

COTTON AND RELATED CASES CITY OF SAN DIEGO'S CANNABIS LICENSING CORRUPTION TIMELINE

A **Quick View** by Darryl Cotton

March 20, 2025

This Quick View will act as a supplemental overview to my [October 18, 2025 Letter to the FBI](#) which provides a more detailed accounting of what is in this Quick View relative City of San Diego ("City") agencies i.e. the Development Services Department ("DSD") processing of the cannabis licenses as a Conditional Use Permit ("CUP") in the City.

- 1) March 12, 2015, Attorney Gina Austin, representing CUP Applicant Adam Knopf ("Knopf"), appears before the City's Planning Commission ("PC") with approximately 67 people who spoke mostly against the issuance of a CUP at the Knopf location. (See the [March 12, 2015, PC Minutes at Item 8](#))

March 12, 2015, During the PC Hearing, attorney David Demian, amongst others, appeared and told the PC that the Hearing Officer ("HO")¹ 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 and 26001 (al)) (See the [03/12/2015 Hearing Transcript at Pg. 2:1-15](#))

The Planning Commission made no decision but continued the hearing until March 19, 2015, and closed all public comment for that continued hearing.

- 2) March 19, 2015, this continued hearing was closed to public comment. The Planning Commission got to hear Gina Austin tell them, amongst other things, "...we have **submitted all of the background check paperwork yesterday** [March 18th] and so we will have that determination within **2 weeks on the background check** and the City Manager will be making that determination..."

Upon Austin's concluding remarks, the Planning Commission debated, voted and approved the Knopf CUP. (See the [March 19, 2015, PC Minutes for Item 8](#))

The Planning Commission approved the CUP even though the legally mandated background checks had not been conducted. (Hear the [March 19, 2015, Planning Commission Audio-Austin Comments at 1:10:24](#))

¹ In the City's CUP review process, the HO makes the first determination of whether or not the CUP would be granted or denied. The PC process is always an appeal of the HO's decision.

July 30, 2018, Austin proves she is keenly aware of how this disclosure process is supposed to work as she argued on behalf of another one of cannabis clients, Ninus Malan, that when a court appointed receiver was being appointed over Malan's dispensary, Austin argues that the court order violated local and state cannabis law mandatory background checks which had to be conducted **before the license could be issued.** (See [Austin's 07/30/2018 Declaration at Pg's 717:12-718:14](#))

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12 14. Allowing Mr. Essary to control the dispensary is a violation of State law. The
13 Bureau of Cannabis Control ("BCC") requires all owners to submit detailed information to the
14 BCC as part of the licensing process. An owner is defined as:
15 (1) A person with an aggregate ownership interest of 20 percent
16 or more in the person applying for a license or a licensee,
17 unless the interest is solely a security, lien, or encumbrance.
18 (2) The chief executive officer of a nonprofit or other entity.
19 (3) A member of the board of directors of a nonprofit.
20 (4) *An individual who will be participating in the direction,
control, or management of the person applying for a license*
[emphasis added].
21 Cal. Bus. Prof Code § 26001(al).
22 15. Based upon the definition of an Owner, Mr. Essary would be deemed by the BCC
23 to be an owner and would have to submit all the requisite information required by Title 16
24 Chapter 42 of the California Code of Regulations before he would be allowed to legally take
possession and control of the Balboa dispensary.
13 19. Mr. Essary and SoCal Building Ventures are responsible persons and are in
14 violation of the SDMC for failure to obtain the requisite background checks and permits.

July 8, 2019, Austin testifies in the GERACI v. COTTON trial that in the CUP application at my property she wasn't sure why she didn't list her client Geraci's ownership interest stating, "...we just didn't do it."

17 Q Okay. In Part 1, it refers to the ownership
18 disclosure statement. And three lines down, it says the
19 list must include the names and addresses of all persons
20 who have an interest in the property, recorded or
21 otherwise, and state the type of property interest,
22 including tenants who will benefit from the permit, all
23 individuals who own the property.
24 A Yes.
25 Q So after reading that, why does it seem
26 unnecessary to list Mr. Geraci?
27 A I don't know that it -- it was unnecessary or
28 necessary. We just didn't do it.

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Transcript of Proceedings

Geraci vs. Cotton, et al.

1 Q But at some point, his involvement would have
2 to be disclosed. Correct?
3 A Like I said, this -- the purpose of this form
4 is for conflict of interests. And so at some point --
5 and it happens all the time -- the applicant isn't the
6 name of the person who's -- who's on the form. And we
7 go to planning commission. And the planning
8 commissioners have reviewed all the documents. And they
9 wouldn't have seen Mr. Geraci's name. And had he known
10 one of them or had done work with one of them and they
11 would need to recuse, they would then be upset that it
12 didn't get listed on the form.

In her trial testimony Austin carries this fraud upon the court even further by mistating what the ownership disclosure statement requires of mandatory disclosures of anyone with a 20% or greater interest in a CUP application. For Austin to state she wasn't sure if it was "...unnecessary or necessary [to

disclose an owners interest falls flat when she had informed a different court, less than 1 year earlier, what controlling law mandated the disclosure and background checks before the Knopf, Geraci, or Essary CUPs could be approved proves that point. The requirment that this information be provided prior to a CUP being approved was, as her rambling testimony was meant to act a conflicts of interest function in the application processis rethe depth of legal chicanery. (See the [July 8, 2019, Austin Trial Testimony at Pg's. 51:17-52:12](#))

On July 9, 2019, Firouzeh Tirandazi (“Tirandazi”), DSD Project Manager III, (the highest PM rating in DSD) testifies in the affirmative that, “Anyone [i.e. Geraci] who has an interest in the property should be disclosed.”

18 Q Okay. So the City of San Diego wants to know
19 everyone who is actually involved with the CUPs.
20 Correct?
21 A That's not the purpose of this form.
22 Q Not that form, but overall for the CUPs, anyone
23 who has an interest in the property should be disclosed.
24 Correct?
25 A Yes.

Transcript of Proceedings Geraci vs. Cotton, et al.
1 BY MR. AUSTIN:
2 Q Is that because his name does not appear
3 anywhere in any of the applications for the 6176
4 property?
5 A That -- that is correct.

When asked how Geraci could be identified for the CUP application if his name did not appear on the CUP application Tirandazi acknowledged that without his name being

on the application, he could not be properly vetted. (See [Tirandazi Trial Transcript at Pg. 109:22-25 and Pg's 111:20-112:5](#))

The Geraci CUP application on my property was a fraud and the City knew it. In fact when the PC appeal came up for a competing CUP within 1,000 feet of my property, the Chairperson of the PC, Sue Peerson had to recuse herself because somehow she had acquired an interest in the competing CUP to the one on my property. A CUP who was also an owner/applicant represented by Austin. This is one of the many reasons why I am still in active litigation with Geraci over these issues.

October 2, 2025, I received an email from the City wanting to review the conditions of the CUP withdrawal at my 6176 Federal Blvd. Property. The email, from a Mr. Chris Penman (“Penman”), a City Zoning Inspector, includes an image of the CUP withdrawal that is, in point of fact, is still involved in active litigation between me and Geraci. The City’s CUP unlawful application process is a central element in how my 14th Amendment rights have been violated by this process. (See the [October 2, 2025, Penman to Cotton email](#).)

It is the City who, in their attempts to retaliate against me for my exposing this corruption, is keeping the matter alive. What other explanation fits the City wanting to do an inspection of my property, regarding a CUP application withdrawn by Geraci years ago? In doing so they have reset the clock on tolling² out the matter.

October 6, 2025, [Cotton to Penman response letter](#).

October 7, 2025, [Penman-Cotton all emails](#).

² Recent case precedence is being made in federal court where municipalities have been found to have engaged in these unlawful practices. (See [September 24, 2025, SGVTribune article re \\$1.9MM Jury Verdict](#))