

San Diego for Sale – The Sorry Tale of Cannabis Licensing in Our City

Darryl Cotton, July 21, 2023

Nobody in their right mind would purposefully take the time to create what you are about to read and the two supporting documents that give these claims factual legitimacy. The type of person that would go to this trouble is one who has the time, the determination and has been personally affected by the actions you'll discover within. I am that person.

Since the 2016 implementation of cannabis licensing in San Diego there has been a mad scramble to acquire these limited number of licenses which the City of San Diego has offered. The 36 total Marijuana Outlet (MO) licenses are divided up amongst 9 Districts at 4 per District. The City also made available 40 Marijuana Production Facility (MPF) licenses. The process to acquire these licenses was done on a first come first serve basis. The process, as many have admitted, is flawed. It has led to greed, both public and private corruption and an abuse of process by the licensing authorities.

I can summarize what will be found here by pointing to the process. To give the reader the evidence, culled from thousands of pages of documents that point to individual projects where an applicant applies for one of these licenses and the process pits the applicant against any other applicant that may have a competing interest in acquiring one of those licenses. What happens then is the private consultants, the cannabis lawyer specialists, the land use attorneys, the lobbyists, the permitting specialists will all compete for your business. Those attorneys and lobbyists that have especially close relationships with City Staff, Hearing Officers and the Planning Commission will hold the ultimate influence on who gets that license, even when those "specialists" represent competing interests. That evidence will be found in the attached Steering Document and the CUP spreadsheet that collectively represents the 2014-2023 CUP applications processed within the City of San Diego.

When properly noticed, those who oppose cannabis or where these businesses can be located will show up to the various hearings and ask that their voices and concerns be heard. They never are. The decisions on who is going to get one of these licenses is made well before the hearings occur. Indeed, there are Planning Commission Commissioners who are on record having to recuse themselves from votes because they have a "financial conflict of interest" with the dispensary that is being heard. This information as well as how the entire application process has been compromised can be found in the supporting documents.

I could take 10 pages just to summarize this, but I think what gives the best overall view of what has happened and where we are in this is to consider this 2017 Planning Commission exchange between a cannabis industry expert, Attorney Gina Austin and Commissioner James Whalen, which I've titled:

"What lessons have you said you've learned?"

[1:51:55 Commissioner Whalen](#) I'll be brief. Could the architect come up real quick?

Q: Hancock place was expanded from the original. What were the lessons learned there that you are applying here?

A: (Michael Morton, Architect) Getting back to the sign...*[Gina takes the microphone away from Morton]*

A: (Gina Austin, Esq.) I think that question is better answered by myself. What we learned about the Hancock location originally was that the 800 sq-ft was just too small. That there was insufficient space inside of the location to service the needs of our patients and that we needed additional space to do that. This location, because of its 4K sq-ft helps us meet that. We learned to, as patients come in, we've learned a lot about how to make sure that they walk off the site, give them information to make sure that they're leaving the site, discreetly, safely, not disturbing the neighbors, we have lots of neighbors in the Hancock area and so those were some of the things that we've learned and taken with us to this next location?

“What lessons have you actually learned?”

You learned how to treat these dispensaries as for-profits until such time that you are caught and exposed in a [class action lawsuit](#). But that wasn't so bad because you had Judge Wohlfeil in your back pocket and he issued a [judgment](#) to settle the matter without addressing the core issue of you, your client and your [shell operating companies](#) acting as a for-profit enterprise.

You learned how if a licensee, Michael “Biker” Sherlock, refuses to part with his CUP ownership interests to his criminal business partners, he will become so distraught he will allegedly decide to commit suicide and his interests will bypass his widow and children to go to those who had the most to gain from his death, his shady business partners. [Sorry, not buying it.](#)

You learned that, through the use of the strawman practice, you could keep ownership interests of above 20% undisclosed to the licensing authorities because those owners would not have qualified, i.e., the Biker Sherlock CUP, as they had been previously sanctioned for having run unlicensed dispensaries.

You learned how to [“game the system” \(2:21:35\)](#) by controlling DSD through certain bad actors (Fitzgerald, Tirandazi and Gutierrez to name just a few) so that the process i.e. the control of completed applications, would be closely managed by the bad actors so that the Hearing Officer would get the preferred application, make a decision and then, if necessary go through the appeal process with, when required, strawman appellants to control that narrative.

You learned how to take those strawman and turn them against each other, either through [conspiracy to commit murder](#) activities or through long protracted litigation that pit the [conspirators](#) against one another, in which they acknowledge in their complaint, that they engage in [oral contracts as a way to prevent disclosure @ 5:24-7:9](#) and subvert the licensing requirements.

You learned how to avoid subpoenas of material witnesses who would expose these acts by simply ignoring them and squirreling your client, in this case through a corrupt attorney accomplice, and [acknowledging in an email](#) to that witness that, with the trial over, she is now free to come out of hiding and to not worry about her attorney fees. They've been covered.

You learned how to artfully manage the Community Planning Groups, Courts, Receiverships, City Council and the Planning Commission as a body and by some Commissioners individually ([see Commissioner Peerson's recusal on 6220 Federal for a financial conflict of interest @ 2:00:21](#)) and another recusal on [Stone Age at 3456 Camino Del Rio North @ 2:08:42](#)) by, among other things, helping to create Path of Travel measurements and sensitive use language that only benefits the licensed cannabis cabal in San Diego.

You learned to lie to the courts and under oath at [51:17-28](#).

You learned how to destroy lives. You've learned how to capitalize on a BAR card that has gained you the surface legitimacy to create these conditions all while knowingly breaking laws that [the courts, in some cases](#), have turned a blind eye to and has only [increased in numbers](#) as more evidence of this fraud comes to light.

What you've TAUGHT us is that we must be constantly vigilant of the action that those who have been given certain authorities to represent our interests will not engage in self-enrichment practices that, unless we're paying attention, become the map that directs our lives. If there has been a gift that you and those others who participate in the crimes we see being committed in cannabis licensing, it's been that you have exposed yourselves, and your inner workings, to the extent that it's not just cannabis law and regulation that we need to be questioning anymore. It's the system that let's these activities occur without any apparent consequences. Well not on our watch.

