

DARRYL COTTON

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September 5, 2026

Via email — publicrecords@cannabis.ca.gov; info@cannabis.ca.gov

California Public Records Act Coordinator
Legal Affairs Division
Department of Cannabis Control
2920 Kilgore Road
Rancho Cordova, California 95670

Re: Request under the California Public Records Act — the Department's records concerning enforcement and verification of the mandatory ownership-disclosure requirements of Business and Professions Code section 26051.5 and California Code of Regulations, title 4, sections 15002 through 15004

To whom it may concern:

This is a request under the **California Public Records Act**, Government Code section 7920.000 et seq. It seeks the Department's own administrative records and is separate from my requests of August 25 and August 26, 2026, which it is not intended to modify.

Context, stated briefly.

On July 30, 2026 I served a written demand, addressed to Director Kellum, that the Department perform its duty to require complete owner disclosure and to refuse to treat a concealed-ownership application or license as qualified under Business and Professions Code section 26057, subdivision (a). (**Exhibit A.**) It was sent by certified mail, No. 7022 2419 0001 2590 0351, and by email. On July 31 the Department's Public Affairs office advised that the demand had been “forwarded to the appropriate team.” (**Exhibit B.**) I have heard nothing since.

In that demand I stated that I had found no record of the Department revoking a cannabis license upon a determination that it was issued on fraudulent or concealed ownership information. That statement reflects the limits of what a member of the public can search. This request asks the Department for the records that would show the answer. **If the Department has enforced these requirements, its records will show it, and I would rather know that than continue to infer otherwise.** I make no allegation of wrongdoing by any individual.

Records requested.

For the period **January 1, 2018 to the present** — covering the Bureau of Cannabis Control and CalCannabis Cultivation Licensing before consolidation, to the extent the Department holds their records — please provide:

1. Denials, revocations, and discipline on ownership-disclosure grounds. Records identifying any application denied under section 26057, or any license revoked, suspended, or otherwise disciplined under section 26031 or the Department's Disciplinary Guidelines, on the ground that an owner was undisclosed, concealed, or misrepresented, or that ownership information submitted was false or

incomplete. A list, log, index, or database export identifying such matters is sufficient; I am not asking for the underlying files at this stage.

2. Investigations and referrals. Records identifying any investigation, complaint, referral, or enforcement matter opened by the Department concerning undisclosed or concealed ownership of an applicant or licensee, and its disposition.

3. Written procedures for verifying owner disclosures. Any policy, procedure, desk manual, checklist, training material, presentation, guidance memorandum, or written instruction concerning how the Department reviews, tests, or verifies the owner and financial-interest-holder disclosures submitted under Business and Professions Code section 26051.5 and California Code of Regulations, title 4, sections 15002 through 15004 — including any material addressing how staff identify an applicant submitted in the name of a person other than the true owner.

4. Whether verification occurs at all. Records sufficient to show whether the Department performs any verification of submitted owner disclosures beyond accepting the application as filed — for example, cross-checking against Secretary of State filings, funding or financing sources, or the Department's own licensing and enforcement history. If the Department performs no such verification and holds no record of doing so, a written statement to that effect is a complete response to this item.

5. Disciplinary index. The Department's existing log, index, or register of disciplinary actions, denials, and license revocations for the period, in whatever form it is maintained.

Reducing the burden.

I would rather this be easy to fill than complete on the first pass, and I will work with the Department on scope:

An electronic search and export is entirely acceptable, and native or export format is preferred over converted copies.

Rolling production is welcome. I would rather receive item 3 promptly than wait for everything.

If the volume under items 1 or 2 is large, I will accept a narrower period or a representative sample, and I am glad to discuss scope by telephone before the Department incurs the effort.

If any item would be more readily produced under a different framing, please tell me and I will reframe it.

A documented absence is a complete answer. If the Department holds no records responsive to any item, please say so in writing. A written confirmation of no records fully answers that item and I will not press it further.

If the Department determines that any portion is exempt, Government Code section 7922.540 requires that the express provision be stated, and section 7922.525 requires release of any reasonably segregable portion. Where records are withheld, I ask that the Department identify the category and approximate volume withheld rather than decline in general terms.

Format and delivery. Electronic delivery to the address above is preferred. If a fee is anticipated, please advise of the amount before it is incurred.

Preservation. I ask that the Department preserve, and refrain from destroying, transferring, or purging, all records within the scope of this request, in whatever form maintained, pending its completion and any follow-on request or proceeding. This request is made with the expectation that these records may be relevant to contemplated legal proceedings.

Requester information, provided for delivery purposes: Darryl Cotton, 6176 Federal Boulevard, San Diego, California 92114; 619.954.4447; 151darrylcotton@gmail.com.

If a tracking number is assigned, I would appreciate having it. Thank you for your assistance.

Respectfully,

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

Darryl Cotton

EXHIBITS

Cotton - California Public Records Act request to the Department of Cannabis Control
(ownership-disclosure enforcement records; September 5, 2026)

INDEX OF EXHIBITS

Exhibit A [COTTON-DCC-OWN-005-014]

Demand for enforcement of the mandatory ownership-disclosure requirements, served on Director Kellum July 30, 2026 by certified mail No. 7022 2419 0001 2590 0351 and by email. Letter only; its sixteen attachments, Bates 0010-0112, are omitted here. (Request at p. 1)

Exhibit B [COTTON-DCC-OWN-015-017]

Correspondence with the Department - Gmail thread of July 30 and 31, 2026, two messages: transmittal of the demand (July 30, 1:12 p.m.) and the response of K. O'Brien, Community Relations Office Manager, Public Affairs (July 31, 8:22 a.m.). No further message has been received. (Request at p. 1)

Exhibit A reproduces the demand letter only. Its sixteen public-record attachments, Bates 0010 through 0112, are omitted here for length and are available on request; the Department was served with the complete package on July 30, 2026.
No agency tracking number has been assigned to this request. Bates numbering is the requester's own designation.

A

EXHIBIT A

Demand for enforcement of the mandatory ownership-disclosure requirements, served on Director Kellum July 30, 2026 by certified mail No. 7022 2419 0001 2590 0351 and by email. Letter only; its sixteen attachments, Bates 0010-0112, are omitted here. (Request at p. 1)

DARRYL COTTON
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151DarrylCotton@gmail.com

July 30, 2026

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND EMAIL

Certified Mail Receipt No. 7022 2419 0001 2590 0351

Email: info@cannabis.ca.gov

California Department of Cannabis Control
Attn: Clint Kellum, Director
P.O. Box 419106
Rancho Cordova, CA 95741-9106

Re: Demand that the Department enforce its mandatory ownership-disclosure requirements, and complaint of concealed (“strawman”) ownership behind licensed / applied-for commercial-cannabis operations — including the cannabis licensing at 8863 Balboa Avenue and Petitioner’s own City of San Diego Application No. 520606

Dear Director Kellum:

I am the record owner of the real property at 6176 Federal Boulevard, San Diego, California, a parcel located in a zone that permits a limited number of retail cannabis outlets and for which a conditional use permit for cannabis retail was applied for (City of San Diego Application No. 520606). I write both as a beneficially interested party who was displaced from that licensing opportunity by concealed ownership and, because the integrity of the State’s cannabis-licensing system is a matter of public and not merely private concern, to formally present the Department with the matter below and demand that it perform its statutory duty.

California law makes complete owner disclosure a condition of commercial-cannabis licensure. Every applicant must identify its owners, and “owner” reaches any person holding an aggregate ownership interest of 20 percent or more, and any person who directs, manages, or controls the licensee. (Bus. & Prof. Code, § 26001, subd. (av)(1), (4); id., § 26051.5; Cal. Code Regs., tit. 4, §§ 15003–15004.) Denial of a non-qualifying application is not discretionary: “The department shall deny an application if either the applicant, or the premises for which a state license is applied, do not qualify for licensure under this division.” (Bus. & Prof. Code, § 26057, subd. (a).) An applicant that conceals a true owner behind a nominal (“strawman”) owner does not “qualify,” and the Department has a mandatory, ministerial duty to require the missing disclosure and to refuse to treat such an application or license as qualified.

That concealed-ownership problem is not hypothetical; it is documented in the public court record. In *Razuki v. Malan* (San Diego Super. Ct. No. 37-2018-00034229), an undisclosed

principal claimed a controlling interest “regardless of the paperwork” (Compl. ¶ 18; Attachment 1, Bates 0010–0016), and the counsel who papered that structure conceded on the record that cannabis licensure requires an application “in your own name,” with “background checks ... at the state level” (Reporter’s Tr. 410:11–19; Attachment 2, Bates 0019), while — in a separate matter — admitting that the interested party simply was not disclosed: “We just didn’t do it.” (Reporter’s Tr. 51:27–28; Attachment 5, Bates 0036.) These records, and the specific application and licensee they concern, are itemized in the enclosed materials and cited to the transcript line.

That the purpose of this disclosure requirement is neither self-executing nor even understood consistently by the local officials who administer these permits is itself part of the reason for this letter. Under the San Diego Municipal Code, the City’s cannabis permitting is expressly tied to the State’s cannabis-licensing law: a “Cannabis Outlet” must satisfy the dispensary and retailer licensing requirements of the California Business and Professions Code sections governing cannabis, and a City permit “does not relieve any person from the obligation to obtain any other ... license ... required by ... state ... law.” (San Diego Mun. Code, §§ 42.1502, 42.1504, subd. (c).) Yet when the City’s own Development Services official who processed these very applications, Firouzeh Tirandazi, was examined under oath in *Geraci v. Cotton*, she contradicted herself on the core point: asked whether the City “wants to know everyone who is actually involved with the CUPs,” she answered that this was “not the purpose of th[e] form” (Reporter’s Tr. 109:21; Attachment 9, Bates 0070), before conceding, moments later, that “overall for the CUPs, anyone who has an interest in the property should be disclosed” — “Yes.” (Id. 109:22–25; Attachment 9, Bates 0070.) It is this precise contradiction — a City official first denying, then admitting, the purpose of applicant-ownership disclosure — that frames why I write. I ask the Department, which holds the mandatory disclosure-and-vetting authority at the state level, to validate the purpose of that requirement and to enforce it. (Bus. & Prof. Code, §§ 26051.5, 26057, subd. (a).)

The people who prepare and administer these applications know the ownership-disclosure requirement is mandatory — which is what makes the omission of the true owner so telling. The land-use consultant who prepared and submitted the application on my property, Abhay Schweitzer of TECHNE, testified that he had “worked on probably around 30 or 40” cannabis outlets in California, “all in California,” with “around 20 currently” active, and that he is “involved in every single cannabis project” his firm does (Reporter’s Tr. 168:7–8, 20–23; 169:9; Attachment 10, Bates 0072–0078). He testified that the City’s Ownership Disclosure Statement is a form “we’re required to have ... filled in and submitted,” and that it was submitted (id. 199:13–24; Attachment 10, Bates 0077). The requirement was fully understood. Yet the application still left the true party in interest off that very form; and when the supervising attorney, Gina Austin, was asked why, she could not say: “I don’t know that it -- it was unnecessary or necessary. We just didn’t do it.” (Id. 51:27–28; Attachment 5, Bates 0036.) The City’s own gatekeeper was no clearer, as her testimony set out above reflects. This was not isolated — the same professionals papered Ninus Malan as the “sole ... member” of the licensed Balboa Avenue operation while an

undisclosed principal held a controlling seventy-five-percent interest (enclosed *Austin Legal Group, APC v. Malan* complaint; Attachment 4, Bates 0024–0032), and omitted Mr. Geraci here (Attachment 7, Bates 0054–0063).¹ Given a professional volume measured in dozens of California cannabis applications, the Department is entitled — and in the public interest obligated — to ask: how many other applications submitted to the City and the State carry a true owner who was never disclosed?

The omission was not incidental, and the applicant whose name did appear was a placeholder. Rebecca Berry testified that she “simply signed” whatever the team put in front of her, “read the first line or two and forwarded it” rather than reading the forms, “did not know who” prepared them, and “was not involved” — and that she was never offered or paid any money (Reporter’s Tr. 197:8, 200:18, 202:10–16, 203:26–27, 207:2; Attachment 6, Bates 0037–0053). The person who actually funded and controlled the application was Larry Geraci: the land-use firm TECHNE was paid \$86,631.75 to prepare and process it (Attachment 11, Bates 0079–0082), drawn not on Berry’s account but on the account of LST Investments, LLC — Larry Geraci’s own company, of which the California Secretary of State’s records identify him as the Manager and agent for service of process and whose stated type of business is “real estate” (Attachment 14, Bates 0100–0103) — and the Superior Court’s judgment in *Geraci v. Cotton* (San Diego Super. Ct. No. 37-2017-00010073, entered August 19, 2019) awarded Geraci a \$260,109.28 judgment for the expenses he had incurred pursuing this permit. That Mr. Geraci funded a cannabis-outlet application through his real-estate company, while his name appeared on no City form and a nominal applicant signed whatever she was handed, shows the true and controlling party kept off the record at every layer. Mr. Geraci was himself, at the time, a licensed California real estate salesperson (License No. 01141323, active through March 4, 2017; Attachment 15, Bates 0104–0105) — a licensee bound to honesty and fair dealing and subject to discipline for “fraud or dishonest dealing,” even in conduct outside a real estate transaction (Bus. & Prof. Code, § 10177, subd. (j)) — who concealed the very kind of interest in real property that his profession exists to disclose.² The interest thus concealed was precisely the kind the disclosure laws exist to surface:

¹As a licensed real estate salesperson, Mr. Geraci was bound to see that agreements affecting real property were reduced to an accurate writing (see Civ. Code, § 1624) and that the persons holding an interest were truthfully identified. Engaging Ms. Berry as a strawman in his place was, in itself, a breach of that duty: across the writings memorializing this transaction — including the City ownership-disclosure forms — the party named was a nominal stand-in rather than the person who actually owned and controlled it. The concealment thus offended not only the Department’s disclosure requirements but the writing-and-honesty norms of his own licensed profession. Nor does Ms. Berry appear consistently even within those City forms — a tenant/lessee on the ownership-disclosure statement, yet the applicant and permit holder on the general application. Because those forms were prepared not by Ms. Berry but by the professional “team” she trusted to complete them (Reporter’s Tr. 202:10–11; Attachment 6, Bates 0048), that facial discrepancy in the City’s own records is not the mark of clerical error, and it should itself have prompted the agency reviewing the application to ask who the true party in interest actually was.

²The omission was the work of a recurring professional team, not any one applicant — the same “team” Ms. Berry described when she testified that the forms were completed by people she merely trusted and “simply signed” for (Reporter’s Tr. 202:10–11; Attachment 6, Bates 0048). Its members are identifiable from the record. James (Jim) Bartell, of the government-relations firm Bartell & Associates, was the lobbying consultant Mr. Geraci retained to, in his own words, “manage the project team through the process” and to serve as “the liaison between the team and the City”; he testified that Mr. Geraci was his client, and that of the roughly twenty cannabis-outlet permits he has

Mr. Geraci had already been judicially sanctioned, twice, for unlawful commercial-cannabis activity — permanently enjoined and assessed \$25,000 in civil penalties for the unpermitted “Tree Club” dispensary (*City of San Diego v. Geraci*; Attachment 12, Bates 0083–0091), and enjoined with a further \$75,000 in penalties in the related “CCSquared” enforcement action (Attachment 13, Bates 0092–0099). Screening exactly that kind of disqualifying history is what mandatory owner disclosure is for; concealing the funding, controlling party behind a hollow applicant is what kept it from the licensing authority’s view. (Bus. & Prof. Code, § 26057, subds. (a), (b).)

The contrast between the Department and its peer regulators could not be sharper. I have found no record of the Department itself ever revoking a cannabis license upon a determination that the license was issued on fraudulent or concealed ownership information. Yet across the broad field of comparable licensing and public-benefit regimes, revocation in exactly that circumstance is the settled rule. In casino gaming, a regulator revoked a license where the applicant concealed and misrepresented the interests behind it, and the courts upheld the revocation. (*Emerald Casino, Inc. v. Illinois Gaming Bd.* (2003) 346 Ill.App.3d 18 [803 N.E.2d 914]; see *Gecker v. Estate of Flynn (In re Emerald Casino, Inc.)* (7th Cir. 2017) 867 F.3d 743.) In the award of government set-asides, a federal court of appeals held that using a nominal owner to front for the true party in interest — capturing a benefit reserved for others — states a claim for fraud. (*United States v. Strock* (2d Cir. 2020) 982 F.3d 51.) California’s own parallel licensing statutes, and their federal counterparts, are written to the same effect: a license or permit procured through a false or concealed ownership disclosure is subject to revocation in alcoholic-beverage licensing (Bus. & Prof. Code, § 24200, subd. (c)), in federal firearms dealing (18 U.S.C. § 923), and in controlled gambling (the Gambling Control Act). The Department holds the same authority and the same duty, and I am aware of no reason it should be the lone regulator that declines to use it. (Bus. & Prof. Code, §§ 26031, 26051.5, 26057, subd. (a).)

Accordingly, I demand that the Department: (1) require complete and truthful disclosure of every owner of the application(s) and license(s) at issue; (2) refuse to treat as “qualified” under section 26057, subdivision (a), any application or license in which a true owner has been concealed; (3) investigate and act upon the documented evidence of concealed ownership identified here and in the enclosures; and (4) treat concealment of a true owner as a ground for

processed for clients, “this is the only one I haven’t been successful on” — “19 out of 20” (Reporter’s Tr. 12:24–13:28, 14:4–5, 22:1–6; Attachment 16, Bates 0106–0112). Abhay Schweitzer, principal of the land-use and design firm TECHNE, prepared and certified the application and testified that he had worked on “probably around 30 or 40” California cannabis outlets (Reporter’s Tr. 168:7–8, 20–23; Attachment 10, Bates 0075). And Gina Austin, the supervising counsel, appears on both matters described in this letter: she prepared and defended the 6176 application (Reporter’s Tr. 51:27–28; Attachment 5, Bates 0036) and, by her own account, “filed applications” for the Malan entities behind the 8863 Balboa Avenue licensing (*Austin Legal Group, APC v. Malan*; Attachment 4, Bates 0024–0032; see also Declaration of Gina Austin, Attachment 3, Bates 0020–0023). That a team this practiced — one that had already moved cannabis permits through the City successfully in some nineteen prior applications — nonetheless left the true party in interest off the ownership disclosure is what makes the omission a matter of institutional, not incidental, concern to the Department: the question is not only who was left off this one application, but how far the same practice extends across the others the same team has processed.

revocation under section 26031, as the analogous regimes do, and — as to any license shown to rest on concealed ownership — pursue revocation through the Department’s disciplinary process.

I further ask that the Department acknowledge, in writing, that: (a) every applicant for and holder of a commercial-cannabis license must submit a complete and truthful ownership disclosure identifying each person who is an “owner” as defined in Business and Professions Code section 26001, subdivision (av) (see *id.*, § 26051.5; Cal. Code Regs., tit. 4, §§ 15002–15004); and (b) the deliberate submission of an ownership disclosure that is inaccurate or incomplete violates that requirement — such that the application does not “qualify” under section 26057, subdivision (a), and any resulting license is subject to revocation under section 26031.

To make the issue concrete, I ask the Department to answer, yes or no, a single question about two concealed interests documented in the enclosed records:

- (a) the undisclosed controlling interest behind the on-paper owner of the 8863 Balboa Avenue cannabis licensing (see the enclosed *Razuki v. Malan* complaint and settlement recital (Attachment 1, Bates 0010–0016; Compl. ¶ 18, Settlement Recitals § 1.2); the Declaration of Gina Austin (Attachment 3, Bates 0020–0023, ¶¶ 14–16); and the City of San Diego permit form for Balboa Ave Cooperative naming Ninus Malan as the responsible person (Attachment 8, Bates 0064–0066));
- (b) the principal concealed behind the nominal applicant on the 6176 Federal Boulevard conditional use permit application (see the enclosed *Geraci v. Cotton* testimony (Reporter’s Tr. 193:15–18, 203:14–17; Attachment 6, Bates 0037–0053) and the executed City ownership disclosure statement and 6176 application (Attachment 7, Bates 0054–0063));
- (c) given (a) and (b), had the Department known, when these applications were submitted, that a true owner was being concealed in each, would it have approved them? Section 26057, subdivision (a), permits only one answer: no. The Department “shall deny an application” that does not qualify for licensure, and an application that conceals a true owner does not qualify.

The Department’s duty, then, is to require the missing disclosure now and to decline to treat any concealed-owner application or license as qualified.

On those same records, I ask the Department three further questions, and ask it to explain each answer:

- (d) does the Department dispute that, on the 6176 Federal Boulevard permit, a nominal applicant testified, under oath, that she was the named applicant only “as the agent for and on behalf of Mr. Geraci” (*Geraci v. Cotton*, Reporter’s Tr. 193:15–18; Attachment 6, Bates 0039), that his name was left off the ownership disclosure because “Mr. Geraci has a federal license” (*id.* 193:19–22; Attachment 6, Bates 0039), and that she “simply signed it ... under direction from ... Mr. Geraci” (*id.* 203:14–17; Attachment 6, Bates 0049) — an omission that appears on the face of the executed City ownership disclosure statement

itself, which lists only Darryl Cotton as owner and Rebecca Berry as tenant and leaves Mr. Geraci off the form entirely, on a document that expressly requires “all persons who have an interest in the property” (Attachment 7, Bates 0054–0063)?

- (e) does the Department dispute that, on the 8863 Balboa Avenue operation, an undisclosed principal claimed a controlling seventy-five-percent interest behind the on-paper owner “regardless of the paperwork” (*Razuki v. Malan*, Compl. ¶ 18; Attachment 1, Bates 0010–0016)?
- (f) if the Department cannot dispute (d) or (e), does it agree that concealment of that kind — the deliberate omission of a true owner from the ownership disclosure — is a Tier III violation of the Act’s disclosure requirements under the Department’s own Disciplinary Guidelines, a knowing or willful violation and a fraudulent act, for which revocation of the license is warranted (Bus. & Prof. Code, § 26031)? If concealment this deliberate does not present a Tier III violation of the application-disclosure laws, then what would?

Lastly, I want to be candid about why I raise this. I have my own interests at stake — I was displaced from a licensing opportunity attached to my own property by precisely the kind of concealment the disclosure laws exist to prevent. But the interest at stake here is clearly greater than mine. When the ownership-disclosure laws are not complied with during the application process, the public loses the core safeguard the Legislature built into cannabis licensing: the assurance that the people who actually own and control a licensed business have been identified, vetted, and found qualified. A license obtained by concealing its true owner defeats that safeguard for everyone, not for a displaced competitor alone. Measured against the peer regulators described above, the Department’s silence here is conspicuous: I have found no instance in which it has itself moved to revoke a license upon discovering that a true owner was deliberately concealed in the application process. If the Department will not treat concealment this deliberate as the serious violation its own Disciplinary Guidelines describe, the public is left without the protection these disclosure laws promise.

Please confirm in writing the action the Department will take; a response within thirty (30) days would be appreciated. This letter is not a waiver of, or a limitation on, any right or remedy, and imposes no waiting period on me: while I would like to avoid this, if the Department does not perform its mandatory duty, I intend to resort to any and all legal remedies to see that these ownership-disclosure mandates are enforced by your agency, and I reserve the right to do so at any time. This letter will be submitted as evidence that the Department was presented with the issue and of the exhaustion or futility of any available administrative remedy.

Respectfully,



Darryl Cotton
Owner, 6176 Federal Boulevard

Enclosures — Public-Record Attachments (16): true and correct copies of the following are enclosed, in the order listed below. The pages of this letter and its supporting attachments are consecutively Bates-stamped “2026.07.30 Cotton to DCC Demand & Attachments - 0001” et seq. (the pages of this letter first, then the attachments in order); the Bates range of each attachment appears in brackets below.

1. *Razuki v. Malan* (San Diego Super. Ct. No. 37-2018-00034229) — Complaint (filed July 10, 2018), including the paragraph 18 allegation of an undisclosed controlling interest of roughly seventy-five percent “regardless of the paperwork,” together with the attached Agreement of Compromise, Settlement and Mutual General Release (Recitals § 1.2), allocating a 75% / 25% interest “regardless of which Party or entity holds title.” [Bates 0010–0016]
2. *Razuki v. Malan* — excerpt of the Reporter’s Transcript in which counsel Gina Austin states that cannabis licensure requires “an application in your own name,” with “background checks ... at the state level” (Reporter’s Tr. 410:11–19, Bates 0019). [Bates 0017–0019]
3. Declaration of Gina Austin (ROA-55, filed July 30, 2018) in *Razuki v. Malan* — sworn testimony that the licensing authority requires all owners to be disclosed and vetted, and that allowing an unvetted person to control the licensed dispensary “is a violation of State law” (¶¶ 14–16). [Bates 0020–0023]
4. *Austin Legal Group, APC v. Malan* (San Diego Super. Ct. No. 37-2019-00025668) — verified Complaint in which counsel admits she “filed applications” for the Malan entities and papered Ninus Malan as the sole member. [Bates 0024–0032]
5. *Geraci v. Cotton* — excerpt of the Reporter’s Transcript in which counsel Gina Austin, asked why the interested party was omitted from the ownership disclosure, testified: “We just didn’t do it.” (Reporter’s Tr. 51:27–28, Bates 0036.) [Bates 0033–0036]
6. *Geraci v. Cotton* — the Reporter’s Transcript of the cross-examination of Rebecca Berry, the nominal applicant on the 6176 permit, who testified that she acted “as the agent for and on behalf of Mr. Geraci” (Reporter’s Tr. 193:15–18, Bates 0039); that his name was left off because “Mr. Geraci has a federal license” (id. 193:19–22, Bates 0039); that she “simply signed” whatever the team gave her, under Geraci’s direction (id. 202:10, Bates 0048; 203:14, Bates 0049; 207:2, Bates 0053); that she “read the first line or two and forwarded it” rather than reading the forms (id. 200:18, Bates 0046); that she “did not know who” prepared them (id. 197:8, Bates 0043); that she “was not involved” (id. 202:16, Bates 0048; 204:18, Bates 0050); and that she was never offered or paid any money (id. 203:26–27, Bates 0049). [Bates 0037–0053]
7. The City of San Diego pre-approval documents Rebecca Berry submitted for the 6176 Federal Boulevard cannabis application: the executed Ownership Disclosure Statement (Form DS-318, trial Ex. 30), listing Darryl Cotton as owner and Rebecca Berry as tenant/lessee (both signed October 31, 2016); the General Application (Form DS-3032, trial Ex. 34), on which Berry appears as the applicant and permit holder and the design

professional Abhay Schweitzer certifies the submittal; and the Conditional Use Permit application (MMCC). Across these forms Berry is characterized in differing capacities — tenant/lessee, then applicant and permit holder — while Larry Geraci, the true party in interest, is named on none of them. [Bates 0054–0063]

8. City of San Diego Development Services Department permit form (DS-191) for Balboa Ave Cooperative, 8863 Balboa Avenue, Suite E, identifying Ninus Malan as the sole responsible person and disclosing no other owner. [Bates 0064–0066]
9. *Geraci v. Cotton* — excerpt of the Reporter’s Transcript of the cross-examination of Firouzeh Tirandazi, the City of San Diego Development Services official who processed these permits, who first testified that identifying everyone involved was “not the purpose of th[e] form” (Reporter’s Tr. 109:21, Bates 0070) and then conceded that “anyone who has an interest in the property should be disclosed” — “Yes” (id. 109:22–25, Bates 0070). [Bates 0067–0071]
10. *Geraci v. Cotton* — excerpt of the Reporter’s Transcript of the testimony of Abhay Schweitzer, principal and CEO of the land-use firm TECHNE, which prepared and submitted the 6176 application: he testified that he has worked on “probably around 30 or 40” cannabis outlets in California, with “around 20 currently” active (Reporter’s Tr. 168:7–8, 20–23, Bates 0075; 169:9, Bates 0076), and that the City’s Ownership Disclosure Statement is a form “we’re required to have ... filled in and submitted,” which was submitted (id. 199:13–24, Bates 0077). [Bates 0072–0078]
11. Techne expense summary (trial Ex. 147) — the payment ledger for the 6176 Federal Boulevard application: \$86,631.75 paid to the land-use firm TECHNE; the invoices issued to Rebecca Berry; and the payments drawn on the Bank of America account of LST Investments LLC, Larry Geraci’s entity. [Bates 0079–0082]
12. *City of San Diego v. Larry Geraci, et al.* (San Diego Super. Ct. No. 37-2014-00020897-CU-MC-CTL) — Judgment and Permanent Injunction enjoining operation of the unpermitted “Tree Club” marijuana dispensary and imposing \$25,000 in civil penalties. [Bates 0083–0091]
13. *City of San Diego v. CCSquared Wellness Cooperative, et al.* (San Diego Super. Ct. No. 37-2015-00004430-CU-MC-CTL) — Judgment and Permanent Injunction enjoining operation of the unpermitted “CCSquared” marijuana dispensary and imposing \$75,000 in civil penalties. [Bates 0092–0099]
14. California Secretary of State filings for LST Investments, LLC — the Articles of Organization (Form LLC-1, filed September 23, 2009) and the Statement of Information (Form LLC-12) — identifying Larry Geraci as the company’s Manager and agent for service of process (5402 Ruffin Road, Suite 200, San Diego) and stating its type of business as “Real Estate.” This is the entity whose account funded the \$86,631.75 in TECHNE payments for the 6176 application (Attachment 11, Bates 0079–0082). [Bates 0100–0103]

15. California Department of Real Estate public license record for Larry E. Geraci — real estate salesperson license No. 01141323, issued July 9, 1992 and active through its expiration on March 4, 2017 — showing that Geraci held an active California real estate license when the 6176 ownership disclosure was signed on October 31, 2016. [Bates 0104–0105]
16. *Geraci v. Cotton* — excerpt of the Reporter’s Transcript of the trial testimony of James (Jim) Bartell, principal of the government-relations firm Bartell & Associates, whom Mr. Geraci retained on the 6176 project. Mr. Bartell testified that his firm provides “government relations” and “community outreach” services (Reporter’s Tr. 12:24–27, Bates 0108); that he was retained to “manage the project team through the process” and to act as “the liaison between the team and the City” (id. 13:21–28, Bates 0109); that Mr. Geraci “is my client” (id. 14:4–5, Bates 0110); and that, of the roughly twenty cannabis-outlet CUP applications he has processed for clients, “this is the only one I haven’t been successful on” — “19 out of 20” (id. 22:1–6, Bates 0112). [Bates 0106–0112]

B

EXHIBIT B

Correspondence with the Department - Gmail thread of July 30 and 31, 2026, two messages: transmittal of the demand (July 30, 1:12 p.m.) and the response of K. O'Brien, Community Relations Office Manager, Public Affairs (July 31, 8:22 a.m.). No further message has been received. (Request at p. 1)



Darryl Cotton <151darrylcotton@gmail.com>

Subject: Demand for enforcement of mandatory cannabis ownership-disclosure requirements — Darryl Cotton (6176 Federal Blvd.; City App. No. 520606; 8863 Balboa Ave.)

2 messages

Darryl Cotton <151darrylcotton@gmail.com>
To: info@cannabis.ca.gov

Thu, Jul 30, 2026 at 1:12 PM

Director Kellum and the Department of Cannabis Control:

Attached is a written demand, dated July 30, 2026, that the Department perform its mandatory duty under Business and Professions Code section 26057, subdivision (a) — to require complete and truthful owner disclosure and to refuse to treat as "qualified" any application or license in which a true owner has been concealed behind a nominal ("strawman") owner.

I am the record owner of 6176 Federal Boulevard, San Diego. I write both as a party displaced from a licensing opportunity attached to my own property by concealed ownership, and out of the broader public interest in the integrity of the State's cannabis-licensing system.

The attached PDF is a single, consecutively Bates-stamped production — "2026.07.30 Cotton to DCC Demand & Attachments – 0001" through "0112" — consisting of the demand letter followed by its sixteen public-record attachments. A duplicate original is being sent by certified mail, return receipt requested (No. 7022 2419 0001 2590 0351).

The letter puts specific questions to the Department and requests a written response within thirty (30) days. Please direct any response, and any questions, to me at this email address or at the address in the letter.

Respectfully,

Darryl Cotton
619.954.4447

 **2026.07.30 Cotton to DCC Demand Letter-(FINAL).pdf**
9177K

Info@Cannabis <info@cannabis.ca.gov>

Fri, Jul 31, 2026 at 8:22 AM

To: Darryl Cotton <151darrylcotton@gmail.com>, "Info@Cannabis" <info@cannabis.ca.gov>

Good morning -

Your request has been forwarded to the appropriate team.

Thank you,

Katie O'Brien

Community Relations Office Manager

Public Affairs

Customer Service: 844-61-CA-DCC (844-612-2322)

COTTON-DCC-OWN-016



Department of
Cannabis Control
CALIFORNIA



cannabis.ca.gov & real.cannabis.ca.gov

[Sign up for DCC email announcements](#)

Integrity • Fairness • Innovation • Knowledge • Collaboration • Support

From: Darryl Cotton <151darrylcotton@gmail.com>

Sent: Thursday, July 30, 2026 1:12 PM

To: Info@Cannabis <info@cannabis.ca.gov>

Subject: Subject: Demand for enforcement of mandatory cannabis ownership-disclosure requirements — Darryl Cotton (6176 Federal Blvd.; City App. No. 520606; [8863 Balboa Ave.](#))

*****CAUTION*** THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CANNABIS CONTROL!**

DO NOT: Click links or open attachments unless you know the content is safe.

NEVER: Provide credentials on websites via a clicked link in an Email.

[Quoted text hidden]