

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY  
MARCH 7, 2018

+ + + + +

The District of Columbia Board of Elections convened a Regular Board Meeting in Suite 750, 1015 Half Street, S.E., Washington, D.C., 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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director  
KENNETH MCGHIE, General Counsel  
CECILY COLLIER-MONTGOMERY, Director,  
Office of Campaign Finance  
RUDOLPH MCGANN, Staff Attorney

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

2 (11:03 a.m.)

3 CHAIR BENNETT: So the meeting is  
4 called to order. First thing on the agenda is the  
5 adoption of the agenda, and so if I could get a  
6 motion to adopt the agenda.

7 MEMBER GILL: Motion to move the agenda  
8 for today's meeting.

9 CHAIR BENNETT: And I think Ms. Lewis  
10 has seconded the motion to adopt the agenda, and  
11 so the agenda is so adopted unanimously. Adoption  
12 of the minutes from our February 1, 2018 meeting.

13 MEMBER GILL: I move to approve the  
14 minutes from February 1st.

15 CHAIR BENNETT: The meeting properly  
16 moved and seconded by Ms. Lewis, so the agenda for  
17 the -- from February 1, 2018 is adopted  
18 unanimously.

19 Next on the agenda are board matters.  
20 Any matters, Ms. Lewis, and I'll repeat, if,  
21 indeed, you do have any.

22 MEMBER LEWIS: No board matters for me.

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1 CHAIR BENNETT: Okay. Great. Mr.  
2 Gill?

3 MEMBER GILL: Nothing other than a  
4 beautiful, beautiful baby. Thank you for the  
5 pictures. We're going to have a tough time  
6 concentrating now.

7 CHAIR BENNETT: Yes.

8 MEMBER LEWIS: You're welcome. I'm  
9 planning to bring her to the April meeting.

10 CHAIR BENNETT: Oh, we'll have a new  
11 guest at the April meeting. A new Lewis. So  
12 great. Thank you. And I don't have any matters  
13 beyond those that we have already discussed today.

14 Let me just, before I turn it over to  
15 Mr. McGhie, what I'd like to do is to make sure that  
16 we all have an opportunity to do what we came to  
17 do today in terms of the -- at least the initial  
18 planning here, and so I'll ask you to focus on the  
19 issues that you're discussing.

20 Mr. McGhie will give you the rules  
21 relative to how much time you have and all that.  
22 We'll do our best to try and hear everything. Our

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1 focus, though, just so you know, is whether or not  
2 the initiative meets the requirements of the law  
3 that will allow us to certify it or not.

4 And so if we pull you off of something  
5 that you're talking about and bring you back to  
6 something that we really need to hear about, please  
7 forgive us. It's not a matter of no interest, but  
8 trying to make sure that we're able to focus  
9 properly to get through the matters appropriately  
10 as appropriate for this board.

11 So with that, I'm going to turn the  
12 process over to Mr. McGhie and ask him to get  
13 started upon that.

14 MR. MCGHIE: Okay. The first thing I  
15 have on my agenda is a proper subject matter hearing  
16 on the initiative, which is entitled, Legalization  
17 of Retail Cannabis in the District of Columbia  
18 2018.

19 Now, we're here, as the Chairman said,  
20 for a proper subject matter determination hearing,  
21 which means that, you can have an initiative and  
22 an initiative means that the citizens are putting

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1       forth something that they would like to be law in  
2       the District of Columbia.

3               So you can have an initiative in the  
4       District of Colombia on almost anything.  Anything  
5       you want, you can have an initiative on, and say  
6       that, I want this to be a law in the District of  
7       Columbia, except those items that are on the board.

8               So you cannot have an initiative in the  
9       District of Columbia if it's contrary to the Home  
10      Rule Act, seeks to amend the Home Rule Act, would  
11      appropriate funds, and people don't know what  
12      appropriate funds means, but appropriation of  
13      funds means your initiative identifies a fund of  
14      money, identifies the money and says how the money  
15      is supposed to be used.

16              So if you give us an initiative that  
17      says -- that identify funds and says how it's  
18      supposed to be used, that would violate the  
19      appropriation of funds.

20              Can't have an initiative that would  
21      violate the U.S. Constitution, your initiative has  
22      to be in compliance with all the campaign finance

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1 filing requirements, so if you file an initiative  
2 in the District of Columbia, you have to fill out  
3 a campaign finance, and just fill out forms for  
4 operations for -- so give a bank account and stuff  
5 like that.

6 It is not in the proper legislative  
7 form, you just can't have an initiative that just  
8 rattles a whole bunch of stuff down in about five  
9 or six different paragraphs. You need to have it  
10 in a proper legislative form, meaning, it's got to  
11 look like a law. It's got to have an enactment date  
12 and stuff like that.

13 And your initiative cannot  
14 discriminate and it cannot negate or limit a budget  
15 act. Now, what that means is that, a while back,  
16 we had -- somebody came forth with an initiative  
17 that was going to prohibit the District from  
18 booting cars. So you could not boot a vehicle in  
19 the District of Columbia anymore.

20 And that was determined to have negated  
21 a budget act because the Council had already put  
22 in the budget act a certain amount of money that

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1 was going to be collected in fines and penalties  
2 from the boot, so your initiative was found to have  
3 negated or limited a budget act.

4 So that's pretty much the long and short  
5 of it as far as what can't be on the initiative.

6 Now, procedurally, what we're going to  
7 do is that, we're going to start with opponents of  
8 the initiative, people that are against the  
9 initiative, and have them speak first, and then  
10 followed by people that support the initiative, and  
11 they will speak.

12 And then the last person to speak will  
13 be the proposer of the initiative, Mr. Mustafa.  
14 Now, we have a list of people that called my office  
15 that wanted to speak. It's about ten people. And  
16 that's the only people we have so far and they're  
17 all in favor of it.

18 So what will happen is that, you will  
19 be given three minutes to speak and Mr. McGann, down  
20 at the end, will let you know how much time you have  
21 left, two minutes, to one minute, to 30 seconds.

22 Now, you have to stay within the

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1           timeframe because we got a lot of people here and  
2           we want to try and get everything done within a  
3           reasonable amount of time.

4                        So three minutes to speak for anybody  
5           that wants to speak for or against the initiative,  
6           and Mr. Mustafa has five minutes.   That's my  
7           summary.   Okay.   The Board Members just told me  
8           that, even though you didn't contact the office to  
9           speak today, they will open it up to anybody else  
10          that would like to speak.

11                       Yes, prior to Mr. Mustafa, for or  
12          against the initiative.   All right.

13                       MEMBER GILL:   So let's open it up.   You  
14          said there's nobody on the list who opposes.

15                       MR. MCGHIE:   What?

16                       MEMBER GILL:   You said there's nobody  
17          on the list who opposes?

18                       MR. MCGHIE:   Yes, nobody called me that  
19          said they were opposed.

20                       (Off the record comments.)

21                       CHAIR BENNETT:   Has the proposed  
22          measure met the statutory clerical disclaimer with

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1 respect to its filing?

2 MR. MCGHIE: Yes, they did. The  
3 proposal of the initiative timely filed, a  
4 statement of organization at the Office of Campaign  
5 Finance, so they're in compliance with that  
6 requirement.

7 CHAIR BENNETT: Are there any comments  
8 from the opponents?

9 MR. MCGHIE: Are there anybody that  
10 would like to speak up against the initiative?

11 CHAIR BENNETT: Speak now or forever  
12 hold your peace in this -- today.

13 PARTICIPANT: Can I ask a question?

14 CHAIR BENNETT: Sure.

15 PARTICIPANT: What exactly do you mean  
16 against the initiative? Can you clarify?

17 MR. MCGHIE: Yes, you're not in favor  
18 of the initiative. You don't want it to go  
19 forward. So this initiative is to --

20 MEMBER GILL: So based on the Board,  
21 not on personal feelings about the --

22 MR. MCGHIE: Yes. No.

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1 MEMBER GILL: Okay. Yes, sir.

2 PARTICIPANT: I think a lot of people  
3 in here don't really know what the initiative is,  
4 and we'd appreciate some clarification.

5 CHAIR BENNETT: Okay. You want to  
6 give a quick summary of the initiative?

7 MR. MCGHIE: Yes, well, Mr. Mustafa,  
8 it's his initiative. Mr. Mustafa, do you want to  
9 summarize what your initiative is for the people?

10 CHAIR BENNETT: That does not negate  
11 your five minutes at the end, sir.

12 MR. MUSTAFA: Greetings, everyone.

13 MR. MCGHIE: And, sir, just take a seat  
14 and state your name and address for the record so  
15 that you're -- so that everybody could -- the mics  
16 can pick you up.

17 MR. MUSTAFA: Greetings. My name is  
18 -- good morning, Committee, good morning,  
19 citizens, thank you very much for coming out. My  
20 name is Asar Mustafa. I own the Economic and  
21 Protection Independent Political Party here in the  
22 District of Columbia, and the reason I filed this

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1 initiative was that, I understand business --

2 MR. MCGHIE: Hands are coming up  
3 because they can't hear you.

4 PARTICIPANT: Is the mic working?

5 PARTICIPANT: There is no mic.

6 MR. MUSTAFA: I'm going to be real  
7 short. Can everybody hear me?

8 CHAIR BENNETT: We're getting one, but  
9 the building's new and -- getting a mic, but we just  
10 haven't gotten it installed yet, so our apologies.

11 MR. MUSTAFA: The reason I filed the  
12 initiative --

13 PARTICIPANT: But your name is Asar?

14 MR. MUSTAFA: Asar Mustafa, A-S-A-R,  
15 M-U-S-T-A-F-A. F as in Frank, A, and I'm the  
16 executive director of the Economic and Protection  
17 Independent Political Party here in the District  
18 of Columbia.

19 The reason I filed the initiative was  
20 that I understand business and I've been looking  
21 at states around the nation legalizing retail  
22 cannabis, and I see the tax dollars all across the

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1 nation, and I see what those tax dollars are doing  
2 for the city in those states, and for the state  
3 period. Yes, sir.

4 PARTICIPANT: Could you define retail  
5 cannabis? Is that different from medical  
6 cannabis?

7 MR. MUSTAFA: That you can sell it --  
8 you can sell cannabis in a dispensary, or you can  
9 have a grow house, or where you're the citizen.  
10 It's a business. And now you have the rights and  
11 the licensing to do -- to sell cannabis or whatever  
12 is involved in cannabis.

13 PARTICIPANT: So what would be the  
14 details on the retail of it?

15 MR. MUSTAFA: If it's allowed to be  
16 passed and be put on the budget, there's a long  
17 fight, because I'm still dealing with Congress and  
18 dealing with other things, but if it is passed, the  
19 citizens would have an opportunity to have a grow  
20 house in their house.

21 The citizens would be able to have a  
22 lab.

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1 PARTICIPANT: What about those, you  
2 know what I'm saying, that are already growing it  
3 under Initiative 71?

4 MR. MUSTAFA: Well, that would be  
5 phased in, because we're talking about something  
6 that's retail now, that you can sell in a specific  
7 area, whether it's regulated and the operation, and  
8 under the licensing, and the fees of the District  
9 of Columbia. Everything would be phased in from  
10 that point --

11 CHAIR BENNETT: Can I ask you, and I  
12 appreciate the questions, we're really kind of  
13 creating process as we go. So let me let Mr.  
14 Mustafa --

15 MR. MUSTAFA: Mustafa.

16 CHAIR BENNETT: Mustafa, sorry.

17 MR. MUSTAFA: Yes, sir.

18 CHAIR BENNETT: Mr. Mustafa do his  
19 summary and if there are a couple of questions after  
20 he finishes, then we will take those, but this could  
21 get to be, kind of, all day back and forth, so please  
22 do that.

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1 PARTICIPANT: So what is the  
2 initiative?

3 CHAIR BENNETT: Can you let him finish,  
4 please, sir, and then --

5 MR. MUSTAFA: It's the legalization of  
6 retail cannabis in the District of Columbia 2018.  
7 That's the initiative. And again, the reason I did  
8 it is because I understand business, and the  
9 business of America is business.

10 And what I understand is that, we can  
11 take tax dollars and we can take this city to  
12 another level. We can tell infrastructure,  
13 education, anything that you want, we have tax  
14 dollars coming in here, but the most important  
15 thing why I wrote it, and I want to be clear on this,  
16 is, I would like to see 39.9 percent of tax dollars  
17 that go to the people who need the most constructive  
18 help, with the Black citizens here in the District  
19 of Columbia.

20 Understand everything else that's  
21 going on, there has to be some resources directed  
22 to the most constructive group, and I understand

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1 that the District is unlike any other place in the  
2 nation. We have an opportunity to tax this four  
3 different ways, four; the residents, the tourists,  
4 Maryland, and Virginia.

5 We're talking about \$4 billion to \$5  
6 billion. This is business. It's nothing about  
7 smoking, it's nothing about none of that, we're  
8 talking about how can we help the District, but how  
9 can we help the most -- the people who needs the  
10 most constructive help in Ward 7 and Ward 8.  
11 Summarization.

12 CHAIR BENNETT: And we're going to  
13 allow three questions and the hand here --

14 PARTICIPANT: Yes, can you tell me what  
15 other city or what other state that may have the  
16 same type of program?

17 MR. MUSTAFA: I don't know of any other  
18 one that has directed tax dollars to a specific  
19 group. All I know what they do is, they're  
20 building their infrastructures up, and they're  
21 taking their tax dollars, and their city, their  
22 states are just flying off the roof with finances

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1 and money.

2 And again, the bottom-line of America  
3 is all about money.

4 CHAIR BENNETT: The young lady in the  
5 black.

6 PARTICIPANT: Yes, how did you  
7 determine the tax --

8 MR. MUSTAFA: Well, what I looked at is  
9 that, I look at the gentrification of the city.  
10 And I looked at how, where Black citizens were and  
11 where they are now, in the vicinity of where we are  
12 now, and I said at first, let me say, I wanted 51  
13 percent, I said, no, that's not going to happen,  
14 so let's look at where we are as a group right now,  
15 as Black citizens right now, and that 39.9 percent  
16 seems to be fair, with the number of people that  
17 we have here in the city right now, Black citizens.

18 I'm not talking about anybody else.  
19 I'm talking about Black citizens.

20 CHAIR BENNETT: And last question,  
21 gentleman over here on the left; on my left.

22 PARTICIPANT: I like the act of the

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1 initiative, but if the buy-in costs would be more  
2 affordable, it would be more effective for the  
3 Black citizens, you know what I'm saying?

4 So we should move forward with the  
5 initiative for recreational sales, but also, don't  
6 make the price of getting into it skyrocket so that  
7 it can be deemed to a home, like a certain market.

8 MR. MUSTAFA: Well, see, that's why the  
9 initiative, we're talking about regulations.  
10 That's one thing I would not allow, well, if I have  
11 anything to do with it, is that, we have to make  
12 sure it's not monopolized, because big business  
13 come in, and corporations come in and dominate.

14 So we have to have contingencies within  
15 the initiative, within the law, that states that  
16 if Black citizens, or Latin citizens, or any other  
17 citizens that you want to call a minority can say,  
18 I want to get into this cannabis business. I want  
19 to take my house and I want to get my house out,  
20 and I just want to roll cannabis in my house.

21 It's regulated, it's organized, and  
22 everything is done.

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1 CHAIR BENNETT: Thank you, Mr.  
2 Mustafa.

3 MR. MUSTAFA: Thank you.

4 CHAIR BENNETT: Mustafa. I'm sorry.

5 MR. MUSTAFA: Mustafa.

6 CHAIR BENNETT: And what I would  
7 suggest, because a lot of this, and it's not bad  
8 conversation at all, but a lot of this doesn't lead  
9 to, or doesn't lead to our decision relative to  
10 whether it's an initiative that is proper or any  
11 proper subject matter for start, for -- to be an  
12 initiative, like, on the ballots, but a lot of those  
13 questions are probably best for some of you folks  
14 and Mr. Mustafa after this particular hearing.

15 But with that, thank you for doing that  
16 and hopefully that gives folks some of the  
17 information that they need in order to understand  
18 the process or to understand the testimony here.  
19 So, Mr. McGhie, would you start with the -- those  
20 to testify.

21 MR. MCGHIE: Okay. We received only  
22 two written comments opposing the initiative. The

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1 first one, which I'll summarize, is from the Office  
2 of the Attorney General and then the second one is  
3 from the General Counsel's Office for the Board of  
4 Elections.

5 It's the Attorney General for the  
6 District of Columbia, Mr. Karl Racine, and just to  
7 summarize his written comments, he said that this  
8 was not a proper subject matter for an initiative,  
9 basically, for four reasons.

10 The first one was that it was not in the  
11 proper legislative form, and it violated the D.C.  
12 Appropriations Act. So the District of Columbia  
13 Appropriations Act of 2017, which is the act  
14 appropriating funds that we get from Congress.

15 So Congress put a provision in there  
16 that prohibits the District from using any funds  
17 that would minimize the penalties for possession  
18 of marijuana. It, in fact, says, therefore, the  
19 District, therefore, cannot expend any funds,  
20 including local funds, and non-fiscal year 2017  
21 funds, to legalize the purchase and sale of any  
22 Schedule I substance, including marijuana, or

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1 establish a regulatory scheme for its purchase and  
2 sale.

3 So they're saying, Mr. Racine is saying  
4 that, this initiative would violate Congress'  
5 prohibition on the District of Columbia.

6 The next thing was that, he said, it was  
7 a law appropriating funds, that the initiative  
8 identified funds and directed how it should be  
9 spent when it said that 39 percent of the tax money  
10 shall go to Black enterprises.

11 And then, finally, the last thing he  
12 said is that the initiative violated the D.C. Human  
13 Rights Act in that it discriminated on the basis  
14 of race because the tax dollars were only going to  
15 be for the benefit of Black businesses and Black  
16 farmers.

17 So that is the opinion that summarizes  
18 the opinion from the Attorney General. And then  
19 I will have Mr. McGann give the opinion of the Board  
20 of Elections.

21 MR. MCGANN: Good morning, ladies and  
22 gentlemen. The power of initiatives has coexisted

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1 with the power of the Legislative Branch to enact  
2 legislative acts. However, the citizenry's power  
3 to legislate is not extensive or as extensive  
4 because it cannot involve a law appropriating  
5 funds.

6 The limitation is further clarified in  
7 the Initiative Procedures Act, which provides that  
8 a proposed initiative, measure, is not a proper  
9 subject for initiative if the measure would negate  
10 or limit an act of the council of the District of  
11 Columbia pursuant to Section 446 of the Home Rule  
12 Act.

13 This Section 446 of the Home Rule Act  
14 sets forth the process by which the Council enacts  
15 the budget for the District of Columbia and  
16 transmits the budget to Congress and to the  
17 President.

18 Accordingly, the Council sought to  
19 circumscribe the limits of the initiative right to  
20 reflect the areas within, or wherein, citizens are  
21 unable to legislate. For instance, no measure may  
22 conflict with the Terms of Title IV of the District

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1 of Columbia Home Rule Act, any measure presented  
2 cannot negate or limit an act of the Council in the  
3 District of Columbia, and a measure may not  
4 authorize or have the effect of authorizing  
5 discrimination prohibited under the Human Rights  
6 Act.

7 In summary, the LRC, the Legalization  
8 of Recreational Cannabis in the District, for the  
9 total legalization that will use 39.9 percent of  
10 the legalized retail cannabis tax dollars to  
11 provide Black citizens with an opportunity for  
12 ownership, education, training, employment, and  
13 special assistance to Black farmers in the cannabis  
14 industry.

15 The proposed measure contemplates the  
16 establishment of consortiums setup in specified  
17 locations that provide services to the business  
18 owners to mitigate concerns arising during  
19 business operations and to ensure the owners are  
20 current with their taxes and fees.

21 Each case determining the proper  
22 subject of the initiative is foremost concerned

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1 with the allocation and control of revenues. This  
2 means that a measure which would intrude upon the  
3 discretion of the Council to allocate District  
4 Government revenues in a budget process is not a  
5 proper subject for initiative.

6 This is true whether or not the  
7 initiative would raise new revenues. For an  
8 initiative measure to pass muster, the measure may  
9 not block the expenditure of funds requested or  
10 appropriated, it may not directly appropriate  
11 funds, it may not require the allocation of  
12 revenues to new or existing purposes, it may not  
13 establish a special fund, it may not create an  
14 entitlement enforceable by private right of  
15 action, it may not directly address and eliminate  
16 any revenue source.

17 Finally, the mandatory provisions of  
18 any initiative may not be precluded by any lack of  
19 funding. In the instant case proposed proponent's  
20 measure implicates many of the prohibitions  
21 established in prior court precedent.

22 By allocating a percentage of retail

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1 cannabis tax revenue to a specified purpose,  
2 namely, to provide Black citizens with an  
3 opportunity for ownership, education, training,  
4 and employment, the LRC directly requires the  
5 allocation of revenues to a new purpose.

6 Moreover, the measure calls for the  
7 formation of consortiums to administer assistance  
8 and ensure tax compliance. Without delineating  
9 the number of consortiums or defining the type of  
10 assistance offered, this new administrative scheme  
11 will also require an indeterminate appropriation  
12 of funds to come to fruition.

13 Even if the LRC contained more  
14 specificity with respect to the consortiums, there  
15 are mandatory provisions of the proposed measure  
16 that could not be precluded by lack of funding.

17 Accordingly, the provisions allocate a  
18 percentage of the tax revenue to a specific purpose  
19 in creating new mandatory administrative  
20 consortiums are considered appropriations that  
21 render the LRC an improper subject for initiative.

22 In conclusion, LRC presents an improper

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1 subject for initiative because it improperly  
2 appropriates funds by requiring the allocation of  
3 tax revenues to a new purpose in establishing an  
4 unfunded program and it cannot function as intended  
5 without forcing the Council to appropriate for an  
6 unknown expense.

7 For these reasons, the Board should  
8 accordingly refuse to accept the LRC as a proper  
9 subject.

10 MR. MCGHIE: Okay. With that, I would  
11 ask the Board to accept the two written comments,  
12 one from the Attorney General of the District of  
13 Columbia and one from the General Counsel's Office  
14 of the Board of Elections into the record.

15 CHAIR BENNETT: Okay. And, Dionna,  
16 enter into the record. Your vote is?

17 MEMBER LEWIS: What are you saying?

18 CHAIR BENNETT: Enter the opinions  
19 into the record; the legal opinions. That's a  
20 question. Do you vote yes?

21 MEMBER LEWIS: Yes, in favor. I was on  
22 mute.

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1 CHAIR BENNETT: Thank you. Okay. No  
2 problem. Thank you.

3 MR. MCGHIE: In short --

4 CHAIR BENNETT: Are you getting  
5 everything okay?

6 MR. MCGHIE: In short, what happened is  
7 that, opponents of the initiative, which were only  
8 two, submitted written testimony to the Board, so  
9 we have a written opinion from the Office of the  
10 Attorney General and we have a written opinion from  
11 the General Counsel for the Board of Elections, and  
12 they are saying that it should not be allowed to  
13 move forward because it would appropriate funds and  
14 -- well, it would violate the Constitution because  
15 it's violating the Appropriation Act, which is an  
16 act of Congress.

17 And then, it's not in the proper  
18 legislative form and it would unlawfully  
19 discriminate. So the Board has accepted those  
20 into the record and so that means that the Board,  
21 when making its decision, can look to those written  
22 opinions and use that in consideration on whether

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1 to vote for or against it.

2 So it would consider the written  
3 opinions and the oral presentation of the people  
4 that come forward today in rendering its decision.

5 With that said, we'll move to the next  
6 thing, which would be --

7 CHAIR BENNETT: Yes, if you can call  
8 the proponents for the --

9 MR. MCGHIE: Proponents of the  
10 initiative.

11 CHAIR BENNETT: For the initiative.

12 MR. MCGHIE: All right. So I'm going  
13 to call you up three at a time, take a seat in the  
14 front, and you'll be allowed three minutes. First  
15 person is John Kenny, Antionne Nailon, Lisa Scott,  
16 Danielle Sherman. Okay. Beginning with Mr.  
17 Kenny. First, state your name and address for the  
18 record. That'd be for all of you.

19 PARTICIPANT: Mr. Kenny's not here.

20 MR. MCGHIE: Oh.

21 CHAIR BENNETT: Let me just ask you,  
22 too, is to speak up. My guess is, for those in the

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1 back, you're probably not going to be able to hear  
2 everything, because I really need them to talk to  
3 us, and so their voices are going to travel this  
4 way and not back, but if there is something that  
5 you feel real strong about missing, please, you  
6 know, raise your hand or let us know, but if you  
7 just missed a few things here and there, we want  
8 to try and keep this flowing.

9 So my apologies, but we, hopefully,  
10 will have a microphone system in the facility very  
11 soon. So, Mr. McGhie, do you have anything?

12 MR. MCGHIE: No.

13 CHAIR BENNETT: Okay.

14 MR. MCGHIE: Like I said, would  
15 everyone state your full name and address for the  
16 record and then we will begin from my left to right.  
17 Sir.

18 MR. NAILON: What are we doing again?

19 CHAIR BENNETT: Your full name and  
20 address for the record.

21 MR. NAILON: I know, but you need -- I  
22 mean, I'm for the initiative and all that, but after

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1 what we've already talked about, my name is  
2 Antoine, everybody knows who I am.

3 CHAIR BENNETT: No, but we need it for  
4 the record.

5 MR. MCGHIE: There's a record in front  
6 of us.

7 MR. NAILON: My name is Antionne  
8 Nailon, for the record.

9 CHAIR BENNETT: And your address.

10 MR. NAILON: What is my address? 3714  
11 Terrace Drive, Alexandria, Virginia 22302.

12 CHAIR BENNETT: Okay.

13 MR. NAILON: Okay.

14 MR. MCGHIE: Next person, please.

15 MS. SCOTT: Lisa Scott, 1218 Shepherd  
16 Street, NW. I've lived there for more than 30  
17 years and I'm a voter.

18 MR. MCGHIE: Miss?

19 MS. SHERMAN: My name is Danielle  
20 Sherman. My address is 7618 Shelly Lane,  
21 Manassas. I'm representing a non-profit cannabis  
22 association.

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1           MR. MCGHIE:    All right.    So we're  
2 going to begin with you and your three minutes start  
3 right now, Mr. Nailon.

4           MR. NAILON:     After some of the  
5 information that's already been presented, I  
6 really can't comment too much. I need to actually  
7 talk with the person who's initiated everything and  
8 we would have to discuss more about the language  
9 that's being used in this initiative, and discuss  
10 -- you know, I wasn't aware of this rule set either.

11                         So we need to be in alignment of that.  
12 That's really important because the person that's  
13 opposing it has bring up some good opposing  
14 arguments based on that rule set, so we have to  
15 reconfigure it, possibly.

16                         I'm not really too sure, you know, I  
17 don't want to say too much, but that would be --  
18 that's really all I can say right now.

19           CHAIR BENNETT:   Okay.    Thank you.

20           MS. SCOTT:     Hello.    My name is Lisa  
21 Scott, again. I'm a resident of Ward 4. I'm here  
22 representing private citizens and also, the

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1 businesses, cannabis businesses, of the future  
2 here in the District of Columbia.

3 I am fully aware that there is a Harris  
4 rider on our laws and I don't know how the process  
5 of removing the Harris rider is. If he is gone and  
6 it just goes away or if we have to vote it out, but  
7 I'm here telling you that, as a voter, and the  
8 citizens voted for Initiative 71, and since you  
9 guys are on the Board of Elections, whatever we  
10 voted for, you're representing us, you should also  
11 help push along to remove the Harris rider, because  
12 we voted for Initiative 71.

13 And we're citizens and we should be  
14 respected for our vote and not let a conservative  
15 from another state dictate what we voted for. So  
16 I'm asking for your support in that matter as well.

17 The recreational cannabis is legal now  
18 in nine states, plus District of Columbia, but we  
19 are not free because of the Harris rider. We're  
20 not free to make our laws the way we want them to  
21 and I think that we need to do something to  
22 establish our freedom so that we can do that.

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1           And I know that, right now, today's  
2 administration is very pro state's rights and I  
3 know we're not a state, but we should demand our  
4 rights, because we voted for it. And I think that  
5 you guys -- I don't know what you are allowed to  
6 do, but I would hope that you would push our  
7 initiative in the way that the citizens have voted.

8           And, you know, Mr. Mustafa was talking  
9 about a lot of things, like bringing revenue into  
10 the city, so I know you guys know that the city is  
11 very dependent on tourism and the residents of the  
12 neighboring states that will come in here just  
13 because of the recreational cannabis legalization,  
14 and the Smithsonian is just a secondary reason for  
15 them to come.

16           So we could bring in that revenue and  
17 do a lot for that money. It doesn't have to be --  
18 I don't know how this initiative, if we can change  
19 it to fit and redo it so that it will fit, it would  
20 be perfect, and I would like some guidance on that.

21           I started a D.C. Cannabis Business  
22 Association in preparation of the future, when the

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1 rider is removed and we can actually legalize it.  
2 So anybody who's here and wants to be part of our  
3 association, please contact me, D.C. Cannabis  
4 Business Association. Okay. Thank you.

5 CHAIR BENNETT: Thank you.

6 MS. SHERMAN: Hi. Again, my name is  
7 Danielle Sherman. I am speaking on behalf of the  
8 Cannabis Consumers Coalition. We are a 501(3)(c)  
9 non-profit organization, watchdog organization,  
10 out of Denver, with a D.C. chapter started in  
11 February.

12 We are looking to create legislation  
13 that is consumer-based, and I think this initiative  
14 is consumer-based. Just a little bit about  
15 myself, I grew up in Annandale, my dad spent 26  
16 years in the military, the executive director of  
17 our non-profit was born in D.C. and moved to Denver  
18 as a cannabis refugee.

19 She's also the cofounder of another  
20 non-profit called the National Diversity and  
21 Inclusion in Cannabis Alliance, and she wrote her  
22 Master's thesis on enduring racial disparity after

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1 cannabis legalization.

2 I think this initiative for D.C. opens  
3 doors for individuals to be able to create revenue,  
4 not just for themselves, but for the city.  
5 Commercial real estate is harder to come by. I  
6 think allowing individuals to pursue the right and  
7 the opportunities to be able to cultivate, test,  
8 produce, manufacture cannabis will not only put  
9 money back into the city, but will also put some  
10 positive reenforcement into some of the citizens  
11 that live in the city that have been taken advantage  
12 of and need the help.

13 So we are in support. We will do  
14 whatever we can to help. Any consumer that's  
15 interested in helping, let me know. Thank you for  
16 giving me the opportunity to speak.

17 CHAIR BENNETT: Thank you. I don't  
18 have any questions. No questions? Ms. Lewis, you  
19 have any questions?

20 MEMBER LEWIS: No questions. Thank  
21 you.

22 CHAIR BENNETT: Okay. Thanks.

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1                   MR. MCGHIE:     Thank you very much.  
2                   Next panel is Joseph Tierney, Darla Holmes, Scott  
3                   Williams, Orlando Littlejohn, and Andrew Asifo.  
4                   Okay, sir, would you -- well, both of you, would  
5                   you please state your full name and address for the  
6                   record?

7                   MR. ASIFO:     Well, I'm actually not  
8                   Andrew, but I'm standing in for him today because  
9                   we had a death in the family, but I'm his younger  
10                  brother, Justin Asifo, and I live at 251 South  
11                  Burnham Street, Alexandria, Virginia.

12                  MEMBER GILL:    Could you spell your last  
13                  name, sir?

14                  MR. ASIFO:     What?

15                  MEMBER GILL:    Your last name, could you  
16                  spell it for the record?

17                  MR. ASIFO:     A-S-I-F-O.

18                  MR. WILLIAMS:    Hi.    My name is Scott  
19                  Williams.    I'm at 420 58th Street, NE, in Deanwood.

20                  MEMBER GILL:    No one can hear.

21                  MR.     WILLIAMS:            Sorry.            Scott  
22                  Williams, 58th Street --

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1                   MEMBER GILL:   Just talk louder.  You  
2                   don't have to stand.

3                   MR. WILLIAMS:   420 58th Street, NE.

4                   MR. MCGHIE:    Okay.  Mr. Williams, your  
5                   three minutes starts right now.

6                   MR.   WILLIAMS:       Thank  you.       Good  
7                   morning, Board, and thank you for your service.  My  
8                   name is Scott Williams and I'm the president of the  
9                   D.C. Cannabis Business Association, and also a  
10                  resident of Deanwood.

11                  We're  an  association  of  cannabis  
12                  businesses in the District who have gathered to  
13                  promote the private legal industry started by I-71  
14                  and our member companies.

15                  Our mission to advocate on behalf of our  
16                  members in the legislative, regulatory, legal, and  
17                  public policy arenas.  I speak to you today in  
18                  support  of  an  established  retail  industry  
19                  framework which would legitimize and already  
20                  thriving black market in the District, and set a  
21                  platform for which we would hold our members  
22                  accountable to the highest standards set forth in

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1 the regulations.

2           Along with the legislative framework,  
3 we've already begun discussing policies,  
4 internally, that are being used in states with  
5 years of experience, such as cannabis testing  
6 guidelines on pesticide tests. Guidelines that  
7 aren't even being implemented in the current D.C.  
8 market.

9           I ask that you review the current  
10 initiative and consider moving it forward. The  
11 District is missing out on over \$100 million in tax  
12 revenue, based on current numbers coming out of  
13 Colorado and Washington.

14           The D.C. current services collective  
15 funding budget is \$7.6 billion for fiscal year  
16 2018. Cannabis tax revenue would account for over  
17 1 percent of that total operating budget. Not only  
18 that, 39.9 percent of that revenue could go to  
19 African-American programs who have been  
20 historically racially targeted at a 7:1 ratio by  
21 the police.

22           This is also assuming only D.C.

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1 residents would have access to this legal market.  
2 You take into consideration Wikipedia suggests  
3 there's 9.3 million residents in the Greater DMV  
4 area. Take those numbers into consideration,  
5 you're now looking at \$1.5 billion in tax revenue.

6 That's right, folks, billion, with a  
7 capital B. So you're almost supplementing the  
8 budget at a rate of 20 percent. Think about that  
9 for a moment. Twenty percent of your overall  
10 operating budget for D.C. could be supplemented by  
11 the legal cannabis market.

12 From undercutting the black market to  
13 ensuring the cannabis being sold in the District  
14 is being grown in the District, establishing a  
15 retail framework will only benefit D.C. and its  
16 people. Thank you.

17 MR. ASIFO: So once again, my name is  
18 Justin and I'm representing Pot Luck Solutions,  
19 which is an I-71-compliant business. And like, I  
20 see that you guys, like, ask, like, why would we  
21 benefit from legalization, but as a counter, like,  
22 I ask, like, why wouldn't we?

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1           Because, like, it's, like, basically  
2 proven that the legalization of cannabis can solve,  
3 like, many problems. Like, we see that Colorado  
4 has the lowest unemployment rate and, like, it's  
5 no secret to why, because initially, before  
6 legalization, they had an unemployment rate, which  
7 was still -- it was sitting at, like, the national  
8 average of 5.6 percent, and now they're at 2.3  
9 percent, basically, right after legalization.

10           And that's due to the fact that they  
11 created over 18,000 new full-time jobs. And then,  
12 like, we also have the fact that -- so, like, D.C.,  
13 is, like, already about 90 percent small  
14 businesses, so we already have access to millions  
15 of local dollars.

16           But with the legalization of cannabis,  
17 and with, like, the new influx of tourism, because  
18 -- and not just national tourism, we're talking  
19 about on an international scale, because the only  
20 reason why, like, if somebody's, like, deciding  
21 whether they want to go to Colorado or D.C., the  
22 only reason they they're going to decide to go to

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1 Colorado is because of -- is because they have a  
2 -- is because marijuana is legal there.

3 You know, D.C., has, like, the  
4 potential to be, like, the flagship for, like,  
5 recreational marijuana, based on the fact that it's  
6 D.C. So with that being said, we have an influx  
7 of international tourism, we have the potential to,  
8 like, increase our GDP by, like, at least 100  
9 million per year, because right now, I believe  
10 D.C.'s GDP is about 94 billion.

11 We have the potential to increase -- to  
12 get that to 100 billion by, like, 2023, I believe.  
13 And also, I see, like, D.C., like, for the past,  
14 like, five to seven years, like, everybody here has  
15 seen how D.C. is trying to, like, revamp the city  
16 by way of gentrification, and, you know, I feel like  
17 gentrification is something that kind of needs,  
18 like, a partnering agent to go with it, because  
19 we're still only safer than 3 percent of all areas  
20 in the country, which is really bad.

21 It's proven that legalization of  
22 marijuana hasn't -- it's not going to, like,

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1 completely delete all the crime, but it does sure  
2 bring it down. We're talking about, like, a 9  
3 percent -- all right, so currently we have, like,  
4 32,000 cases of property crime each year, and 8000  
5 cases of violent crime, in the first year, we can  
6 decrease both of those by 9 percent.

7 And, like, in about three to five years,  
8 rather than 40,000 cases of both of these put  
9 together, we could be sitting at 37,000, which is  
10 progress. As we see, like, gentrification really  
11 hasn't made much progress in that sector.

12 And also, we have -- yes, we -- all  
13 right. So, yes, just based on the fact that --  
14 like, on a geographical scale, I guess Colorado,  
15 their first year, they made \$200 million in revenue  
16 from all sales of marijuana, and that's a state,  
17 and this is a District, so I'm going to project that  
18 -- oh, my fault.

19 MR. MCGHIE: Sorry.

20 MR. ASIFO: All right. I was  
21 basically done anyway.

22 MR. MCGHIE: Thank you. Any questions

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1 for this panel?

2 MEMBER GILL: No. In general, I  
3 should have mentioned it when Antionne was up here,  
4 we do need, as a Board, to do a better job, I think,  
5 of making this, sort of, what it takes to get an  
6 initiative through more available. And I know  
7 it's available, but I hate when people take the time  
8 and then they learn from the local attorney general  
9 that it's got problems.

10 So I think we're always willing to work  
11 with folks to get it in line if we decide there's  
12 a problem, but I hate that people don't have that  
13 full knowledge beforehand.

14 CHAIR BENNETT: Dionna, do you have any  
15 questions?

16 MEMBER LEWIS: I don't have any  
17 questions. Thank you.

18 CHAIR BENNETT: Okay. Great. Thank  
19 you. We will open it up -- we'll take another --  
20 we're going to have to vote, probably, in about 20  
21 minutes, but we'll open it up for a few more.

22 MR. MCGHIE: Anybody else that would

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1 like to be heard in favor of the initiative? First  
2 three, one, two, three, we can take four. Okay.  
3 That gentleman all the way in the back. Okay.  
4 Begin.

5 MR. KHAN: Hi. Good morning. So my  
6 name is Arsalan Khan.

7 MR. MCGHIE: Arsalan?

8 MR. KHAN: Arsalan Khan, so it's very  
9 nice to meet you all today.

10 MR. MCGANN: Could you spell that for  
11 the record, sir?

12 MR. KHAN: Sure. It's A-R-S-A-L-A-N,  
13 K-H-A-N, like Genghis. Yes.

14 CHAIR BENNETT: And your address,  
15 please.

16 MR. KHAN: So I live at 1107 South  
17 Walter Reed Drive, Arlington, Virginia. Though we  
18 do have a --

19 MR. MCGHIE: Hold on. Next person.

20 MR. WILLIAMS: My name is Corey  
21 Williams. I live at 350 50th Street, SE, Apartment  
22 217 in Southeast. I'm a medical marijuana

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1 patient. I'm also a former member of the Mayor's  
2 Youth Leadership Institute.

3 MR. MCGHIE: Thank you, sir.

4 MR. CATRON: Tim Catron. I'm at 1639  
5 Lang Place in Northeast.

6 MR. MCGANN: Can you spell your last  
7 name for the record?

8 MR. CATRON: C-A-T-R-O-N.

9 MR. MCGANN: Thank you.

10 MR. WALLACE: Daniel David Wallace,  
11 5615 7th Street, NW, Apartment Number 1. I'm a  
12 special education teacher.

13 MR. MCGHIE: Okay. Mr. Khan, your  
14 three minutes start --

15 MR. KHAN: So we do have a group of us  
16 that I'm representing. We're called Trending  
17 Leafs. We're located at 652 Girard Street, NE.  
18 We're in the Brookland area. So it just seems like  
19 when I was graduating high school, the whole world  
20 was imploding under the big depression that we live  
21 in.

22 And it seems like there is an

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1           inevitability of our recovery, whether it be  
2           through individual might, through social support,  
3           or just through God's hand, if it's necessary. And  
4           whether this plant is, you know, something  
5           spiritual, whether it comes from this ethereal land  
6           that we think of, before humanity, it is sacred and  
7           it has a right to exist, just as any living creature  
8           that gives so much to so many.

9                        And this pharma pinata, it needs to get  
10           cracked open. There are too many poor people.  
11           I'm good.

12                       CHAIR BENNETT: Thank you.

13                       MR. MCGHIE: Mr. Williams.

14                       MR. WILLIAMS: Good afternoon. I'm a  
15           medical marijuana patient. I've been off of  
16           opioids for five years. Thank God. But the main  
17           concern, you know what I'm saying, why I feel as  
18           though that this initiative needs to be approved,  
19           there's a K2 epidemic that's going on in D.C. right  
20           now, especially in the homeless section.

21                       And because of the simple fact that,  
22           under the African-Americans that people are not

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1 taking advantage of Initiative 71, let alone, you  
2 know what I'm saying, knowing about Initiative 71.

3 And with the epidemic that's going on  
4 throughout that, I feel as though that that would  
5 minimize at least that problem that's going on,  
6 especially over near Hechinger Mall area, where the  
7 streetcars are at, there's a lot of guys, you know  
8 what I'm saying, that are passed out and you think  
9 they're on heroin, but they're not. It's K2.

10 And it's a synthetic drug that is  
11 killing people, especially that killed Marion  
12 Christopher Barry. So that, you know what I'm  
13 saying, with that being said, if we let this  
14 initiative pass on, this will also help, you know  
15 what I'm saying, those that are getting off of K2,  
16 because CBD, which is a cannabinoid that a lot of  
17 people don't talk about, unlike THC, helps people  
18 get off of K2, helps those, you know what I'm  
19 saying, that are opioids.

20 Because, you know what I'm saying, the  
21 thing about THC, it's not the -- it's the  
22 psychoactive, but with the CBD, it has a lot of

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1 beneficial factors that's been tested, you know  
2 what I'm saying, throughout Colorado, Oregon, and  
3 California. Thank you.

4 CHAIR BENNETT: Thank you.

5 MR. CATRON: Yes, I wanted to -- you  
6 know, I think the thing in a nutshell is, I mean,  
7 the solution is to not appropriate the funds. I  
8 mean, it's absolutely ridiculous to deny the city  
9 an opportunity to make 39 percent tax.

10 The benefits of this plant are  
11 unbelievable. I mean, look at me. I'm an old  
12 White man that has used cannabis since I was 16.  
13 I'm 72 years old. I own my own business, I produce  
14 CBD, we ship it nationally, it's an incredible  
15 product. The accolades. People stop smoking.  
16 People are healed. Everything's direct.

17 There's no questioning the benefit of  
18 the plant. I mean, we all realize that, but you  
19 have to take advantage of these tax dollars, and  
20 we have to have the freedom to market the non-CBD  
21 items, like the citizens voted to have access to  
22 it.

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1           This business of being harassed at this  
2           location, that location, the money you're missing  
3           out on. You know I have an LLC here. I'm paying  
4           taxes here. I want the freedom to market my THC  
5           product that will actually heal people. And  
6           that's it simply in a nutshell.

7           MR. WALLACE: I want to thank you all  
8           for the opportunity of being heard today. I know  
9           that, technically, this might violate the rider  
10          simply because the District is spending money --

11          CHAIR BENNETT: Please speak up a  
12          little bit, sir.

13          MR. WALLACE: I want to thank you all  
14          for the opportunity to be here, simply because  
15          addressing the issue might actually be overriding  
16          the rider. I want to implore you for your  
17          compassion. We have a lot of people in this city  
18          that need assistance, that need guidance.

19          This initiative or subsequent versions  
20          of it might be able to provide that assistance. We  
21          are looking for a way to be able to comply and to  
22          work within the legal boundaries so that we can be

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1 part of the city and more than just taxes, but the  
2 community and the society that's here.

3 I feel like, since I moved here seven  
4 years ago, the city has lost part of its identity.  
5 I'm not saying that this will bring it back, because  
6 it won't, I'm saying that, we can enhance the lives  
7 of the people that are still here with this.

8 And if we are in violation of some of  
9 these guidelines, please give us guidance. Please  
10 help us. Thank you.

11 CHAIR BENNETT: Mr. McGhie, you have  
12 any questions?

13 MR. MCGHIE: No.

14 CHAIR BENNETT: Ms. Lewis, you have any  
15 questions?

16 MEMBER LEWIS: Yes, I do, actually.  
17 So in terms of the various criteria that we cannot  
18 violate -- can you all hear me okay?

19 CHAIR BENNETT: Can you speak up a  
20 little bit, Dionna?

21 MEMBER LEWIS: Okay. In terms of the  
22 criteria that we're actually (telephonic

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1 interference) maybe we want to speak to why they  
2 do not believe this, as proposed, does not violate  
3 the appropriation criteria or the violation of the  
4 U.S. Constitution criteria.

5 CHAIR BENNETT: The question was  
6 whether or not --

7 MR. CATRON: Well, the appropriation  
8 one is clear. I mean, it doesn't take a lot common  
9 sense to figure that out. You can't appropriate  
10 the money. Okay. Take that 39 percent and do what  
11 you want to with it. Don't be insane.

12 MR. KHAN: Could we have a volunteer  
13 organization?

14 CHAIR BENNETT: The other question she  
15 had was whether or not -- I'm not ignoring your  
16 question, by the way --

17 MR. CATRON: Well, the legal aspect of  
18 it.

19 CHAIR BENNETT: Yes. The other  
20 question that you had, Ms. Lewis, let me let you  
21 ask it. Well, I guess, was, why does it not violate  
22 the Constitution.

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1 MEMBER LEWIS: Correct.

2 MR. CATRON: I think because of  
3 de-criminalization, and I don't think we should be  
4 too concerned about the U.S. Attorney General. I  
5 think his days are simply numbered. Everyone's  
6 days are numbered if they don't turn this situation  
7 around.

8 MR. MCGANN: Point of order, it wasn't  
9 the U.S. Attorney that opined, it was the District  
10 of Columbia Attorney General.

11 MR. CATRON: Well, it has to work in  
12 tune with these people.

13 MR. KHAN: The tide is rising for all  
14 through this. We're not trying to --

15 MR. WILLIAMS: Not only that, we're  
16 saving millions of lives out here. There's  
17 children that suffer from epilepsy, right now, as  
18 we speak, and it's already been proven that with  
19 the CBD products, that it does help, you know what  
20 I'm saying, with those that have epilepsy, MS, a  
21 person like myself who has spinal stenosis, it  
22 truly, you know what I'm saying, benefits a whole

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1 lot.

2 CHAIR BENNETT: I'm not familiar with  
3 what CBD is. Can you explain that?

4 MR. WILLIAMS: CBD is a cannabinoid,  
5 unlike THC, it's no THC at all. THC is the  
6 psychoactive cannabinoid that most people are  
7 familiar with, but with CBD, CBD is a  
8 non-psychoactive cannabinoid that helps, you know  
9 what I'm saying, with medicinal purposes.

10 MR. CATRON: It's the vitamin, the  
11 healing, part of the cannabis.

12 CHAIR BENNETT: What does CBD stand  
13 for?

14 (Simultaneous speaking)

15 CHAIR BENNETT: Okay. Thank you.  
16 It's just educational.

17 MR. WILLIAMS: I was just using that as  
18 an example.

19 MR. KHAN: It's a complicated plant.

20 MR. CATRON: It's complicated, but  
21 they go hand in hand.

22 CHAIR BENNETT: Okay. All right.

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1 Any other questions for the panel?

2 MEMBER LEWIS: I do. I actually have  
3 a clarifier just to clarify, so what went  
4 (telephonic interference) someone on the panel,  
5 and forgive me for not being present, so I can't  
6 identify you directly, but someone indicated that  
7 they wanted guidance.

8 So from our perspective, what we're  
9 looking at are the various criteria as to whether  
10 or not there is a (telephonic interference) of this  
11 matter to move forward in our process.

12 So while I certainly understand the  
13 responses regarding the U.S. Constitution, as well  
14 as the ones regarding appropriations, which would  
15 technically require lengthy modification as it's  
16 written in order to say, well, we can do -- you know,  
17 we don't have to say what we can do or should do  
18 with the money. I get that.

19 But in terms of the Constitution, what  
20 we're actually looking at is whether there is a  
21 violation of the U.S. Constitution, and part of  
22 that consideration with respect that it's based on

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1 whether or not people are being treated differently  
2 by this proposed matter.

3 So just about me, I'm a civil rights  
4 lawyer, so from my review of this, it looks as  
5 though there is a certain group of people being  
6 treated more favorably than another group of  
7 people, or other groups of people. While I  
8 certainly understand the response that, you know,  
9 essentially what you all are saying is, well, there  
10 are more benefits, right, with this.

11 And so these benefits should outweigh  
12 any potential legal violation. What I want you all  
13 just to understand and be aware of, kind of, similar  
14 to the point that Board Member Gill was thinking,  
15 is that, we still have to go by the letter of what  
16 our guidelines provide.

17 So for us, we have to make a  
18 determination as to whether or not there is, in  
19 fact, differential treatment of the -- by this  
20 proposed language. So can someone speak to how or  
21 why we should not consider this a violation of the  
22 U.S. Constitution, based on the preference or

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1 favorability of one group over another based on the  
2 current written language.

3 CHAIR BENNETT: Anybody on the panel be  
4 able to answer that.

5 (Simultaneous speaking)

6 CHAIR BENNETT: Whoa, whoa, whoa,  
7 we're trying to deal with the panel right now.

8 MR. CATRON: Well, wasn't I-71 in  
9 violation of the Constitution? I mean, we created  
10 this mess. You know, we created this non-taxable  
11 gifting mess. And it's time to fix it before you  
12 lose out on all this income. 71 was against the  
13 Constitution. All this is against the  
14 Constitution.

15 We're doing our own thing. We're  
16 trying to do it the right way, but we do need some  
17 guidance, and it's time that these elected people  
18 step up to solve this problem for the financial  
19 benefit of everyone.

20 MR. WILLIAMS: Especially with the way  
21 how -- with the rising of housing is in D.C., it's  
22 not affordable anymore, especially those like

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1 myself. I'm on low income, I'm on disability, and  
2 for me, you know what I'm saying, I have to make  
3 a choice. It's either pay my rent on time and deal  
4 with this pain without any medication, or lose my  
5 housing, but have, you know what I'm saying, my  
6 medicinal purpose, and be, you know what I'm  
7 saying, homeless on the streets.

8 MR. KHAN: Would it work better without  
9 the 39.9 percent rider? Would there be any  
10 difference?

11 CHAIR BENNETT: We're going to finish  
12 with this panel and then we'll ask four other people  
13 to come up. I think they -- Ms. Lewis, I think they  
14 answered your question accordingly. Okay. All  
15 right. Any other questions for this panel?

16 MR. KHAN: Do you all believe in this  
17 initiative?

18 CHAIR BENNETT: We have to consider  
19 this.

20 MEMBER GILL: It doesn't really matter  
21 what we believe. That's not our job.

22 CHAIR BENNETT: Thank you.

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1 MR. MCGHIE: Okay. Anybody else that  
2 would like to be heard for? Next four; next three.  
3 Sir. Okay. Take a seat. You, take a seat. All  
4 the way in the back. You can come up. You can come  
5 up.

6 CHAIR BENNETT: This is the last thing  
7 before we go to Mr. Mustafa.

8 MR. MCGHIE: This is the last panel?

9 CHAIR BENNETT: Yes.

10 MR. MCGHIE: Okay. Anybody else?  
11 This is the last panel. Okay. Miss.

12 CHAIR BENNETT: Proceed.

13 MR. MCGHIE: Okay. State your full  
14 name and address.

15 MR. PLUNKETT: Marvin Plunkett, 4809  
16 70th Place, Hyattsville, Maryland.

17 MR. PARSONS: Jeffrey Allen Parsons  
18 II, 1300 Congress Street, SE, D.C.

19 MS. WARVES: Karen Warves, 4472  
20 Oakdale Crescent Court, Number 921, Fairfax,  
21 Virginia.

22 MR. AHMED: My name is Hani Ahmed from

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1 Southeast, 1245 U Street, SE, born and raised.

2 MR. MCGANN: Sir, could you spell your  
3 name. It's getting a little bit --

4 MR. AHMED: My name is H-A-N-I, last  
5 name, A-H-M-E-D, Hani Ahmed. I'm born in  
6 Anacostia, SE, 1245 You Street.

7 CHAIR BENNETT: Thank you. Mr.  
8 Plunkett.

9 MR. PLUNKETT: I don't really have too  
10 much to say. I'll just speak naturally and  
11 organically, so to speak. Born in D.C., raised in  
12 Washington Hospital Center. My father came here  
13 with Marion Barry. They both moved down here from  
14 Memphis to create something new for this city back  
15 in the '60s, just to lay down a little bit of  
16 history.

17 Marion Barry, himself, despite what  
18 personal issues he may have had, did a lot for this  
19 city, and made a lot of influential, positive, and  
20 impactful changes for this city. He had summer  
21 programs that were "appropriated" for certain  
22 demographics, which worked.

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1           To this day, some of us are still -- a  
2 lot of us are still here and are products of that  
3 era. To the gentleman's point about a lot of the  
4 homeless, and a lot of the veterans, and a lot of  
5 the -- and the big opioid problem that we still  
6 have. It's still here and it still hits home.  
7 Extremely hard.

8           So for this initiative, despite the  
9 dollars and cents, which I'm sure, most people,  
10 that's all they're really concerned about, it gives  
11 the youth a chance, or another chance, it gives  
12 young adults another chance, it gives the city  
13 another chance, and gives the "citizens" another  
14 chance.

15           And it can be worldwide. We can set a  
16 precedent. Although it's going down in -- excuse  
17 me, it's a little bit different cannabis things are  
18 going on in California and Colorado, D.C. can  
19 trailblaze, in a sense, from this standpoint. So  
20 whether you use cannabis or you don't use cannabis,  
21 it's not -- shouldn't be the focal point.

22           Whether it's going to be appropriated

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1 for certain individuals, albeit, whether that's  
2 constitutional or not, we're smart enough to figure  
3 that out. So I don't really understand what any  
4 apprehension or hesitation would be.

5 Not to mention the health aspect.  
6 Doctors prescribe it, you know, so forth and so on,  
7 so we can all be mature and adult about this and  
8 stand up and do what's right as citizens, not just  
9 for D.C., but for the country, and for the world.  
10 That's that. Thank you.

11 MR. PARSONS: I'm going to speak pretty  
12 freely like my brother right here. I don't really  
13 understand the hesitation with something that's  
14 been proven to work in other places, with not only,  
15 like, the medical benefits, and then the benefits  
16 in society with crime going down, and then I believe  
17 that one of the things that could help boost the  
18 economy, small businesses, and people working for  
19 people and they could help boost our community, are  
20 small businesses owned by our community.

21 And the amount of small businesses that  
22 could be started with this alone, like, the

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1 benefits alone, I really don't understand maybe,  
2 like, how much needs to be taxed or how much do the  
3 people in charge need in order for this to happen,  
4 like, well, what exactly is the problem with  
5 something so positive and so beneficial for  
6 everybody, like, everybody, all the -- not even on  
7 like using the plant, it's, on an industrial level,  
8 you can make clothes, and paper, and books.

9 I had all types of things that could  
10 benefits everybody. And it's renewable. You can  
11 grow it like corn and -- you know what I'm saying?  
12 I don't understand. It's like taxing breath.  
13 Like, we all need to breathe. Breathing clean air  
14 would be so much better, but I'm going to sit you  
15 behind an exhaust filter and charge you to take a  
16 clean breath. I really don't understand what the  
17 problem is.

18 MS. WARVES: So I thank you all for  
19 taking the time to meet with us. Many, many years  
20 ago I saw a bumper sticker on a building and it said,  
21 pot smokers don't do drive-by shootings, and it's  
22 true.

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1 Well, I've been in corporate many, many  
2 years and was in a very toxic environment,  
3 physically, and am transitioning into wellness,  
4 and more and more that I'm finding is reaching out  
5 to the cannabinoid, which is from the hemp plant.

6 It isn't intoxicating, but they're  
7 finding it reacts between the synapsis and the  
8 brain cells and attacks cancer cells. They're  
9 finding it helps M.S. The gentleman about the  
10 epilepsy, absolutely. ADHD and autism. It is a  
11 legal substance that is helping opioid. It's  
12 helping opioid addiction. It is helping people  
13 with Alzheimer's.

14 I mean, it is amazing and we have the  
15 opportunity to grow hemp and give it -- and let  
16 people eat it, have no hallucinogenic reactions to  
17 it, but be healthy? Our Constitution is written  
18 on hemp. I mean, we got to stop and we got to think  
19 that, unfortunately, I feel like greed is what took  
20 the legalization of the hemp plant out of all of  
21 the pharmaceutical things that you used to really  
22 help us.

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1                   And if you look back in, I think it's,  
2                   1963, they needed something, got it, thank you,  
3                   they needed something and they went against  
4                   marijuana, hemp -- well, the nicknamed it  
5                   marijuana, because it was free. So let's give it  
6                   back and let's let our country benefit -- our world,  
7                   benefit from it. Thank you.

8                   MR. AHMED: I get what I-71 compliance  
9                   means, but what is it? What is the rules and  
10                  regulations on it? We don't even know what all  
11                  this says on the paper, number one, as citizens.  
12                  We got one person, or a group of people, that wrote  
13                  this paper for our rules. We're a community.

14                  A lot of us have been -- number one, I  
15                  am homeless. Let's keep it real. Because of my  
16                  doing what I'm doing right now, it's helping me and  
17                  a lot of homeless people out.

18                  I am a mental patient. I haven't took  
19                  my medications for nine months. You want to know  
20                  why? It's because I'm taking marijuana. CBD.  
21                  But most importantly, THC keeps my calm. So you  
22                  all rather us spend thousands of dollars with these

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1 doctors that is making me worse?

2 All I had was scoliosis. My scoliosis  
3 went to seizures, from seizures to muscle spasms,  
4 because of all the medication that has effects to  
5 it.

6 So what I'm saying to you all is, would  
7 you all rather have a lot of these homeless people  
8 in D.C. area? Do you all like seeing all these  
9 tents in D.C.? I mean, there's a lot of them out  
10 here right now. You all building all these condos  
11 that I can't afford.

12 I was on disability. I took myself off  
13 of disability, now I owe the system. I'd rather  
14 be living life. I'd rather be free. I'd rather  
15 have my own small business to help other people.

16 Your own senior citizens out here can't  
17 even afford CBD. We out here giving it to them with  
18 no cause. Some of us out here are doing community  
19 gardens, peace concerts, we are helping the  
20 community out. It's not us just taking money from  
21 our community.

22 So what I'm asking is, if you all know

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1 what I-71 provide is, I want to see the paperwork.  
2 I haven't seen no proof. You all say this is I-71  
3 compliant for this, this, and that. We are doing  
4 it, but as soon as we doing it the right way, we  
5 still getting messed up. We still getting  
6 targeted. That's another thing.

7 Another thing is, why do we have to go  
8 through that? We voted it in. We should have our  
9 freedom to do it. You all talking about our young  
10 folks need to be voting. That's the reason why  
11 young folks don't vote, is because you all say one  
12 thing and do another thing.

13 I have a radio show. I promote vote  
14 every day, every time, but how can I tell my young  
15 folks to vote something and you all twisting the  
16 words on us? It don't make sense. I'd ready to  
17 get my own apartment in the next couple of months,  
18 because of the community of the cannabis helped me  
19 realize, I can do better. Stop saying you can't  
20 do it.

21 You all got to look at the bigger  
22 picture here. It's helping our young 21-year-olds

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1 to see a business opportunity for us, not just  
2 putting us down working at McDonald's making \$8 an  
3 hour. You got to look at the bigger picture, you  
4 all.

5 And I want -- before I leave today, if  
6 he is here, I want to see some paperwork. I want  
7 to see what's the rules and regulations. Can we  
8 have edibles? Can we have 2 ounces of weed? Can  
9 we have this? I'm done. Thank you.

10 CHAIR BENNETT: Thank you. Any  
11 questions, Mr. Gill?

12 MEMBER GILL: No. Thank you.

13 CHAIR BENNETT: Ms. Lewis? You may be  
14 on mute.

15 MEMBER LEWIS: No questions. Thank  
16 you.

17 CHAIR BENNETT: And none from me.  
18 Thank you. Thank you all. What we'll do now is  
19 Mr. Mustafa, I'm so sorry, Mr. Mustafa, if you could  
20 close us out with five minutes, sir.

21 MR. MUSTAFA: Thank you again for  
22 hearing the initiative and thank you, citizens, for

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1 coming out and supporting this also, because I  
2 believe that this could be the most revolutionary  
3 thing that the District of Columbia has ever done.

4 And I'm going to pick some points right  
5 now, I only have five minutes, I want to go directly  
6 to Attorney General Karl Racine's point of view.

7 We're talking about education,  
8 training, ownership, and employment. Those same  
9 young men and same young women in Ward 7 and Ward  
10 8 that the city has typecast as criminals, that's  
11 breaking and entering, that you're saying they  
12 doing this and they doing that, if you legalize  
13 cannabis, we're talking about employing those  
14 young men and young women.

15 We're talking about taking them off the  
16 street, making them viable citizens, and you get  
17 a chance to tax them while they're paying -- while  
18 they're working in the cannabis industry.

19 See, this is a thing where we have to  
20 be -- we have to look a little bit different here,  
21 because it's coming, whether it's here today or  
22 here tomorrow, legalization of cannabis will be

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1 here. So why can't we take the opportunity to show  
2 the world that we can do better?

3 And as the Commissioner stated about  
4 the Constitution, well, the Constitution was  
5 written by White supremacists, and it has always  
6 been a policy, and that policy has always affected  
7 Black citizens worldwide, through Jim Crow  
8 segregation and slavery.

9 Now, we're talking about the 39  
10 percent, something has to happen to appropriate  
11 funds to send to Black citizens who need it the  
12 most, who need the most constructive effort. This  
13 is a way that the city doesn't have to come out of  
14 their pocket.

15 This is new revenue coming to the city.  
16 I see we're talking about the appropriation,  
17 appropriation, appropriation, I understand that,  
18 but why wouldn't you want to help the people who  
19 need the most help? And if you don't want to help  
20 the people who need the most help, then what's going  
21 on with you?

22 Because, see, that shows that you're in

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1 favor, or in alignment, I understand about policy  
2 and law, but you're in favor of the system. And  
3 if you're in favor of the system, that means you  
4 in favor of -- not in favor of Black citizens. And  
5 I'm not making it Black and White, but it is Black  
6 and White.

7 So let's take care of business here.  
8 Let's pass this initiative and I know that it's some  
9 things that's going on with Congressman Andy  
10 Harris, and I've spoken to Congressman Harris'  
11 office. And what we're saying, if he's made a  
12 statement that he may not push forth the  
13 initiative, I mean, the amendment for the rider,  
14 so he doesn't know if he's going to go or not move  
15 forward or against it.

16 But what I'm saying to Mr. Harris is,  
17 Maryland has a medicinal policy and they're  
18 contemplating on legalization. So why would you  
19 be against the District's policy, but you're in  
20 favor of Maryland's policy?

21 So the citizens of Maryland, they can  
22 have legalization of marijuana, but you're saying

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1 that you don't want the tax or sale of cannabis in  
2 the District of Columbia, so what are you saying?

3 Who are you? Are you a White  
4 supremacist just saying that we just don't like  
5 Black people? I mean, let's be honest, because  
6 he's a Caucasian man, and there's no reason to put  
7 a rider on a bill like that, unless there's an  
8 alternative, excuse me, purpose.

9 And that purpose is to keep those  
10 citizens down. Now, I don't know, but I see what  
11 I see and I read what I read. Now, understanding  
12 policy, this is all about policy. Sometimes you  
13 have to do the right thing and you just can't say,  
14 well, since the Commissioner is a civil rights  
15 attorney, or I believe that's what she stated that  
16 she is.

17 CHAIR BENNETT: Yes.

18 MR. MUSTAFA: Okay. Fine, if you  
19 understand civil rights, you understand all those  
20 amendments and all those things are written by a  
21 group of certain people that has -- that affected  
22 Black citizens. Slavery, Jim Crow segregation.

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1 Why are the citizens in Ward 7 and Ward 8  
2 continuously not getting the resources that they  
3 need?

4 Why are they continuously have bad  
5 health? Why are they continuously unemployed?  
6 And don't say that they're -- some of them are  
7 unemployed, but most of them are looking for a job.  
8 Most of them are doing the things that they want  
9 to do to succeed, but why are we pushing it back?

10 Let's pass this initiative. Let's  
11 bring tax dollars to the city. Let's tax them.  
12 Let's use them appropriately. Everybody's going  
13 to benefit from this, not just Black citizens,  
14 everybody will benefit from it.

15 But what I know is, throughout the  
16 country, Black citizens are being etched out of the  
17 business of cannabis, and being monopolized. So  
18 what we have to do as a group, as a city, to say  
19 that, look, we want these tax dollars to come in,  
20 to build our infrastructure, to build our  
21 education, to help the people who need the most  
22 constructive help.

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1                   And it's not a hard thing. It's not a  
2 hard thing, because everybody will benefit from it.  
3 People around the world will see that the District  
4 of Columbia is in the forefront of fighting the  
5 system of racism and White supremacy, and helping  
6 everybody, not just one group. Everybody. Thank  
7 you very much.

8                   CHAIR BENNETT: Any questions for Mr.  
9 Mustafa? Ms. Lewis?

10                   MEMBER LEWIS: Yes. Mr. Mustafa,  
11 thank you.

12                   CHAIR BENNETT: Mustafa.

13                   MR. MUSTAFA: We're going to get it.

14                   CHAIR BENNETT: Okay. We're going to  
15 get it.

16                   MR. MUSTAFA: We're one team.

17                   MEMBER LEWIS: Mustafa. Okay.  
18 Thanks so much for your comment. I just want to  
19 reiterate Board Member Gill's point earlier and  
20 just also add to it, in that, you know, we certainly  
21 want to see initiatives succeed on the Board. We  
22 definitely want these issues to get to the voters

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1 to make sure that the voice of the citizenry is  
2 heard.

3 But I do want to reiterate the fact  
4 that, you know, we are hampered in what we can do  
5 because we are, in fact, limited, to your point,  
6 based on what the policies, the legalities, require  
7 us to make assessments under.

8 And so I just want to ask my question  
9 again, and I know you touched on it a little bit,  
10 but how -- just to provide some insight. I can't  
11 go into a discussion about whether or not is the  
12 proper subject determination saying, well, because  
13 the laws of the land were written by White  
14 supremacists, you know, we should just ignore the  
15 fact that there are potential Constitutional  
16 challenges here based on what the current laws of  
17 the land actually are and ignore that, and vote this  
18 as a proper subject matter.

19 So how do we get around the hurdles that  
20 I foresee before us with regards to appropriations  
21 challenges and with regards to the fact that there  
22 do seem to be some Constitutional infringement

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1 implications here with the way it's written as it  
2 stands?

3 And just keep in mind, we're not here  
4 to make determinations on the merits or the content  
5 of initiatives, we are purely just making  
6 assessments as to whether or not the criteria for  
7 this initiative, whether they are actually  
8 (telephonic interference) subject matters and that  
9 threshold can be met.

10 MR. MUSTAFA: Okay. Well, my answer  
11 to that is, again, policies can be changed. And  
12 speaking with certain groups, and dealing with  
13 Congressman Harris, if he does not go forward with  
14 the rider, then that eliminates one big hurdle,  
15 because I've spoken to the City Council, I've  
16 spoken to Congresswoman Eleanor Holmes-Norton and  
17 Mr. Holbrook, and they -- their problem was, was  
18 the rider, not the other legalities. It was the  
19 rider.

20 So if the rider is removed, then we --  
21 the Board should have no problem with moving  
22 forward. And he's talking about removing it. And

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1 we're going to help him along with that also by,  
2 we have a committee of people that we're going  
3 directly to Mr. Harris to advocate for the  
4 legalization and see what his policies are.

5 And if it does change, then what's the  
6 Board's position then? That's my query to you.

7 CHAIR BENNETT: Did you hear him, Ms.  
8 Lewis?

9 MEMBER LEWIS: Yes. I'm on mute. I  
10 probably shouldn't do that anymore.

11 CHAIR BENNETT: Okay.

12 MEMBER LEWIS: So yes, I do hear that,  
13 but, you know, you have to keep in mind, Mr.  
14 Mustafa, that we can only make comments and ask  
15 questions with regard to what's in front of us. We  
16 can't really pontificate about hypotheticals. So  
17 in the event, you know, that there is additional  
18 language for our consideration, I know we'd  
19 certainly review that and take it under advisement,  
20 and engage in an interactive process at that point.

21 CHAIR BENNETT: Thank you. Mr. Gill,  
22 you have any questions?

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1                   MEMBER GILL: No. Thank you, sir, for  
2 your patience and --

3                   MR. MUSTAFA: Thank you.

4                   CHAIR BENNETT: And the only other  
5 thing I would add is that, while there are  
6 challenges there, I encourage you -- I mean, we --  
7 our job is to try and make sure the system in the  
8 District of Columbia, as it relates to initiatives,  
9 have an opportunity to see and vote on those things  
10 that other citizens would like for them to vote on.

11                   As Ms. Lewis said, we do have certain  
12 criteria, whether we personally agree or disagree,  
13 like, we have the obligation to follow the law, and  
14 so we will consider all the things, like, that have  
15 been said.

16                   But further, let me say, thank all of  
17 you for coming and participating in the process as  
18 it relates to this particular initiative. It's a  
19 little different, relative to trying to get people  
20 up to be heard when we don't have those things in  
21 advance. We've tried our best to accommodate  
22 every voice that we could within the bounds of the

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1 process.

2 And we encourage you to continue to  
3 support and participate in these matters that you  
4 have some concerns about and your voice. So, Mr.  
5 Mustafa, we will consider the initiative in the  
6 closed session and you will get a response from us,  
7 and we'll move forward with that.

8 I'll let you --

9 MEMBER LEWIS: Mr. Chair, I just have  
10 a final comment. Just like with all of our  
11 initiatives that we consider, if stated not  
12 successful, we certainly do encourage the  
13 proponent to go back to the drawing board and review  
14 it, and see how it can be submitted, taking our  
15 response and our questions in mind, and see how it  
16 can be resubmitted to ensure that it does pass a  
17 threshold.

18 That's just, generally, something that  
19 we like to see proponents do in the event that they  
20 are not successful, because as the Chairman said,  
21 we certainly want to have the voice of our generous  
22 citizenry represented and reflect on our

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1 (telephonic interference).

2 CHAIR BENNETT: But we will consider it  
3 as submitted and move forward accordingly. Okay?  
4 We are going to take a five-minute break. We've  
5 got a few other things on our agenda to deal with,  
6 just to get people who only came here to support  
7 or to oppose this initiative an opportunity to  
8 leave, if you don't think -- but you're more than  
9 welcome to stay and be a part of the remaining part  
10 of our meeting as well.

11 Again, thank you so much and we're going  
12 to take a five-minute break.

13 (Whereupon, the above-entitled matter  
14 went off the record at 12:11 p.m. and resumed at  
15 12:19 p.m.)

16 CHAIR BENNETT: Call the meeting back  
17 to order. We still have Mr. McGhie on the agenda.  
18 Next on the item is notice of proposed emergency  
19 rulemaking.

20 MR. MCGHIE: Yes. Next thing on my  
21 agenda is notice of proposed emergency rulemaking  
22 to Chapters 10 through 11 and 14 through 17. The

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1 purpose of these amendments is to establish rules  
2 for the use of electronic petitions following the  
3 passage of the Ballot Access Modernization  
4 Amendment Act of 2016.

5 This is to allow for e-signing as far  
6 as when you collect signatures on petitions. So  
7 at this time, I'm asking the Board to consider a  
8 motion to adopt this as emergency and proposed  
9 rulemaking.

10 If the Board adopts that, then it would  
11 -- we'd have a 30-day comment period.

12 CHAIR BENNETT: Okay. Let me just --  
13 before I ask for a vote from the Board, let me get  
14 Ms. Miller just to give a quick summary of the  
15 e-signature process and where we are from a  
16 technology perspective, just for the record, so  
17 it's real clear what we're doing here.

18 MS. MILLER: Sure. E-sign allows  
19 candidates circulating petitions to obtain those  
20 petitions by using an electronic method.  
21 Basically, an app that we have developed, working  
22 closely with the City of Denver, who initially has

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1 -- was the first city to use that application, and  
2 it connects directly to our voter registry, so that  
3 anyone signing by using the app, automatically is  
4 able to determine whether or not the voter is a  
5 registered voter, whether or not they live in the  
6 Ward, and if they are qualified to sign a petition  
7 which they are being asked to sign.

8 So anyone using the app, they don't have  
9 to use it, they can use it, it pretty much  
10 guarantees that their signatures are going to be  
11 valid and accepted through the e-sign process.

12 CHAIR BENNETT: Okay. Any -- just to  
13 add to that, what it would look, pretty much --  
14 like, what it would look like is, an iPad-like  
15 device that one would put the voter's name in and  
16 have the voter sign with a wand, or with their  
17 finger --

18 MS. MILLER: With a stylus.

19 CHAIR BENNETT: With a stylus, rather,  
20 just as you do when you go through some retail  
21 outlets now to purchase items, and that would have  
22 an immediate connection to the voter rolls and to

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1 the database to verify that. It's an amazing piece  
2 of technology that is tried and true technology,  
3 but only one other jurisdiction in the country is  
4 using it, and that's Denver.

5 So we are certainly leading the edge --  
6 or leading the nation with regard to that aspect  
7 of our voting -- or our process. Any --

8 MS. MILLER: Let me just add, when we  
9 -- to initiate the process, we did purchase 100  
10 iPads so that we have the iPads available for  
11 individuals who wanted to use it, through a rental  
12 process, \$350 to rent it. I don't know if the  
13 regulations address that, but I wanted to put that  
14 on the record.

15 The \$350 is returnable, totally  
16 refundable, once the iPad is returned, and that's  
17 just by certified check or money order, we accept  
18 \$350, no cash. And then we return that money back  
19 to the individual once the iPad is returned.

20 For this version of e-sign, the  
21 signatures are retained on the iPad itself. It has  
22 to be returned to us and then we will download the

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1 signatures of the circulator in house and then  
2 return it. In other words, they cannot bring the  
3 paper signatures to us. We have to download those  
4 internally.

5 CHAIR BENNETT: Okay. Any questions?  
6 Mr. Gill?

7 MEMBER GILL: No.

8 CHAIR BENNETT: Ms. Lewis, any  
9 questions?

10 MEMBER LEWIS: No. Thank you.

11 CHAIR BENNETT: Okay. Ready for the  
12 vote? Do you have a --

13 MEMBER GILL: I didn't know if we had  
14 to move it first.

15 CHAIR BENNETT: Yes.

16 MEMBER GILL: So I move that we  
17 consider the proposed emergency rulemaking.

18 CHAIR BENNETT: Okay. And we accept  
19 the emergency rulemaking. Ms. Lewis?

20 MEMBER LEWIS: Second.

21 CHAIR BENNETT: You vote yes?

22 MEMBER GILL: She said second.

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1 CHAIR BENNETT: Second. Okay. Thank  
2 you. It's unanimous, so that passes.

3 MR. MCGHIE: That would conclude my  
4 section for the general counsel.

5 CHAIR BENNETT: Okay. Great. Next,  
6 Ms. Miller, executive director's report.

7 MS. MILLER: Thank you, Mr. Bennett.  
8 The first item I want to get to on the agenda is  
9 the results of the Initiative Petition Measure  
10 Number 77. That's the District of Columbia  
11 Minimum Wage Amendment Act of 2017. Just briefly,  
12 I will summarize the process associated with that  
13 initiative filing.

14 It was filed on April 3, 2017. The  
15 proponent filed 40,679 signatures, of which 27,688  
16 were proved to be valid, which was 3218 over the  
17 minimum required number of signatures. Once the  
18 petition was filed, the Board completed a standard  
19 process for verifying the signatures of registered  
20 voters that were contained in the signature -- on  
21 the initiative petition, by going through and  
22 verifying each of the signatures as registered

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1 voters within the District of Columbia.

2           The first thing the Board did was verify  
3 that the circulator was a resident of the District  
4 of Columbia or resident of another jurisdiction he  
5 was registered as the petition circulator within  
6 -- with the Board prior to the certification of the  
7 petition sheet, and if the petition circulator had  
8 completed the affidavit.

9           Second, the name, address, and signer  
10 of each petition was checked against the voter  
11 registration system to determine if the petitioner  
12 was registered to vote at the resident's address  
13 listed on the petition at the time the petition was  
14 signed, as required by law.

15           Only those signers whose names and  
16 addresses were found to match were put into the  
17 program -- into the universe to be checked against  
18 verified signatures. And third, the total of  
19 verified signature registrants that were compiled  
20 by the registration system and determined to be  
21 sufficient, proceeded to the verification stage,  
22 in which the actual signatures on the petitions

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1 were verified.

2 And then fourth, the total number of  
3 verified registrants determined to have met the  
4 minimum signature requirement for a random sample  
5 process, which was conducted with the Office of  
6 Planning, was wrong drawn and compared to the  
7 signatures with the Board's records on file.

8 We did receive, from the Office of  
9 Planning, once the random -- the Office of Planning  
10 provided us with the numbers to prove from a random  
11 sample process, that is according to the law.  
12 There is a formula that the Office of Planning goes  
13 through in order to determine whether or not the  
14 petition is valid.

15 We received back from the Office of  
16 Planning on February 21st, a certification that the  
17 statistical summary and findings on Initiative  
18 Measure 77 was, in fact, sufficient, and that the  
19 table -- and that the number submitted showed that  
20 the required number of valid signatures and the  
21 number of registered signatures by Ward as a whole  
22 that was subject to the random sample, was

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1 sufficient with a 95 percent confidence rate.

2 And that it was confident in five of the  
3 eight Wards, and I've given you a copy of their memo  
4 that basically documented what the Wards were, but  
5 the Wards that were found to be having the valid  
6 number of signatures were Wards 1, 2, 4, 6, and 7.  
7 Ward 3 was rejected, and Ward 5 and Ward 8, they  
8 could not make a decision on because there were not  
9 enough signatures to make a decision on those  
10 Wards.

11 However, it only -- they didn't need to  
12 because they only needed to be -- a petition was  
13 required in five of the eight Wards, so with the  
14 Wards that I indicated, it met the five of the eight  
15 Ward requirement in terms of validity, and  
16 therefore, the petition, at this point, based on  
17 the information that we have, both from the Office  
18 of Planning and the staff review of the initiative  
19 petition, it is ready to go forward and I would  
20 recommend that our Board certify it for ballot  
21 access with the next citywide election, which is  
22 the June 19 primary election, and that's pursuant

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1 to D.C. Committee Section 1-1001.1601.

2 CHAIR BENNETT: Okay. Any questions?  
3 Mr. Gill?

4 MEMBER GILL: No.

5 CHAIR BENNETT: Any questions, Ms.  
6 Lewis?

7 MEMBER LEWIS: No questions.

8 CHAIR BENNETT: Okay. Can I get a  
9 motion?

10 MEMBER GILL: Motion to approve the  
11 executive director's proposal.

12 CHAIR BENNETT: Can I get a second?

13 MEMBER LEWIS: Second.

14 CHAIR BENNETT: Okay. It is approved  
15 and certified unanimously. Thank you, Ms. Miller.  
16 Next item.

17 MS. MILLER: Yes, so -- well, just a  
18 little correction.

19 CHAIR BENNETT: Okay.

20 MS. MILLER: It will be on the June 19  
21 ballot, that is the primary election ballot, but  
22 all registered voters will be qualified to vote on

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1 the initiative measure. We will provide proper  
2 notification to all registered voters. I'll note  
3 that it will be a separate ballot for registered  
4 voters who are not affiliated with a party and we  
5 will conduct coworker training that also focuses  
6 on the fact that registered voters will be allowed  
7 to vote on the initiative petition even though they  
8 may not be affiliated with one of the major parties.

9 CHAIR BENNETT: Let me reemphasize  
10 that we will do everything we can, for the record,  
11 to give general population notice that this is an  
12 item that all persons, and all citizens, and all  
13 voters in the District are able to vote on,  
14 regardless of party affiliation. Okay. Next  
15 item.

16 MS. MILLER: Just that the nominating  
17 process continues. The petitions became  
18 available on June 26th. Those individuals who  
19 have picked up, that list is available on our  
20 Board's Web site, and it's updated daily.  
21 Deadline for filing the nominating petitions is  
22 actually coming up. It's March 21st.

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1           And on that date, we need to have all  
2           the nominating petitions, declaration of  
3           candidacies, or any other affidavits, forms, or  
4           declarations required for a particular office  
5           spot.

6           CHAIR BENNETT: That's March?

7           MS. MILLER: March 21st.

8           CHAIR BENNETT: 21st. Okay.

9           MS. MILLER: After that, petitions  
10          will be posted three days later for a ten-day  
11          challenge period, which will allow anyone who wants  
12          to challenge any of the nominating petitions to  
13          come forward and do that over the next ten days.

14          CHAIR BENNETT: All right.

15          MS. MILLER: And just a little bit on  
16          list maintenance, and that is that we have posted  
17          on our -- or published on our voter roll, a list  
18          of 22,557 inactive voter records. Those records  
19          were listed on February 28th. They contain the  
20          name, board number, zip code, and registration year  
21          of the last ballot cast of these voter states that  
22          were made inactive.

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1           These are voters who have not voted in  
2 a primary, special, or general election since 2010,  
3 have not responded to notices mailed after the  
4 November 2000 election, they have not submitted a  
5 voter registration update notification to the  
6 Board, or any District voter registration agency  
7 since November 2010 general election, and have had  
8 notices to their address of residence returned by  
9 the U.S. Postal Service.

10           Those individuals' names will be  
11 removed from our voter registry by Tuesday, March  
12 20th. We are asking individuals who see their  
13 names on there, and if they believe they shouldn't  
14 be on there, to notify us and to update their  
15 information so that they will not be removed.

16           CHAIR BENNETT: Thank you.

17           MS. MILLER: And then after that date,  
18 if they are removed and they want to register,  
19 they'll have to re-register to vote.

20           And then just shortly, briefly, we also  
21 are in the process of updating information that we  
22 receive from the Electronic Registration

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1 Information System, ERIC. We've mailed 3732  
2 notices to individuals whose names appear on the  
3 voter registry, but based on information received  
4 from our other ERIC states, no longer reside in the  
5 District of Columbia, and we have sent 4137 notices  
6 to in-state registrants, again, whose information  
7 we've gotten from ERIC data that indicates that the  
8 information on our voter registry needs to be  
9 updated, and we've asked them to update their  
10 information as well.

11 CHAIR BENNETT: Okay.

12 MS. MILLER: And one more thing. And  
13 that is that we will begin notifying our eligible,  
14 but not registered voters, by way of a postcard to  
15 let them know that they are eligible to vote, that  
16 they have not registered to vote, and we will be  
17 requesting them to do so before, I think the date  
18 is, May 29th, I believe.

19 And I just want to say that we get this  
20 information and data so that it's compared from  
21 information that's in the DMV records and ERIC  
22 records. Some of the information that would go to

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1 the eligible, but not registered voter may be  
2 information of voters who are still carrying an  
3 1800 birth date.

4 And those individuals may get a  
5 postcard because the birth date will be accurate  
6 with the Department of Motor Vehicles, or other  
7 ERIC data, or they have not updated with us. So  
8 I just want to put that on the record in the event  
9 that individuals receive registration notice -- a  
10 notice to register to vote if they're already  
11 registered, but they have an old birth date or other  
12 information that's not a complete match.

13 CHAIR BENNETT: Okay.

14 MS. MILLER: And that's it.

15 CHAIR BENNETT: Any questions, Ms.  
16 Lewis? You may be on mute.

17 MEMBER LEWIS: No questions.

18 CHAIR BENNETT: Say again?

19 MEMBER LEWIS: No questions.

20 CHAIR BENNETT: All right. Mr. Gill?

21 MEMBER GILL: No questions.

22 CHAIR BENNETT: All right. Thank you.

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1 I have none. Ms. Montgomery, Office of Campaign  
2 Finance.

3 MS. COLLIER-MONTGOMERY: Yes. Good  
4 afternoon. The first thing that I would want to  
5 put on the record is that the Office of Campaign  
6 Finance is tentatively scheduled to move from our  
7 present location at 2000 14th Street, NW, to this  
8 location, 2015 -- I'm sorry, 1015 Half Street, SE,  
9 on or about May the 5th, 2018.

10 And as that date becomes more firm, I  
11 will publish notice at our Web site, and I also will  
12 confirm that move at the Board's April 2018  
13 meeting.

14 CHAIR BENNETT: Great.

15 MS. COLLIER-MONTGOMERY: There were no  
16 reporting dates during the month of February,  
17 however, I do have the results of the filing of the  
18 January 31st report of receipts and expenditures  
19 by active principle campaign committees, political  
20 action committees, as well as our continuing  
21 committees.

22 There were 129 required filers and that

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1 breaks down to 71 principle campaign committees and  
2 58 political action committees. We had 109 timely  
3 filers and all of those filers also electronically  
4 filed their reports. We had one request for an  
5 extension, which was granted.

6 There were 20 failures to file and I  
7 actually have to correct our stats on this because  
8 the stats reflect 23, but there were actually 20  
9 failures to file, 17 principle campaign committees  
10 and 3 political action committees, and those  
11 committees were referred to the Office of the  
12 General Counsel for the initiation of the  
13 enforcement process.

14 The principle campaign committees were  
15 Dustin "DC" Canter for D.C. Mayor, Dustin Canter,  
16 Treasurer, Toliver for Ward 4, Emily Gumpert,  
17 Treasurer, Committee to Elect Natalie Williams,  
18 Natalie Williams, Treasurer, Committee to Elect  
19 Khalid Pitts 2014, Khalid Pitts, Candidate, MMC  
20 Foundation, Richard Kassner, Treasurer, Patterson  
21 for Ward 8, Jacque Patterson, Treasurer, Carter  
22 At-Large 2014, Christian Carter, Treasurer, Carter

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1 for D.C., Darlene Glymph, Treasurer, Bonita Goode  
2 2016, Ward 8, Bonita Goode, Treasurer, Sheila Bunn  
3 for Ward 8, Rachel Richards, Treasurer, Committee  
4 to Elect Sekou Biddle At-Large, Bandele McQueen,  
5 Treasurer, Biddle 2012, William Brown, Treasurer,  
6 Justin Greene At-Large, Justin Greene, Treasurer,  
7 Lannette Woodruff for School Board, Lamont  
8 Harrell, Treasurer, Committee to Elect Jacque  
9 Patterson 2016, Lamont Harrell, Treasurer, Trayon  
10 White for Ward 8 2016, Nicole Spriggs, Treasurer,  
11 Gretta for Ward 8, LaShonda Cotton-Ogbebor,  
12 Treasurer.

13 The political action committees which  
14 were referred were The Gertrude Stein Democratic  
15 Club Political Account, Jessica Pierce, Treasurer,  
16 D.C. Recovery Act for Living Descendants of  
17 African-American slaves, John Cheeks, Treasurer,  
18 Legalization of Retail Cannabis in D.C. 2018,  
19 Margaret Smith, Treasurer.

20 There were 76 new candidates and  
21 committees who registered during the month of  
22 February 2018. I will not read them all into the

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1 record, but I just would like to also indicate that  
2 the number also reflects several slates of  
3 candidates who registered as well.

4 These stats will be published at our Web  
5 site so that the public can know exactly who  
6 registered during the month of February.

7 We also conducted entrance  
8 conferences. The first was conducted on January  
9 31, 2018. The participants were Michael Christian  
10 Woods, Candidate, MC4DC Mayor, Macqueline Woods,  
11 Treasurer, MC4DC Mayor, Lakew Alemu, Treasurer,  
12 Committee to Elect Ernest Johnson for Mayor.

13 On February 14, 2018, the participants  
14 at the entrance conference were Calvin Gurley,  
15 Candidate, Friends of Calvin Gurley, Ed Lazere,  
16 Candidate, Ed Lazere for D.C. Chair, Lloyd L.  
17 David, II, Candidate, Davis for D.C. Mayor 2018,  
18 Omekonga Dibinga, Candidate, Dibinga for D.C.,  
19 Jason Andrean, Candidate, Jason Andrean for School  
20 Board, Bradley A. Thomas, Candidate, Committee to  
21 Elect Bradley A. Thomas, Kendrick Curry,  
22 Treasurer, Ed Lazere for D.C. Chair, Daniel E.

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1 Kirner, III, Treasurer, Petar Dimtchev for Ward 3,  
2 Terrence L. Jordan, Treasurer, James Butler for  
3 Mayor.

4 Also on February 28, 2018, the  
5 participants at the entrance conference were  
6 Elizabeth Mitchel, Candidate, Ward 3, Blue Wave  
7 Democrats, Shelley Tomkin, Candidate, Ward 3, Blue  
8 Wave Democrats, Hugh Allen, Candidate, Ward 3, Blue  
9 Wave Democrats, Mary Alice Levine, Treasurer, Ward  
10 3, Blue Wave Democrats, and Dorian Blythers,  
11 Treasurer, Jason Andrean for School Board.

12 In our audit branch during the month of  
13 February, the audit branch conducted 111 desk  
14 reviews of the reports of receipts and expenditures  
15 of political action committees as well as principle  
16 campaign committees.

17 With respect to our ongoing audits,  
18 there are no full field audits which are ongoing,  
19 but we do have several periodic random audits which  
20 are ongoing.

21 Of the candidates in the 28 election,  
22 there are 5 which are currently under audit,

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1 Brianne for D.C. 2018, and that was initiated on  
2 September the 27th, 2017, and that was of the July  
3 31, 2017 filing, Re-elect Muriel Bowser Mayor, and  
4 the periodic random audit was of the January 31,  
5 2018 filing, Karl Racine 2018, was of the January  
6 31, 2018 filing, Kenyan McDuffie 2018, the audit  
7 was of the January 31, 2018 filing, Dionne for D.C.,  
8 the audit is of the January 31, 2018 filing, and  
9 the audit notification letters for the audit which  
10 was initiated of the January 31, 2018 filing were  
11 issued on February the 16, 2018.

12 Of the periodic random audits for our  
13 political action committees, there are three. The  
14 first is the Greater Washington D.C. Insurance and  
15 Financial Advisors PAC. The audit is being  
16 conducted as of the January 31, 2018 filing,  
17 Verizon Communications, Inc., with Government Club  
18 Washington, D.C. The audit is of the January 31,  
19 2018 filing.

20 Food Service PAC, the audit, again, is  
21 of the January 31, 2018 filing, and the audit  
22 notification letters were issued on February the

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1 16, 2018 to political action committees.

2 We issued two audit reports during the  
3 month of February. The first was of the  
4 Metropolitan PAC and that audit was issued on  
5 February the 26th, 2018, and the Ward 4 Constituent  
6 Service Fund, the audit was issued on February the  
7 26th, 2018.

8 And both of the audits appear at our Web  
9 site for public review, and again, I will also post  
10 our stats at our Web site for the review of the  
11 public. I would ask the General Counsel, William  
12 Sanford, for the Office of Campaign Finance, to  
13 give his report on the legal matters of the agency.

14 CHAIR BENNETT: Thank you.

15 MR. SANFORD: Good morning, again, Mr.  
16 Chairman and distinguished Board Members. My name  
17 is William Sanford, General Counsel for the Office  
18 of Campaign Finance. During the month of February  
19 2018, the Office of the General Counsel received  
20 20 referrals from Public Information and Records  
21 Management Division and one referral from the  
22 Reports Analysis and Audit Division.

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1           The referral from the Reports Analysis  
2 and Audit Division was subsequently withdrawn.  
3 During the month of February 2018, no informal  
4 hearings were conducted and no orders were issued.  
5 No fines were imposed. However, the Office of the  
6 General Counsel collected fines totaling \$6575.

7           The fines were paid by the following  
8 respondents; fine of \$1500 was paid by Jeffrey  
9 Thompson as part of an installment plan on fines  
10 that had been imposed previously; a fine of \$5000  
11 was paid by Karl Racine for Attorney General  
12 Committee, Karl Racine for Attorney General 2014,  
13 and that was the total amount of that fine, and a  
14 fine of \$75 was imposed and paid by Ricky Williams,  
15 an ANC candidate in the last election.

16           During the month of February 2018, the  
17 Office of the General Counsel had no open  
18 investigations, however, during the month of  
19 February 2018, the Office of the General Counsel  
20 received one request for an interpretive opinion.  
21 The requester was Donald R. Dinan, Esq., that was  
22 submitted on the 22nd of February 2018.

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1           The issue was contribution to slates  
2           and that matter is still pending before the Office  
3           of the General Counsel. And finally, during the  
4           month of February 2018, no show cause proceedings  
5           were conducted by the Office of the General  
6           Counsel, and that should conclude my report.

7           CHAIR BENNETT:       Thank you, Mr.  
8           Sanford.

9           MR. SANFORD:    Thank you.

10          CHAIR BENNETT:   Ms. Montgomery?

11          MS.     COLLIER-MONTGOMERY:        That  
12          concludes the report from the Office of Campaign  
13          Finance.

14          CHAIR    BENNETT:        Great.        Any  
15          questions, Ms. Lewis?

16          MEMBER LEWIS:   No questions.    Thank  
17          you.

18          CHAIR BENNETT:   Mr. Gill?

19          MEMBER GILL:    No questions.

20          CHAIR BENNETT:   All right.   None from  
21          me. Thank you, Ms. Montgomery. Next on the item  
22          are public matters. Are there any matters ready

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1 for the Board?

2 MR. MCGHIE: Yes. We'll start with --

3 CHAIR BENNETT: Sure, please. Thanks  
4 for your patience through the process. Okay.

5 MR. CARLEY: Thank you, Chair Bennett.

6 CHAIR BENNETT: All right. Thank you.  
7 Would you --

8 MR. CARLEY: Members of the Board,  
9 esteemed Members of the Board. My name is Andre  
10 Carley. I am an ANC 4B01 Commissioner. I also am  
11 the Chair of ANC 4B. I'm here to ask you to  
12 initiate the rather unpleasant task of vacating ANC  
13 Commission SMD4B05 due to the fact that we -- that  
14 the present commissioner no longer resides in the  
15 area in a residence.

16 I do have a letter. I think I sent it  
17 off to you electronically a few days ago. If you  
18 haven't received it, I do have a copy. Can I read  
19 it into the record?

20 CHAIR BENNETT: Stop for a second and  
21 we ask your partner to identify herself.

22 MR. CARLEY: Oh, I forgot all about

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1 her.

2 MS. TYSON: Yes, my name is Sheila  
3 Tyson. I'm actually filing a complaint because we  
4 do not have representation of an ANC in 4B05.

5 CHAIR BENNETT: Can you give us your  
6 address, please, ma'am, for the record?

7 MS. TYSON: Yes, 413 Marietta Place,  
8 NW, D.C. 20011.

9 CHAIR BENNETT: Okay.

10 MR. CARLEY: I suppose I should give  
11 you mine too.

12 CHAIR BENNETT: Yes.

13 MR. CARLEY: 7405 9th Street, NW,  
14 Washington, 20012. Like I said, I'm with 4B01.

15 CHAIR BENNETT: Okay. I'm sorry.  
16 And whoever would like to start.

17 MR. CARLEY: Well, you can go ahead.  
18 You speak better than me.

19 MS. TYSON: Well, I initiated the  
20 process. Ms. Hughes used to live next door to me  
21 at 415 Marietta Place, but she was, unfortunately,  
22 evicted from that house, and early on, I think last

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1 year, there was a challenge to her residency, so  
2 we worked to -- actually, we wanted to keep her  
3 because she was a young lady, and we really did  
4 support her.

5 But she used an address on Nicholson  
6 Street, and I do have an affidavit from that  
7 homeowner, that she does not reside there. I also  
8 get the mail from 415, to my house, that house is  
9 under construction -- and it's been sold, and it's  
10 under construction.

11 She also, at one point, lived on  
12 Missouri Avenue. I also have mail stating that she  
13 no longer resides there. So all three addresses  
14 that she had currently used will get return mail  
15 and I have two affidavits stating that she does not  
16 live at those addresses.

17 And we want representation in our area  
18 because we have serious issues in Ward 4 and we need  
19 someone to represent us, so that's why I'm here.

20 MR. MCGHIE: Okay. Take this?

21 CHAIR BENNETT: Yes, please.

22 MR. MCGHIE: There's a process for

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1 doing what you'd like to do and at the end of this  
2 hearing, if you want to, I can put you with one of  
3 my attorneys and they can explain the process, but  
4 basically, what happens is that, if somebody moves  
5 out of the area, so the ANC person doesn't live in  
6 the area anymore, and you have evidence of that,  
7 or information of that, what you have to do is,  
8 first, have a hearing, send them a notice to their  
9 address, or the address that they say they're  
10 residing in, and then they can come in and refute  
11 it, or not refute it.

12 If they don't come in, you know, and  
13 nothing happens, then you can find that they don't  
14 live there anymore, and then the ANC sends us a  
15 resolution. You send us a resolution saying that  
16 the person no longer resides at this address and  
17 we'd like you to declare the position vacant.

18 MR. CARLEY: The SMD is vacant.

19 MR. MCGHIE: Yes. So like I said, I'll  
20 put you with one of my attorneys so that they can  
21 explain the process to you, give you a copy of the  
22 law and the regulations of what you have to do, but

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1 I think the first thing you're going to have to do  
2 is, you're going to have to schedule a hearing and  
3 send it to this person so that they don't show up.

4 MR. CARLEY: We have had two special  
5 meetings. We had a special meeting on the 14th and  
6 a hearing, a regular meeting, on the 26th of  
7 February. At both meetings she was challenged as  
8 to her residency and she refused to answer where  
9 she lived.

10 And so this is why I'm here now, to --

11 CHAIR BENNETT: Is the hearing with us  
12 or --

13 MR. MCGHIE: No, it's with the ANC.

14 MR. CARLEY: So you're saying I have to  
15 have a special hearing just on this subject.

16 MR. MCGHIE: Just on that subject.  
17 Yes.

18 CHAIR BENNETT: But it sounds like she  
19 showed up.

20 MR. MCGHIE: It sounds like she'll show  
21 up, yes, but she doesn't give a -- well, then,  
22 she'll have to present whatever evidence that she

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1 has that she still lives there, and you can refute  
2 it with whatever evidence you have, and then it's  
3 the ANC that makes the decision on whether or not  
4 she lives there or not, and does a resolution.

5 Now, she can challenge the resolution,  
6 but then she would do that down here. So if you  
7 send us a resolution that says she doesn't live  
8 here, doesn't live there anymore, and she disagrees  
9 and she wants to challenge it, she can file an  
10 appeal to the Board here, and then we will have a  
11 hearing on whether or not she lives there.

12 MR. CARLEY: Until then, she's been  
13 voting -- she's voted on two meetings already.  
14 Does that cast a pall on the legitimacy of her vote?  
15 Can she still vote as an ANC?

16 MR. MCGHIE: Yes, until she's --

17 MR. CARLEY: Until she's vacated?

18 MR. MCGHIE: Until it's vacated. Yes.

19 MR. CARLEY: Okay. She can still vote  
20 then? Okay.

21 CHAIR BENNETT: Is that helpful?

22 MR. CARLEY: Not as helpful as I'd like

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1 it to be.

2 MR. MCGHIE: So those are two of my  
3 attorneys --

4 CHAIR BENNETT: I'm not laughing at  
5 you, but I appreciate your citizen.

6 MR. MCGHIE: So Renee has volunteered  
7 to --

8 CHAIR BENNETT: But let me say this,  
9 though, in all seriousness, I mean I understand  
10 your concerns and it is very serious, and we do take  
11 it very seriously, so we want to try and help you  
12 follow the process consistent with your objective,  
13 and so we'll work with you to help make sure that  
14 you are clear on what the process is so that, you  
15 know --

16 MS. TYSON: There was a hearing already  
17 here at the Board of Elections where Ms. Hughes had  
18 to come and give evidence where she resides, but  
19 I have an affidavit stating she does not live there.

20 So the address that she already gave you  
21 all is the one that I'm challenging.

22 CHAIR BENNETT: Right. Please work

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1 with her and we -- I promise that we will do our  
2 best to help make sure you have the information that  
3 you need.

4 MS. TYSON: Okay.

5 MR. CARLEY: Okay.

6 CHAIR BENNETT: Okay.

7 MS. TYSON: Thank you.

8 CHAIR BENNETT: All right.

9 MR. CARLEY: Thank you very much.

10 CHAIR BENNETT: Thank you for your  
11 time.

12 MR. CARLEY: So you don't need anything  
13 from us, document-wise.

14 CHAIR BENNETT: You can get with Renee,  
15 our attorney, then kind of go from there. All  
16 right. Thanks so much.

17 MR. CARLEY: Thank you, sir.

18 CHAIR BENNETT: Thanks for your  
19 patience.

20 MR. CARLEY: Thank you, Board.

21 CHAIR BENNETT: Are there any other  
22 public matters before the Board? Seeing and

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1 hearing none, any concerns, comments, Mr. Gill?  
2 I'll give you, since we've had a nice long day,  
3 anymore issues?

4 MEMBER GILL: No.

5 CHAIR BENNETT: Ms. Lewis?

6 MEMBER LEWIS: No. Thank you.

7 CHAIR BENNETT: I don't hear you -- the  
8 baby, so I guess she's being very patient.

9 MEMBER LEWIS: She's being good.

10 CHAIR BENNETT: Anyway, good meeting,  
11 all. Thank you so much for your time. The meeting  
12 is now adjourned.

13 (Whereupon, the above-entitled matter  
14 was concluded at 12:53 p.m.)

15

16

17

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