

**Interlocutory Appeal Issues re Balboa Receivership
Steering Document Addendum 1
24/04/18**

Volume 1 of 2 @ https://www.justice4amy.org/wp-content/uploads/2023/02/19-02-01_COA-PSF-EFS-Vol-1-of-2-D075028.pdf

Pg. 6 ¶¶ 6-7: Judd Henkes and Brian Brinig

Pg. 124: BTZ report where at Pg. 126 Far West is named as the management company.

Pg 128: re Far West.

Pg. 130:” Inadequate substantiation”

Pg. 154: “Razuki demonstrates his equitable interest in the marijuana operations.” *Seriously? This is Razuki admitting, in court filings to his undisclosed interests in the operations of a licensed adult-use cannabis business.*

Pg. 174: Far West Management Agreement

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Pg’s. 27-32: The doctrine of unclean hands. “...the murder for hire plot was triggered by the very litigation that is before this court...the misconduct that constitutes unclean hands relates to the subject matter before the court.” *This applies to both Amy and Tiffany’s current proceedings.*

Pg. 41 @ 22-24: Matthew Dart appearing for Far West, Knopf, Rising, Bridgewater and Freeman. *This is yet another example of Gina using other lawyers to distance herself from her actual representation of these people and the Far West entity. Dart is literally an Austin strawman to give her an arms-length distance appearance in these proceedings.*

P6’s. 67-68 @ 23-28 and 1: Austin got “Far West in” in an agreement that would have allowed the manager [Knopf] to purchase an interest in the business.

Pg. 69: Values the business at \$6M

Pg. 71 @ 14-28: Describes the all cash business accounting failures and relies on past accounting work while in receivership of Brian Brinig and Marilyn Weber.

Pg. 89 @ 7-8: “For whatever reason , Far West has become the scapegoat. *For the reason that EVERYTHING Far West has done is to create off-books revenues for Adam and Malan while scamming the legitimate court processes and authority.*

Pg. 90 @ 10-18: “Essary received daily financials from Far West...Adam Knopf and Heidi Rising have never been contacted by [Essary].” *So, which is it? Essary received daily financials from WHO if not Knopf or Rising? Henkes? Henkes is on record in the Tiffany Knopf deposition that as CFO/CPA for Far West and GSG-PL he only takes uploads from the store to create the financials. Who exactly was providing these daily financials and how is it that Adam Knopf and Heidi Rising can claim Essary isn’t doing his job when somehow he was getting daily financials?*

Pg. 116 @ 1-14: Austin and Far West. Essary could not work with Austin and Austin told him that she is “not going to require Far West to submit everything to you, Mr. Essary.”

Pg’s 122 @ 25-27: Brinig states “I don’t know where the money might originate from.” *This is the heart of the deception. Money would come and go unaccounted for. Knopf moved money from GSG to Balboa when needed. This is described in Tiffany Knops affidavit and those who worked for Adam supporting affidavits. How Brinig could provide an accurate accounting depicting the health of that business when he could not account for revenue in is a mystery that should have never gone unsolved.*

Pg. 130 @ 13-24: The court opines that “I don’t understand why you all don’t get together and do something...I’m afraid this is all going to go down the drain, every bit of it.” *What Judge Sturgeon failed to ever realize is he was dealing with criminals [attorneys] who would not, could not “get together.” Everything being tried was built on fraud and deception.*

Pg. 132 @ 21: Malan’s attorney Watts lobbies for the court to appoint Kevin Singer as receiver.

Volume 4 of 7 Reporters Transcript @ https://www.justice4amy.org/wp-content/uploads/2023/02/19-03-08_COA-RT-Vol-4-of-7-D075028.pdf

Pg. 85 @ 7-25: Austin argues that Essary is not eligible to run the dispensary because the license is not transferable, and the **application must be in your own name.**

This is a problem for Austin because she stated in GERACI v. COTTON Case No. 37-2017-00010073-CU-BC-CTL, (*Cotton I*) while under oath, on July 8, 2019, contradicts her statements made in RAZUKI v. MALAN on August 20, 2018, regarding applicant disclosure requirements.

As can be seen in the July 8th transcript https://151farmers.org/wp-content/uploads/2017/10/07-08-2019_full-transcript-1.pdf asserts that that these same licensing disclosure requirements she argues in RAZUKI v. MALAN would apply in that case somehow don’t apply in GERACI v.COTTON based on her flexible, self-serving interpretation of the City of San Diego Ordinance No. 0-20043 § 42.1507(a). Her statements in *Cotton I* were simply not true as ALL responsible parties must undergo fingerprinting background checks prior to acting as a responsible person. https://docs.sandiego.gov/council_reso_ordinance/rao2011/O-20043.pdf

Furthermore, per Division 13 § 42.1301(d) of Ordinance No. 0-20043 the language states that, “*This Division shall be interpreted in a manner consistent with state law. Nothing in this Division is intended to authorize the sale, distribution, possession of marijuana, or any other transaction, in violation of state law.*” Simply put, local ordinances can be more restrictive of state law but not less.

Chronologically speaking, in 2011, the City enacted San Diego Ordinance No. O-20043 that allowed the operations of dispensaries. The ordinance added section 42.1507 to the San Diego Municipal Code which required applicants for permits to operate dispensaries to submit their fingerprints for a background check.

Effective January 1, 2016, Senate Bill 643 went into effect, which created a State licensing system. At that point, parties had to acquire a local permit and then apply for a state license. **Senate Bill 643 added sections 144 and 19323** to the California Business & professions Code. Section 144 mandates that the licensing agency “**shall require an applicant** to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks.” And Section 19323 barred from licensure anybody who had been sanctioned for engaging in

unlicensed commercial medical cannabis activities such as operating an illegal dispensary.
http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0601-0650/sb_643_bill_20150916_enrolled.htm

Attorney Austin seemed to forget those licensing requirements when she stated she didn't know why they didn't list Geraci on the application "they just didn't do it". (51:25-28) Also her attempts to explain away how the City ordinance could somehow be less restrictive than state cannabis law is also a lie as § 42.1301(d) defines the City licensing mandate to be "consistent with state law." .

Pg. 107 @ 19-28: Leetham proposes Judd Henkes to work with Essary as he does the GSG books. They "absolutely object to John Yeager" as an Essary assistant because "We fired him." ***This is all the more reason to reach out to John Yeager.***

Pg. 109 @ 24-27: The court suggests Reagan and Associated for the receivership.