggregate ownership interest in the commercial cannabis business." (See [CA Department of Cannabis Control Medicinal and Adult Use Cannabis Regulations at Pg's. 23-24](#))

The 3430-PERKINS-CUP competed with a CUP at 3452 Hancock Street. There the applicant was Adam Knopf (“Knopf”). Knopf was represented by another self-proclaimed expert in cannabis law and regulation, attorney [Gina Austin](#) (“Austin”) of the Austin Legal Group for the 3452-KNOPF-CUP.

SECTION II. CUP COMPARISONS, EXPOSING THE FRAUD

The City’s Development Services Department (“DSD”) accepts CUP applications and upon the applicants successful **completion** of the various application forms and plan submissions, DSD will first provide a REPORT TO THE HEARING OFFICER, which provides a DSD recommendation for the Hearing Officer to deny or approve the CUP.

If that decision is challenged on appeal, DSD will then provide a REPORT TO THE PLANNING COMMISSION which provides the Planning Commission with a DSD recommendation for a vote to deny or approve the CUP. Of note, there is always someone on the Planning Commission Dais who is an attorney such as [Deputy City Attorney Shannon M. Thomas](#) (shown inactive) with the City.⁴ Since both of these CUPs went to appeal, I can make some processing comparisons that are well worth noting here;

- 1.0) [March 25, 2015, 3430-PERKINS-CUP, DSD REPORT TO THE HEARING OFFICER](#), Page 30 there is City Ownership Disclosure Statement that was signed by the applicant and the owner of the property dated 04/17/2014. DSD recommends (1) the CUP be approved with modifications or (2) the CUP be denied if certain findings cannot be affirmed.
- 1.1) [March 25, 2015, 3430-PERKINS-CUP. Hearing Officer Minutes at Item No. 8](#), the Hearing Officer DENIED the 3430-PERKINS-CUP.
- 1.2) [May 20, 2015, 3430-PERKINS-CUP, DSD REPORT TO THE PLANNING COMMISSION](#), At page 2, DSD shows a single appeal filed by Donna Jones. Staff [DSD] recommends denial as there is already an approved CUP [the 3452-KNOPF-CUP]

⁴ Attorneys in the City’s Land Use Unit assist city staff and the PC with all legal aspects of public and private development projects, including those related to permits, zoning, and environmental regulations. While not a requirement they be at the PC Hearings they will attend as non-voting members to offer legal advice on land use and development and to answer legal questions and offer legal opinions that may arise during a hearing.

There are statements and evidence on the record, submitted by attorneys and the public, that the CUP processing is replete with fraud and favoritism. Based on the seemingly complete lack of corrective action in response to these statements and evidence, the Deputy City Attorney completely ignored these allegations in an egregious act of both deliberate indifference and willful negligence. This violates their duties as Officers of the Court and abnegates their sworn Duty of Due Diligence which require addressing such allegations.

within 1,000 feet of another MMCC” (See page 3). The Jones appeal can be found beginning at Pg. 43.

- 1.3) [May 28, 2015, 3430-PERKINS-CUP, Planning Commission Minutes at Item 11](#) Mr. Thomas Perkins made a speaker appearance at this hearing in which he made the Planning Commission aware of the anomalies in the City’s processing of their appeal. (See Thomas Perkins speak on the [05/28/2015 Perkins-Video @ 3:05:15](#))

Mr. Perkins was delivering his comments to the Commission as someone who has many years’ of experience in the cannabis industry and was keenly aware of what the licensing and regulatory requirements were which guided the lawful operation of the industry. Despite that experience the Planning Commission, and with City Attorney Shannon Thomas present, ignored Mr. Perkins’ comments by denying the appeal. Of note there was only one nay vote on this item and that was Commissioner Theresa Quiroz.

- 1.4) On [December 26, 2023, I reached out to Commissioner Theresa Quiroz via an email](#). Given the evidence I provided her in my email and that she had been the ONLY NAY on this 3430-PERKINS-CUP, I had asked for her help in exposing the corruption in the CUP process. This was a significant vote by Quiroz as she also voted nay, on the 3452-KNOPF-CUP on March 19, 2015. (See also *infra* at ¶ 2.6)

Quiroz **knew this was a scheme and was not willing to go along with it**. Voting nay on a project that, based on the 3452-KNOPF-CUP having been approved months earlier and because the 3430-PERKINS-CUP was within 1,000 feet of the 3452-KNOPF-CUP, became her only way of resisting what was the Planning Commission’s attempt to make this look like a fair and transparent process. It wasn’t and Quiroz, having presided over numerous adult-use appeals during her tenure on the Planning Commission, was acutely aware

With her nay vote, which meant for the record she was in favor of granting the Perkinses their CUP, a “*legal*” impossibility with the setback rule of 1,000 feet. That nay vote became her way of stating that in addition to her numerous comments over her years on the Planning Commission and catalogued in the “Deep Dive,” which she has regularly made about the unlawful process the City was engaged in, she was not willing to sit idly by and not inform the world what the City, Austin and others had done with the unlawful adult-use cannabis licensing process they were engaged in. A process that continues to this day.

After sending Ms. Quiroz that email, a week later, in her short reply, Quiroz declined stating, “I’m afraid I would be unable to help you in this matter.”

- 2.0) [December 3, 2014, 3452-KNOPF-CUP, DSD Report to the Hearing Officer](#), dated December 3, 2014. At page 29 there is a 2 page Ownership Disclosure Statement

dated 04/23/2014 which was signed by Knopf as the applicant. DSD recommends (1) the CUP be approved with modifications or (2) the CUP be denied if certain findings cannot be affirmed.

- 2.2) [December 3, 2014, 3452-KNOPF-CUP, Hearing Officer Minutes at Item No. 8](#), the Hearing Officer, APPROVED the 3452-KNOPF-CUP with those most notably in opposition being Jones, McElfresh and the Perkinses.

During the March 12, 2015, Planning Commission Hearing, attorney David Demian appeared and told the Commission that the Hearing Officer for the 3452-Knopf-CUP was told by [DSD] staff to NOT CONSIDER Knopf's background of having operated unlicensed dispensaries (a disqualifier under SDMC, Ordinance No's 20793 and 20794 and CA BPC §§ 19323/27057) in the City. (See the [03/05/2015 Hearing Transcript at Pg. 2:1-15](#))

- 2.3) [March 5, 2015, 3452-KNOPF-CUP, DSD REPORT TO THE PLANNING COMMISSION](#)
DSD cited 3 appeals with their Report, two of which were filed by attorneys, one of which was filed by Jones, citing City processing errors in the 3452-KNOPF-CUP approval. (See the [DSD REPORT TO THE PLANNING COMMISSION at Pg. 47](#))

DSD staff recommended the Planning Commission deny the [Jones] appeal and uphold the Hearing Officers decision to approve the 3452-KNOPF-CUP with the modified conditions. (See the [DSD REPORT TO THE PLANNING COMMISSION at Pg. 6](#))

- 2.4) [March 12, 2015, 3452-KNOPF-CUP, Planning Commission Minutes at Item No. 8](#), the Planning Commission continued the 3452-KNOPF-CUP to March 19, 2025. Notably those present in favor of the project were, Gina Austin, Michael "Biker" Sherlock and Brad Harcourt⁵. Notably, the opposition included Jones, McElfresh, the Perkinses, Benjamin Zoback⁶, David Demian and Scott Chipman. **All told there were approximately 67 speakers at this hearing with many more in the gallery.**

⁵ The support of Michael "Biker" Sherlock and Brad Harcourt for the 3452-KNOPF CUP is significant in that Biker and Harcourt were applicants on another fraudulently issued CUP located at 8863 Balboa Ave.

Following Biker's purported suicide, shortly after being awarded that CUP, Knopf, along with attorney Austin as the getaway driver forcibly took over that Balboa dispensary and stole product and cash from the dispensary in direct violation of a court order assigning [Michael Essary](#) as the court appointed receiver to operate that business. It was never Austin's or Knopf's to forcibly take over.

⁶ Benjamin Zoback aka Zobal (typo?) in the minutes, speaks at [2:28:10 into this March 12, 2015 Hearing Video](#) and his statement can be read in the [Hearing Transcript at Pg. 3:7-15](#) in which he lets the Planning Commission know that he was an unwitting strawman appellant at multiple "appeals" who, although he was not comfortable saying who put him up to it, filed nine bogus appeals (See the [November 2014 SDUT article that interviews McElfresh re the mysterious Zoback at Pg. 2](#)) so as to delay the competing CUP's from being heard e.g. the 3452-KNOPF CUP,

This Item continued by COMMISSIONER ANTHONY WAGNER and seconded by COMMISSIONER JAMES WHALEN and COMMISSIONER DOUGLAS AUSTIN (all are proven collaborators with Austin and the cannabis industry⁷) is highly suspect

which once approved would make ANY competitor within 1000 feet of the KNOPF dispensary, ineligible for a CUP approval.

TP was able to get a copy of the Zoback appeal only because he witnessed Zoback provide copies of his appeals to the Planning Commission, he was able to request and did receive the copy shown here through a City Public Records Act request. DSD did not include the Zoback appeal in their May 20, 2015, REPORT TO THE PLANNING COMMISSION. Whether through honest error or malfeasance this is a violation of the appeals process. It is only a result of the 3430-PERKINS-CUP being delayed by the Jones appeal that the City found the Zoback appeal was unnecessary to delay the process in favor of the 3452-KNOPF-CUP that they withdrew it from their May 20, 2015, REPORT TO THE PLANNING COMMISSION. (See ¶ 1.2, *supra*)

⁷ In the December 15, 2016 statements made to the Planning Commission by Scott Chipman and attorney Robert Otilie they describe the serious conflicts of interest that exist within the Planning Commission beginning at [14:40 into the video](#).

Additional evidence of these conflicts can be supported by Whalen's [2016 Statement of Economic Interest, CA Form 700](#) where he lists Good Earth Plant [cannabis] Company as having paid his consulting group, J. Whalen Associates Enterprises over \$10K (Pg. 13) yet he, like some of the other Commissioners sit on the Planning Commission deciding who will get these coveted CUPs and who will not and the Deputy City Attorney, [Shannon M. Thomas](#), (inactive license) who was present at a number of these hearings, listening to speakers and privy to the Commissioners Statements of Economic Interests filed with the City, does NOTHING to correct these unlawful conditions!

Commissioner Douglas Austin, who decided on the 3452-KNOPF-CUP approval in which MEDBOX, a cannabis venture with Knopf is listed on his [2016 Statement of Economic Interest, CA Form 700, amended for 2014 contributions](#) as having contributed over \$10K to his AVR Studios consulting group.

Commissioner Anthony Wagner in his leaving office [2017 Statement of Economic Interests, CA Form 700](#), lists his consulting group Wagner Consulting DBA Wagner & Associates, LLC as having received over \$10K from the Southern California Responsible Growers Council.

Commission Chair Susan Peerson in her leaving office [2020 Statement of Economic Interests, CA Form 700, for 2019](#) lists having received money from [Atlantis Group](#), a consulting firm owned by her husband, Ted Shaw and former City DSD Director, Marcela Escobar-Eck. Peerson's conflicts of interest when deciding adult-use CUP licenses can be seen in the listing of Atlantis Group, Peerson Design Consult, Inc., and Aaron Magagna a partner with Knopf on cannabis businesses and a client of Gina Austins.

In a separate but related action to the Planning Commissions overt acts to continue the CUP processing scam, City Councilmember Stephen Whitburn's Chief of Staff, Jesus Cardenas, along with his sister, former City of Chula Vista Councilmember Andrea Cardenas in a [SDUT article dated August, 20, 2022](#) the pay-to-play lobbying by Jesus's private lobbying group, Grass Roots peddled cannabis license influencing and other illegal activities.

On November 1, 2023, criminal charges were filed in [THE PEOPLE OF THE STATE OF CALIFORNIA v. ANDREA CARDENAS and JESUS ADRIAN CARDENAS, Case No. CD301047](#), alleging, (1) CONSPIRACY TO DEFRAUD ANOTHER OF PROPERTY, (2) GRAND THEFT OF PERSONAL PROPERTY i.e. SBA fraud, (3) CONSPIRACY TO COMMIT A CRIME i.e. PPP Loan Fraud, (4) MONEY LAUNDERING, (5-7) FAILURE TO FILE TAX RETURN. On February 28, 2024, Jesus entered a [PLEA OF GUILTY](#) to reduced charges as did [Andrea under a separate PLEA OF GUILTY](#).

when there were so many people present to hear the Planning Commission's decision and all public comments for the continued March 19th hearing were closed.

- 2.5) [March 19, 2015, 3452,KNOPF-CUP, Planning Commission Minutes at Item No. 8](#), unlike the March 12th hearing, where there were around 100 people in attendance, there were no speakers present either in favor or opposed to the project at the March 19th hearing. The only person who appeared was Gina Austin who addressed the conditions that had to be met prior to the 3452-KNOPF-CUP approval. The Planning Commission hearing begins at [1:02:07 into the Video \(only the audio is working on what has been uploaded to the City's website\)](#)

At 1:10:24 into this audio, Austin states they had just submitted their background checks "yesterday." **What screams out here is the question, "How was the CUP approved despite Austin admitting the background checks were just submitted the day before, on March 18th? That process takes a minimum of two weeks to complete Based on Austin's own statement, her client, the applicant, Adam Knopf, had NOT been vetted at the time the CUP application was approved!"**

COMMISSIONER WAGNER made the motion to deny the appeal and approve the Hearing Officer's decision to Approve the CUP with modified conditions. COMMISSIONER WHALEN seconded the motion. With that the 3452-KNOPF-CUP was approved with only Commissioners Quiroz⁸ and Peerson voting nay.

- 2.6) On [December 26, 2023, I reached out to Commissioner Theresa Quiroz via an email](#). Given the evidence I provided her in my email and that she had been one of the two nay votes on this 3452-KNOPF-CUP, I had asked for her help in exposing the corruption in the CUP process. A week later, in her short reply, Quiroz declined

Another noteworthy case that highlights City corruption can be found in [DONNA FRYE v. CITY OF SAN DIEGO](#), Case No. 37-2017-00041323-CU-MC-CTL first filed in October 2017, when [Frye, a former City Councilmember between 2001 -2010](#) would charge the City with violations, *inter alia*, of the California Constitution on City "Conflict of Interest" Policy as it promotes "Secrecy." (See also Frye's [07/26/2019 Supporting Exhibits](#) and the [03/16/2022 Stipulated Order in Favor of Frye](#).)

⁸ In her comments at [1:13:08 into the Hearing](#), Commission Quiroz, in forming her nay vote opinion, raised a very important point in that the appellants for this project were not notified or given the modified plans that were the purpose of this hearing. From the March 12th hearing to the March 19th hearing, the schedule was set so that the process would amend and modify the 3452-KNOPF-CUP March 12th hearing for the applicant to respond, not the appellant. In fact, the Planning Commission voted to make public comments closed for the March 19th Hearing.

This was debated at [1:26:51 into the Hearing](#) by Commissioner Austin as a procedural question to which Chairperson Golba responds that the March 19th Hearing was placed within 7 days of the March 12th Hearing, as they, the Planning Commission, made a "conscience decision [at the March 12th Hearing] to see less materials from the applicant as there was only a 7 day window to respond." The Planning Commission did not want to consider any further testimony in support of their appeals. This is yet another denial of "*equal protection of the laws*," under color of law.

to help stating, "I'm afraid I would be unable to help you in this matter." (See also *supra* at ¶ 1.4)

SECTION III. THE INCONTIVERTIBLE EVIDENCE OF THE FRAUD

On 12/14/2023, Knopf's former wife, Tiffany Knopf provided an Affidavit which states that Adam Knopf would, "over the course of years deliver weekly cash payments of between \$10K-\$20K... which was used to bribe City of San Diego officials in pay-to-play agreements for preferable treatment in the issuance of cannabis permits...Gina [Austin] was at these meetings." ([Tiffany Knopf Affidavit, Page 6 at ¶ 68\(c\)](#))

This was the 3452-KNOPF-CUP the Perkinses, and their attorney Donna Jones had been fighting against. They never had a chance. Furthermore, the associated attorney who was representing the Perkinses in the CUP application process. Jessica McElfresh was and is, an agent that covertly works for, and on behalf, of attorney Gina Austin.

McElfresh⁹, like Austin¹⁰, is complicit in Austin's criminal activities and serves as a direct conduit to Austin's ear in manipulating the process within the City. Based on the quality of Jones's legal work for the Perkinses, I am fairly certain she was unaware of this relationship.

The Perkinses have been an invaluable resource into uncovering much of what has been described here. In fact, we had set up a shared drive folder which AP used to share CUP related information with me. In that folder she provided me with all her [2014/2015 Perkinses' emails](#) (Highlighting Pg's 537, 545¹¹, 560, 566, 573, 577, 624, 629 and 635) that illustrate the

⁹ May 2017, in [THE PEOPLE OF THE STATE OF CALIFORNIA v. JESSICA MCELFRESH ET AL, Case No CD272111](#) McElfresh was named in 7 of the 12 felony charges that stemmed from her active participation to engage in the unlicensed, unpermitted manufacturing and distribution of marijuana with her client, MedWest.

While McElfresh did eventually enter into a [July 2018 DEFERRED PROSECUTION AGREEMENT](#) over these charges, there is no denying the fact that McElfresh is an unethical criminal who will go into business with other criminals when the undeclared cash profits from the sale of cannabis sales is as lucrative as it is. Both her and Austin should have been disbarred years ago. The fact that they still have BAR cards and push their criminal acts through the veneer of judicial legitimacy is a fraud against our entire system of justice.

¹⁰ In the [July 30, 2018, RAZUKI v. MALAN et al, Case No. 37-2018-00034229-CU-BC-CTL](#), Austin provides a Declaration on behalf of her clients Malan wherein she describes the getaway driver role she played (See Pg's. [716:1-717:3](#)) and the detailed violations of state and local law that a court ordered receiver would be in violation of, specifically "...failure to obtain the requisite background checks and permits." (See Pg's. [717:12-718:14](#))

¹¹ In this email Jessica McElfresh feigns ignorance that her friend and colleague was representing Knopf. This is ludicrous since it was an extremely small group of attorneys that represents these client/CUP applicants and Austin is one of those very few which of course McElfresh would had to have been aware of how the planets aligned in a competitive CUP environment especially since she was interviewed by the [SDUT in November 2014](#) regarding the appeals process being abused, which was prior to her representation of the D&D Cooperative.

What Zoback did by appearing at that hearing is make a record of what is now, indisputably something the City should have taken correction action. They did nothing. Furthermore the [Zoback Appeal for the 3430-PERKINS-CUP](#)

dialogue that was occurring between them and their attorneys. During a phone call I recently had with them, the Perkinses agreed that they would like to be cc'd on any communication that includes this Declaration as their family has suffered both financial and emotional damage by the City and Gina Austin's actions in their CUP denial.

In the Perkins/Jones arguments before the Planning Commission it was brought to the Commissioners and Deputy City Attorneys attention that the competing Knopf CUP had been given special preference in the awards process. The argument being that any unlicensed activity that would prevent Knopf from qualifying for that license, had been rendered moot by Knopf having purportedly resigned from his unlicensed entity, Point Loma Patients Association ("PLPA") prior to submitting that 3452 CUP application.

Addressing that issue here, that purported resignation was a sham as can be shown in the Tiffany Knopf Affidavit. Therein, she addresses the Adam Knopf "*alleged*" resignation by comparing it to his tax returns, statements and text messages to her to the effect that not only has he owned PLPA since 2009 but, it was "...the City made me change it to a consumer cooperative in 2015 that did not change anything other than a name change." ([Tiffany Knopf Affidavit at ¶¶ 11, 19, 22, 31 and 33](#))

What happened within months of Knopf being approved for his Hancock Street CUP? Knopf's one-time partner, Michael "Biker" Sherlock, after having successfully acquired not one but two marijuana licenses worth millions, was so distraught [?] that on December 2, 2015, Biker allegedly left his home and family after dinner and took his own life on a dark deserted beach in La Jolla.

Knopf has always contended that Biker owed him money so Knopf, with the assistance of Austin, (Biker had been an Austin client) forcibly took over what had been Biker's dispensary at 8863 Balboa Avenue property and in direct violation of a court order (See fn. 10), stole inventory and money from that dispensary, leaving out the back door with Austin "driving the getaway car." Beyond the contempt of court, by violating an order, what is described here meets the exact definition of a felony robbery. Really, nothing happened to Knopf or Austin for having committed this robbery despite it being a matter of judicial record?

Biker Sherlock's death might have been prevented; if Knopf didn't believe he could act with impunity as long as Gina Austin represented him. (See Court Transcripts @Pg. [358:23-26](#), [470:22-27](#) and former Knopf employee, Alexis Bridgewater's Affidavit, an Exhibit in the [Tiffany Knopf Affidavit at EX. R](#))

One of Knopf's partners in the licensed cannabis business at 3452 Hancock Street, Golden State Greens, (formerly PLPA) established as a direct result of the 3452-KNOPF-CUP award was

[was filed and time/date stamped](#) as City received yet it never shows up in the DSD Report as one of the appeals the City received.

Eric Goldberg. During the Goldberg's divorce, his now deceased ex-wife, Dina Goldberg, decided to expose the fraud and corruption she had witnessed, which Knopf and her former husband committed to acquire the 3452-KNOPF-CUP by paying off government officials . (See the [February 19, 2024, Dina Goldberg Citizen Complaint Form filed with the San Diego Grand Jury](#))

Both Gina Austin and Jessica McElfresh¹² are criminals who use their BAR CARDS as tools of their criminality. They use the law as a weapon. The problem for them is that their years of lies and fraud upon the court are now being exposed to "the disinfecting rays of sunlight." This is evidenced, in my [03/28/2025, Petition for Writ of Mandate](#) in which I offer proof the City of San Diego is knowingly forgiving years of unpaid Cannabis Business Tax ("CBT") revenues owed the City but as a result of those licensees being represented by Austin, the City is looking the other way. (See Complaint at [CITY OF SAN DIEGO v. XTRACTA DISTRIBUTION et al, Case No. 37-2022-00020449-CU-CL-CTL](#)) When Austin, in defense of her clients, charged the City with "unclean hands,". (See [Austin's Reply at Pg.3:14-16](#)) the City's response was to Dismiss its Complaint with Prejudice. (See [City's Complaint Dismissal with Prejudice](#))

This failure to pay post audit tax liabilities and allowing the licensees to continue to operate, is an egregious assault on the citizens of our City. Yet nothing is being done to remedy the situation. In fact, the licensees don't pay a dime and continue to operate with no restrictions on their unlawful business activities.

SECTION IV. CONCLUSION

I have no doubt that had Donna Jones prevailed in her 2015 opposition to the 3452-KNOPF-CUP, the conditions she described would not, as they do, prevail today. In our phone conversation of approximately a year ago, Ms. Jones told me that the Perkinses CUP and the City processing of it, had left "a permanent stain" on her, to the point she said she would never represent another cannabis client in San Diego. Ever! In her representation of the Perkinses she struck me as a highly competent and skilled lawyer. In this case, with all things considered, I don't think Clarence Darrow could have done a better job than Ms. Jones or achieved a different outcome.

With the influence Austin has achieved over certain employees of the City, her ability to sway government to her will gives her leverage no attorney should have. It is an open invitation to ongoing corruption¹³. It is a sad reality that could and should have been prevented years ago.

¹² On September 4, 2015, McElfresh created the [Miramar Professional Services, LLC](#). This LLC was used by McElfresh to bring those clients, who may not qualify for a CUP, into a consulting arrangement with McElfresh that avoided having an engagement letter with her as an attorney. In cannabis these tend to be all-cash clients and like Austin's relationship with these clients, gave her the means to bring in revenues without there being an attorney-client relationship.

¹³ In the [May 26, 2025, City of San Diego Master Public Record Act Steering Document](#), PRA No's 23-7108 and 24-1005 should be considered as source material for those government and non-government parties who have had communications in which certain aspects of the fraud are revealed.

To that end I have been given permission to include the Perkinses' contact information as they have agreed to provide additional statements as may be required. Anjanette may be reached at;

Phone: 619.807.7233

Email: anjieperkins@gmail.com

The Perkinses, I, and a growing number of others have decided to come forward and expose these unlawful activities. As a result, I have been repeatedly harassed by the City, been threatened and have had the windows in my car broken several times. Attempts to find justice in the CA State Courts over these matters have been futile. The Courts in San Diego seem beholden to the City when it comes to cannabis law and regulation. Regardless of what is reported¹⁴, nothing gets done.

The issues I've described herein continue to go unchanged, ignored and unanswered. To those who would consider what has been set forth here, the personal risks associated with those of us who have made the decision to expose these unconstitutional acts should not be minimized or taken lightly¹⁵.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on this October 17, 2025, at San Diego, California.

A handwritten signature in black ink, appearing to read 'Darryl Cotton', with a stylized, cursive script.

Darryl Cotton

¹⁴ [2023-2024, Grand Jury Complaints, 21 Total](#)

¹⁵ [October 8, 2025, Cotton Letter to the Federal Bureau of Investigation, Inspection Division](#)