

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

MAY 29, 2019

+ + + + +

The District of Columbia Board of Elections convened a Regular Board Meeting in Room 750, 1015 Half Street, SE, Washington, DC 20003, pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair  
MIKE GILL, Member  
DIONNA MARIA LEWIS, Member  
CECILY COLLIER MONTGOMERY, Off. of  
Campaign Finance Director

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director  
SYLVIA GOLDSBERRY-ADAMS, Operations  
Manager  
MYISHA THOMPSON, Registrar of Voters  
LINDA JOHNSON, Assistant to the Executive  
Director

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1 P-R-O-C-E-E-D-I-N-G-S

2 (10:43 a.m.)

3 MR. BENNETT: What I'd like to do to  
4 start out with is just to introduce the folks  
5 that are here, and want to thank everybody for  
6 participating. This is actually our June meeting  
7 we decided to have on May 29th, close to June.

8 We had a number of scheduling  
9 challenges in the first part of June. So we  
10 decided to move the meeting up a little bit.  
11 Particularly since we had May, well actually four  
12 weeks ago. The meeting that we had last week was  
13 actually a Special meeting to address the Jack  
14 Evans recall matter that was filed by Mr.  
15 Eidinger.

16 So this is our regular monthly meeting  
17 and we've got a couple of significant matters  
18 today. We do have a quorum in that we have --  
19 I'm here, Michael Bennett. And we have Michael  
20 Gill, excuse me, Board Member visiting digitally.  
21 And we also have Ms. Dionna Lewis, Board Member  
22 participating digitally, who is on her way in.

1                   So we're going to start with the  
2 adoption of the agenda. Can I get a motion, Mr.  
3 Gill to adopt the agenda?

4                   MR. GILL: I move to adopt the agenda.

5                   MR. BENNETT: I second it, and Ms.  
6 Lewis, do you vote for the agenda today?

7                   MS. LEWIS: Yes.

8                   MR. BENNETT: So it's unanimous. The  
9 agenda is adopted unanimously.

10                   The minutes from the Wednesday, the  
11 May meeting which was Wednesday, May 1st. I need  
12 a motion, Mr. Gill to adopt the minutes from that  
13 meeting.

14                   MR. GILL: I move to adopt the minutes  
15 of the meeting of Wednesday, May 1st.

16                   MR. BENNETT: It is seconded. And Ms.  
17 Lewis were you able to connect with the minutes  
18 and do you also vote for the minutes being  
19 received?

20                   MS. LEWIS: Yes.

21                   MR. BENNETT: Okay, so that's  
22 unanimous. All right, so the minutes from May

1 1st have been properly moved, seconded, and  
2 adopted.

3 So Board Matters, I don't have any  
4 matters for this meeting. Mr. Gill do you have  
5 any matters?

6 MR. GILL: No, our third meeting in  
7 May, so I'm up to date on my matters.

8 MR. BENNETT: You're up to date, okay,  
9 great.

10 MR. BENNETT: Ms. Lewis.

11 MS. LEWIS: Likewise, no Board matters.

12 MR. BENNETT: Okay, great. First  
13 thing is that we'll have, next thing we'll have  
14 the report from the Office of Campaign Finance,  
15 Ms. Cecily Montgomery, you're up here.

16 MS. MONTGOMERY: Yes, good morning.

17 MR. BENNETT: Good morning.

18 MS. MONTGOMERY: The first thing I  
19 would like to report is with respect to our Fair  
20 Elections Program division. And during the month  
21 of May in the Fair Elections Program division, a  
22 second candidate registered to participate in the

1 Fair Elections Program on May the 16th, 2019.

2 And that was Jordan Grossman for Ward 2, Ward 2  
3 City council.

4 The FEP program conducted training for  
5 its new staff on May the 7th, 2019. On May 10th,  
6 2019 we conferred a 30-second PSA on the program  
7 to WTOP-FM Radio for dissemination for six months  
8 to the public.

9 And forwarded the Agency's FEP  
10 brochures to DCTV. And those will run for Monday  
11 through Friday from 11:00 a.m. to, from 10:00  
12 a.m. to 11:00 a.m. And on Sunday 9:00 a.m. to 11  
13 o'clock a.m. through the remainder of the 2020  
14 election cycle.

15 On May the 20th, 2019 the Board  
16 adopted Chapters 3, 37, 42, and 43 of the DCMR as  
17 final. And of course those regulations were  
18 revised to include the, Fair Elections Program.  
19 Chapters 42 and 43 of the regulations have since  
20 been revised to capture the amendments which were  
21 enacted by D.C. Act 23-50, the Fair Elections  
22 Emergency Amendment Act of 2019, effective May

1 the 22nd, 2019. And those rules will be  
2 submitted to the Board for adoption today.

3 With respect to the ANC Outreach  
4 Project, the Fair Elections Program staff visited  
5 the following ANCs during the month of May. On  
6 May 1st ANC 8C, on May the 2nd ANC 7B, on May the  
7 9th ANC 7C, and on May 23rd ANC 8D. And  
8 basically what happened was the FEP staff  
9 presented during the meetings of the ANC, to  
10 provide information on the new Fair Election  
11 Program.

12 On May the 13th, 2019, candidates were  
13 selected. On the FEP staff were two auditor  
14 positions, one CS-11 and one CS-09. The proposed  
15 entry dates for both in positions is June the  
16 9th, 2019.

17 We also had a meeting with the OCF  
18 vendor on May 7th, May 15th, and May 20th through  
19 conference calls to view our interim FEP filing  
20 system. And we are still on schedule for the  
21 system to be available for the electronic filing  
22 of reports by the public on July 31st, 2019.

1                   In our Public Information and Records  
2 Management Division, there were no filing dates  
3 during the month of May for Principal Campaign  
4 Committees, Political Committees, Political  
5 Action Committees and Independent Expenditure  
6 Committees, or our Constituent Service and  
7 Statehood Fund Programs.

8                   Also during May, 2019 in the Public  
9 Information and Records Management Division, we  
10 did have new candidates and committees who  
11 registered with the office. First, Recall Jack  
12 Evans Now, was at the Recall Committee,  
13 registered on May the 8th, 2019.

14                   Jordan Grossman, Jordan Grossman for  
15 Ward 2, Ward-2, City Council registered on May  
16 the 15th, 2019. Brandon Todd, Re-Elect Brandon  
17 Todd 2020, Ward-4, City Council registered on May  
18 the 15th, 2019. James Jennings, Vote Jennings  
19 Ward 7 DC Council 2020, Ward-7, City Council  
20 registered on May the 16th, 2019.

21                   In our Reports Analysis and Audit  
22 Division during the month of May, the Audit



1 Branch conducted desk reviews of ten reports  
2 which were vital to the office.

3 Also we have five ongoing Full Field  
4 Audits in the division. The first is Sheika Reid  
5 for Ward 1, which was initiated August the 29th,  
6 2018. And that is of a Principal Campaign  
7 Committee. DC Proud 2019 Inaugural Committee was  
8 initiated on April the 22nd, 2019. And that is  
9 an Inaugural Committee.

10 Frazier O'Leary for Ward 4 was  
11 initiated on March the 4th, 2019. That is a  
12 field audit of a newly elected official for the  
13 school board as a result of the 2018 election.

14 Committee to Elect Zachary Parker 2018  
15 was initiated on March the 5th, 2019. Again that  
16 is a full field audit of a newly elected  
17 official, school board 2018 election. And Emily  
18 for Education, which was initiated March the 4th,  
19 2019. And again that is a newly elected  
20 official, school board 2018 election.

21 We have one periodic random audit  
22 which is ongoing, and that is of the Ward 4

1       Constituent Service Fund. The periodic audit was  
2       initiated April the 1st, and it is of the April  
3       the 1st, 2019 filing.

4               We issued two audits during the month  
5       of May. The first was, Do Something Constituent  
6       Service Fund, Ward 8. We issued that on May the  
7       15th, 2019. The Ward Seven Constituent Service  
8       Fund was issued May the 15th, 2019. And both of  
9       the audits are available at our website for  
10      review by members of the public.

11              I would ask, Mr. Sanford to come  
12      forward and to provide the report of the Office  
13      of the General Counsel for the Office of Campaign  
14      Finance.

15              MR. SANFORD: Good morning, Mr.  
16      Chairman and distinguished Board Members. My  
17      name is William Sanford, General Counsel for the  
18      Office Campaign Finance. During the month of  
19      May, 2019 to date, the Office of General Counsel  
20      received two referrals from the Reports Analysis  
21      and Audit Division.

22              The Office of the General Counsel

1 conducted one informal hearing, and issued five  
2 orders, which included the following. Three  
3 orders for failure to timely file ANC Summary  
4 Financial statements in which no fines were  
5 imposed or issued.

6 One order for failure to timely file  
7 regarding a Principal Campaign Committee in which  
8 no fine was imposed or issued. And one order for  
9 failure to timely file a report regarding a  
10 Political Action Committee in which a fine \$1,500  
11 was imposed or issued during the month of May,  
12 2019 to date.

13 During the month of May, 2019 to date,  
14 the Office of the General Counsel imposed a total  
15 of \$1500 in fines. And the fine was imposed  
16 against the SEIU, Political Action Committee.

17 During the month of May, 2019 to date  
18 the Office of General Counsel collected \$1,500 in  
19 fines. And that was part of an installment  
20 payment plan that was agreed upon between the  
21 Office of Campaign Finance and Jeffrey Thompson.

22 During the month of May, 2019 to date,

1 the Office of the General Counsel transmitted 20  
2 petitions for enforcement to the Office of the  
3 General Counsel for the Board of Elections. And  
4 during the month of May, 2019 to date, there were  
5 no open investigations underway in the Office of  
6 the General Counsel. There were no requests for  
7 interpretative opinions, and no show cause  
8 proceedings were conducted. And that should  
9 conclude my report.

10 MR. BENNETT: Thank you, Mr. Sanford.

11 MS. MONTGOMERY: And that concludes  
12 the report for the Office of Campaign Finance.

13 (Off the record comments.)

14 MR. BENNETT: All right, are there any  
15 questions from Ms. Lewis on the report, or a  
16 scheduling matter?

17 MS. LEWIS: No questions.

18 MR. BENNETT: Okay, Mr. Gill what do  
19 I, I know you got cut off, but you're back now.  
20 Do you, whatever portion you heard, do you --

21 (Simultaneous speaking.)

22 MR. GILL: This it's different, but I

1 got cut off just at the end of Bill's, okay --

2 MR. BENNETT: Okay.

3 MR. GILL: Topic.

4 MR. BENNETT: All right, great. Okay,  
5 Ms. Miller, Executive Director of the Board of  
6 Elections, can you provide your report? And also  
7 we'll move, and you'll provide the General  
8 Counsel's Report as well.

9 MR. BENNETT: Yes, thank you. Good  
10 morning. The first thing I want to report on is  
11 the status of the implementation of our new VRS  
12 system. As you know the contract was awarded to  
13 implement the Board's new voter registration  
14 system in late February or late March.

15 The vendor has been working with BOE  
16 staff to reach full compliance of the contract  
17 and new upgrades to our VR system, which is a  
18 modernization of the VR system. The  
19 implementation hosts a full range of newly  
20 developed processes from data conversion of the  
21 current 25 plus year-old system, to the new  
22 database running under what is called, VR Focus.

1 The old system it's, Integrity.

2 The timeline for implementation is  
3 currently on track. Our data has been forwarded  
4 to the new VR system and has been, succeeded with  
5 a first pass. We'll have at least three to four  
6 more passes, more testing to make sure that the  
7 data is transitioning to the new system as it  
8 should.

9 In essence, currently the new voter  
10 registration database, Voter Focus is operating  
11 with DCBOE data and continues to undergo  
12 developmental testing. The hardware and software  
13 to host the new data, VR Database is now being  
14 configured on site with necessary applications.  
15 Overall the project is progressing and is  
16 currently 30 percent complete.

17 We continue to have long Board  
18 conference calls and schedule meetings with the  
19 vendor on a biweekly or as needed basis to  
20 discuss the activities and milestones of the  
21 implementation.

22 We've completed a gap analysis which

1 is the collection of information that will be  
2 used throughout the VR system software  
3 development cycle to provide traceability to the  
4 new software being designed to meet BOE's  
5 contract requirements.

6 Target completion date for the entire  
7 conversion, implementation, production, and  
8 reduction of the new system is set for late  
9 October. And at this point, although it is still  
10 early in the process, we believe that the system  
11 should be up and running as is scheduled.

12 So that's just a general high overview  
13 of where we are with the implementation of the  
14 new VR system. Any questions on that?

15 MR. BENNETT: No, any questions from  
16 the Board Members? Michael, okay?

17 MR. GILL: No questions.

18 MR. BENNETT: Dionna?

19 MS. MILLER: D-I just got cut off.

20 MR. BENNETT: Okay.

21 MS. MILLER: Okay, with our canvas  
22 report, we began our canvas in January. As of

1 May 22nd, we received a response from 16 percent  
2 of the voters who were canvassed as a result of  
3 electing not to vote in the 2018 general  
4 election. Essentially there were 218,000 voters  
5 that were canvassed.

6 The current status and response from  
7 those voters is that we have 35,952 that we have  
8 received responses from. It's low, but it's not  
9 unusual. It's quite typical.

10 We will move to a second mailer. We  
11 will be sending an affordable card to  
12 approximately 17,618 registered voters. Those  
13 voters were voters that were identified as  
14 undeliverable in the first mailing.

15 The others, excuse me, will remain on  
16 the voter roll at the addresses from first record  
17 at least through two federal elections. That's  
18 what the law provides. That's approximately  
19 182,000 voters. We did not receive a response  
20 card from them. There is no action required by  
21 the law on part of the agency, so they will  
22 remain on the roll and have, unless we have a



1 reason to update or change anything related to  
2 their voter registration information.

3 Fortunately, we're able to see voter  
4 registration information via ERIC, which is the  
5 Electronic Registration Information Center, which  
6 we're a member of along with 26 other  
7 jurisdictions. STEVE, State Territorial Exchange  
8 of Vital Events process, which we also receive  
9 information through Social Security, and the  
10 National Change of Address Program.

11 And finally I want to talk a little  
12 bit about, we have started Pollworker training,  
13 the initial stages of it. And refresher course  
14 training with our Captains and our Special Ballet  
15 Clerks which we believe are the two most  
16 important positions in the precinct for Election  
17 Day.

18 We began this May 22nd, and we've  
19 couched it as continuing Pollworker training to  
20 focus on things that we think they need to have,  
21 pay attention to, and spruce up on before the  
22 Election Day. This will go through the end of

1 June for these two positions. We'll pick back up  
2 in September for a second round of training with  
3 the same positions.

4 As I said the focus of the training is  
5 to delve into the weeds of the polling place  
6 operation and to provide a comfort level for the  
7 Captains and Special Ballot Clerks with the  
8 details of the Election Day operation that they  
9 are responsible for fulfilling.

10 This is the first time we've done  
11 something like this in an off-election year. I  
12 think it's going to be well received. I think it  
13 will be helpful as we move forward next year,  
14 especially with the presidential election year  
15 coming, it will be with us in 2020.

16 What made us want to do this is we  
17 noticed some discrepancies in the operation of  
18 the polling site in the 2018 election site.  
19 Well, I thought it would be beneficial to begin  
20 earlier than usual to have training to address  
21 some of the common place challenges that go with  
22 the space.

1                   And then finally with respect to the  
2                   Executive Director's Report, I find myself doing  
3                   this more often than we need to. We've had again  
4                   someone who we recently, the family recently  
5                   buried. And I will say our election family, work  
6                   family, Travonda Raye (phonetic), who was a  
7                   coworker for us for a number of years. She  
8                   recently assisted with training in our last  
9                   election cycle, recently passed.

10                   Her funeral was on May 20th. She  
11                   suffered from breast cancer, which no one would  
12                   have known. She was in the final, stage four of  
13                   breast cancer last year where she continued to  
14                   come in regularly, if not daily, to work with us  
15                   and assist us with training and other needs for  
16                   our polling place operation.

17                   So we did have an acknowledgment that  
18                   we presented at the funeral. And I just want to  
19                   put that on record, because she was one of our  
20                   dedicated and long time workers. And at the age  
21                   of 61 passed from breast cancer. And she will be  
22                   missed by this agency, especially as we're moving

1 to next year's election.

2 MR. BENNETT: And we certainly, on  
3 behalf of the Board and the City for that matter,  
4 we certainly want to express condolences and  
5 thank her for all the services she provided for  
6 all her years. And we certainly will be having  
7 our thoughts with the family during this  
8 difficult time. So, thank you for bringing that  
9 up.

10 MS. MILLER: Yes, and just one other  
11 loss. I mentioned at the last Board meeting that  
12 the staff had also lost another member of its  
13 election family. And I just wanted to say that  
14 we also did an acknowledgment for her. I just  
15 want to read the thank you card that the family  
16 sent.

17 And it's, "Dear Members of the DC  
18 Board of Elections, thank you so much for the  
19 love and care shown to mom during her employment  
20 and especially during illness. You are  
21 definitely a core part of our family.

22 We are very grateful for your kindness

1 and generosity at her passing. Your gift to  
2 Antioch Baptist Church and proclamation at her  
3 services are truly appreciated by our entire  
4 family."

5 And it's signed by the family. And I  
6 just want to put this on record. We did do a  
7 small collection and the family had requested  
8 that the money be sent either to the church or to  
9 the Cancer Society. She had ovarian cancer. And  
10 the collection amounted to a \$1000, which was  
11 presented to the church on behalf of the Board.

12 So their appreciation and our thanks  
13 told through her. I wholly support that.

14 MR. BENNETT: Thank you.

15 MS. MILLER: That concludes my report.

16 Any questions?

17 MR. BENNETT: I don't have any  
18 questions. Any questions from, digitally, Ms.  
19 Lewis, Mr. Gill?

20 (Simultaneous speaking.)

21 MS. LEWIS: No questions.

22 MR. GILL: No questions from me thank

1 you. Thank you.

2 MR. BENNETT: Great, thank you. If  
3 you could provide the General Counsel's Report  
4 today?

5 MS. MILLER: Sure. The first matter  
6 on the agenda for the General Counsel's Report is  
7 litigation status. There are three cases. I'll  
8 go through them each briefly.

9 The first one is William V. Hunt v. DC  
10 Board of Elections. This is a matter that was  
11 filed in U.S. District Court for D.C. on October  
12 18th. Complaint regarding the counting of  
13 write-in votes cast in the November 18th general  
14 election.

15 Mr. Hunt who was a write-in candidate  
16 for Mayor filed the complaint prior to the  
17 general election to request the Board count the  
18 write-in votes cast in the mayoral contest  
19 because the number of write-in votes cast in the  
20 mayoral contest was not sufficient to elect a  
21 write-in candidate.

22 The Board was not required to tabulate

1 the write-in votes cast in the contest. Rather  
2 the Board reported the number of write-in votes  
3 cast in the aggregate and provided the number,  
4 and provided that number as certified election  
5 results which are posted on the Board's website.

6 The complaint was filed on October  
7 18th, the Board was not made aware of the  
8 complaint until April 25th due to filing and  
9 service errors on the Plaintiff's part. And was  
10 not formally served, the Board was not formally  
11 served until April 26th, 2019.

12 We filed a motion to dismiss on  
13 Wednesday, April 24th and are awaiting the  
14 Court's decision in that matter.

15 Butler v. D.C. Board of Elections.  
16 This is a matter that Mr. Butler filed in D.C.  
17 Superior Court April 15th. It's an action for a  
18 Writ of Mandamus to compel the Board to accept  
19 D.C. Term Limits Campaign Initiative as a proper  
20 subject. The scheduling conference for this  
21 matter is set for July 19th, 2019.

22 And then finally with litigation

1 statuses, the last one is Graham v. DC Board of  
2 Elections. This matter involves the Board's  
3 appeal of a permanent injunction in our D.C.  
4 Superior Court on December the 12th, which  
5 prohibits the Board from taking any action on the  
6 Referendum 008 matter. That was the referendum  
7 that sought to -- it's what the, Tipped Wage  
8 Workers Fairness Amendment Act sought to repeal  
9 that initiative, Initiative 77, the Minimum Wage  
10 Amendment Act of 2018.

11 A permanent injunction was entered on  
12 the basis that the Board had failed to provide  
13 adequate public notice of the meeting. At which  
14 the Board formulated the referendum, the short  
15 title and summary statement.

16 The proposal of the referendum is also  
17 appealing the preliminary injunction. And that  
18 appeal is consolidated. The Board's appeal to  
19 the Court of Appeals has issued a scheduling  
20 order. And our brief is due on that on June  
21 26th.

22 MR. BENNETT: Okay.



1 MS. MILLER: Okay. We have final  
2 rulemaking that I will also ask the Board to  
3 consider. To amend 3 DCMR, Chapter 5, Voter  
4 Registration, regulations in support of the  
5 Address Confidentiality Act of 2018.

6 The purpose of those amendments to  
7 Chapter 5 is to provide a means for voters who  
8 are victims of covered offenses, or covered  
9 employees as defined by, in the Address  
10 Confidentiality Act of 2018. That law became  
11 effective on July 3rd, 2018 to make their voter  
12 registration records confidential.

13 Notice of 2nd Emergency and Proposed  
14 Rulemaking with respect to these amendments was  
15 published in the DC Register on April 12th, 2019.  
16 No written comments on the proposed rules were  
17 received during the public comment period. And  
18 no substantive changes have been made to the  
19 regulations. So at this time I would ask that  
20 the Board entertain a motion to adopt this  
21 rulemaking to Chapter 5 as final rulemaking.

22 MR. BENNETT: Can I get a motion, Mr.

1 Gill, I think your connection is a little better.  
2 Can I get a motion from you, Mr. Gill to the  
3 adoption of those final rules that were just  
4 noted by Ms. Miller?

5 MR. GILL: Motion to adopt the rule.

6 MR. BENNETT: Let's second it. Ms.  
7 Lewis, are you still on the line?

8 MS. LEWIS: Yes.

9 MR. BENNETT: Okay, can I get a second  
10 for that motion?

11 MS. LEWIS: Second.

12 MR. BENNETT: Okay, so it's properly  
13 moved and seconded. And I have a yes, so it's  
14 unanimous. Those rules are then final, okay.

15 MS. MILLER: The second final  
16 rulemaking is to amend 3 DCMR Chapter 5, Voter  
17 Registration, the regulations listing the  
18 District's National Voter Registration Agencies.  
19 And just briefly, the purpose of this is to  
20 enumerate the agencies as service or registration  
21 agencies in the District of Columbia. This is  
22 pursuant to federal law, and to local law.

1 Under the law, any agency in the  
2 District of Columbia government that provides  
3 public assistance, or that operates or funds  
4 programs primarily engaged in providing services  
5 to persons with disabilities shall serve as a  
6 voter registration agency. Additionally, the  
7 Mayor or the Council of the District of Columbia  
8 may designate additional agencies as voter  
9 registration agencies.

10 However, such designations are  
11 optional. The Notice of Proposed rulemaking with  
12 respect to these amendments was published in the  
13 Register on April 12th. No written comments on  
14 the proposed rules were received during the  
15 public comment period. And no substantive  
16 changes have been made to the regulations as  
17 proposed. So again, at this time I'd ask the  
18 Board to entertain a motion to adopt these rules  
19 as final rulemaking.

20 MR. BENNETT: Okay. Can I get a  
21 motion, Mr. Gill, regarding the regulation as  
22 listing the District's National Voter

1 Registration Agencies in this Title 3, DCMR,  
2 Chapter 5? Can I get a motion, Mr. Gill?

3 MR. GILL: A motion to proceed.

4 MR. BENNETT: Okay. Ms. Lewis, are  
5 you there?

6 MS. LEWIS: Yes.

7 MR. BENNETT: Can I get a second?

8 MS. LEWIS: Second.

9 MR. BENNETT: All right, so it's been  
10 properly moved and seconded. And I vote, yes.  
11 So it's, those are now final. Ms. Miller.

12 MS. MILLER: Thank you. And then  
13 finally we have some rules with the Office of  
14 Campaign Finance. Final rulemaking to amend 3  
15 DCMR, Chapter 30, Campaign Finance Operations,  
16 Committees, Candidates, Constituent Service  
17 Programs, Statehood Funds; Chapter 34, Campaign  
18 Finance Recordkeeping and Audits; Chapter 37,  
19 Investigations and Hearings; and Chapter 99,  
20 Regulations.

21 Mr. Sanford has positioned himself at  
22 the table, and I'll have him explain those

1 regulations.

2 MR. BENNETT: Thank you, Mr. Sanford.

3 MR. SANFORD: And again, Mr. Chairman,  
4 and distinguished Board Members this is William  
5 Sanford again. The proposed, the final  
6 rulemaking that we are requesting that the Board  
7 consider would be to amend those Chapters in the  
8 regulations to make clear provisions of the Fair  
9 Elections Program.

10 Chapter 30 as indicated has to do with  
11 the operations. Chapter 34 includes audit and  
12 recordkeeping. Chapter 37 is investigations, as  
13 well as the fines schedule. And Chapter 99 deals  
14 with definitions.

15 Just a brief comment on Chapter 99, it  
16 would include new definitions that only apply to  
17 the Fair Elections Program, such as, base amount,  
18 certification, small qualifying donation, and the  
19 fair election, the definition of the Fair  
20 Elections Committees, and Fair Elections Programs  
21 among other definitions as a part of that  
22 program, the basic one.

1           The information we have provided and  
2           the publication of these regs in the DC Register  
3           on the 19th of April. And the expiration date of  
4           the 20th of May, 2019. We would ask the Board to  
5           kindly approve the final rulemaking.

6           MR. BENNETT: Okay. And these are the  
7           -- this is, I found this for the explanation of  
8           the Board. This is final rulemaking for -- not  
9           emergency rulemaking associated with the  
10          emergency legislation. But this is the final  
11          rulemaking associated with those regulations that  
12          were issued for --

13                   (Simultaneous speaking.)

14          MR. SANFORD: They were published on  
15          the 19th of April.

16          MR. BENNETT: Yes, okay. And we will,  
17          we have another matter on the emergency  
18          legislation. I'm giving that information to the  
19          other Board Members.

20          MR. SANFORD: Yes.

21          MR. BENNETT: Okay. So if I can get  
22          a motion from Mr. Gill to approve the Campaign

1 Finance and reporting, all these Chapters that  
2 Mr. Sanford noted. Can I get a motion to approve  
3 those as final? Mr. Gill.

4 MR. GILL: A motion to approve. Yes,  
5 a motion to approve the chapters that Mr. Sanford  
6 referenced as final.

7 MR. SANFORD: Yes.

8 MR. BENNETT: Okay. Can I get a  
9 second, Ms. Lewis? She's here?

10 MS. LEWIS: Second.

11 MR. BENNETT: Okay, so it's been  
12 properly moved and seconded. And those rules are  
13 now final. I also vote, yes.

14 MR. SANFORD: Thank you.

15 MS. MILLER: Okay. And there is one  
16 other rulemaking proposal, for Emergency and  
17 Proposal making for the Office of Campaign  
18 Finance. Those are Emergency and Proposal  
19 rulemaking to Amend Title 3 DCMR Chapter 42, the  
20 Fair Elections Program, and Chapter 43, the  
21 Verification Process. These regulations are in  
22 support also of the Fair Elections Program the

1 Emergency Amendment to the Act of 2019. Mr.  
2 Sanford.

3 MR. SANFORD: Thank you. These  
4 regulations would be consistent with emergency  
5 legislation that was passed by the Council, and  
6 signed by the Mayor on the 22nd of May, 2019. It  
7 was enacted as D.C. Act 23-50. I would ask the  
8 Board to approve the emergency rulemaking,  
9 Chapters 42 and 43.

10 Most of the legislative changes  
11 regarding the Fair Election Program that were  
12 enacted in the legislation were a result of  
13 recommendations that were made by the Board. And  
14 so we ask the Board to approve this emergency  
15 legislation, emergency rulemaking.

16 MR. BENNETT: I agree, this is just  
17 for further explanation to the other Board  
18 Members. I think we're all aware of the fact  
19 that we asked the Council to make some changes  
20 for operational purposes to the Fair Elections  
21 Act. And they did that on an emergency basis.  
22 And now it's time for us to make sure that regs



1 match the legislation. And so that's what this  
2 emergency rulemaking is, what it's about.

3 So can I get a motion, Mr. Gill?

4 MR. GILL: A motion to approve the  
5 emergency rulemaking.

6 MR. BENNETT: Okay. Is, do we have,  
7 okay do we have Ms. Lewis anymore do we?

8 MS. MILLER: Yes, she's still here.  
9 She's about to pull up now.

10 MR. BENNETT: Okay. Okay can I get a  
11 second, Ms. Lewis?

12 MS. MILLER: Are you still there?

13 MS. LEWIS: Second.

14 MR. BENNETT: Okay. So it's been  
15 properly moved and seconded. Thank you. And I  
16 vote, yes as well. So, those --

17 MR. GILL: And kudos to you Mr.  
18 Chairman for working that out. That's a huge  
19 accomplishment to get those changes so quickly.

20 MR. BENNETT: Thank you. It was  
21 certainly a team effort, so. But thank you, I  
22 appreciate that. I receive it.

1           So, that's it. In terms of someone to  
2 work with, thank you, Mr. Sanford. So those were  
3 approved by unanimous vote by the Board.

4           Now what we'd like to do is to move  
5 into the review, the petition -- I'm sorry, Ms.--

6           MS. MILLER: Yes.

7           MR. BENNETT: Go ahead.

8           MS. MILLER: Okay.

9           MR. BENNETT: So your next is --

10           MS. MILLER: Okay, we have the next  
11 matter is the adoption of the petition. An  
12 issuance of the petition to Kerry Kemp for the  
13 proposed recall of Jack Evans, Ward 2 Member of  
14 the Council of the District of Columbia. Is the  
15 proposer here?

16           MS. KEMP: Yes.

17           MS. MILLER: Please come forward. And  
18 is there any opposition to this? Anyone that's  
19 against it?

20           MR. DIAMOND: Yes.

21           MS. MILLER: Okay, would you come  
22 forward?

1           MR. BENNETT: What we'd like to do is  
2 we want to conclude this matter relatively  
3 quickly. But we need to hear from all parties,  
4 we will hear from the proponent. And then we'll  
5 hear from the opposition. And anybody else who  
6 would like to speak we'll give a couple of  
7 minutes to do that as well.

8           We will, I will probably not issue an  
9 order from the table right away, because I want  
10 to make sure that the other Board Members have an  
11 opportunity to the advice I have -- but we'll try  
12 and do that as soon after this meeting as  
13 possible. Okay? And we'll kind of go forward.  
14 Ms. Miller, you want to --

15           MS. MILLER: Right. So since we have  
16 Mr. Diamond here as opposing the petition. We  
17 can give you ten minutes each as we normally do  
18 to, you will start first Mr. Diamond. You want  
19 to make an opposition to the issues of the  
20 petition?

21           MR. DIAMOND: All right, yes. And  
22 that schedule is okay with us.

1 MS. MILLER: Okay, and then you, Ms.  
2 Kemp you'll have ten minutes to respond as well.  
3 And then we will still have five minutes apiece  
4 for any rebuttal. Okay, Mr. Chairman?

5 MR. BENNETT: Yes, that's fine.

6 MS. MILLER: We'll start your ten  
7 minutes. You can see from this clock here and  
8 your time is running now. You can go, Mr.  
9 Diamond. State your name and address for the  
10 record, please.

11 MR. DIAMOND: My name is --

12 MR. BENNETT: Would you pull the mic  
13 over to you, Mr. Diamond?

14 MR. DIAMOND: Oh, yes.

15 MR. BENNETT: Thank you.

16 MR. DIAMOND: My name is Donald  
17 Diamond. My address is 221 9th Street SE,  
18 Washington, DC 20003. I'm here today on behalf  
19 of Council Member Jack Evans.

20 Mr. Chairman, Members of the Board,  
21 our comments in opposition will be brief. As of  
22 course the Board is aware, it's already issued

1 petitions for recall of Mr. Evans. And as such  
2 we would say, while the statute and the  
3 regulations are solid on the issue, that issuing  
4 this recall, these recall petitions, would be  
5 redundant. Could create great confusion in among  
6 the electorate.

7 And even though the statute is silent  
8 we would submit that to use a reductio ad  
9 absurdum, does the statute mean that 100 people  
10 could file a 100 separate recalls? A 1000 people  
11 and 1000 recalls going out at the same time?

12 I don't believe that's a sensible  
13 interpretation of the statute. Of course going  
14 the other way, it doesn't mean that you can't  
15 have two. But we would say that in opposition,  
16 that this request is redundant.

17 Secondly, we would point out for the  
18 record two items in the proponents proposed  
19 language for the petitions. And this may be a  
20 matter for the legislatures somewhere down the  
21 road, but there are a number of statements that  
22 are just false, contrary to fact. And indeed in

1 many countries, it would be the New York Times  
2 reporter, on libelous.

3 Second, a concern that we continue to  
4 have, and that the Board has had is that there's  
5 an accusation in his staff, you know, seeking  
6 corruption, which is unfair and unjust to accuse  
7 people who aren't respondents. Who aren't here.  
8 Who have no ability to defend themselves. And we  
9 would urge the Board, if it were in its  
10 discretion to issue these petitions, to take such  
11 efforts that that be removed.

12 MR. BENNETT: Okay.

13 MR. DIAMOND: That concludes our  
14 remarks.

15 MR. BENNETT: Thank you, Ms. Kemp.

16 MS. KEMP: Yes, thanks. My name is  
17 Kerry Kemp, and my address is 1725 17th Street,  
18 NW, Apartment 314, Washington, DC 20009.

19 Use this? Can't hear me?

20 Can you hear me?

21 MR. BENNETT: Yes, we can now.

22 MS. KEMP: Oh yes, now you can.

1       Should I repeat it?

2                   MR. BENNETT: Did you get it, Ms.  
3 Miller, did you get the address okay?

4                   MS. MILLER: Okay.

5                   MR. BENNETT: She did, thank you.

6                   MS. KEMP: I filed this petition, this  
7 effort to file a petition because I was concerned  
8 that the other petition was being challenged, and  
9 by Jack Evans, and might not get through. And I  
10 wanted, and I feel strongly that --

11                   MR. BENNETT: Tell us what's up.

12                   MS. KEMP: Okay, fine. Jack Evans  
13 needs to be held to account by the Ward 2 voters.  
14 And even though another petition has been  
15 approved, I would like to keep this one in -- we  
16 will not be collecting signatures with this  
17 petition, we would just be holding it in --

18                   MR. BENNETT: Hold on one second so we  
19 can figure something out.

20                   MS. KEMP: Something's with the --  
21 yes.

22                   MR. BENNETT: Sorry. I'm sorry,

1 please go ahead, Ms. Kemp.

2 MS. KEMP: We just want to have it as  
3 a backup should something happen to the other  
4 petition. So one of my questions is how long,  
5 what is there a particular date at which the  
6 appeals or the challenges of the first petition,  
7 they are over? Because, yes is there a date  
8 where we can rest assured that that petition will  
9 --

10 MR. BENNETT: No.

11 MS. KEMP: -- go forward?

12 MR. BENNETT: We have --

13 MS. KEMP: I mean it's been approved,  
14 but are there other challenges?

15 MR. BENNETT: No, there are not any  
16 challenges that we would hear other than the  
17 petition itself. So they've got 180 days to get  
18 their -- and Alice please correct me.

19 MS. MILLER: Okay.

20 MR. BENNETT: They have 180 days from  
21 the time that the petition is issued to provide  
22 ten percent of the signatures, valid signatures.



1 Now once those are provided, it is possible that  
2 they may not meet the, you know, threshold for  
3 the ten percent. But that will be determined  
4 then once we receive the petitions and go through  
5 the process of validating the signatures.

6 I can't, I'm trying to think of any  
7 other, there's no --

8 MS. KEMP: No external challenge?

9 MR. BENNETT: Not during this 180 day  
10 period. Now they could not make the deadline.  
11 They could, you know like it was said, they could  
12 provide the petition but not have sufficient  
13 signatures. And there could be a number of ways  
14 in which the petition could fail. But those are  
15 things that we would have to deal with after --  
16 thank you.

17 MS. MILLER: Welcome.

18 MR. BENNETT: But those are things  
19 we'd have to deal with after the petition was  
20 actually submitted.

21 MS. KEMP: So if they were to get  
22 those --

1 MR. BENNETT: I'm sorry.

2 MS. MILLER: The appeal process for  
3 the order. They could appeal the order.

4 MR. BENNETT: I'm sorry, they --

5 MS. MILLER: The proponent, the --

6 MR. BENNETT: Would you visit us?

7 MS. MILLER: Just one other thing  
8 obviously, Mr. Evans could appeal the Board's  
9 order once that issues.

10 MS. KEMP: That's what I'm concerned  
11 about.

12 MS. MILLER: Yes, there's the point of  
13 appeals.

14 MS. KEMP: He could appeal the Board's  
15 order. So that's why I sort of, I want to keep  
16 this as a backup.

17 MR. BENNETT: Yes.

18 MS. KEMP: For any of those  
19 contingencies. But we will not be collecting  
20 signatures unless that becomes necessary.

21 MR. BENNETT: Well, now let me clear  
22 though. If you submit it. We have to treat it

1 on its face.

2 MS. KEMP: Yes.

3 MR. BENNETT: That this is not a  
4 backup. That this will go forward accordingly.

5 MS. KEMP: Okay.

6 MR. BENNETT: So however you decide to  
7 deal with it, manage it yourself is fine. But we  
8 don't have the --

9 MS. KEMP: You can't deal with it as  
10 a backup?

11 MR. BENNETT: No we can't deal with it  
12 as a backup. It stands on its own face just as  
13 the petition that was, that we issued that we  
14 allowed to go forward last week.

15 MS. KEMP: And what are the criteria  
16 that you use in determining whether it gets  
17 issued to go forward? I mean is that just, yes  
18 is there --

19 MR. BENNETT: Well don't you got the  
20 requirements of the law in terms of filing and  
21 the petition itself, so --

22 MS. KEMP: Okay, I think so.

1 MR. BENNETT: -- the submission. So  
2 the only thing that I would share with you, while  
3 that was not the basis, but he did change it,  
4 that was not the basis of issuing the other  
5 petition for Mr. Eidinger.

6 MS. KEMP: The staff thing?

7 MR. BENNETT: I'm looking, yes.  
8 That's the language --

9 MS. KEMP: I'm willing to change that  
10 language.

11 MR. BENNETT: -- that we're looking  
12 at. That's really your call whether you decide  
13 to change --

14 MS. KEMP: I'm happy to change that.

15 MR. BENNETT: That --

16 MS. KEMP: To make it whatever you  
17 would --

18 MR. BENNETT: I'm not demanding that  
19 you do that.

20 MS. KEMP: No, no, no.

21 MR. BENNETT: I'm just saying that's  
22 what the Board --

1 MS. KEMP: It's not essential.

2 MR. BENNETT: So if you decide to  
3 change that, that's certainly fine. But if you  
4 want to go forward then we would deal with it as  
5 a standalone item.

6 MS. KEMP: I would like to go forward.

7 MR. BENNETT: And move forward  
8 accordingly, so --

9 MS. KEMP: And if you give me language  
10 that you think would be acceptable, I think there  
11 was something done in Mr. Eidinger's petition?

12 MR. BENNETT: Yes, what was taken out,  
13 I'm trying to find your petition now.

14 MS. KEMP: Yes.

15 (Off the microphone comments.)

16 MS. MILLER: It's right there.

17 MR. BENNETT: Okay.

18 MS. KEMP: Whatever was done in that.

19 MR. BENNETT: The language that was  
20 taken out was in the, it says, in your --

21 MS. KEMP: Using his office and staff.

22 MR. BENNETT: It would be the third

1 paragraph and it says, he has created the  
2 appearance of corruption by using his office and  
3 his staff to --

4 MS. KEMP: Take out again his staff if  
5 fine.

6 MR. BENNETT: -- solicit work. That  
7 was what the other two Board Members had issue  
8 with.

9 MS. KEMP: That's fine.

10 MR. BENNETT: Let me be real clear  
11 though, and I appreciate your --

12 MS. KEMP: Your eagerness to comply.

13 MR. BENNETT: Your compliance, however  
14 you're not getting from us that that's a  
15 requirement to take it out.

16 MS. KEMP: Got you, okay.

17 MR. BENNETT: Okay. That's the only  
18 point. They, the other two Board Members wanted  
19 to point out that that was an issue. That they  
20 had some concern.

21 MS. KEMP: I think that's a valid  
22 issue.

1 MR. BENNETT: So it's your call to  
2 turn --

3 (Simultaneous speaking.)

4 MS. KEMP: Because it's not essential  
5 to the larger purpose of the --

6 MR. BENNETT: It's completely up to  
7 you, Mr. Kemp.

8 MS. KEMP: Can I say yes to that?

9 MR. BENNETT: You can.

10 MS. KEMP: Now?

11 MR. BENNETT: If you'd like to --

12 MS. KEMP: I don't feel I'm under any  
13 duress or anything from the --

14 MR. BENNETT: If you'd like to change  
15 it, you're more than welcome to.

16 MS. KEMP: Okay.

17 MR. BENNETT: Okay.

18 MS. MILLER: If that's the case, we  
19 will have to redo the petition.

20 MS. KEMP: Okay.

21 MS. MILLER: And we can take off to do  
22 that. When they've prepared the petition and you

1 submit it.

2 MS. KEMP: Again.

3 MS. MILLER: The notice that was  
4 stamped to that petition was the one that was  
5 going to be issued. So this will require some  
6 occupational --

7 MS. KEMP: Okay.

8 MS. MILLER: To do that.

9 MS. LEWIS: Yes, I just want to say I  
10 fully appreciate, you know, you doing that,  
11 agreeing to do that. I imagine in Board the  
12 review would have very similar sentiments as  
13 expressed the first time around. So we certainly  
14 appreciate that.

15 MR. BENNETT: I think we can get you  
16 up here on the phone, would you like to --

17 MR. GILL: No, I agree. I appreciate  
18 that. I appreciate that. If we're going to have  
19 comments, at the end of the -- comments in  
20 general, but I'll wait until you're wrapping up,  
21 Mike.

22 MR. BENNETT: Okay, all right. You



1 have any questions, Ms. Lewis?

2 MS. LEWIS: No thank you. I could  
3 point out what, well just other matter. You're  
4 concerned about what the status of the appeal  
5 will be. But we don't know that, but you could  
6 certainly, just procedurally not -- withdraw this  
7 filing and file if the appeal goes forward. As  
8 long as it's done so before the last day of the  
9 recall process. That's up to you.

10 MS. KEMP: The only thing is I'd have  
11 to go through all of this again.

12 MR. BENNETT: Yes.

13 MS. KEMP: So I'd rather just have it  
14 --

15 MS. MILLER: Just up, off the mat.

16 MS. KEMP: Yes, yes.

17 MS. MILLER: Proceed, just proceeding  
18 as an option.

19 MS. KEMP: Yes.

20 MR. BENNETT: So.

21 MS. KEMP: Do we have --

22 (Simultaneous speaking.)

1 MR. BENNETT: I think this thing is  
2 typical.

3 MS. MILLER: Just a few more minutes.

4 MR. BENNETT: Unless you, what you've  
5 done so well so far.

6 MS. MILLER: No we're good. It's  
7 rebuttal. If you have any final concerns.

8 MR. DIAMOND: No we'll, our time's up.

9 MR. BENNETT: Okay. Do you have  
10 anything you want to close with Kemp?

11 MS. KEMP: No thank you.

12 MR. BENNETT: Okay, do we have anybody  
13 that would like to speak on behalf of the  
14 proponent or -- yes, sir. You'd like to speak on  
15 behalf of --

16 MR. HANRAHAN: Yes. It's just a,  
17 really a matter of inquiry again to clarify --

18 MS. MILLER: Can you state your name  
19 and address for the record, please?

20 MR. HANRAHAN: Oh, I'm sorry. Yes,  
21 John Hanrahan.

22 MR. BENNETT: And you've already, and

1 we'll update the six second test.

2 MR. HANRAHAN: Second test -- it's  
3 going to be hit and run.

4 MR. BENNETT: Well that's okay. We've  
5 had it. We want you to be comfortable while  
6 you're in the running.

7 MR. HANRAHAN: John Hanrahan, 1505 Q  
8 Street, NW. It's just a question about  
9 clarification on the discrepancy Council had  
10 objection to Adam Eiding's address. Whether he  
11 was a resident of that. And I was wondering on  
12 that issue, does he have a certain amount of time  
13 if he wanted to appeal that to the Court. Saying  
14 that the Board here in --

15 MS. MILLER: Right, that's the appeal  
16 where we'd be brought into that. Order has not  
17 issued yet, so once that order issues, then the  
18 timing will run for him to file the appeal on  
19 that.

20 MR. HANRAHAN: And how much time?

21 MS. MILLER: Thirty days.

22 MR. HANRAHAN: Thirty days, yes that's

1 what I was questioning. Thank you very much.

2 MS. MILLER: That's it?

3 MS. HANRAHAN: And a follow-up on  
4 that?

5 MR. BENNETT: Sure.

6 MS. MILLER: Could you say your name,  
7 and address for the record, please?

8 MS. HANRAHAN: Oh, Debby Hanrahan,  
9 1505 Q Street, NW. Once he has 30 days. In your  
10 experience, how long does it take for the Court  
11 to move on that? You know, in that predicament?  
12 Could it be a month, two months, three months?

13 MS. MILLER: It could be a year.

14 MS. HANRAHAN: It could be a year, so  
15 that's when the backup initiative becomes, a  
16 recall becomes a --

17 MS. MILLER: Comes into play.

18 MS. HANRAHAN: Comes into play. And  
19 protects our effort to go forward with the recall  
20 one way or another. And I'm also wondering can  
21 Mr. Evans's lawyer in his behalf, raise other  
22 issues with the Court? Only this one?

1 MS. MILLER: Yes.

2 MS. HANRAHAN: That's all?

3 MS. MILLER: It's just whatever is in  
4 the order on appeal.

5 MS. HANRAHAN: I see, okay. So that  
6 we only have to look out for one.

7 MS. MILLER: That's good to hear.

8 MS. HANRAHAN: May I ask another  
9 question?

10 MS. MILLER: Certainly.

11 MS. HANRAHAN: We're confused about  
12 the committees. We have a committee. We have a  
13 bank account. We have a little bit of money in  
14 our bank account to show how we're spending our  
15 funds in behalf of this recall. Does Mr. Evans  
16 have to have a committee, and a treasurer, and  
17 bank account to show how he is defending himself  
18 in this recall?

19 MS. MILLER: I'll ask Ms. Montgomery  
20 to address that.

21 MS. MONTGOMERY: Fine. What would  
22 happen is in the event that the subject of the

1 recall petition collect contributions to oppose  
2 the recall, or makes expenditures to oppose the  
3 recall, he would be required at that point to  
4 register with our office.

5 MS. HANRAHAN: As an organization, or  
6 just the expend -- would that be a separate  
7 organization or just the expenditures?

8 MS. MONTGOMERY: It would be -- what  
9 he would be required to register with our office,  
10 would be a committee --

11 MS. HANRAHAN: A committee, so it  
12 would be a committee?

13 MS. MONTGOMERY: -- to oppose to  
14 recall effort.

15 MS. HANRAHAN: Okay. Okay, thank you,  
16 okay.

17 MR. BENNETT: All right, thank you.  
18 Thank you, both.

19 MS. MILLER: Ms. Kemp could you stay  
20 there, please?

21 MS. KEMP: Yes.

22 MS. MILLER: We don't have much time

1 now.

2 MR. BENNETT: Huh.

3 MR. SINDRAM: Mr. Chair.

4 MR. BENNETT: Yes, sir.

5 MR. SINDRAM: I'd like to weigh in.

6 MR. BENNETT: Okay, Mr. -- I'm sorry,  
7 hold on a second, Mr. Sindram. You wanted what,  
8 now?

9 (Off the microphone comments.)

10 MR. BENNETT: I'm sorry Mr. Sindram,  
11 you're more than welcome to make a comment now.

12 MR. SINDRAM: Thank you. Hello, I'm  
13 Michael Sindram, disabled veteran who served our  
14 country more than most. I recall Mr. Chair, an  
15 impassioned plea you made from the dais regarding  
16 democracy. How democracy should work and a  
17 cornerstone, a keystone is vote, vote, vote,  
18 vote.

19 You realized Hitler got into power,  
20 into power by the vote of one. The point is  
21 this. We the people had voted on term limits  
22 back in 1992. And the Board, the powers if they

1 honored that, we wouldn't have this discussion  
2 now. Jack Evans would not have the 21 years plus  
3 because he would be ineligible due to term limit.

4 Fast forwarding, he has since been  
5 removed from the Washington Metropolitan Area  
6 Transit Authority chairmanship of the Board.  
7 That should have been done long ago and far away.  
8 This Councilman from Ward 2 is corrupt. And he  
9 has an ongoing pattern of corruption. I'm taken  
10 aback that the Board, Mr. Chair with all due  
11 respect, and your colleagues, are needing this  
12 recall.

13 Yet, you are permitting the opponent  
14 who doesn't reside in Ward 2, as I recall he gave  
15 an address over in SE, what gets with that?  
16 All's fair in love and war.

17 You required the items to be on the  
18 ballot to be initiated from Ward 2 folks. Then  
19 in kind, any opposition should be as well. But  
20 it appears to me that Mr. Evans is receiving  
21 preferential treatment throughout this. And he's  
22 still there. Nothing has basically changed.



1                   He's got a little slap on the wrist  
2 with his buddy Philip Heath Mendelson. Don't do  
3 it again, Jack. Don't do it again. With, what  
4 was it DC Sports or whatever, taken on this  
5 committee. But he's still there. Still there,  
6 sad but true.

7                   Once again, you Mr. Chair, hold the  
8 vote near and dear to your heart. But why should  
9 I bother voting, why should anybody bother voting  
10 if the vote doesn't matter when we say, term  
11 limit. If we say Initiative 77 should go  
12 through. And the motley crew to approve are now  
13 limited to Evans, says no. We know better.  
14 Well, if you know better, why even bother having  
15 a Board? Why bother voting? Let the Council,  
16 you know let's have, the closest thing to a  
17 communist entity, which is the Council to  
18 overturn the will of the sovereign body, we the  
19 people.

20                   This is something you, Mr. Chair, and  
21 the Board need to look at very closely. And  
22 again with this recall to throw hyper-

1 technicalities at the, like this recall  
2 initiative. It's not good. This is defeating  
3 the purpose of democracy.

4 Again, Mr. Chair, it came from your  
5 heart and I feel your passion, vote. But why  
6 should I bother voting? If you're going to  
7 neutralize what our vote stands for or what our  
8 vote accomplishes, why bother voting at all?

9 And that's the mindset of a good  
10 number of folk. My vote doesn't matter. Mu vote  
11 doesn't count, but it does. Once you get Hitler  
12 gutted, the power by the vote of one.

13 MR. BENNETT: Thank you, Mr. Sindram.  
14 But, but --

15 (Simultaneous speaking.)

16 MR. SINDRAM: -- blood was shed --

17 MR. BENNETT: Mr. Sindram.

18 MR. SINDRAM: -- as I'm sure you know.

19 MR. BENNETT: Mr. --

20 MR. SINDRAM: -- for the precious  
21 right to vote. I as a disabled veteran who  
22 served our country more than most, has finally

1 found a line for due process and well as  
2 interference, as have fellow soldiers.

3 (Simultaneous speaking.)

4 MR. BENNETT: Mr. Sindram, Mr.  
5 Sindram, my apologies for interrupting but you've  
6 gone past your, the time we've allotted. Just  
7 for the record though the representative for Mr.  
8 Evans is his Counsel. And Counsel is not  
9 required to live in Ward 2.

10 But we will review that for other  
11 public matters at a later point. So thank you  
12 for your comments, Mr. Sindram.

13 MR. BENNETT: Anything else Ms.  
14 Miller?

15 MS. MILLER: At this point is there  
16 anything else from either of the -- at this  
17 point, so we would ask the Registrar or the  
18 voters come forward. Did she leave out too?

19 (Off the microphone comments.)

20 MS. MILLER: I think she went to fix  
21 the petition, so do you want to move to the next  
22 matter?

1 MR. BENNETT: Yes, let's move to the  
2 next matter.

3 MS. MILLER: Or take a break?

4 MR. BENNETT: No, let's move to the  
5 next matter, then we'll come back to it.

6 MS. KEMP: Should we stay here or  
7 leave?

8 MR. BENNETT: Yes.

9 MS. MILLER: Yes stay here.

10 MR. BENNETT: Yes, yes please stay.

11 Okay.

12 MS. MILLER: Okay, the next matter is  
13 an appeal from the Advisory Neighborhood  
14 Commission 7B Resolution. Appeal by Phillip  
15 Hammond for Resolution issued by Advisory  
16 Neighborhood Commission 7B regarding Nicole  
17 Smith-McDermott. Are the parties here?

18 MR. HAMMOND: Yes, I'm one.

19 MS. MILLER: Ms. Kerry could you step  
20 back and have the seat back in the --

21 MR. HAMMOND: Step back?

22 MS. MILLER: -- galley? Not you, Ms.

1 Kerry.

2 MS. KEMP: Oh, me?

3 MS. MILLER: Yes.

4 MS. KEMP: Okay, I thought you said --

5 MS. MILLER: I want you to stay here,  
6 but just to seat yourself --

7 (Simultaneous speaking.)

8 MS. KEMP: Oh, I see what you said,  
9 okay that's -- what I was asking, Okay, sorry.

10 MS. MILLER: We're going to call Ms.  
11 McDermott. I understand she is unable to be  
12 here, but can appear by phone.

13 (Off the record comments.)

14 MS. MILLER: This matter has to do  
15 with an appeal from a Resolution that was issued  
16 by the ANC 7B04 regarding a vacancy being  
17 declared in that ANC. This matter came before  
18 the Board, I believe it was March. And the Board  
19 directed the parties to go to the ANC.

20 Mr. McGann, do you want to do a  
21 synopsis of where we are with respect to this?  
22 That would be great.

1 MR. MCGANN: Good morning, Rudolph  
2 McGann, Secretary of the Board of Elections. At  
3 this point in time, the Complainant is appealing  
4 the Resolution from the ANC 7B. Currently there  
5 was no vacancy in the Single-Member District of  
6 7B04 with respect to Ms. Nicole Smith-McDermott's  
7 residency.

8 MS. MILLER: So from this point, we  
9 would I guess hear from the parties regarding  
10 what your issue is in terms of opposing the  
11 Resolution and Ms. McDermott who has submitted  
12 some evidence supporting her residency as well.  
13 We'll start with Ms. McDerm -- with the  
14 challenger.

15 Could you state your name and address  
16 for the record for us, please?

17 MS. MILLER: You have addressed it?

18 MR. HAMMOND: Yes, yes.

19 MS. MILLER: No, not you, Ms.

20 McDermott -- go ahead.

21 (Simultaneous speaking.)

22 MR. HAMMOND: Yes, sir. Will you give

1 me a chance to review this, please?

2 MR. BENNETT: Yes, sir. Hold on Ms.  
3 McDermott, we're going to hear the opposition  
4 first and then, I mean from the --

5 MS. MILLER: Challenger.

6 MR. BENNETT: -- challenger first.  
7 And then we'll hear from you. Is that okay? Can  
8 you hear me okay?

9 MS. MCDERMOTT: Yes, that's fine.

10 MR. BENNETT: Okay, thank you.

11 MS. MILLER: He's reviewing documents,  
12 Ms. McDermott so sit tight for a minute.

13 MR. HAMMOND: Okay, good morning.

14 MS. MILLER: Let me just tell you Mr.  
15 Hammond, once you get started we're going to give  
16 you ten minutes to present.

17 MR. HAMMOND: Ten minutes.

18 MS. MILLER: Would you like to, if you  
19 could look right here to see the time. Can you  
20 see that?

21 MR. BENNETT: Can you see it over  
22 here? Can you see that time?

1 MR. HAMMOND: Actually I can't see  
2 that. Can I look in this spot here?

3 MS. MILLER: That spot here, well this  
4 actually counts down the ten minutes.

5 MR. HAMMOND: I see. Okay, good  
6 morning Chairman Bennett and committee members.

7 MR. BENNETT: Good morning.

8 MR. HAMMOND: This is my appeal of the  
9 ANC 7B's Resolution. I am Phillip Hammond,  
10 former ANC Commissioner of ANC 7B04. On March  
11 the 6th, 2019 I addressed the Committee and the  
12 Board regarding my challenge of residency of  
13 Nicole Smith-McDermott's residency at 35 --

14 MR. BENNETT: Can you pull the mic  
15 away from your mouth a little bit? I think that  
16 may help in terms of --

17 MR. HAMMOND: Back a little bit?

18 MR. BENNETT: Yes, sir.

19 MR. HAMMOND: Okay.

20 MR. BENNETT: Let's see if that helps?

21 MR. HAMMOND: Better?

22 MR. BENNETT: Yes, sir. I think so.



1 MR. HAMMOND: Okay, I addressed the  
2 committee and the Board regarding my challenge of  
3 the residency of Nicole Smith-McDermott's  
4 residency at 3525 Highwood Drive, SE,  
5 Single-Member District 7B04. Today I'm here to  
6 appeal the Resolution of ANC 7B to allow Ms.  
7 McDermott to continue to serve as the ANC  
8 Commissioner of 7B04.

9 To support my appeal I will submit  
10 documents to the committee for your consideration  
11 and ask the committee to require Ms. McDermott to  
12 provide her documents as well. The documents  
13 supporting my challenge are, the first one is a  
14 statement, my statement for the ANC 7B minutes  
15 which occurred on April the 4th, 2019.

16 Number 2, the 21 year voting history  
17 for Lester Cameron, which was from 1988 to 2019,  
18 when he lived at 3525 Highwood Drive, SE. The  
19 third I have some photographs of Mr. Cameron  
20 moving from 3525 Highwood Drive, SE on March the  
21 30th, 2019.

22 The fourth is letters from the

1 residents and the Penn Branch Civic Association.  
2 And Number 5, Ms. McDermott's Office of Tax and  
3 Revenue homestead exemption at 4011 Clay Place,  
4 NE. And the last is Adele E. Smith's Office of  
5 Tax Revenue, the homestead exemption at 3525  
6 Highwood Drive, SE.

7           These documents I'll provide you with  
8 and I'm looking at the documents that I just  
9 received from Mr. McGann from Ms. McDermott. So  
10 it's unfortunate that she's not here. She is on  
11 the conference call, but unfortunate that she's  
12 not here. So, but I will provide you with these  
13 documents. And I'll go forward.

14           Now I do have the Vice President of  
15 the Association to Penn Branch, who has submitted  
16 a letter. And this we have, as well as she's  
17 present. So she may want to make a statement as  
18 well. But, I'll present you with these.

19           Now, do you need to keep these  
20 documents, or can I get the documents back from  
21 you. You can make copies?

22           MR. BENNETT: Yes, sir.

1 MR. HAMMOND: So those are my  
2 documents and I, should I ask the Vice President  
3 to the Association to come forward to give a  
4 statement?

5 MR. BENNETT: Sure.

6 MR. HAMMOND: Ms. Cannon, would you  
7 come forward please?

8 MS. MILLER: Ms. Cannon, could you state  
9 your name and address for the record please?

10 MS. CANNON: Yes. My name is  
11 Jacqueline Cannon. I reside at 3610 Highwood  
12 Drive SE. I am, in addition to being a 21-year  
13 resident of the Penn Branch neighborhood, I'm  
14 also the vice president of the association.

15 And I provided a letter to Mr. McGann  
16 personally on this matter. And today I'm here to  
17 read our letter from the Penn Branch Citizens  
18 Civic Association.

19 This was submitted to Mr. McGann.  
20 Dear Mr. McGann, the Penn Branch Citizens Civic  
21 Association is writing to express concerns about  
22 the residency and subsequent election of ANC 7B04

1 Commissioner Nicole Smith-McDermott on November  
2 6th of 2018.

3 Several residents, including those  
4 living next door, across the street, and in the  
5 immediate vicinity attest that Nicole  
6 Smith-McDermott did not reside at the 3525  
7 Highwood Drive SE address during the required 60-  
8 days prior to the election in accordance with the  
9 DC Board of Elections law or code.

10 Ms. Smith-McDermott did not live in  
11 the property until around April 2019, months  
12 after the election. The Penn Branch Citizens  
13 Civic Association is represented by two Advisory  
14 Neighborhood Commissions, ANC 7B07 and 7B04.

15 We raised the concerns because 7B04,  
16 which includes Penn Branch Shopping Center, is  
17 within the boundary certified Penn Branch  
18 Citizens Civic Association.

19 We pride ourselves in civic action,  
20 responsibility, and fostering a strong community  
21 with strong ethics and values. However, the  
22 election of Ms. Smith-McDermott raises serious

1 ethical issues that are a major concern to many  
2 of our residents.

3 We also raise the following. Prior to  
4 the election, two PBCCA Board members visited the  
5 neighbor next door to 3525 Highwood Drive SE.

6 (Telephonic interference.)

7 MR. BENNETT: Ms. McDermott, if you  
8 can put yourself on mute.

9 MS. CANNON: And the board members  
10 were told that the home was owned by Ms. Smith-  
11 McDermott's mother. But neither she nor her  
12 mother lived at that property.

13 The neighbor also encouraged the two  
14 board members to knock on the door to speak with  
15 Mr. Cameron who lived at 3525 Highwood Drive SE  
16 property for more than 20 years.

17 The two PBCCA officers knocked on the  
18 door at 3525 Highwood Drive SE and were told by  
19 the former resident, Mr. Cameron, that Ms. Smith-  
20 McDermott did not live at the property but had  
21 asked the tenant to place her campaign sign in  
22 the front of his residence at 3525 Highwood

1 Drive, the home that he had rented for almost 20  
2 years.

3 The PBCCA has reviewed its records and  
4 has no indication of Ms. Smith McDermott residing  
5 in the community or being included in any records  
6 of block captains for the 3500 block of Highwood  
7 Drive. Several neighbors have gone on record  
8 that Ms. Smith-McDermott never lived at the  
9 property.

10 And I've provided Mr. McGann with  
11 letters. One is a notarized letter from a  
12 neighbor that's four houses down the street. And  
13 I provided him with a letter from another  
14 neighbor that's directly across the street. And  
15 that individual just happens to be the block  
16 captain for the block.

17 According to several neighbors, the  
18 property at 3525 Highwood Drive had been rented  
19 to a Mr. Lesten Cameron, Lester, excuse me,  
20 Cameron, for over 20 years. In March of 2019,  
21 Mr. Cameron, a 70-year-old senior citizen, was  
22 given a few weeks to vacate the property. He

1 moved out around March 30th of 2019 and ---

2 MS. MILLER: Excuse me, Ms. Cannon,  
3 you've got two minutes.

4 MS. CANNON: Okay. I'm wrapping up  
5 here. And Ms. Smith-McDermott then moved into  
6 the property around April of 2019.

7 The PBCCA believes that, given the  
8 neighbors and PBCCA accounts, Ms. Smith-McDermott  
9 did not comply with the residency requirement of  
10 the DC State Board of Election code.

11 The PBCCA asks that the Board  
12 carefully review the statements and concerns of  
13 our neighbors, and the Penn Branch Citizens Civic  
14 Association. We are asking the Board to  
15 disqualify the election. Sincerely, Penn Branch  
16 Executive Board members.

17 MR. BENNETT: Thank you. Any other  
18 comments?

19 MR. HAMMOND: Yes, I do have a  
20 question in regards to the information in the  
21 letters that are being presented to the Board, to  
22 the Committee. How much weight do they carry?

1 And in regards to our testimony, and our  
2 submittal of documents to you, just how much  
3 weight do these letters carry?

4 MR. BENNETT: We'll consider them  
5 along with all the evidential documentation that  
6 we have. It just depends. I'm not trying to be  
7 evasive, but it just depends.

8 MR. HAMMOND: Depends on what?

9 MR. BENNETT: It depends on the weight  
10 of all evidence that we receive.

11 MR. HAMMOND: Now, I have looked at  
12 the documents that Ms. McDermott had provided to  
13 Mr. McGann. Initially, she provided three  
14 documents verifying her residency. These are new  
15 documents, and so I don't --- certainly I don't  
16 believe they're credible.

17 But certainly she's on the phone, she  
18 can say what she has to say. But personally I am  
19 rejecting these documents as being part of the  
20 record. Because these things should have been  
21 submitted, actually, January the 10th when Karen  
22 Brooks asked her for documents to verify her



1 residency. It should not take --

2 (Telephonic interference.)

3 MR. HAMMOND: -- all that time. It  
4 should not take this long for her to come up with  
5 additional documents showing that she lived  
6 there.

7 MR. BENNETT: Thank you. Any  
8 questions before we --- any questions, Mr. Gill,  
9 do you have for the challenger?

10 MR. GILL: No, I do not have any  
11 questions.

12 MR. BENNETT: Ms. Lewis, do you have  
13 any questions?

14 MS. LEWIS: Maybe.

15 MR. BENNETT: Okay, one second. Ms.  
16 McDermott, are you still on the line? We have to  
17 ask you to make a comment, make a decision.

18 (No audible response.)

19 MR. BENNETT: Okay, no questions for

20 --

21 MS. MILLER: Ms. McDermott, are you on  
22 the line? Ms. McDermott?

1 MR. BENNETT: Ms. McDermott?

2 (Off the record comments.)

3 MR. BENNETT: The way this will work,  
4 we'll let Ms. McDermott make her statements and  
5 position. And then we'll ask if there's anybody  
6 else, if she has anybody to testify on her  
7 behalf. That'll be a part of her ten minutes.

8 (Simultaneous speaking.)

9 MR. HAMMOND: Should I stay here?

10 MR. BENNETT: You can either stay  
11 there or perhaps sit with them, if that is your  
12 preference.

13 MS. MILLER: Is she on?

14 MR. BENNETT: She is.

15 MS. MILLER: Okay, Ms. McDermott,  
16 you'll have ten minutes to present your  
17 testimony. It's now 11:53 according to the clock  
18 that we have in here. We're going to put a ten-  
19 minute timer on. And I'll ask you to start by  
20 stating your name and address for the record,  
21 please.

22 MR. BENNETT: Ms. McDermott, did you

1 hear?

2 (No audible response.)

3 MR. BENNETT: Ms. McDermott?

4 MS. MCDERMOTT: Yes, I am here. It's  
5 a little ---

6 (Simultaneous speaking.)

7 MS. MCDERMOTT: I actually didn't hear  
8 --- I believe Mr. Hammond spoke first. I heard  
9 him running off numbers. That was pretty much  
10 all I heard. And I believe there was a woman,  
11 Jacqueline, I think I heard her name was, that  
12 spoke shortly after him. I heard nothing of what  
13 she said. So it sounds like, I mean, everything,  
14 it sounds a little far away. So it's not too  
15 clear.

16 (Off the record comments.)

17 MS. MILLER: Okay. So we're going to  
18 try this again. There was evidence presented.  
19 It's a letter, actually, that was read into the  
20 record. And we can provide you a copy of that  
21 letter.

22 MS. MCDERMOTT: There was a letter for

1 the record.

2 MS. MILLER: There was a letter that  
3 was read into the record by Ms. Jaqueline --

4 MS. CANNON: Cannon.

5 MS. MILLER: -- Ms. Jaqueline Cannon.

6 We can provide you with a copy of the letter.

7 It's from the Penn Branch Citizens Civic

8 Association basically just expressing concerns

9 that you were not a resident of the ANC 7B04.

10 MS. MCDERMOTT: Is there someone there  
11 from ANC 7B04?

12 MS. MILLER: Ms. McDermott, I believe  
13 it's here.

14 MS. MCDERMOTT: It's not.

15 MS. MILLER: Are you --

16 MS. MCDERMOTT: Okay, no that's fine.

17 MS. CANNON: Excuse me?

18 MS. MILLER: She's asking if you are  
19 a resident of 7B04.

20 MS. CANNON: I live right down the  
21 street. I'm technically 7B07, I believe it is.

22 But I'm also he vice president of the Penn Branch

1 Citizens Civic Association. And Highwood Drive  
2 is part of the Penn Branch Citizens Civic  
3 Association. And Highwood Drive is part of the  
4 Penn Branch Citizens Civic Association  
5 boundaries.

6 As I mentioned in my letter, Penn  
7 Branch Citizens Civic Association is covered by  
8 two ANCs, 7B04 and 7B07.

9 MS. MILLER: All right. Ms.  
10 McDermott, we're going to give you ten minutes to  
11 present your testimony. And I'll say again, this  
12 clock that we're looking at is saying 11:58. So  
13 we're going to start right now. And you can go  
14 forward with whatever you'd like to say to  
15 respond to the challenge.

16 MS. MCDERMOTT: I'm not sure what I'm  
17 actually really responding to. I'm responding to  
18 hearsay. And so I'm not --- there's nothing for  
19 me to necessarily respond to. It's hearsay,  
20 generally.

21 Unfortunately, I could not be here  
22 today. I heard something mentioned about me not

1 being there. But I do have sick son which takes  
2 precedence over this smear campaign that is  
3 happening here.

4 So I don't really, I mean, I presented  
5 factual evidence. I presented the paperwork, I  
6 presented the necessary documentation. So I  
7 don't know ---

8 MS. MILLER: Do you want to tell us  
9 what you ---

10 MS. MCDERMOTT: -- what other  
11 documents ---

12 MS. MILLER: Do you want to tell us  
13 what you presented, for the record, please?

14 MS. MCDERMOTT: Oh, yeah. Sure. So  
15 do you want me to go ahead and ---

16 MS. MILLER: Yes.

17 MS. MCDERMOTT: -- present it?

18 MS. MILLER: Uh-huh.

19 MS. MCDERMOTT: Okay. So for the  
20 record, what was just presented was -- it was for  
21 the paperwork that stated my ID, my W-4 tax  
22 document. I think also, for the record, because

1 I heard something come up about tax and revenue.  
2 I'm not sure what exactly that was that came up,  
3 because I didn't hear what that was.

4 So the assumption is probably the Clay  
5 Place address. There was an oversight from  
6 Office of Tax and Revenue regarding the tax  
7 payment on that property that has been rectified.

8 And I have it resolved on Page -- over  
9 \$2,000, correcting errors on the Office of Tax  
10 and Revenue, from the Office of Tax and Revenue.  
11 I can provide that information. I didn't provide  
12 that information, because I didn't realize it was  
13 necessary to provide.

14 And also, for the record, I provided  
15 my ID, this statement, tax paperwork, fees, SF-50  
16 and paystubs. I also presented documentation  
17 that dates back to July.

18 MR. BENNETT: Ms. McDermott, is  
19 everything okay?

20 MS. MILLER: Ms. McDermott, can you  
21 hear us?

22 MS. MCDERMOTT: Yes.

1                   MR. BENNETT: And this is Michael  
2 Bennett, the Chair of the Board of Elections.  
3 Can you hear me okay?

4                   MS. MCDERMOTT: This is who?

5                   MS. MILLER: The chairman of the  
6 Board.

7                   MS. MCDERMOTT: Oh yes, uh-huh.

8                   MR. BENNETT: Hi, is this better?

9                   MS. MCDERMOTT: Yes.

10                  MR. BENNETT: Okay. Boy this is  
11 really challenging. I wanted to ask you, part of  
12 the challenge here is that the challenger claims  
13 that you -- challenges the timeframe in which you  
14 moved into the address that is in this particular  
15 ANC ward. Can you state for the record what date  
16 you became a resident of the address?

17                  MS. MCDERMOTT: (Telephonic  
18 interference) since 1987.

19                  MR. BENNETT: So you moved into that  
20 property --

21                  (Simultaneous speaking.)

22                  MR. BENNETT: -- in 1987?



1 MS. MCDERMOTT: Yes, that's been my  
2 primary residence since 1987. I have the papers  
3 on that, so forth and so on. And that's been my  
4 primary residence since 1987.

5 MR. BENNETT: And can you state for  
6 the record ---

7 MS. MCDERMOTT: Well, it's '87 or '89.  
8 And that was the time it was purchased by my  
9 father who is now deceased.

10 MR. BENNETT: And can you state for  
11 the record the address of that property please,  
12 Ms. McDermott?

13 MS. MCDERMOTT: 3525 Highland Drive  
14 SE, Washington, D.C.

15 MR. BENNETT: And so you've been a  
16 resident of that address continuously since ---  
17 and the property was purchased by your father in  
18 1989 or thereabouts, anyway?

19 MS. MCDERMOTT: I haven't maintained  
20 my residency at that property since then. I did  
21 go away for college from that period of time.  
22 Huh?

1 MR. BENNETT: I'm not trying to guess  
2 your age, but what period of time where you away  
3 for college or were not a resident there, I'm  
4 sorry.

5 MS. MCDERMOTT: From 2003 through  
6 2008. In 2008, I worked in northeast Washington,  
7 D.C. And we came back and re-claimed the  
8 property as my primary residence, which even  
9 (telephonic interference). That was not my  
10 primary residence. I still maintain my primary  
11 residence at 3525 Highwood Drive SE.

12 MR. BENNETT: Okay. All right. Do  
13 you have any questions, Ms. Lewis?

14 MS. LEWIS: I have a few, actually.

15 MR. BENNETT: Ms. Lewis has a couple  
16 of questions for you now as a Board member.

17 MS. MCDERMOTT: Who has questions?

18 MR. BENNETT: Ms. Dionna Lewis,  
19 another Board member. If you can just hold on  
20 one second?

21 MS. MCDERMOTT: Okay, sure.

22 MR. BENNETT: Give her a chance to ask

1 the questions.

2 (Off the record comments.)

3 MS. LEWIS: Hi, good afternoon, Ms.  
4 McDermott. How are you?

5 MS. MCDERMOTT: Hello. I'm okay, this  
6 is an ongoing process. But, you know, I'm trying  
7 to work with everyone here in this to resolve  
8 what is happening. But other than that, I'm  
9 doing really great, thank you.

10 MS. LEWIS: You're welcome. When you  
11 say your primary residence, can you explain what  
12 you mean by that?

13 MS. MCDERMOTT: I can give the actual,  
14 you know, definition ---

15 MS. LEWIS: No, I don't want a  
16 Webster's ---

17 (Simultaneous speaking.)

18 MS. LEWIS: Yeah, I don't want a  
19 Webster's definition. I would like to know, when  
20 you say primary residence, what do you mean by  
21 that? Does that mean that you send mail there,  
22 does it mean that you sleep there and lay your

1 head there at night? Does it mean that your  
2 family resides there on a continuous basis. Does  
3 it mean that you live there, you know, half the  
4 time out of the week and the other half somewhere  
5 else? Does it mean that it's a vacation home?  
6 What do you mean when you say primary residence?

7 MS. MCDERMOTT: Primary residence  
8 meaning the majority of the time out of the 12-  
9 month period. At least every month you stay at  
10 that location. And I do receive mail here.

11 MS. LEWIS: Okay. And when you ---

12 MS. MCDERMOTT: I mean my family that  
13 lives there.

14 MS. LEWIS: Okay. And when you ---  
15 okay, and when you say at least the majority of  
16 the time, is there some other location that you  
17 are residing at?

18 MS. MCDERMOTT: Yes.

19 MS. LEWIS: Okay, where is that?

20 MS. MCDERMOTT: But not currently, no.

21 MS. LEWIS: Okay.

22 MS. MCDERMOTT: Currently, no.

1 MS. LEWIS: Okay. And what timeframe  
2 are we talking about when you say previously?

3 MS. MCDERMOTT: Previously ever since  
4 two years ago.

5 MS. LEWIS: Okay. And where was that?

6 MS. MCDERMOTT: In Northeast,  
7 Hawthorne Court NE.

8 MS. LEWIS: Okay. And when you say  
9 you were there, so were you sharing an address in  
10 Hawthorne Court as well as the address in  
11 question at Highwood Drive?

12 MS. MCDERMOTT: Was I sharing it?

13 MS. LEWIS: Right. Were you  
14 officially co-residing at 3525 Highwood Drive as  
15 well as in Northeast DC on Hawthorne?

16 MS. MCDERMOTT: Yes.

17 MS. LEWIS: Okay. How much time were  
18 you spending at one location versus the other?

19 MS. MCDERMOTT: At Hawthorne Court,  
20 less than 50 percent of the time. And again, the  
21 majority of the time is at 3525 Highwood Drive.

22 MS. LEWIS: Okay. So you said 50

1 percent of the time. So was it a 50-50 split?

2 MS. MCDERMOTT: No, I didn't, less  
3 than 50 percent of the time. It wasn't a 50-50  
4 split.

5 MS. LEWIS: Less than?

6 MS. MCDERMOTT: So it was more for the  
7 purposes. The last time, you know, I'm going to  
8 answer the question that you're asking me, of  
9 course, but I feel like we're getting into a lot  
10 of personal information.

11 You know, I do want to also say for  
12 the record that my child's father is a homicide  
13 detective. So I bring that for several reasons.  
14 He is very honorable for we need to operate it  
15 for safety purposes. But again, at 59 Hawthorne  
16 Court is was less than 50 percent of the time.

17 And it's more so for transit purposes  
18 to be closer to my child's school who will  
19 transport at upper Northwest. And so from that  
20 location he can get to that other school rather  
21 than over at Highwood Drive, yes, over at  
22 Highwood Drive which is not an issue there,

1 because he ---

2 (Simultaneous speaking.)

3 MS. LEWIS: When did you transition  
4 the shared residency from Hawthorne Court? Do  
5 you have an approximate date?

6 MS. MCDERMOTT: No, I don't have an  
7 approximate date. During the school year though,  
8 again, it's during the school year, on and off  
9 during the school year, so from a period of  
10 September through November, all school days, or  
11 whenever school was in session, or school was not  
12 in session, that's something different.

13 So, I mean, I can give you a calendar,  
14 a school calendar that ---

15 MS. LEWIS: No, I don't need a  
16 calendar. I just need your testimony. What I  
17 want to hear from you is approximately what year  
18 it was, if you know the year, that you no longer  
19 co-resided at 59 Hawthorne as you have indicated.

20 MS. MCDERMOTT: 2018.

21 MS. LEWIS: Okay, do you know who  
22 Lester --

1 PARTICIPANT: Lester Cameron.

2 MS. LEWIS: -- Lester Cameron is?

3 MS. MCDERMOTT: Yes, I'm a family  
4 friend. He's my mom's friend, actually.

5 MS. LEWIS: Okay, was he residing on  
6 Highwood Drive at the property?

7 MS. MCDERMOTT: Yes, he was also  
8 residing there with us.

9 MS. LEWIS: How long had he been  
10 residing there?

11 MS. MCDERMOTT: He was still residing  
12 there with us for maybe ten years or so.

13 MS. LEWIS: And when you say us, who  
14 is us?

15 MS. MCDERMOTT: Myself, my mother, my  
16 brother.

17 MS. LEWIS: Okay. So your mother and  
18 brother still live on Highwood Drive as well?

19 MS. MCDERMOTT: My mother does, my  
20 brother does not.

21 MS. LEWIS: In 2018 when you left 59  
22 Hawthorne, who resided in the Highwood Drive



1 location?

2 MS. MCDERMOTT: What does that have to  
3 do with anything? The reason I know, for privacy  
4 reasons, I don't want to disclose who stayed at  
5 59 -- that's where I used to stay. It's  
6 confidential.

7 MS. LEWIS: I'm not, just to be clear  
8 --

9 (Simultaneous speaking.)

10 MS. LEWIS: Ms. McDermott ---

11 MS. MCDERMOTT: I don't know if this  
12 property is disclosed in somebody else's name.  
13 That's not a part of the case.

14 MS. LEWIS: I didn't, Ms. McDermott --  
15 -

16 (Simultaneous speaking.)

17 MS. LEWIS: Ms. McDermott, I'm a Board  
18 member. And we are the ones making a  
19 determination on your residency status. And so I  
20 think it will be helpful if you did answer the  
21 questions that are asked. I did not ask you for  
22 names. I wanted to know who, considering you

1 just said your brother and mother.

2 So my subsequent question to that was  
3 when you transitioned, as you already stated,  
4 from 59 Hawthorne, who, and I didn't ask you for  
5 names or specific identities, who was residing on  
6 the Highwood Drive location?

7 I mean, you already said your mother  
8 and brother so, I mean, was it your mother and  
9 brother? Was it another family? Was it somebody  
10 else? Was it Mr. Lester?

11 MS. MCDERMOTT: No, it was somebody  
12 else.

13 MS. LEWIS: Okay.

14 MS. MCDERMOTT: It was somebody else.  
15 And Lester does not reside on 59 Hawthorne Court.  
16 He had had to move for family reasons. He had a  
17 sick mother. So he had tried to move and handle  
18 his own personal business.

19 MS. LEWIS: My question was who was --  
20 - so I don't believe I indicated that.

21 MS. MCDERMOTT: Oh, it was somebody  
22 else. It wasn't my mother. My mother was

1 (telephonic interference).

2 MS. LEWIS: So when you transitioned  
3 back to Highwood Drive in 2018, you're saying Mr.  
4 Cameron was not living there at the time?

5 MS. MCDERMOTT: No. He was still  
6 there. He was still there. He transitioned out  
7 of Highwood Drive February or March.

8 MS. LEWIS: Of 2018?

9 MS. MCDERMOTT: Of 2019.

10 MS. LEWIS: Okay. Did you say of  
11 2019?

12 MS. MCDERMOTT: Yes. So he just  
13 recently left to go help his mom.

14 MS. LEWIS: Okay. And when you  
15 transitioned back in 2000 --

16 MS. MCDERMOTT: I transitioned back in  
17 2018.

18 MS. LEWIS: And you were residing with  
19 Mr. Cameron at the same --

20 MS. MCDERMOTT: That's correct.

21 MS. LEWIS: Okay, I have no further  
22 questions.

1 MR. BENNETT: Okay, Mr. Gill, do you  
2 have any questions for Ms. McDermott?

3 MR. GILL: I don't have any questions,  
4 thank you.

5 MR. BENNETT: Okay, great. Thank you,  
6 Ms. McDermott. I just have one other --- I have  
7 a question for the challenger. And in essence,  
8 what I hear is that you're challenging the time  
9 period that Ms. McDermott lived there. The  
10 emphasis of your challenge is that she didn't  
11 live there 60 days prior to the election. Is  
12 that correct?

13 MR. HAMMOND: Yes.

14 MR. BENNETT: Prior to the time to  
15 file?

16 MR. HAMMOND: That's my challenge.  
17 And I challenged further that she wasn't living  
18 there in the times that she stated. Because the  
19 only person who lived there was Mr. Cameron.

20 MR. BENNETT: But now you did indicate  
21 that you believe that she did live there at some  
22 point in that 60 days, at least that's what I

1 heard.

2 MR. HAMMOND: No, I didn't.

3 MR. BENNETT: You didn't?

4 MR. HAMMOND: I think Ms. Cannon said  
5 she moved back around April, April of 2019,  
6 lately she moved back in April.

7 MR. BENNETT: You said April of 2019.

8 MR. HAMMOND: 2019.

9 MR. BENNETT: Okay. So you're  
10 claiming that she didn't live --- that she just  
11 most recently moved there.

12 MR. HAMMOND: Correct.

13 MR. BENNETT: Okay. And Ms.  
14 McDermott, as I heard your testimony, your  
15 testimony is basically you lived there  
16 continuously, really, since 2008.

17 PARTICIPANT: '18.

18 MR. BENNETT: 2018, right?

19 MS. MCDERMOTT: Continuously, yes.

20 MR. BENNETT: Okay. And what month  
21 did you --

22 MS. MCDERMOTT: But not collectively.

1 MR. BENNETT: And what month in 2018?

2 MS. MCDERMOTT: January.

3 MR. BENNETT: January of 2018. Okay.

4 MS. CANNON: Mr. Bennett, excuse me.

5 We've got signed affidavits from one of the  
6 neighbors and a statement from another neighbor  
7 directly across the street who attests to the  
8 fact that they have never seen her in the  
9 neighborhood.

10 (Simultaneous speaking.)

11 MR. BENNETT: Yeah, Ms., I'm sorry ---

12 MS. CANNON: Cannon, Jacqueline

13 Cannon.

14 MR. BENNETT: Ms. Cannon was just  
15 speaking and says she just has ---

16 MS. MCDERMOTT: Ms. who?

17 MR. BENNETT: Ms. Cannon says she has  
18 affidavits ---

19 MS. MCDERMOTT: Is that somebody from  
20 the Board?

21 MR. BENNETT: No, I've asked Ms.

22 Cannon a question. She indicated she had ---

1 MS. CANNON: I'm speaking on behalf of  
2 myself and a neighbor in the neighborhood.

3 MR. BENNETT: She indicated she had  
4 affidavits from neighbors as to your residency.  
5 And we're going to take those --

6 MS. MCDERMOTT: Oh, okay, hearsay.

7 MR. BENNETT: -- into evidence.

8 MS. MCDERMOTT: Okay, that's fine.

9 MS. CANNON: Excuse me, that's not  
10 hearsay. That's someone who ---

11 MR. BENNETT: We'll take the affidavit  
12 --

13 MS. CANNON: -- we have signed  
14 affidavit.

15 (Simultaneous speaking.)

16 MR. BENNETT: We've can argue that  
17 point, but we'll take the affidavit, Ms. Cannon,  
18 and take a look at those. Okay.

19 MS. MCDERMOTT: Okay.

20 MR. HAMMOND: I was just going to ask  
21 you how long will this matter take to be  
22 resolved? Apparently, it won't be resolved

1 today.

2 MR. BENNETT: Well, it might. We're  
3 going to need to talk about it after in the  
4 executive session. So all the items that you  
5 have for us, Ms. McDermott has provided, we've  
6 received testimony today, I'm going to ask in a  
7 second if there's anybody else that would like to  
8 give a two-minute comment relative to the matter.

9 But I think that we've properly heard  
10 from you. And we certainly appreciate that.  
11 We've had testimony. Ms. McDermott has provided  
12 testimony and also answered questions from the  
13 Board.

14 And now, I think we have one person  
15 who would like to speak on behalf of, I'm not  
16 sure who, but you're going to have a seat and  
17 tell us who you are and tell us who you're  
18 speaking on behalf of. And actually, I'll  
19 repeat, Ms. McDermott, so that you have that  
20 information.

21 MS. MARLIN: Hi, good morning. My  
22 name is Robin Marlin. I'm a former ANC



1 commissioner, former chair in 7B. And I wanted  
2 to ---

3 MR. BENNETT: Can you give us your  
4 address, please, ma'am?

5 MS. MARLIN: Yes. I'm at 3350 Erie  
6 Street SE, Washington, D.C., in the Hillcrest  
7 community.

8 MR. BENNETT: And you're speaking on  
9 behalf of?

10 MS. MARLIN: I'll be speaking, really,  
11 on behalf of the community but on behalf of Mr.  
12 Hammond.

13 MR. BENNETT: The challenger. So you  
14 have ---

15 MS. MARLIN: The challenger.

16 MR. BENNETT: Can you repeat your name  
17 again for me? I'm sorry.

18 MS. MARLIN: Robin Marlin, M-A-R-L-I-  
19 N.

20 MR. BENNETT: Ms. Robin Marlin is  
21 here, Ms. McDermott. And she's speaking on  
22 behalf of the challenger. So we're going to hear

1 her now, and she's got two minutes.

2 MS. MARLIN: Okay. So I wanted to be  
3 clear about the residency of Mr. Cameron. I  
4 personally spoke to Mr. Cameron when he was  
5 packing his belongings out at that residence.  
6 Because me and Mr. Boyd asked him if he needed  
7 assistance.

8 He told us at that time that he was  
9 being forced to move out of the house. He was  
10 given a week's notice to find another location.  
11 He relocated to Cheverly, Maryland. And I have  
12 contact with him if I have to be. He did not  
13 state anything about a sick mother.

14 And the reference to Ms. McDermott  
15 mentioning her son being sick, and I understand  
16 that she's not here, but that same young man,  
17 during the special meeting that we had April 4th,  
18 yelled out during that meeting and told her we do  
19 not live on Highwood Drive, Mother.

20 And everyone in the audience heard him  
21 say that, a seven, eight year-old child said that  
22 to his mother. And she's up there and gave

1 fabricated information.

2 I get emotional, because I'm very  
3 upset. I'm upset with this process, I'm upset  
4 that she would, for five months, drag this out  
5 knowing that she did not reside there.

6 Now, I saw him move out. I have  
7 photographs of him moving out. He told me why he  
8 moved out, because it was a political matter.  
9 And the mother and that daughter, Ms. McDermott  
10 and mother, Ms. Adele Smith, literally attacked  
11 me January 4th at an ANC Board meeting, because I  
12 went there humbly to ask them to step down with  
13 the information that Mr. Hammond had, information  
14 I have from Mr. Johnson.

15 And she told me very smugly, I have  
16 several residences. Which one would you like for  
17 me to discuss? So she is not presenting the  
18 truth here. And it is upsetting that we have to  
19 go through this and hear the lies that she's  
20 shared here. It's disgusting. It's just truly  
21 disgusting. If you have any questions for me,  
22 I'll be more than happy to answer them.

1 MR. BENNETT: I don't have any  
2 questions. Ms. Lewis, do you have any questions?

3 MS. LEWIS: When was that meeting?

4 MS. MARLIN: Which meeting? I'm  
5 sorry.

6 MS. LEWIS: The meeting where you  
7 indicated the seven or eight year old was with  
8 that property?

9 MS. MARLIN: That was the special  
10 meeting. He was sitting on the front row with  
11 his grandmother, Ms. Adele Smith. And he yelled  
12 out, we don't live at that address. Not only did  
13 I hear it, Ms. May Ross (phonetic) heard it,  
14 several people heard that.

15 MS. LEWIS: When was the meeting?

16 MS. MARLIN: Oh, April 4th.

17 MS. LEWIS: April 4th of ---

18 MS. MARLIN: This year. Oh, I'm  
19 sorry. I'm sorry, 2019. I'll improve in a  
20 second. But it just --- I actually talked to the  
21 gentleman. I talked to him while he tried to  
22 load his belongings in his little red car. And I

1 have the tag number.

2 The woman from across the street came  
3 over and expressed her sadness that he was  
4 leaving. She has a handicapped child, and he  
5 used to help her with the child.

6 MR. BENNETT: My apologies --

7 MS. MARLIN: I mean, it's just --

8 MR. BENNETT: -- for cutting you off.

9 But I understand. But you answered Ms. Lewis'  
10 question. Do you have any other questions, Ms.  
11 Lewis?

12 MS. LEWIS: Nothing here, thank you.

13 MR. BENNETT: Mr. Gill, do you have  
14 any questions?

15 MR. GILL: I do not, thank you.

16 MR. BENNETT: Okay, great. Thank you.

17 MS. MARLIN: Thank you.

18 MR. BENNETT: Is there anybody else  
19 who would like to speak on behalf of the  
20 challenger or Ms. McDermott? Yes, ma'am?

21 (Off the record comments.)

22 MS. MILLER: Would you state your name

1 and address for the record, please.

2 MS. DIENER: Hello.

3 MR. BENNETT: Hello.

4 MS. DIENER: My name is Robin Diener.

5 MR. BENNETT: I think there's a little  
6 button in the middle that --

7 MS. DIENER: Sorry.

8 MR. BENNETT: Okay.

9 MS. DIENER: Robin Diener. I live in  
10 Dupont Circle at 1612 Corcoran Street.

11 MR. BENNETT: Ms. McDermott, a Robin  
12 Diener is speaking --

13 MS. DIENER: From Ward 2.

14 MR. BENNETT: -- in support of the  
15 challenger.

16 MS. DIENER: Yes, I am. And I did not  
17 come here knowing this would even come up. I'm  
18 totally unfamiliar with this case. But I am the  
19 past president of the Dupont Circle Citizens  
20 Association. And I know the people who have  
21 spoken to this matter, except for Ms. McDermott.  
22 I've not met her.

1           But I just have to say that I have  
2 worked with Robin Marlin and Phil Hammond for  
3 many years, going on probably 15 years, across  
4 the city on numerous issues. And they are hugely  
5 respected, incredibly hard working people.

6           And I'm very sorry to see this back  
7 and forth where, you know, potentially the things  
8 they are saying are not being accepted as true.  
9 I'm not saying that they haven't been, but  
10 potentially they have.

11           And I just want to stand up for them  
12 as incredibly hard working, sincere, honest,  
13 great community people. And I would believe  
14 every word they say. So that's my testimony.  
15 I'm sorry, like I said, I didn't know this was on  
16 the agenda. Thank you for hearing me.

17           MR. BENNETT: Yes, thank you. Anybody  
18 else have any comments for the challenger or for  
19 Ms. McDermott?

20           (No audible response.)

21           MR. BENNETT: Seeing none, I think we  
22 want to conclude this. And we will meet on this

1 matter at the close of this meeting and issue an  
2 order accordingly, okay.

3 Ms. McDermott, unless you had ---  
4 we're going to let you go now, and we'll be back  
5 in touch as soon as we are able to meet on this  
6 matter and make our determination.

7 MS. MCDERMOTT: Okay, sounds good.  
8 Thank you.

9 MR. BENNETT: Thank you.

10 MS. MILLER: Okay, before we go on to  
11 the other ANC matters, I'm going to ask Ms. Kerry  
12 and the Registrar to come forward.

13 MR. BENNETT: We have quite a full  
14 agenda today.

15 MS. MILLER: I'm sorry, Ms. -- yeah,  
16 I'm sorry.

17 (Off the record comments.)

18 MS. MILLER: No, I'm sorry.

19 PARTICIPANT: No problem.

20 MS. MILLER: Okay. So we're going to  
21 proceed with the recall matter and move forward  
22 with determining whether or not the Board is



1 going to issue the petition.

2 MR. BENNETT: Can you move the mic  
3 over?

4 MS. MILLER: I'm going to ask Myisha  
5 Thompson who's here representing the Office of  
6 the Registrar to give a history with respect to  
7 the notice of intent to recall, including the  
8 discussion as to whether or not the notice was  
9 properly filed. Would you state your name for  
10 the record please?

11 MS. THOMPSON: Myisha Thompson.

12 MR. BENNETT: Is your mic on, Ms.  
13 Thompson?

14 MS. THOMPSON: Yes, it's on.

15 MR. BENNETT: Okay, great.

16 MS. THOMPSON: Good afternoon. I'll  
17 be reading the notice of intention to recall Jack  
18 Evans, Ward 2 member of the Council. A notice of  
19 intention to recall Jack Evans, Ward 2 member of  
20 the Council of the District of Columbia, was  
21 filed by Kerry Kemp, a registered voter in the  
22 District of Columbia who resides in the same ward

1 as the subject of the recall, on Wednesday, May  
2 8th, 2019.

3 Council member Jack Evans filed with  
4 the Board a response to Ms. Kemp's statement of  
5 reason to recall on Thursday, May 16th, 2019.

6 Pursuant to DC Official Code, Section  
7 1-1001.17G, the proposer of the recall shall have  
8 180 days to collect signatures beginning on the  
9 date when the party of the recall formally adopts  
10 the original petition form as his or her own  
11 form.

12 Accordingly, the deadline for Ms. Kemp  
13 to file her petition in support of the recall is  
14 5:00 o'clock p.m. on Monday, November 25th, 2019.

15 Pursuant to DC Official Code, Section  
16 1-1001.17H1, the Petition Committee in support of  
17 the recall of Council member Evans must obtain  
18 the signatures of ten percent of the registered  
19 qualified electors in Ward 2.

20 Pursuant to DC Official Code, Section  
21 1-204.112, the signature requirement must be  
22 computed, from the total number of registered

1 voters of the Electoral Board for which he or she  
2 is elected, according to the latest official  
3 count of registered voters, as determined by the  
4 Board, 30 days prior to the submission of the  
5 signatures for the recall petition.

6 While the signature requirement cannot  
7 yet be determined, if the most recent, I'm sorry,  
8 if the most recent registration figures published  
9 by the Board were used, the petition filed in  
10 support of the notice of intent to recall Council  
11 member Evans would be required to include the  
12 signatures of 5,195 duly registered voters in  
13 Ward 2.

14 Both the proposer of the recall  
15 measure and the elected official who is the  
16 subject of the recall are advised to check with  
17 the Board's Voter Services Office on a monthly  
18 basis as new statistical reports are published.

19 MS. MILLER: Thank you.

20 MS. MILLER: Okay. Did you have any  
21 questions?

22 MS. KEMP: No.

1 MS. MILLER: Okay. We've provided all  
2 the copies of the petition?

3 MS. THOMPSON: Yes.

4 MS. MILLER: Would you like to take a  
5 look at this petition which is under the ---

6 MS. KEMP: Indicator, okay.

7 MS. MILLER: Yeah. And make sure that  
8 that is the statement that you wish to appear on  
9 the petition. I believe they have modified it as  
10 you had requested.

11 MS. KEMP: Thank you.

12 MS. MILLER: So we will reference to  
13 the staff of Jack Evans for corruption or  
14 anything else --

15 MS. KEMP: It looks fine.

16 MS. MILLER: Do you accept that?

17 MS. KEMP: Yes, I do.

18 MS. MILLER: You accept it as your --

19 MS. KEMP: I accept it.

20 MS. MILLER: I will note also that the  
21 filing of the statement of organization with the  
22 Office of Campaign Finance was made on the

1 eighth, so the proponent is in compliance with  
2 the appropriate filing for the Office of Campaign  
3 Finance.

4 So at this point, I would ask the  
5 Board to make a motion to approve the petition  
6 form adopted by the proponent.

7 MR. BENNETT: Can I get a motion from  
8 --- Mr. Gill, are you still on the line?

9 MR. GILL: I'm still here.

10 MR. BENNETT: Can I get a motion to  
11 approve the petition for the recall?

12 MR. GILL: Motion to approve.

13 MR. BENNETT: Can I get a second?

14 MS. LEWIS: Second.

15 MR. BENNETT: But prior to final  
16 approval from me, I want to be real clear. We  
17 have to deal with this as an independent matter  
18 regardless of the other. It does cost the  
19 citizens of the District of Columbia to move  
20 forward with any petition.

21 I request that, as you work through  
22 this, if this is simply a, quote, backup

1 petition, that you consider the potential cost to  
2 the District in this matter.

3 We will deal with it independent, we  
4 will not deal with it as a backup. And as such,  
5 we have to manage it separately. But you kind of  
6 made the comment about it being a backup so  
7 often, I just want to make sure that you're real  
8 clear that, as we move forward, that we'll treat  
9 it just like the other. And we will spend the  
10 money required to follow the law accordingly.

11 So with that, I will give a third  
12 vote, yes. And your petition is approved to go  
13 forward. We'll issue a written order in a few  
14 days, accordingly.

15 MS. MILLER: Thank you very much.

16 MR. GILL: Mr. Chairman?

17 MR. BENNETT: Yes, sir?

18 MR. GILL: Can I make a few  
19 observations on this also?

20 MR. BENNETT: Sure, please. This is  
21 Michael Gill speaking.

22 MR. GILL: Yes. So earlier there's

1 the question of, you know, how many recall  
2 positions can you have with the same candidate.  
3 And obviously, 100 would be annoying under  
4 excessive publicity.

5 At the same time, conceivably you  
6 could have recall positions with different  
7 language seeking a recall for different reasons.  
8 And those petition getters would have to all be  
9 in competition with each other to see who could  
10 get the most.

11 So we don't have that problem today.  
12 And by that, I do think that the way the  
13 regulations are written, it doesn't prohibit  
14 numerous recall positions for the same candidate.  
15 So I still don't have a problem with this.

16 But my concern here is, as you  
17 expressed, Mike, this isn't backed up as the  
18 proponent said.

19 But as things get busy, one, I would  
20 be concerned about is that if the backup was  
21 gathering petition signatures the same time that  
22 the starting signature position was gathering

1 signatures, and then they found out they had  
2 duplicates, or they found out that they wanted to  
3 somehow combine those, because they fell short, I  
4 think, and I think I know the answer to this from  
5 just what I observed, we could not accept the  
6 combining signatures even though the language is  
7 the same on three petitions. Is that correct?

8 MS. MILLER: That is correct. They  
9 are two separate petitions, two separate recall  
10 measures, and they will follow a separate track.  
11 We will review the signatures on a separate  
12 contract process. We would not ever combine or  
13 accept them as combined signatures.

14 MR. GILL: Okay. I just want to make  
15 sure all parties were aware. That sounds like  
16 the parties are coordinating, but I wouldn't want  
17 the Board to be put in a position of suddenly  
18 having to, you know, put duct tape on a process  
19 that had gone haywire. That's not our  
20 responsibility.

21 MS. MILLER: No, I don't --- yeah,  
22 we're not running into that.



1           MR. BENNETT: And he asked them some  
2 questions about the rules. We are not in a  
3 position to provide you with legal advice. But,  
4 if you have some questions about the rules or  
5 some concerns about having your proceeding,  
6 please, please, please call us so that we're not  
7 at the last minute trying to deal with those  
8 things.

9           And we trust that you have, you know,  
10 read the regulations, and know the rules, and  
11 follow those. But if you have any questions, we  
12 are here to answer those questions.

13           MS. MILLER: I appreciate that. Thank  
14 you.

15           MR. GILL: Okay, thank you so much.

16           MS. MILLER: And before you leave, let  
17 me just say, as I told Mr. Ivener (phonetic) as  
18 he was leaving, when the petition is promised as  
19 filed, it needs to come to the Board's office  
20 ready to be filed.

21           MS. KEMP: Right.

22           MS. MILLER: So we do not have any

1 place for the filers of the petitions or the  
2 circulators to conjugate, and coordinate, and  
3 organize, and number, or count, or whatever.

4 Five o'clock on the 25th of November  
5 is the deadline to file it. If you are filing it  
6 on that deadline date, or whatever point in time  
7 you're filing it, the minimum number of  
8 signatures must be ready to come into the  
9 registrar's office accepted as a petition filed,  
10 ready to be received at that time.

11 MS. KEMP: I understand.

12 MS. MILLER: Okay.

13 MS. KEMP: Thank you.

14 MS. MILLER: Okay, I think Mr. Bennett  
15 needs to take a five minute break, and we'll come  
16 right back. Oh, so we keep going, okay. Sorry  
17 about that. Okay, so we'll move forward with the  
18 matter of Robin Marlin.

19 Excuse me, could you all please,  
20 excuse me. We'll move forward with the matter of  
21 the appeal by Robin Marlin for the resolution  
22 issued by Advisory Neighborhood Commission 7B05

1 regarding Villareal Johnson, Advisory  
2 Neighborhood Commissioner and single member of  
3 7B05. Could the parties please come forward,  
4 please?

5 We'll go off the record to allow Ms.  
6 Marlin to --

7 (Whereupon, the above-entitled matter  
8 went off the record at 12:33 p.m. and resumed at  
9 12:35 p.m.)

10 MS. MILLER: Okay, we're going to  
11 proceed with this matter. Where did Mr. McGann  
12 go?

13 MR. BENNETT: Where is Mr. McGann? He  
14 is still ---

15 (Off the record comments.)

16 MS. MILLER: Okay. Again, this is --  
17 back on the record -- the appeal of Robin Marlin  
18 from the resolution issued by Advisory  
19 Neighborhood Commission 7B regarding Villareal  
20 Johnson, Advisory Neighborhood Commissioner and  
21 single member of 7B05.

22 Just as the previous matter, this

1 matter came before the Board, I think, back in  
2 March again. And the parties were directed to  
3 proceed back to the ANC to obtain a resolution  
4 regarding the certification of a vacancy in the  
5 ANC.

6 Mr. McGann, if you could bring the  
7 Board up to date on where we are, and how we got  
8 here, and what we need to do at this point.

9 MR. MCGANN: Yes, Rudolph McGann,  
10 Chapter Secretary of the Board of Elections.  
11 This matter has a similar posture to the matter  
12 of concern and the feel of the resolution sent by  
13 ANC 7D that stated that there needs to be no  
14 declaration of a vacancy, because of Mr.  
15 Johnson's residency. And at this point in time,  
16 Ms. Marlin is appealing that determination by the  
17 ANC.

18 MS. MILLER: Okay. Ms. Marlin, could  
19 you again state your name and address for the  
20 record for this matter?

21 MS. MARLIN: Yes, thank you. Robin  
22 Marlin, 3350 Erie Street SE, Washington, D.C.

1 MS. MILLER: Okay, and Mr. Johnson,  
2 could you state your name and address for the  
3 record?

4 MR. JOHNSON: For the record, my name  
5 is Villareal Johnson, 2411 33rd Street.

6 MS. MILLER: Okay. We're going to do  
7 as we did before. Ms. Marlin, you'll have ten  
8 minutes, Mr. Johnson, ten minutes. And we'll  
9 proceed now.

10 MS. MARLIN: Good afternoon, Board  
11 members. I requested a hearing for the Board of  
12 Directors to be able to appeal the ANC resolution  
13 submitted to the general counsel's office in the  
14 matter of Villareal Johnson, single member,  
15 District 7B05 in Ward 7.

16 I received the resolution by the way  
17 of the general counsel's office. I did not  
18 receive it from the ANC. The basis of my appeal  
19 was solely on some of the comical proceedings  
20 that were conducted by the leadership of ANC 7B.

21 As the challenger, I presented all  
22 documented information. I've submitted it to the

1 Board of Elections, to Mr. Villareal Johnson as  
2 well, during the special meeting which was held  
3 April 4th of this year.

4 Yet at the special meeting --- can I  
5 sit back here, and can you hear me?

6 PARTICIPANT: Yeah.

7 MS. MARLIN: Okay. At the special  
8 meeting, Mr. Johnson publicly stated he had not  
9 even seen or received these documents from the  
10 Board of Elections. These documents came from  
11 the Registrar's office in good faith, I believe.  
12 One was dated January 9th, 2019, a second letter  
13 was February 2, 2019, and a third letter came  
14 from Mr. McGann dated January 11th, 2019.

15 Yet at the special meeting, Mr.  
16 Johnson didn't have copies of them. He also told  
17 me, as well as the audience and his fellow  
18 commissioners, he was not aware of why we were  
19 having a special meeting.

20 These three letters, which Mr.  
21 Villareal Johnson dismissed, or played down,  
22 ignored, made jokes about, requested him to

1 provide proof of his residency in 7B05 that would  
2 resolve this challenge.

3 This is the same response to the  
4 declaration, which I have here, and Mr. Villareal  
5 Johnson signed, took an oath stating, I hereby  
6 declare my candidacy for the office indicated  
7 above, which is the office of 7B05 in Ward 7.

8 A document shows that he is stating  
9 that he lived in the SMD from March 2015 through  
10 May 2018. I just wanted to read this into the  
11 record, if I will. This is an email I received  
12 from Mr. McGann.

13 He says, while you, meaning Robin  
14 Marlin, did not raise a discrepancy with respect  
15 to Mr. Johnson signing a lease in June for a  
16 residence he claimed he lived in since May, his  
17 former residence was also located in the same  
18 SMD, single member district.

19 Mr. Johnson did not respond to  
20 comments by the Board regarding the discrepancy.  
21 However, no evidence has been submitted by you to  
22 address the timeframe of his formal residency.

1           So at the ANC special meeting, Johnson  
2           stated to me there's nothing for me to prove that  
3           hasn't been proven which, to this day, I still do  
4           not understand what he meant, given that the  
5           registrar's letters were clear that if he could  
6           not substantiate his residency for the 60 days,  
7           then he should submit his resignation.

8           So what I decided to do was really  
9           hire someone that's licensed as a private  
10          investigator, and also a process server, to find  
11          out where Mr. Johnson was between that timeframe.  
12          I'll just highlight some of the information.

13          There were 20 different addresses in  
14          that timeframe, only one address that the  
15          investigator could find that really tied Mr.  
16          Johnson to an address. That's 8102 Barrett Road,  
17          Fort Washington, Maryland. The other addresses  
18          were considered previous, non-verifiable. He has  
19          one driver's license, eleven voter registrations  
20          on record.

21                           On August 11th, 2018, I filed  
22          a challenge to Mr. Villareal Johnson's petitions



1 because I got a phone call from a constituent who  
2 lived on Bangor and 32nd Street which is not far  
3 from where he said he's living, with concerns  
4 that he was pressuring this man, this person --  
5 and I don't want to use anyone's name, but if I  
6 have to, he's given me permission to give his  
7 name --- was approaching Mr. Johnson with the  
8 nominating petitions asking him to sign. The  
9 resident said he asked Mr. Johnson, where do you  
10 live, I've never seen you? Mr. Johnson said that  
11 he was running for the ANC seat.

12 Since the gentleman would not sign  
13 the petition, Mr. Johnson apparently asked his  
14 daughter, who was picking up her children, if she  
15 would sign the petition. And she said that she  
16 didn't live there, so she couldn't sign it.

17 So Johnson is required 44 homeowners.  
18 You don't have live there to sign the petition.  
19 And of course, we know if you're going to be a  
20 voter in the District of Columbia, you have to  
21 sign the petition.

22 So there were six signatures on his

1 petition where people did not live in SMD 7B05,  
2 for example, those of 3F, 8A, and some various  
3 addresses in Maryland and other locations in the  
4 city. I just wanted to give you a feel for why  
5 I'm mentioning this.

6 So Ms. Rene Christian (phonetic)  
7 called me and asked me if I wanted to go forward  
8 with the challenge that was submitted by the  
9 registrar's office.

10 And I replied to her by saying I was  
11 not going to challenge the findings by this Ms.  
12 Brooks, because I know Ms. Brooks, I have respect  
13 for her, and I was not going to do that. We'd  
14 proceed with the election. So that's exactly  
15 what I did.

16 During the special meeting held by ANC  
17 7B, the chairperson, Mr. Humphrey, asked Mr.  
18 Johnson to respond to my challenge. He replied,  
19 what challenge. I don't know what the challenge  
20 is, similar to Ms. McDermott.

21 The audience sighed in disbelief and  
22 disgust. The chairperson asked Mr. Johnson

1 again, you don't have any evidence? This hearing  
2 is for you to present your evidence. He said do  
3 you have a drivers license?

4 So Mr. Johnson says not on me. Then  
5 he says, well, I can text you all a copy of it.  
6 So I'm sitting there thinking how is he going to  
7 accomplish that, text everybody in the audience,  
8 text me, the challenger, a copy of his driver's  
9 license. So that's what he did.

10 If you can imagine this, it was very  
11 comical, it was like an advertisement. All the  
12 Commissioners, he said check your cell phones.  
13 So all the Commissioners picked up their cell  
14 phones to look to see what he had texted.  
15 Allegedly, I didn't see it, allegedly it was his  
16 driver's license. And one Commissioner yelled  
17 out here, I see it but it's expired.

18 The chairperson said I haven't  
19 received it. Mr. Johnson said I'll text you  
20 again. The chairperson looked on his cell phone,  
21 I haven't received it.

22 So now I was wondering, when I was

1 here before, before you all, Mr. McGann, and I'm  
2 not pointing fingers, it's within his right, he  
3 had received, he said, evidence from Mr. Johnson  
4 of a cancelled check. And Mr. Johnson was going  
5 to share that cancelled check at the special  
6 meeting. Or he called it a special check.

7 This special check never materialized.  
8 The only thing he had was this text driver's  
9 license that he sent only to the Commissioners,  
10 allegedly. One of the Commissioners yelled out,  
11 well, I see the driver's license, but it appears  
12 to be expired.

13 The concern I have here and the reason  
14 why I am appealing this is because of two really,  
15 really core reasons. The first is ---

16 MS. MILLER: You have two minutes.

17 MS. MARLIN: I have how many?

18 MS. MILLER: Two minutes.

19 MS. MARLIN: I shouldn't have to prove  
20 where he was. I proved where he wasn't in 60  
21 days, which was by way of an affidavit from his  
22 landlord, who is now deceased, unfortunately

1 since February 2019, and Mr. Johnson was not at  
2 that residence in 60 days.

3 Mr. McGann told me I needed to go past  
4 that, that wasn't sufficient, that I needed to  
5 prove where he was in the last I guess year or  
6 so.

7 So it's been five months and to my  
8 knowledge Mr. Johnson has not provided any other  
9 additional evidence or what have you. So I  
10 thought about it, I said I can prove where I was  
11 in the last two minutes, two days, two years,  
12 what have you.

13 I have canceled checks, I have utility  
14 bills, I have retail bills, I have mortgage  
15 bills, I have everything from Comcast, Macy's,  
16 even a subscription to House Beautiful that has  
17 my addresses on it, and this ranges from 2015 to  
18 2018.

19 I cannot understand how a person is  
20 claiming residency for the period that he has,  
21 has not been able to prove to this Board thereby  
22 ignoring you all to come forth with his residency

1 information thereby showing just 60 days and I  
2 have shown you four years. Is my time up? Am I  
3 up?

4 MS. MILLER: You have 36 seconds.

5 MS. MARLIN: I have 36 seconds, okay.

6 So I am asking that you all thoroughly vet this  
7 and, you know, we all have been a part of some  
8 type of scam, I get that, you know.

9 I work every day with people trying to  
10 scam me, without even telling you where I work,  
11 and I have learned to detect fraudulent  
12 information, but just because you have been  
13 scammed doesn't mean then we have to defend  
14 ourselves because we've been scammed.

15 What we do is pick ourselves up and  
16 make the situation right. You know, he has been  
17 around our ward for years until the north side,  
18 he had to leave the north side, and now he's on  
19 the south side.

20 CHAIRMAN BENNETT: Thank you. Mr.  
21 Johnson?

22 MR. JOHNSON: Yes, sir.

1 MS. MILLER: Mr. Johnson, you have ten  
2 minutes.

3 MR. JOHNSON: I probably won't need  
4 the whole ten minutes.

5 CHAIRMAN BENNETT: Can you identify  
6 yourself and your address --

7 (Simultaneous speaking.)

8 MR. JOHNSON: Yes. My name is  
9 Villareal Johnson. I live at 2411 33rd Street,  
10 Washington D.C.

11 CHAIRMAN BENNETT: Thank you.

12 MR. JOHNSON: So my principle rebuttal  
13 to all of this is that despite the anecdotal  
14 point of view that the challenger had I have yet  
15 to see evidence that I did not reside at 2411  
16 33rd Street 60 days prior to submitting my  
17 petition.

18 And I think if I am to prove where I  
19 am living I should be able to disprove the  
20 accusation, but I have yet to see where there is  
21 evidence provided that I have not lived in the  
22 single-member district 60 days prior to

1 submitting my petition as the Board regulation  
2 says. So if --

3 (Simultaneous speaking.)

4 CHAIRMAN BENNETT: -- hear a little  
5 bit better. Sorry.

6 MR. JOHNSON: If there is any evidence  
7 that I did not reside in 7B05 60 days prior to me  
8 submitting my petition on August 9, 2018, then I  
9 feel obligated to prove that I lived there, but I  
10 ran in 2016 against the challenger.

11 There was no challenge to my residency  
12 then. At that time I ran from 2814 Erie Street,  
13 which is around the corner. Actually, we shared  
14 the same street.

15 So if it's my obligation to prove  
16 where I lived when she, the challenger, had to  
17 disprove where I lived. I don't know, I'm a  
18 little confused.

19 So whatever we need to do to move this  
20 matter forward I would -- It has been six months.  
21 It is tiring, it is exhausting, and it's a waste  
22 of government resources, time, and money.



1                   So what do you need from me to end  
2                   this?

3                   CHAIRMAN BENNETT: Do you have any  
4                   questions? Are you -- You done?

5                   MR. JOHNSON: I have nothing to add,  
6                   right now.

7                   CHAIRMAN BENNETT: Okay. Ms. Lewis,  
8                   do you have any questions?

9                   MEMBER LEWIS: I don't have any  
10                  questions.

11                  CHAIRMAN BENNETT: Mr. Gill, do you  
12                  have any questions?

13                  MEMBER GILL: No questions.

14                  CHAIRMAN BENNETT: Okay. I just have  
15                  one question.

16                  MR. JOHNSON: Sure, sir.

17                  CHAIRMAN BENNETT: You are claiming  
18                  that -- Can you give me the address that you ran  
19                  for Commissioner under again?

20                  MR. JOHNSON: In 2016 I ran for 7B05  
21                  from 2814 Erie Street, which is also in the  
22                  single-member district.

1 CHAIRMAN BENNETT: Okay.

2 MR. JOHNSON: In 2018 I ran from 2411  
3 33rd Street, which is also in the single-member  
4 district, and the challenger has yet to show --

5 CHAIRMAN BENNETT: And you are saying  
6 -- I'm sorry. So you lived at 2411 33rd Street,  
7 SE, from May of 2018 to the present?

8 MR. JOHNSON: Yes, sir.

9 CHAIRMAN BENNETT: Okay. And that's  
10 your -- And so when did they, so when did they  
11 run for election?

12 MS. MILLER: He filed his petitions on  
13 August 9th, so it would have been 60 days before  
14 June, which would be June 9th.

15 CHAIRMAN BENNETT: Okay. So you had  
16 an obligation to live there. So you lived there  
17 prior to June 9, 2018?

18 MR. JOHNSON: Yes, sir.

19 CHAIRMAN BENNETT: Okay. Does your  
20 driver's license say that accordingly?

21 MR. JOHNSON: Yes, sir.

22 CHAIRMAN BENNETT: Okay. Do you have

1 a copy of that by chance?

2 MR. JOHNSON: I do.

3 CHAIRMAN BENNETT: Okay. Can we get a  
4 copy of it and take look at it?

5 MR. JOHNSON: And, again, to my point,  
6 I want the record to show that the challenger has  
7 yet to prove that I did not live in the single  
8 member district between August 9th and June 9th.

9 That is my primary claim. Why are we  
10 here if the challenger has yet to prove that I  
11 did not live in the single member district  
12 between August 9th and June 9th.

13 CHAIRMAN BENNETT: Yes, and with all  
14 due respect, and so please don't take this as me  
15 being cute, the only reason that you are here is  
16 because the challenger appealed the decision by  
17 the ANC and we have the obligation to hear to it,  
18 so --

19 MR. JOHNSON: But just for the  
20 record's sake --

21 CHAIRMAN BENNETT: Mm-hmm?

22 MR. JOHNSON: -- did the challenger

1 prove that I did not reside in 7B05 between  
2 August 9th and June 9th?

3 CHAIRMAN BENNETT: Apparently not to  
4 the ANC.

5 MR. JOHNSON: Okay. I just wanted for  
6 the record that it had not been proven.

7 CHAIRMAN BENNETT: Okay. Can I see a  
8 copy of your driver's license, sir?

9 MR. JOHNSON: Sure.

10 CHAIRMAN BENNETT: Do you have a copy  
11 of that, Mr. McGann?

12 MR. MCGANN: I do not.

13 CHAIRMAN BENNETT: Okay. Thank you.  
14 I need some glasses. My esteemed colleague here  
15 as said the issue date is 09/01/16 --

16 MR. JOHNSON: This will be extra.  
17 Here you go. This will be extra.

18 CHAIRMAN BENNETT: What is that?

19 MR. JOHNSON: It shows possession of  
20 the house by Pepco.

21 CHAIRMAN BENNETT: Okay, all right.  
22 And this has, for the record this shows the

1 driver's license was issued on -- Where is the  
2 issuance date?

3 Oh, so 09/01/2016. It expires  
4 07/02/2024. The address on the license is 2411  
5 33rd Street, SE, Washington D.C. 20020.

6 MS. MARLIN: Did you say 2411 33rd?

7 CHAIRMAN BENNETT: Say that again?

8 MS. MARLIN: I'm sorry. Could you --

9 CHAIRMAN BENNETT: 2411 33rd Street,  
10 SE, is the address that's on the driver's  
11 license.

12 MS. MARLIN: Okay.

13 MR. JOHNSON: I also think the DMV is  
14 the certifying agency for the District of  
15 Columbia that determines residency, correct?

16 CHAIRMAN BENNETT: Well certainly this  
17 is evidence that you lived there.

18 MR. JOHNSON: Okay, all right.

19 CHAIRMAN BENNETT: And I'm going to  
20 give that back to you. Can I give that back to  
21 you, sir?

22 MR. MCGANN: Yes.

1                   CHAIRMAN BENNETT: And give it to --  
2                   Please make a copy of that, but make sure he gets  
3                   the driver's license back before he leaves.

4                   MR. MCGANN: Okay.

5                   CHAIRMAN BENNETT: And then also for  
6                   the record what was provided from Mr. Johnson is  
7                   a copy of his Pepco bill that is dated May 21,  
8                   2018, the date of the notice, and his address is  
9                   2411 33rd Street, SE, Washington D.C., and start  
10                  of service is May 21, 2018.

11                  The account number -- I don't need to  
12                  give you his account number. And so this is  
13                  evidence that you are presenting, Mr. Johnson,  
14                  relative to your pleading to your, to start your  
15                  residency at that location on this date or at  
16                  least May 21st or before, but this says May 21st  
17                  is when the service starts.

18                  MR. JOHNSON: Well that's just me  
19                  bringing extra to show, I think there was an  
20                  issue, maybe a discrepancy between the facts  
21                  maybe, I don't know.

22                  But, again, just for the record, did

1 the challenger prove that I did not live in the  
2 single-member district, 7B05, between August 9th  
3 and June 9th?

4 CHAIRMAN BENNETT: Yes, my --  
5 According to the ANC she did not.

6 MR. JOHNSON: And then challenged --  
7 (Simultaneous speaking.)

8 CHAIRMAN BENNETT: And we are here to  
9 hear that appeal, and so we have got the evidence  
10 that she provided, we have the documents relative  
11 to the DMV and Pepco.

12 Your statements relative to your  
13 driver's license have been noted and will  
14 certainly be a part of the record that we will  
15 consider.

16 MR. JOHNSON: All right. Thank you.

17 CHAIRMAN BENNETT: Okay. Are there  
18 any questions for Mr. Johnson before you leave  
19 the podium, sir? Ms. Lewis, do you have any  
20 questions?

21 MEMBER LEWIS: No.

22 CHAIRMAN BENNETT: Mr. Gill, do you

1 have any questions? Is Mr. Gill still with us?

2 (No audible response.)

3 CHAIRMAN BENNETT: Okay. Anyway. I  
4 don't have any questions, Mr. Johnson.

5 MR. JOHNSON: Thank you.

6 CHAIRMAN BENNETT: Is there anyone  
7 that would like to speak -- and we're going to  
8 let you, let both of you wrap up. Is there  
9 anyone who would like to speak on behalf of the  
10 challenger or Mr. Johnson at this point that's  
11 here?

12 (Off the microphone comment.)

13 CHAIRMAN BENNETT: Yes, we need a copy  
14 of the Pepco bill as well. Mr. McGann, can we  
15 get you to make a copy of the Pepco bill as well.

16 Is there anyone here that would like  
17 to speak on behalf of the challenger or --

18 MR. JOHNSON: Can we redact that so my  
19 account number is not on there?

20 MS. MILLER: Yes. We can black that  
21 out.

22 MR. JOHNSON: She did speak about



1 fraudulent activities, so --

2 (Simultaneous speaking.)

3 MR. JOHNSON: Yes, we'll make sure  
4 that that is not a part of the record.

5 MR. JOHNSON: Okay.

6 CHAIRMAN BENNETT: If you could just  
7 block that out, Mr. McGann.

8 MR. JOHNSON: I mean she has my  
9 driver's license number now, too, so you didn't  
10 redact that. I mean you're talking about  
11 fraudulent activity, I don't know how personally  
12 it works for me.

13 MS. MARLIN: Mr. Bennett, can we  
14 answer the question on the driver's license or --

15 CHAIRMAN BENNETT: Not yet. We're  
16 going to let you wrap up here in a second.

17 MS. MARLIN: Oh, okay.

18 CHAIRMAN BENNETT: So is there anyone  
19 from the audience or up here who would like speak  
20 on behalf of, for the third time, on behalf of  
21 the challenger or on behalf of Mr. Johnson?

22 (No audible response.)

1                   CHAIRMAN BENNETT:  Seeing none what  
2  we'll do is we'll let, Ms. Marlin, we'll give you  
3  a couple minutes to wrap up and, Mr. Johnson,  
4  we'll give you a couple minutes to wrap up as  
5  well.

6                   MS. MARLIN:  Okay.

7                   MR. JOHNSON:  Thank you, sir.

8                   CHAIRMAN BENNETT:  Ms. Marlin.

9                   MS. MARLIN:  Okay.  So I concur  
10 actually with Mr. Johnson about fraudulent  
11 activity.

12                   Just quickly to share a scenario, Mr.  
13 Johnson filed a police report against me saying  
14 that he was afraid of me, that he feared for his  
15 life and he claimed that I threatened him --

16                   (Simultaneous speaking.)

17                   MR. JOHNSON:  This isn't even  
18 relevant.

19                   CHAIRMAN BENNETT:  Mr. Johnson, hold  
20 on a second.

21                   (Simultaneous speaking.)

22                   MS. MARLIN:  He claimed that I

1 threatened him on April 6th this year, 2019,  
2 around noon. So I have documents that I can show  
3 that I was on the Auto Train on the way to  
4 Florida for vacation so there was no way that I  
5 had any contact with him.

6 So when we talk about filing  
7 fraudulent documents, I mean he's like the  
8 kingpin of that. So I just wanted to put that on  
9 record and I do want to question his driver's  
10 license.

11 It says here, I think you all  
12 documented it was issued 09/01/16, is that  
13 correct?

14 CHAIRMAN BENNETT: Yes.

15 MS. MARLIN: Okay. So he has the  
16 address 2411 33rd Street, SE, but according to  
17 his own testimony he didn't move into that  
18 residence until May of 2018.

19 So how can his driver's license have  
20 2411 on it when he has testified and documented  
21 on his candidacy he didn't move there until May  
22 of 2018.

1                   So I have never seen a driver's  
2                   license --- license, if you would like to see  
3                   mine, and I older than he is. I don't know where  
4                   he got this.

5                   So that's, you know, basically what I  
6                   have to say to his evidence. I haven't received  
7                   the Pepco bill, but he is a master of scam, a  
8                   master.

9                   As said, he was the Chairperson in 7A,  
10                  and I can put this on record because it's factual  
11                  --

12                  (Simultaneous speaking.)

13                  CHAIRMAN BENNETT: Wait a second --

14                  MS. MARLIN: -- I attended a meeting.

15                  CHAIRMAN BENNETT: Just one second.

16                  Wait, wait, wait.

17                  (Simultaneous speaking.)

18                  MS. MILLER: She has 40 seconds.

19                  MS. MARLIN: I attended a meeting  
20                  where the residents came in to ask him to be  
21                  recalled because he had misappropriated the ANC  
22                  7A's funds to pay his rent along with the

1       Treasurer.

2                   Gottlieb Simon was present there and  
3 what happened in the long run ANC 7A became  
4 defunct and was renamed 7F because of the  
5 mismanagement of that Commission.

6                   And as I said on the Northeast side of  
7 the ward they know him. He's on the southeast  
8 side of the ward now, people don't know him, but  
9 they are getting to know Mr. Johnson is a master  
10 of scam and I would question his driver's license  
11 and ask you all to take a really good careful  
12 look at because it does not make sense.

13                   CHAIRMAN BENNETT: Thank you, Ms.  
14 Marlin. Thank you. Mr. Johnson.

15                   MR. JOHNSON: I don't know if I should  
16 correct the accusations or not from --- I have  
17 always lived south of Massachusetts Avenue. I  
18 moved to Ward 7 in 2002 to 2934 Nelson Place.

19                   I inherited a piece of property from  
20 my family. I left the city and moved back to the  
21 city in 2015. I moved to 7B05 at 2814 Erie  
22 Street and then I moved to 2411 33rd Street.

1           To her first erroneous accusation, I  
2           have always lived south of Massachusetts Avenue,  
3           which is the south side of Ward 7. To the second  
4           erroneous accusation, while I was the Chair of  
5           ANC 7A the issues of misappropriated funds were  
6           not mine.

7           They were actually the previous  
8           leadership. Commissioners Charlene Exum, Kares  
9           Hills (phonetic), Sheila Carson Carr, which is on  
10          record at the Auditor's Office. Unnecessary  
11          here, but it's on record and public file,  
12          Fredericka Shaw or Linda Hyem (phonetic) can  
13          provide that information if we just want to set  
14          the record straight.

15          But I think from what I have learned  
16          today about the challenger that this is just  
17          petty and it reeks of a sore loser and I just  
18          think it's unfair to District residents,  
19          taxpayers, and the government to waste all of our  
20          times here when, to my point, they have never  
21          proved that I did not reside in ANC 7B05 between  
22          August 9th and June 9th.

1                   CHAIRMAN BENNETT: Okay. Thank you,  
2 Mr. Johnson. Any other further questions, Ms.  
3 Lewis?

4                   MEMBER LEWIS: No.

5                   CHAIRMAN BENNETT: Mr. Gill?

6                   MEMBER GILL: None from me.

7                   CHAIRMAN BENNETT: Okay. Thank you.

8 We will deliberate accordingly and issue an order  
9 accordingly when we get done with that, okay.

10                  MR. JOHNSON: Thank you.

11                  CHAIRMAN BENNETT: Thank you. Thank  
12 you, Mr. Johnson.

13                  MS. MARLIN: Just one last question,  
14 is this supplied as a Pepco bill?

15                  CHAIRMAN BENNETT: That's what he  
16 submitted.

17                  MS. MARLIN: It's not a bill I guess  
18 that's what I am -- I thought maybe that a bill -  
19 --- like I have a bill. It's not a bill. Okay.

20                  CHAIRMAN BENNETT: Thank you. All  
21 right. All right, so we got one other item on  
22 the agenda I believe. Have you guys missed ---

1 I'm going to let you do general counsel report  
2 again --

3 (Simultaneous speaking.)

4 CHAIRMAN BENNETT: So do you have --

5 MS. MILLER: I'm good. Thank you.

6 That concludes the general counsel report, the  
7 ED's report.

8 CHAIRMAN BENNETT: All right. The  
9 last thing on the agenda are public matters. Do  
10 we have any matters from the public regarding --

11 MR. SINDRAM: Mr. Chair?

12 CHAIRMAN BENNETT: Yes, sir, Mr.  
13 Sindram?

14 MR. SINDRAM: Thank you, sir. It's  
15 been a long, lengthy interesting meeting. I do  
16 have a question for the Board, if you will,  
17 referring to the Jack Evans matter.

18 I understand there are two petitions  
19 filed and I think the term has been used backup  
20 petition. My question to you, sir, and the  
21 Commission, these two petitions are they worded  
22 exactly identical?



1                   CHAIRMAN BENNETT: I believe they are  
2 now, yes.

3                   MR. SINDRAM: They are now, okay.  
4 Then --

5                   CHAIRMAN BENNETT: If they are not  
6 exact they are pretty close. Honestly, I haven't  
7 done a word-for-word match, so my answer is I  
8 believe so.

9                   MR. SINDRAM: Yes, pretty close to  
10 exact, because I think Commissioner McGill  
11 (phonetic), you know, has a valid point where if  
12 I as a qualified elector were to sign both and if  
13 they are both the same that may negate my  
14 signature.

15                   But if in your words they are similar  
16 but not the same then that should not be an  
17 issue.

18                   CHAIRMAN BENNETT: Well but they are  
19 the same but they are two separate petitions and  
20 so we are required to deal with each petition as  
21 a separate matter.

22                   MR. SINDRAM: Oh, okay. Well I would

1 like to avail my signature as a qualified elector  
2 to sign them or -- delivered to the Board or as  
3 available. I would be so crazy ecstatic to decide  
4 --

5 CHAIRMAN BENNETT: I'm not sure if you  
6 are a resident of Ward 2. You have to be a  
7 resident of Ward 2, sir, to be a valid signature.

8 MR. SINDRAM: Okay, but keep in mind  
9 Jack Evans is Chair over the Finance Committee  
10 which oversees the District in its entirety.

11 CHAIRMAN BENNETT: Oh, I understand,  
12 but the rules are you have to be a resident of  
13 Ward 2.

14 MR. SINDRAM: All right. Well, again,  
15 the gentlemen who presented in opposition did not  
16 live in Ward 2. He gave an address of Southeast.

17 CHAIRMAN BENNETT: Yes, but he was the  
18 attorney for Mr. Evans, Jack Evans.

19 MR. SINDRAM: Mm-hmm, all right. You  
20 made mention, Mr. Chair, about the cost of a  
21 petition. It's costlier when the public trust is  
22 being irreparably harmed.

1                   Again, you have made an impact on  
2                   democracy about voters. We have made it on term  
3                   limits, we went on Initiative 77 (telephonic  
4                   interference).

5                   In a nutshell, Mr. Evans wanted and  
6                   willful rancorous malicious misconduct and a  
7                   total disregard of my, your, our constitutionally  
8                   guaranteed rights and interests should mean he is  
9                   removed forthwith without further deliberation,  
10                  really taken aback, the meeting, the session past  
11                  where the young lady came up and indicated that  
12                  it appeared that Evans's attorney had a dilatory  
13                  track, you know, for this thing. That's a valid  
14                  point.

15                  The time clock is ticking and  
16                  ultimately Mr. Evans will retire with pension not  
17                  only from the council from taxpayers but from his  
18                  law firm and whatever else he's got going on.

19                  You know, that's sending a dangerous  
20                  message that when you do wrong in the District of  
21                  Columbia you are unjustly enriched at the cost of  
22                  we the people.

1           Mr. Chair, it falls on you to right a  
2 wrong here. I am tired of paying for his  
3 foolishness and Mr. Evans needs to go with a  
4 quickness.

5           Please, with undue delay have these  
6 re-qualifications put in place, let's take  
7 action, and remove Mr. Evans. There is  
8 sufficient evidence to show he has been immersed  
9 in wrongdoing, unjustly enriched continually, and  
10 no action taken.

11           Now it is time, Mr. Chair. The time  
12 is now and the place is here. And, again, it's a  
13 matter of public record where Evans as Chair of  
14 the Washington Metropolitan Area Transit  
15 Authority Board was removed.

16           It's a matter of public record where  
17 the council took action at its finance committee,  
18 so it's not just hollow allegations, there is  
19 substance to this and it's a form of trust, you  
20 know, and that's ad hoc the crucial, the heart of  
21 democracy, the heart of why we vote, the public  
22 trust, and our public trust has been continuously

1 violated.

2 It's going to send a chilling message  
3 to the community and say, well, we're going to  
4 stick our head in the sand like an ostrich,  
5 ignore this thing, you know, and just bury it.

6 Don't do that, Mr. Chair. Please do  
7 not do that. That would be an affront to me as a  
8 disabled veteran, to all of us that have put our  
9 life on the line for democracy.

10 And, again, for those of us that have  
11 -- not me, but there is a contingent that has a  
12 cynical side that why vote, or vote doesn't  
13 matter.

14 The point at issue, term limits '92 we  
15 went in and issued a --

16 (Simultaneous speaking.)

17 CHAIRMAN BENNETT: Mr. Sindram --

18 MR. SINDRAM: -- Mr. Chair.

19 CHAIRMAN BENNETT: Okay.

20 MR. SINDRAM: There was an  
21 announcement made on May 20th there was going to  
22 be a session regarding Mr. Evans and nobody

1 alerted me and Ms. --- ADA coordinator, Ms.  
2 Jennings, indicated she was not, you know, at  
3 work at that time.

4 Well be that as it may, just because  
5 Ms. Evans is not there doesn't mean somebody  
6 can't pick up the slack. You know, I have went  
7 in meetings, meeting in, meeting out.

8 I certainly on this issue have made,  
9 you know, comments and so on and I certainly want  
10 to be in the mix on the 20th, but that didn't  
11 happen.

12 So for the future, you know, you can -  
13 - even if Terrica Jennings is not there, and she  
14 does an excellent job, she deserves a raise, good  
15 help is hard to find, and that would be callous  
16 if you let her go.

17 If Ms. Jennings is not there then you  
18 or someone in the civics end should, you know,  
19 pick up the slack so I can intelligently respond  
20 and, in your words, participate, participatory  
21 democracy and that time will come.

22 I want to conclude in light of

1 Memorial Day, Monday past, it is a veteran. It  
2 is a veteran, not the preacher, who has given us  
3 freedom of religion.

4 It is the veteran, not the reporter,  
5 who has given us freedom of the press. It is the  
6 veteran, not the poet, who has given us freedom  
7 of speech.

8 It is the veteran, not the campus  
9 organizer, who gives us freedom to assemble. It  
10 is the veteran, not the lawyer, who has given us  
11 the right to a fair trial.

12 It is the veteran, not the politician,  
13 who has given us the right to vote, and the  
14 veteran who salutes the flag, who serves under  
15 the flag. God bless America and our troops.

16 I would be glad to field inquiries at  
17 this time, Mr. Chair.

18 CHAIRMAN BENNETT: Thank you, Mr.  
19 Sindram. First, we appreciate that --- at least  
20 I appreciated the last note. And, secondly, we  
21 apologize for not having made provisions for the  
22 May 20th meeting.

1           One of the things I think we want to  
2 do is to create a bridge for every meeting and  
3 then put that notice out so people have an  
4 opportunity to call in and we can also kind of  
5 hear from witnesses a little bit better than we  
6 have --

7           (Simultaneous speaking.)

8           MR. SINDRAM: Great --

9           (Simultaneous speaking.)

10          CHAIRMAN BENNETT: But my apologies.

11          MR. SINDRAM: I appreciate that, Mr.  
12 Chair. The Board has come eons, eons with  
13 regards to dialing in and accommodation by phone.  
14 Just a glitch though that was experienced  
15 previously when the contesting challenge going  
16 out of residency when it was, you know, a  
17 weekend, and then it was cut off, so if that  
18 could be remedied, you know, so that doesn't  
19 happen for the future.

20          CHAIRMAN BENNETT: Yes. My apologies  
21 for the technical difficulties today, but we got  
22 through them and I appreciate everybody's



1       patience.

2                       With that, assuming you are done, Mr.  
3       Sindram, we are going to adjourn the meeting.  
4       Thank you so much.

5                       MR. SINDRAM:   Very good.

6                       CHAIRMAN BENNETT:   Bye-bye.

7                       MR. SINDRAM:   Have a good, jolly day.  
8       Thank you, Mr. Chair.

9                       CHAIRMAN BENNETT:   Mm-hmm.

10                      MS. MILLER:   Make a motion.

11                      CHAIRMAN BENNETT:   Thank you.

12                      MS. MILLER:   Motion.

13                      (Off the microphone comment.)

14                      MS. MILLER:   Second?

15                      (No audible response.)

16                      CHAIRMAN BENNETT:   Motion to adjourn  
17       is seconded and unanimous.

18                      MR. SINDRAM:   And I want to say, Mr.  
19       Chair, Ms. Lewis had some pointed questions, very  
20       pointed questions about one of those issues  
21       there.

22                      MEMBER LEWIS:   Thank you, Mr. Sindram.

1 I appreciate the compliment.

2 CHAIRMAN BENNETT: Okay. Meeting is  
3 adjourned.

4 MR. SINDRAM: Very good.

5 (Whereupon, the above-entitled matter  
6 went off the record at 1:11 p.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 05-29-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

  
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Court Reporter

**NEAL R. GROSS**

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