

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

+ + + + +

FRIDAY

AUGUST 21, 2020

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The District of Columbia Board of Elections convened via Videoconference, pursuant to notice, at 1:00 p.m. EDT, Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

TERRI D. STROUD, Office of Attorney General
KAREN F. BROOKS, Registrar of Voters
DEANNA SMITH, Assistant Registrar of Voters

CONTENTS

Meeting Called to Order. 3

Ascertainment of Ballot. 3

Hearings on Appeals from Adverse
Preliminary Determinations of Eligibility
for Ballot Access. 4

Adjournment. 111

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

(1:02 P.m.)

1
2
3 CHAIR BENNETT: Good afternoon. This
4 is Michael Bennett, Chair of the Board of
5 Elections. We're here today to have a special
6 meeting and a hearing regarding a number of ANC
7 petitions and the filing of various petitions and
8 various matters around that.

9 I'd like to call the meeting to order.
10 And I want to acknowledge the other Board Members
11 to make sure we have a quorum. Board Member
12 Gill, can you acknowledge your presence, please,
13 sir?

14 MEMBER GILL: Hi, this is Mike Gill
15 and I'm here.

16 CHAIR BENNETT: Board Member
17 Greenfield, can you acknowledge your presence?

18 MEMBER GREENFIELD: Yes. Hi, this is
19 Karyn Greenfield and I'm here.

20 CHAIR BENNETT: Great, thank you. We
21 have a quorum and the meeting is now called to
22 order. What I'd like to do is turn the meeting

1 over to over to our General Counsel, Ms. Terri
2 Stroud. And she will walk through each of the
3 petitions -- or each of the matters before us
4 today. We'll go through each matter.

5 Once we have finished all of them at
6 the end of the afternoon, then we will end the
7 meeting. We will actually go into executive
8 session actually. We'll vote to go into
9 executive session and the Board will actually
10 vote on each of the matters.

11 Yes, we'll deliberate and we'll vote
12 on the website -- vote on the record. And Ms.
13 Stroud will put out an email almost immediately
14 after that to tell everybody the disposition of
15 their petition. So with that, Ms. Stroud.

16 MS. STROUD: Thank you. Good
17 afternoon, everyone. The first matter is Robb
18 Hudson. And he is a candidate for -- applying to
19 be a candidate for Advisory Neighborhood
20 Commissioner in Single Member District 1B11.

21 Mr. Hudson is present. And Mr.
22 Hudson, if you could just state your name and

1 address for the record for our court reporter and
2 for the record. And we will allow you to state
3 your case in terms of why you should be granted
4 ballot access despite the Executive Director's
5 preliminary determination that you are ineligible
6 to be on the ballot.

7 MR. HUDSON: Sure. My name is Robb
8 Hudson. I live at 919 Florida Avenue NW, Apt 204
9 Washington DC 20001. The preliminary
10 determination noted that the Declaration of
11 Candidacy wasn't attached to the last email that
12 I sent with my petitions. So it was a clerical
13 error. I clearly -- I meant to attach it.

14 I believe it was either left off
15 because of the large attachment size of the
16 petitions or was included as an iCloud Drop Box
17 link, which mail365@boe doesn't accept or it just
18 happened to slip my -- obviously, I've gone
19 through all the process and met all the previous
20 deadlines. And this one form about how to list
21 my name and the candidacy and things like that
22 was the one thing that was missing. And I just -

1 - the rest of it's outlined in the letter. It's
2 very short. I believe this was just a clerical
3 error on my part.

4 MS. STROUD: And the letter is a part
5 of the record, Mr. Hudson. We do have that. And
6 what date did you file your petition and the
7 email that you sent?

8 MR. HUDSON: The petitions were filed
9 the same date that I -- I mean, you can see in
10 the Declaration of Candidacy -- I'm sorry, I'm
11 looking at the emails right now on the computer.
12 So my video is out. -- Were sent in the same day
13 July 23rd -- or should have been sent in the same
14 day as the petitions, which was on July 23rd.

15 MS. STROUD: Okay.

16 MR. HUDSON: That's the date that I
17 signed the Deceleration of Candidacy. And I just
18 reattached it to the email that I sent with the
19 appeal letter.

20 MS. STROUD: Okay. So you did email
21 it. So I think in our email, I have email
22 between you and the Voter Services Division. And

1 it indicates that the petitions were filed around
2 July 23rd or 24th. And that's the date that you
3 sent in your nominating petition to the Board.
4 Correct?

5 MR. HUDSON: Yes.

6 MS. STROUD: And so the Declaration of
7 Candidacy which you have attached, which is dated
8 July 23rd just was not -- just did not happen to
9 be attached to the document that you sent, along
10 with your nominating petition.

11 MR. HUDSON: That is correct.

12 MS. STROUD: Okay. I know that our
13 Deputy Registrar of Voters is on the line. Ms.
14 Smith, do you have anything to add? Ms. Smith?

15 MS. SMITH: I have nothing to add, no.

16 MS. STROUD: Okay, thank you.

17 MS. SMITH: Okay.

18 MS. STROUD: Board Members, do you
19 have any questions?

20 MEMBER GILL: No, thank you. The
21 letter was very comprehensive.

22 MEMBER GREENFIELD: Yes, I don't have

1 any.

2 MEMBER GILL: Yeah, no questions.

3 Thanks.

4 MS. STROUD: Okay. Well thank you,
5 Mr. Hudson. I know this was painful, a very long
6 and drawn out procedure.

7 MR. HUDSON: Well, I'm glad --
8 hopefully you all can get through it without
9 getting into the afternoon, all your stuff today.
10 Hopefully the rest are as quick and painless. So
11 thanks for your consideration. I really
12 appreciate it. And good luck with the --

13 MS. STROUD: No problem. And you'll
14 be hearing from me today.

15 MR. HUDSON: Okay, thank you.

16 MS. STROUD: Okay, thank you.

17 MEMBER GILL: Thank you for giving us
18 a couple minutes back.

19 MS. STROUD: So just so the public
20 knows, we've scheduled each hearing to last for
21 20 minutes. So we will have some time between
22 hearings because the next matter is not scheduled

1 until 1:20 p.m. Actually is Mr. Drucker present
2 -- Mr. Merritt Drucker?

3 (Whereupon, the above-entitled matter
4 went off the record at 1:09 p.m. and resumed at
5 1:17 p.m.)

6 MS. STROUD: Hi, Mr. Drucker. Mr.
7 Drucker?

8 MR. DRUCKER: Can you hear me now?

9 MS. STROUD: I can hear you now. How
10 are you, sir?

11 MR. DRUCKER: Good. Thanks for
12 setting it up.

13 MS. STROUD: Of course, no problem.
14 Glad you got my email today. So Mr. Chair, Mr.
15 Drucker's here.

16 CHAIR BENNETT: Hi, Mr. Drucker. This
17 is Michael Bennett, Chair of the Board. We've
18 got a quorum --

19 MR. DRUCKER: Thank you.

20 CHAIR BENNETT: -- and we are here and
21 the session is open for you to present your case
22 relative to ballot access for your petition.

1 MR. DRUCKER: Well -- I'm sorry.

2 CHAIR BENNETT: And Ms. Stroud will
3 kind of conduct us through. But thank you for
4 taking the time to be here.

5 MR. DRUCKER: Well, thank you.

6 MS. STROUD: Mr. Drucker is a
7 candidate for Advisory Neighborhood Commissioner
8 in Single Member District 4A02. And Mr. Drucker,
9 we understand that you received an adverse
10 preliminary determination of eligibility
11 regarding ballot access. So if you could explain
12 and make your case for the Board as to why you
13 should be granted ballot access.

14 MR. DRUCKER: Okay, thank you. Well
15 yes, I did receive the letter. As near as I can
16 tell, I sent over the initial document. The
17 first document that's required is the Declaration
18 of Candidacy.

19 MS. STROUD: Yes.

20 MR. DRUCKER: And so I went, I printed
21 it out. It printed out on two pages for whatever
22 reason. I don't know. I've never done this

1 before. And then I went and I had it notarized,
2 although I did subsequently receive a message
3 saying it didn't need to be notarized. And I
4 scanned it and sent it over.

5 As near as I can tell, going back
6 through the emails, the scan came over as two
7 documents perhaps in two different emails or
8 maybe one page didn't make it. But I do know
9 that the notarized page with the signature made
10 it. And then subsequently yesterday I figured
11 out how to scan both of them into one document
12 and sent that over. So I figured that out. Then
13 I sent over the Statement of Candidate regarding
14 nominating circulation guidelines after I got the
15 petition. Like I sent the petitions and I, you
16 know, took those around and sent them in.

17 I also sent over the receipt of ballot
18 access documents. Initially I had signed it like
19 I don't know, mechanically. And then I sent over
20 a signed copy with my actual signature on it. So
21 despite the confusion or maybe errors on my part,
22 I do believe that I substantively, you know, and

1 technically complied with all the documentation,
2 got it to the Board. And the fact that I got the
3 petitions, you know, the petitions back and got
4 them signed and got them back, seems to indicate
5 that for all intents and purposes, I met the
6 requirement.

7 So I mean I have nothing more to say.
8 I mean I can't -- you know, that's it.

9 MS. STROUD: Mm-hmm.

10 MR. DRUCKER: So thank you.

11 MS. STROUD: Okay.

12 MR. DRUCKER: And you know, I ask you
13 to reconsider.

14 MS. STROUD: Thank you, Mr. Drucker.
15 Ms. Smith or Ms. Brooks, do you have anything to
16 add?

17 MS. SMITH: I just wanted to add --
18 Hi, Mr. Drucker. This is Deanna Smith.

19 MR. DRUCKER: Hi. Ms. Smith, yes.
20 Hi.

21 MS. SMITH: Hello. I just wanted to
22 add that I spoke with Mr. Drucker twice yesterday

1 and he did try to resubmit the declaration on one
2 page. Unfortunately, it may be his system or his
3 setup. It was timely filed. It just did not
4 print out on the one page.

5 MS. STROUD: Okay. So all of the
6 documents that were required for ballot access
7 were timely filed including the Declaration of
8 Candidacy, albeit in two separate sheets.

9 MS. SMITH: Yes.

10 MS. STROUD: So he submitted the top
11 part and the bottom part, which was notarized.
12 And all of his other filing requirements were met
13 and were timely met.

14 MS. SMITH: That's right.

15 MS. STROUD: Okay, thank you. Board
16 Members, do you have any questions?

17 CHAIR BENNETT: None from me. Thank
18 you, Mr. Drucker.

19 MEMBER GREENFIELD: None from me.

20 MEMBER GILL: This is Mike Gill. No,
21 I do not have any questions.

22 MS. STROUD: Okay, thank you. So Mr.

1 Drucker, what we're going to do is the Board
2 Members are going to hear all of the matters
3 today. And then they're going to deliberate at
4 the end. And at the end of this meeting, they
5 will announce their votes with respect to each
6 matter. And so you don't have to stay on unless
7 you want to. But I will inform you today as to
8 whether or not you've been granted ballot access.

9 MR. DRUCKER: Okay, thank you.
10 There's no need for me to witness your internal
11 discussion. So I'll just wait to hear from you.
12 Will it be by email probably?

13 MS. STROUD: Yes, it will.

14 MR. DRUCKER: Okay.

15 MS. STROUD: It will.

16 MR. DRUCKER: Well thanks for taking
17 the time.

18 MS. STROUD: Thank you, Mr. Drucker.

19 CHAIR BENNETT: Thank you, Mr.

20 Drucker.

21 MR. DRUCKER: I appreciate it. Thanks
22 so much.

1 MS. STROUD: Okay, bye-bye.

2 (Whereupon, the above-entitled matter
3 went off the record at 1:22 p.m. and resumed at
4 1:31 p.m.)

5 MS. STROUD: Hi, Ms. Epstein. She's
6 connecting to audio. Hi, Ms. Epstein.

7 MS. EPSTEIN: Can you hear me?

8 MS. STROUD: Yes, I can hear you now.
9 How are you?

10 MS. EPSTEIN: I'm well. How are you?

11 MS. STROUD: I'm good. I'm good.

12 MS. EPSTEIN: This is the first time
13 I've been in a meeting without a mask in so long.
14 I had to put on lipstick. I don't even know what
15 to do about this.

16 MS. STROUD: I love it.

17 MS. EPSTEIN: I found one. I found
18 one.

19 CHAIR BENNETT: Hi, Ms. Epstein. This
20 is Michael Bennett. I'm Chair of the Board.

21 MS. EPSTEIN: Hi, Mike. Nice to meet
22 you.

1 CHAIR BENNETT: Nice to meet you, too.
2 Thank you so much for participating virtually.

3 MS. EPSTEIN: Thank you.

4 CHAIR BENNETT: During these
5 interesting times.

6 MS. EPSTEIN: Unusual times, yes.

7 CHAIR BENNETT: Yeah. But we have the
8 full Board here. Thanks for participating in
9 this hearing. We want to just take an
10 opportunity to hear your position. And then
11 we'll make a ruling later on today and Ms. Stroud
12 will let you know how things turned out.

13 MS. EPSTEIN: She and I have been
14 frequent correspondents in the past few days.

15 MS. STROUD: Yes.

16 CHAIR BENNETT: Okay. I'll let Ms.
17 Stroud go with it.

18 MS. STROUD: Hi, Ms. Epstein. Welcome
19 again. So this is the hearing into your appeal
20 of the Executive Director's adverse determination
21 -- preliminary determination of eligibility for
22 ballot access. And I understand that you're a

1 candidate for Advisory Neighborhood Commissioner
2 in Single Member District 2A06. And so we just
3 wanted to give you're the opportunity to state
4 your case as to why you should be granted ballot
5 access in light of the untimely filing of the
6 Declaration of Candidacy.

7 MS. EPSTEIN: Well, thank you very
8 much. I really do appreciate you taking the time
9 to discuss this with me. As you know, during the
10 pandemic, information flow has been a little bit
11 difficult. Normally, I would have walked into
12 the Board of Elections. I would have presented
13 my ID. You would have handed me documents. I
14 would have then come back with the documents and
15 somebody would have said to me, you missed one.
16 You need to fill this out. And it would have
17 been done very quickly.

18 This year everything was done
19 virtually. And unfortunately the information
20 flow wasn't as smooth as it could have been. I
21 spoke to a woman and then when I called back,
22 she'd taken sick leave. She wasn't well. And

1 the second woman said she was new and didn't know
2 about it. But if they had sent me out the
3 petitions, everything must be fine. And I admit,
4 I probably should have looked to see if there was
5 something else.

6 But I would say in defense of this,
7 that once the Board of Elections waived the need
8 to notarize documents, the page that I
9 inadvertently left out didn't offer any new
10 information. You already had all of the
11 information on the other two documents. When you
12 requested it, I sent it in right away. But when
13 they waived notarizing petitions and waived
14 notarizing documents, the page that I did not
15 mean to omit, but omitted, actually offered no
16 information that wasn't already there.

17 So I would hope that you would
18 overlook that. This is an unusual year. It's a
19 pandemic. We're all trying to make things work.
20 I am the only person who is willing to run in
21 2A06. And I'm already a representative. I
22 already am in the Commissioner in 2A06. I asked

1 around. Nobody else wants this job. Trust me.

2 The other point that I would bring up
3 is I live in what may be arguably the
4 demographically oldest district in the District
5 of Columbia. There are more wheelchairs,
6 walkers, and canes in my district than anywhere
7 else. All of these people are going to be voting
8 by mail from home. For many of them, the
9 internet is a rumor, but it's not a fact. And
10 they call their children once a week to come fix
11 it because the Google isn't working again.

12 So anything that we would find to be
13 confusing for them will not move our election
14 process forward. So they can do write-ins, I
15 understand that. But voting by mail and writing
16 in is going to give us less participation in the
17 election process than we would want.

18 So I'm asking for a waiver based on
19 the fact that I'd like to see them voting. I
20 would like to see them engaged. And I understand
21 what the barriers are for them to complete
22 things. All right, thank you. That's the whole

1 -- There's no more to it than that.

2 MS. STROUD: Okay. Thank you, Ms.
3 Epstein. Ms. Smith or Ms. Brooks, do you have
4 anything?

5 MS. SMITH: I do not have anything.
6 Thank you.

7 MS. STROUD: Okay. Board Members, do
8 you have any questions for Ms. Epstein?

9 MEMBER GREENFIELD: No, I don't have
10 anything.

11 MEMBER GILL: This is Mike. No, I do
12 not have any.

13 MS. STROUD: Okay.

14 MEMBER GILL: Although Ms. Epstein,
15 now I'm curious. I want to know how to find out
16 -- I want to know what the competition is for
17 walkers and canes in an ANC district. You've now
18 spurred my curiosity. You've now spurred my
19 curiosity to know. How do we measure such a
20 thing?

21 MS. EPSTEIN: That's right. And I can
22 tell you that in our building, there is always a

1 notation that says, if you need a walker or a
2 cane, ask the front desk. One of the residents
3 can provide it to you. So what can I say? It's
4 an aging population, but we're doing really well,
5 thank you, in the District of Columbia.

6 MEMBER GILL: Thank you. No
7 questions.

8 MS. STROUD: Thank you, Ms. Epstein.

9 MS. EPSTEIN: Thank you very much. I
10 appreciate your time.

11 MS. STROUD: No problem, absolutely.
12 So what's going to happen is the Board is going
13 to hear all of the matters scheduled for today.

14 MS. EPSTEIN: Sure.

15 MS. STROUD: And you can see in the
16 group chat, the schedule that we have for these
17 matters. And so they're going to deliberate
18 after each matter is heard. And then they will
19 come back onto the record to vote. And you can
20 wait for that or you don't have to. But I will
21 be in contact with you today letting you know
22 what the Board's decision is.

1 MS. EPSTEIN: I will look forward to
2 hearing from you later. And thank you all very
3 much for your time today.

4 MS. STROUD: Absolutely.

5 MS. EPSTEIN: Stay safe.

6 MS. STROUD: You too, Ms. Epstein.

7 Bye-bye.

8 (Whereupon, the above-entitled matter
9 went off the record at 1:42 p.m. and resumed at
10 1:58 p.m.)

11 CHAIR BENNETT: Hi, Ms. Botstein.

12 MS. BOTSTEIN: Hi. How are you?

13 CHAIR BENNETT: Good, good. This is
14 Michael Bennett, Chair of the Board. We've got
15 Board Members, Karyn Greenfield and Board Member,
16 Michael Gill with us. Thanks so much for taking
17 the time. Sorry for the Zoom --

18 MS. BOTSTEIN: No worries.

19 CHAIR BENNETT: -- but you know, I'm
20 sure after all these months, everybody's starting
21 to get used to it. So what we're going to do,
22 we've given everybody 20 minutes. We'll let

1 people know that they can jump in early if they
2 can. These are going relatively fast. But Ms.
3 Stroud will kind of conduct the hearing and it
4 will be relatively informal. So Ms. Stroud?

5 MS. STROUD: Hi, Ms. Botstein. How
6 are you?

7 MS. BOTSTEIN: Hi. How are you?

8 MS. STROUD: Good. So we're holding
9 right now a hearing into your appeal from the
10 Executive Director's adverse preliminary
11 determination of eligibility with respect to your
12 candidacy for Advisory Neighborhood Commissioner
13 in Single Member District 4C08. As you're aware,
14 the Executive Director found that your ballot
15 access packet was deficient. And so this appeal
16 is to give you the opportunity to state your case
17 as to why you should be granted ballot access.

18 MS. BOTSTEIN: Thank you. I prepared
19 a short set of remarks and then I'm happy to take
20 questions.

21 MS. STROUD: Sure.

22 MS. BOTSTEIN: Do you want me to just

1 jump in or --

2 MS. STROUD: Sure. Go right ahead.

3 MS. BOTSTEIN: Okay. Thank you all so
4 much. Okay, so good afternoon. Thank you for
5 your time. My name is Clara Haskell Botstein. I
6 love Washington DC and Petworth has been my home
7 for over four years. My background is in public
8 policy and advocacy. And I work in public
9 education, specifically for a network of free
10 college programs for high school students. I
11 helped to establish the first public early
12 college high school east of the river through a
13 partnership between Bard College where I work and
14 DC public schools.

15 I'm here because I want to use my
16 skills and experience as an advocate to support
17 my neighbors and my neighborhood during this very
18 challenging time by serving as ANC of 4C08 in
19 Petworth. This is my first time running for
20 office, and although I submitted all my petitions
21 and all of the required documents. I
22 unfortunately submitted my Declaration of

1 Candidacy form 1 hour and 41 minutes after the
2 deadline at 5:00 p.m. on August 5th for reasons I
3 will discuss. I was informed by the Board of
4 Elections that I'm not eligible for the ballot as
5 a result. And I'm here to appeal that decision.

6 This is an unprecedented time. In any
7 other year, this would have been an in-person
8 filing process. And my confusion about the need
9 to file the declaration form on August 5th at
10 5:00 p.m. would never have occurred. I would
11 have filed in-person, talked to someone at the
12 Board of Elections to confirm that my documents
13 were filed correctly. And the absence of my
14 declaration form would have immediately been
15 identified and I would have been able to address
16 the issue on the spot.

17 My filing less than two hours late
18 stemmed directly from confusion due to not having
19 access to the traditional process and in-person
20 communication, which COVID-19 made impossible. I
21 know this has been a challenge all around for
22 everyone.

1 In preparation for my candidacy, I
2 attended trainings, I talked to ANC members, and
3 I read information relying mainly on the ANC
4 website; anc.dc.gov. I made substantial efforts
5 to ensure that my submission was complete,
6 including corresponding with the Board's helpful
7 staff and responding to the request for revisions
8 as needed promptly. This was the case with
9 numbering the pages on my petitions, one of which
10 couldn't be filed because it was electronic.

11 I recognize the importance of
12 deadlines and election integrity. I filed my
13 Statement of Candidacy, receipt of ballot, access
14 document, data request form, and my petitions,
15 which took the longest and was the most
16 substantive component in a timely fashion. The
17 reason I didn't submit my declaration form by
18 5:00 p.m. on August 5th was due to my genuine
19 confusion regarding the deadline.

20 The ANC website I relied on stated
21 that the declaration does not have to be filed
22 before August 5th, which I interpreted to mean

1 that the form could be filed after August 5th.
2 In addition, when I submitted my petitions around
3 1:00 p.m. on the 5th and asked if my submission
4 was sufficient, the Board of Elections emailed a
5 few minutes before 5:00 saying my application was
6 received and they would let me know if anything
7 was missing. The staff included a helpful
8 reminder to submit the declaration, but did not
9 give a deadline or indicate that the form was due
10 that day at 5:00 p.m. So I did not think there
11 was a rush.

12 I thought I had more time, but I
13 decided to complete the process that day. So I
14 submitted the declaration after work at 6:41 p.m.
15 on August 5th. When I submitted the form, the
16 Board emailed back saying, received. Thank you.
17 At no point did I receive any indication or
18 notification that my form was late or that I
19 might be disqualified. I now understand that I
20 should have relied on the Board of Elections
21 website for deadline information even though the
22 ANC website is a great resource.

1 In normal circumstances in-person, I
2 would have connected with a Board of Elections
3 representative and a quick conversation would
4 have clarified that I had to sign an additional
5 form. I was being as conscientious as I could,
6 but as I said before this is my first time
7 running for office. And the first time anyone is
8 running for office during a pandemic in modern
9 history.

10 Especially in light of the pandemic,
11 I argue that the 1 hour and 41 minute delay does
12 not reflect a lack of respect for the Board of
13 Elections regulations or my enthusiasm to serve.
14 And most importantly, was not significant enough
15 to impact the Board of Elections review of my
16 candidacy or its goals to promote a fair and
17 inclusive elections that provides voters with
18 meaningful choice, especially because my form was
19 submitted on the deadline day.

20 After submitting my materials, I
21 wasn't told that anything was missing. And I
22 received communication from the DC Office of

1 Campaign Finance on August 7th addressed to me as
2 an ANC candidate, so I thought I was approved.
3 The letter read, greetings, ANC candidate. As a
4 candidate for the ANC, the Office of Campaign
5 Finance would like to provide you with important
6 information to assist you with your campaign.

7 At that point, I launched my campaign
8 in good faith. I raised money, created a
9 website, developed flyers, began canvassing, and
10 scheduled meet and greet events with neighbors.
11 I launched my campaign, I've invested resources,
12 and I am so excited for the opportunity to be a
13 candidate for the ANC.

14 I was extremely disappointed and
15 surprised to receive the Board of Elections
16 letter on August 17th, ten days after I launched
17 my campaign telling me I was not eligible to be
18 on the ballot. My background is in advocacy and
19 I want to support my neighborhood, especially
20 during this very difficult crisis.

21 I respectfully request the opportunity
22 to stay on the ballot so that my single member

1 district can have a competitive election. And so
2 I can have the chance to represent my community.
3 I appreciate the hearing of this appeal. And I
4 hope that the Board of Elections will grant some
5 flexibility on its reasonable rules in light of
6 these unprecedented circumstances.

7 MS. STROUD: Thank you, Ms. Botstein.
8 I'm going to turn to the Registrar voters and the
9 Deputy of Registrar Voters. Do you have anything
10 to add or any statements?

11 MS. BROOKS: No, I don't have anything
12 to add.

13 MS. STROUD: Okay. Board Members?

14 CHAIR BENNETT: No questions from me.
15 Thank you, Ms. Botstein.

16 MEMBER GILL: Nothing -- Go ahead,
17 Karyn.

18 MS. BROOKS: Yeah. No questions from
19 me. Thank you very much.

20 MEMBER GILL: And none from me. Thank
21 you for the well prepared remarks.

22 MS. HASKELL: Thank you. And I do

1 recognize this is a really difficult time for
2 everyone and this is all new. And so I just, I
3 definitely -- I'm not in any way saying that the
4 -- like I was clearly -- now I realize I did make
5 an error. I did try to correct it as quickly as
6 I could once I realized. And you know, I'm very
7 sorry if it caused any inconvenience. But yeah,
8 I guess the main thing is just because it wasn't
9 in-person, that was -- I'm sure you're hearing
10 from others -- just a confusing process, I think
11 for a first time candidate.

12 MS. STROUD: Yes. So I just have one
13 question, Ms. Botstein. The ANC website that you
14 referred to, there was the language that said,
15 Note: This is different from the Declaration of
16 Candidacy. The Declaration of Candidacy does not
17 have to be filed before August 5th. But the same
18 page went on to say, finally, be sure to file
19 your Declaration of Candidacy, which is available
20 on the Board's website and all of your petitions
21 well before 5:00 p.m. on Wednesday, August 5th,
22 2020.

1 And then it went on to say that
2 although there was space on the bottom of the
3 form for a notary, the form does not have to be
4 notarized. So that language was on the same
5 document that the other language was on.

6 MS. BOTSTEIN: Yeah, so once I tried
7 to find the cache. I think what happened is that
8 -- I re-read that first part of the page several
9 times and I was so focused on the petition. So I
10 sent in my petitions around 1:00 and I got back a
11 note saying they had to be re-numbered and one
12 couldn't work because it was electronic. So I
13 re-did that. And then you know, I said is this
14 okay?

15 Again, in-person someone would have
16 said yeah, this works. But also make sure to
17 sign this. So I had read the first page of the
18 website and I remembered going back to it. And
19 then when I got the Board of Elections email
20 saying don't forget to submit your declaration,
21 it was like at 4:51. So I figured if it had been
22 due that day, they would have said something.

1 But I thought okay, you know, this is a reminder.
2 I'll just get it done.

3 Unfortunately I had a work meeting, so
4 I couldn't submit it. I could have done it --
5 it's a quick form -- you know, within that nine
6 minute window. But I figured -- you know, and
7 then when I got the response back saying you
8 know, received. I thought okay, it's all good.
9 So I definitely hear you and I found the cache
10 and re-read that. I think I was just very
11 focused on the first part of the page. And
12 because there was some conflicting information, I
13 figured it's probably not a big deal. It's
14 appearing in two different ways. But now that I
15 know, I recognize that it was 5:00 p.m.

16 MS. STROUD: Got it, okay. Thank you,
17 Ms. Botstein. Are there any more questions? I
18 think that I had the last one. So thank you very
19 much for appearing today. So the Board is going
20 to hear all of the matters that are scheduled for
21 today. And then they're going to deliberate.
22 And then they will make their decisions with

1 respect to each matter. And I will email you
2 concerning the Board's decision after the
3 hearings are completed.

4 MS. BOTSTEIN: Okay. And do you know
5 relatively what timeframe that would be in?

6 MS. STROUD: That will be today.
7 You'll hear from me today.

8 MS. BOTSTEIN: Oh, okay. Okay, okay,
9 great.

10 MS. STROUD: Thank you so much.

11 MS. BOTSTEIN: Thank you for your
12 consideration and definitely reach out if you
13 would like any further information.

14 MS. STROUD: Absolutely. Thank you,
15 Ms. Botstein.

16 CHAIR BENNETT: Thank you.

17 MS. BOTSTEIN: Have a good day.

18 MS. STROUD: Okay, bye-bye.

19 (Whereupon, the above-entitled matter
20 went off the record at 2:08 p.m. and resumed at
21 2:10 p.m.)

22 CHAIR BENNETT: Hi, Mr. Toomajian.

1 This is Michael Bennett. I'm Chair of the Board.
2 Thanks for appearing today. Also here are the
3 other two Board Members; Board Member Karyn
4 Greenfield and Board Member Michael Gill. Ms.
5 Stroud will conduct the proceedings. But this is
6 relatively informal, so I mean, take your time
7 and make sure that we're clear as to what your
8 positions are. So thanks a lot.

9 MR. TOOMAJIAN: Good afternoon. Thank
10 you.

11 MS. STROUD: Am I pronouncing your
12 name correctly first of all?

13 MR. TOOMAJIAN: It's Toomajian.

14 MS. STROUD: Toomajian, okay.

15 CHAIR BENNETT: Toomajian, okay.

16 Thank you. Sorry about that.

17 MS. STROUD: So we are here -- the
18 Board is here to hear your appeal from the
19 Executive Director's adverse preliminary
20 determination of your eligibility to appear on
21 the ballot as an ANC Commissioner for Single
22 Member District 6A02. And if you could now just

1 state your case as to why you should be granted
2 ballot access despite having not timely filed the
3 Declaration of Candidacy.

4 MR. TOOMAJIAN: Sure, thank you. Good
5 afternoon, Mr. Chair, Ms. Greenfield, Mr. Gill,
6 Ms. Stroud, other members of the staff and I
7 guess civic-minded district residents who are
8 here with us on this Zoom. My name is Phil
9 Toomajian. For the last six years, I've been the
10 ANC Commissioner for ANC 6A02. And I've served
11 hundreds of hours for my community and the
12 District of Columbia in that volunteer capacity.

13 The outbreak of the coronavirus has
14 complicated my life and everyone else's, I know
15 immeasurably. In addition to serving as a
16 volunteer Commissioner, I am blessed with full-
17 time employment, a fully employed spouse, and two
18 wonderful small children. Unfortunately the
19 coronavirus has cost us schooling, cost us our
20 chance to be in-person with others as we attempt
21 to stay safe and keep others safe. And my wife
22 and I are just absolutely buried trying to keep

1 up and to survive.

2 I'm using annual leave from my job to
3 be here with you this afternoon. And I apologize
4 in advance should either of my small children
5 choose to join us for today's hearing.

6 MS. STROUD: Children are welcome.
7 Children are welcome.

8 MR. TOOMAJIAN: Rest assured I've
9 advised them both that PBS Kids has more
10 interesting programming, but past practice has
11 shown that they tend to enjoy waving hello in the
12 background when I am on Zoom and on other calls.

13 The counsel and the Board have
14 recognized the complication that the pandemic has
15 posed to candidacies and indeed I'm sure,
16 grappled with it countless times before. And I
17 recognize that you and the counsel have taken
18 steps to improve the ballot access process.
19 Unfortunately, the process remains quite
20 complicated and mistakes have happened. And the
21 staff has recommended denying me access to the
22 ballot. I'm here today to ask you to overrule

1 that unjust decision, which serves no end. I've
2 complied with requirements for office, both in
3 form and in substance.

4 A little background. On June 29, I
5 timely requested and obtained records from the
6 Board, including the ballot access petition.
7 I've run for office three times previously all
8 for the same position as ANC 6A02. Historically,
9 when collecting petitions, the Board's staff
10 provided me with a folder of all of the required
11 documents. That did not happen this year.

12 Historically, when I requested a list
13 of voters in my SMD, the Board also provided
14 those. That did not happen this year either.
15 The pandemic, I understand it's difficult for
16 everyone and we're all doing our best to get by
17 here. So I moved on after my first two requests
18 for the registered list of voters and my SMD were
19 unresponded to and did not provide me with it.

20 Over the next two weeks, I obtained
21 more than twice the required signatures of
22 registered voters in my SMD, wearing a mask, and

1 keeping six feet away from each of my neighbors
2 while doing so. After I did so, I called the
3 Board to inquire about the next steps and to
4 determine what the best method in moving forward
5 was. In particular on the morning of -- Because
6 this was a new process during the pandemic and I
7 was not comfortable putting myself and others at
8 risk by coming down to deliver the petitions in-
9 person.

10 On the morning of July 15th, I spoke
11 with a member of the Board staff by telephone and
12 I asked what additional steps were required,
13 whether I should submit the petitions by email,
14 by U.S. Mail, or both. Staff told me to either
15 mail the petitions to the Board or to email them
16 to candidate@dcboe.org and that either method was
17 sufficient. I asked if I had to do anything else
18 to complete the process and was told, quote,
19 that's it.

20 I specifically asked the latter
21 question because I knew historically there were
22 more forms that BOE provided to us that we either

1 filled out in-person when picking up our petition
2 or in-person when dropping off our petitions at
3 the end of the process.

4 Indeed, BOE staff has always been
5 terrific about this, incredibly helpful, which I
6 think is a big deal for those of us who are
7 serving as volunteers, those of us who have
8 children, those of us who did not get paid for
9 our services, those of us who did not have staff
10 to work on campaigns and advise us in how to
11 proceed with them. With that in mind, I was
12 pleased to hear that there were no more steps
13 required and relying on the representation that
14 staff made to me on that phone call, I submitted
15 my petitions, both my email and by U.S. Mail
16 immediately thereafter just before noon on July
17 15th.

18 Sometime later, BOE updated its
19 publically posted list of ANC candidates for the
20 November 2020 election to reflect that I had,
21 quote, filed. It was with great shock that more
22 than a month later, I heard from the Appeal Board

1 on August 17th at 10:00 p.m. via email, to
2 receive a letter stating that BOE deemed me
3 ineligible and recommended denying me ballot
4 access because it did not have a signed document,
5 which provided my name, my address, my contact
6 information, and how to pronounce my name on
7 file. All of that information had been provided
8 to the Board previously.

9 So I promptly provided a signed copy
10 of the form immediately upon being notified. I
11 asked the Board to provide me with access for
12 those reasons and for the following ones in
13 particular. The global pandemic and processes
14 have changed to reflect that. I have completed
15 the requirements for the office in substance and
16 in form. There is no prejudice to the Board,
17 which has all of this information, nor is there
18 any prejudice to the public or any other
19 candidate as I am the only person who has been
20 willing to step forward and volunteer to serve my
21 community as ANC Commissioner during this
22 pandemic.

1 I reasonably relied on Board staff to
2 explain the required procedures, which had
3 changed during this pandemic. Historically,
4 Board staff provided all required paperwork to
5 candidates who came in and said they wanted to
6 run for ANC. Historically, Board staff walked
7 through the submission that ANC candidates
8 brought in to let us know if they appeared
9 sufficient or if it appeared that something was
10 missing. This year when things had changed,
11 Board staff told me they were the same.

12 Instead of providing me the form or
13 telling me it did not need to be notarized or
14 needed to be completed, Board staff did not
15 provide it. Instead of reviewing my submission
16 and telling me that there was a missing form,
17 Board staff told me that I didn't need to send
18 anything else but the petition. Instead of
19 looking at what I provided on July 15th and
20 noting that there was a missing one-page
21 document, which would tell you how to pronounce
22 my name or if I preferred to be listed by a

1 different name on the ballot, Board staff waited
2 more than a more to respond to me to tell me they
3 deemed my application incomplete. And that it
4 was too late to change this technical error that
5 resulted from my filing incorrect guidance that I
6 received orally from Board staff.

7 If it was not a pandemic, the Board
8 staff would have provided me with this form when
9 I picked up the petitions, along with the other
10 required paperwork. But that's not what happened
11 because of the pandemic. We're all operating
12 under great challenges. Likewise, if there was
13 not a pandemic, the Board staff would have told
14 me to sign the form when I provided my petition.
15 But that's not what happened because again, it's
16 a pandemic and I submitted them by U.S. Mail and
17 email so the Board staff and others who I come in
18 contact would be safe.

19 These are different and complicated
20 times. I'm prepared to accept that staff is
21 operating under unusual circumstances that are
22 difficult. And that it reduced the excellent

1 level of service that's historically been
2 provided. I recognize everyone is doing the best
3 that they can under the circumstances. And I ask
4 for the same compassion and understanding from
5 you. Again, this is a volunteer position that
6 I'm running for. I do this on top of my job. I
7 do this on top of my family responsibilities, and
8 at great personal sacrifice because I enjoy
9 serving my community and I care deeply about
10 helping others.

11 I'm the only person who's been willing
12 to serve in this capacity for the last six years.
13 And I'm the only person who's volunteered to put
14 myself out there for the opportunity to do so
15 again this year. I ask that you please do not
16 unnecessarily and excessively burden my service
17 by denying me ballot access. Given the
18 circumstances and the facts as I have explained
19 them to you, I believe it would be unjust and
20 would serve no end.

21 Thank you for your time and
22 consideration. I would be happy to answer any

1 questions that you have.

2 MS. STROUD: Thank you, Mr. Toomajian.

3 CHAIR BENNETT: No questions from me.

4 Thank you so much, sir.

5 MEMBER GILL: Hi. This is Mike Gill.

6 No questions from me. Thank you for your

7 remarks. They were well articulated.

8 MEMBER GREENFIELD: Yes, this is Karyn

9 Greenfield. I don't have any questions, but

10 thank you. Thank you very much for that.

11 MR. TOOMAJIAN: Thank you.

12 MS. STROUD: Thank you, Mr. Toomajian.

13 I'm not sure if you heard. I know you were here

14 for Ms. Botstein's hearing. But what will happen

15 is that the Board will deliberate once we've

16 heard all of the matters today. And they will

17 vote on the record with respect to each matter.

18 And then I will notify individuals as to the

19 Board's outcome. So I think that that is it,

20 unless anyone has any other questions or

21 comments.

22 MR. TOOMAJIAN: May I just ask a

1 clarifying question?

2 MS. STROUD: Sure.

3 MR. TOOMAJIAN: Will the deliberations
4 occur after another hearing or two that follow
5 this one or are they part of a separate
6 proceeding?

7 MR. TOOMAJIAN: They will occur at the
8 end of the matters that are scheduled for today.

9 MR. TOOMAJIAN: May I ask what time
10 you anticipate that would occur?

11 MS. STROUD: Well the last hearing is
12 not scheduled to take place until 5 o'clock. And
13 so it will be after that time.

14 MR. TOOMAJIAN: Okay, thank you. I
15 appreciate your -- I'm sorry.

16 (Simultaneous speaking.)

17 CHAIR BENNETT: What we're going do is
18 we're going to go in executive session and then
19 vote on each one. And then Ms. Stroud will let
20 you know who voted which way. And Ms. Stroud
21 will provide an email to everybody letting them
22 know the results.

1 MR. TOOMAJIAN: Terrific. Thank you
2 very much. Thank you all for devoting your
3 afternoon to serving the public.

4 CHAIR BENNETT: Thank you.

5 MS. STROUD: Thank you, Mr. Toomajian.
6 Ms. Amber Gove, are you present?

7 MS. GOVE: Yes.

8 MS. STROUD: Okay. Thank you, Ms.
9 Gove. Ms. Gove was scheduled to appear at 3:00
10 p.m. But as she is in the room, Ms. Gove, would
11 you like to proceed?

12 MS. GOVE: If Mr. Toomajian is
13 finished. I was just coming to listen and hear
14 what was going on with him, as well.

15 MS. STROUD: Yes, that hearing has
16 concluded. He's still in the Zoom room. But
17 since you are present, if you would like to
18 proceed with your hearing today --

19 MS. GOVE: I actually need a couple
20 minutes. My computer just froze. So let me dial
21 back in, in a few minutes.

22 MS. STROUD: Okay.

1 MS. GOVE: Sorry about that. It'll
2 just take a couple minutes to reboot.

3 MS. STROUD: No problem. Sure. Just
4 let me know when you're ready.

5 MS. STROUD: All right. Thank you so
6 much.

7 (Whereupon, the above-entitled matter
8 went off the record at 2:22 p.m. and resumed at
9 2:28 p.m.)

10 MS. STROUD: Hi, Ms. Gove. Are you
11 ready to proceed?

12 MS. GOVE: I am. Thank you so much,
13 Ms. Stroud. Apologies for that.

14 MS. STROUD: Oh, no worries. No
15 worries. You're not scheduled until 3:00. So
16 thank you for allowing us to proceed ahead of
17 schedule.

18 MS. GOVE: Sure. I hope that you can
19 get everybody home a little earlier.

20 MS. STROUD: Yeah.

21 MS. GOVE: No problem.

22 CHAIR BENNETT: Hi, Ms. Gove. I'm

1 Michael Bennett, Chair of the Board. And Board
2 Members Karyn Greenfield and Board Member Michael
3 Gill are also here. Thanks for this Zoom
4 opportunity for us to be on Zoom one more time.
5 I'm sure you've probably been on there 10,000
6 times more than you want to be.

7 MS. GOVE: Yeah, I have a little Zoom
8 fatigue these days.

9 CHAIR BENNETT: Yeah. But Ms. Stroud
10 is going to conduct the process. This is very
11 informal, so please, you know, relax and just
12 give us the information as it comes. And we will
13 -- after all of the matters have been heard
14 today, we're going to go into executive session
15 and we'll all vote on the different ones. And
16 Ms. Stroud will send out an email later on and
17 give you the results of the hearing.

18 MS. GOVE: Okay, I really appreciate
19 it. And thanks so much as, yes, we're all going
20 through this together.

21 So again, good afternoon. And I hope
22 all of you are safe and well. My name is Amber

1 Gove and for the last three years, I've served as
2 a volunteer Commissioner for ANC 6A04. And Chair
3 of ANC 6A since 2019. Contributing countless
4 hours and I'm not quite sure how many 311 tickets
5 to improving my neighborhood. I'm honored to
6 serve and to have the opportunity to serve my
7 community in this regard.

8 Life for me, as for all of you has
9 been quite a bit more complicated over the last
10 five months. My family is extremely fortunate
11 that we have two employed adults able to work
12 from home. But managing childcare, supervising
13 virtual school, and trying to keep everyone safe
14 and healthy is a huge undertaking. As many of
15 you are well aware and as wonderful as our
16 spouses can be, this burden disproportionately
17 falls on women. Two of my fellow female
18 commissioners opted not to run again due to
19 childcare responsibilities, which I fear may be
20 an unfortunate trend.

21 I'm also part of the sandwich
22 generation, simultaneously caring for children

1 and my nearly 70-year-old mother who moved to DC
2 last year from San Diego of all things, to be
3 closer to us. And essentially to help with the
4 grand kids. A proposition that became much more
5 difficult after March.

6 The Board of Elections has a huge and
7 historic undertaking ahead of it. And like many
8 fundamental systems such as our electric and
9 water utilities, people really only pay attention
10 when things go wrong. So thank you for your
11 service, for ensuring a safe and secure election
12 process for all of us.

13 I especially appreciate the efforts of
14 the DC Counsel and the Board of Elections in
15 seeking to improve the ballot access process. It
16 was extremely helpful to be able to submit forms
17 via email. I was able to request my petitions
18 forms, safely obtain more than twice the required
19 signatures from my neighbors, and successfully
20 submit them on July 30th.

21 Your staff helpfully confirmed receipt
22 and even asked me to correct the page numbering

1 that I had left off. In normal times, the Board
2 of Election staff would review all of our forms
3 at submission and let us know if we were missing
4 anything, particularly those of us who like to
5 turn things in a little early. The review and
6 reply regarding my petition sheet reassured me
7 that everything was in place and I had been
8 successful in the process.

9 When I received the email notification
10 on Monday evening, I was surprised and dismayed
11 and obviously emotionally upset to learn that it
12 was recommended that I not be listed on the
13 ballot. I searched through my emails on a
14 similarly named form to the one that I was being
15 asked for or told that I hadn't submitted, only
16 to learn that it was not the correct form. I
17 printed the correct form and sent it as quickly
18 as I could.

19 I was extremely distressed and lost a
20 lot of sleep that night. Owing to these
21 circumstances, I respectfully request that the
22 Board reconsider their recommendation. And

1 instead provide me with ballot access. I know
2 this may not be in line with the normal course of
3 action, but nothing is normal these days.

4 In addition, I ask to be provided with
5 ballot access for the following reasons. One,
6 the pandemic requires additional, much needed
7 flexibility, which the Board has shown in several
8 of its revised processes and procedures. Please
9 consider this additional request for flexibility.
10 Two, I've completed the key portions of the
11 nominating and petition process, exceeding
12 requirements, and demonstrated the support of my
13 constituents, and ensuring timely submission.
14 Three, the information provided on the missing
15 Declaration of Candidacy form was previously
16 provided to the Board.

17 Four, I reasonably relied on Board
18 staff to assist me with the required procedures
19 as they had in the past. When I called in early
20 July to review the process, the staff member I
21 spoke with described only the petition request
22 forms and the petition forms themselves. All of

1 which I successfully submitted on July 30th.
2 Instead of notifying me of a missing form, which
3 in normal times would have happened when I
4 submitted the forms in-person, I was notified two
5 weeks after the deadline of submission of the
6 form of the recommendation to exclude me from the
7 ballot. And as I read the guidelines, it was
8 supposed to actually be three days after failure
9 to submit.

10 Five, it appears that I'm not alone in
11 failing to submit this form. I know of at least
12 two other cases in my neighborhood, including my
13 co-chair who are in the same situation. We are
14 volunteers trying our best to support our
15 neighbors. Please allow us the chance to
16 continue to serve by allowing us fair ballot
17 access.

18 Lastly, point six, we're in a global
19 pandemic and we're all operating under conditions
20 of stress and anxiety, which lead to less than
21 perfect results. I understand that staff with DC
22 Board of Elections are overextended and therefore

1 may not have been able to provide the same level
2 of review and service to prospective candidates
3 as they could have previously. But in that case,
4 I would ask that you extend the same courtesy to
5 me. I'm literally doing all I can to make this
6 work. And like many of you, I'm coming up short
7 nearly every day.

8 I would ask for some grace and
9 compassion to allow my name to be on the ballot
10 as it would have been had I had the chance to
11 have the additional support and review by your
12 office. Sorry for the tears. It's all just a
13 little much these days.

14 MS. STROUD: Thank you, Ms. Gove. We
15 really appreciate your testimony and your
16 appearance here today. And yeah, thank you so
17 much for your presence and thank you for your
18 service under what are really trying
19 circumstances for all of us. Does the staff from
20 the Voters Services Division have any comments to
21 add? Any questions? No?

22 CHAIR BENNETT: Ms. Gove and thank you

1 for going early. Do any of the Board Members
2 have any questions? I don't have any questions.
3 Board Member Greenfield, any questions for Ms.
4 Gove?

5 MEMBER GREENFIELD: No, I don't have
6 any questions. And thank you very much for your
7 service.

8 CHAIR BENNETT: Mr. Gill?

9 MEMBER GILL: No, I do not have any
10 questions. Thank you very much.

11 CHAIR BENNETT: Okay. And again,
12 thank you for your service. Thank you for going
13 early. It's very helpful. And thank you for
14 your service in all capacities. We really
15 appreciate it.

16 MS. GOVE: Thanks for your time. You
17 all have a big job ahead of you, so I wish you
18 luck in that.

19 CHAIR BENNETT: Thanks so much.

20 MS. STROUD: Thank you.

21 MS. GOVE: Okay. Take care, be well.

22 CHAIR BENNETT: All right, you too.

1 MS. STROUD: You too, bye-bye.

2 MS. GOVE: Bye-bye.

3 (Whereupon, the above-entitled matter
4 went off the record at 2:38 p.m. and resumed at
5 2:41 p.m.)

6 MS. STROUD: Hi, Ms. Moore. You're on
7 mute, Ms. Moore.

8 MS. MOORE: There we go. Hi, how are
9 you?

10 MS. STROUD: There we go. How are
11 you?

12 MS. MOORE: I'm well.

13 MS. STROUD: Okay.

14 CHAIR BENNETT: Hi, Ms. Moore. This
15 is Michael Bennett. I'm Chair of the Board.

16 MS. MOORE: I'm sorry --

17 CHAIR BENNETT: Can you hear me?

18 MS. MOORE: I can hear you now.

19 CHAIR BENNETT: Okay. This is Michael
20 Bennett. I'm Chair of the Board. And also on
21 the line is Board Member Greenfield. Also Board
22 Member Michael Gill. Thank you for participating

1 in this hearing today. This is relatively
2 informal. So we're here to hear from you
3 relative to your position. And Ms. Stroud will
4 conduct the matter. And then we're going to go
5 into executive session after we hear all of them.
6 And then this afternoon, right after we -- once
7 we finish up, we'll take a vote. And Ms. Stroud
8 will release those results later on this evening.

9 MS. MOORE: Okay.

10 CHAIR BENNETT: Okay. All right,
11 thanks so much. Ms. Stroud?

12 MS. STROUD: So Ms. Moore, we're here
13 to -- the Board is here to hear your appeal on
14 the Executive Director's adverse preliminary
15 determination of eligibility for you to appear on
16 the ballot as a candidate for the Office of
17 Advisory Neighborhood Commissioner in Single
18 Member District 5D03. Yes, so you're here to
19 present your case as to why you should be granted
20 ballot access despite not having timely filed
21 your Declaration of Candidacy.

22 MS. MOORE: That's correct.

1 MS. STROUD: Okay. So if you could
2 just state to the Board why they should allow you
3 ballot access despite not having completely
4 fulfilled the ballot access requirements.

5 MS. MOORE: Okay (audio interference)
6 -- meeting once a month. So when I was asked to
7 become a part of -- because I've been very active
8 in the Neighborhood Advisory Commission -- when I
9 am attending the meetings, I'm very active and
10 engaged in the meeting. So it was brought to my
11 attention, they was like well we have some
12 vacancies on the Board and we want you to join.
13 So as a new candidate and even through the COVID-
14 19 pandemic guidelines, I note that (audio
15 interference) to initiate your process of
16 candidacy. Right?

17 When I first reached out as a website
18 candidate at dcboa.org, I let them know that I
19 was a new candidate, starting this process off
20 new. There was no mentorship. There was no
21 nothing. I'm pretty much reading the website and
22 walking through the process myself. So I got the

1 instructions and the guidelines from whomever
2 because every time that they responded, it was a
3 different response person.

4 Any time that I asked a question, they
5 would respond, but it wasn't in a timely manner.
6 It would be a day or two. And if it was the same
7 day, it was later in the afternoon. I asked them
8 -- I have email receipts that I've asked them
9 over and over again, please confirm receipt of my
10 emails. Please let me know if I submitted the
11 correct documentation. Please let me know if
12 there's any additional information that you need.
13 The last email documentation was July 23rd when I
14 submitted my petition. In that email I frankly
15 said (audio interference) additional
16 documentation or instructions that's needed.

17 I feel like someone at the Department
18 of Board of Elections should have said okay, you
19 need this additional form. Because I wouldn't
20 have known I needed that form as a new candidate.
21 I've never done this before. You have the
22 information on the website, you do. The

1 information is there, but it doesn't give you
2 step by step instructions, this is what you do
3 first. This is what you include when you submit
4 your information, this is what you do.

5 Now from July 21st -- It's now August
6 21st, we've had 30 days. During the challenge
7 period, I did not get the rejection letter that I
8 was rejected on the ballot until I challenged
9 another male candidate that same day. That
10 morning, I sent my challenge petition paperwork
11 on what was it -- the 17th -- my rejection notice
12 that night. It felt to me like I was being
13 singled out because I challenged the petition.
14 Because if I had missing documentation, why did
15 it take you three weeks to respond that I had
16 missing documentation? Because I've been
17 forthcoming through the entire process that this
18 is something new to me.

19 MS. STROUD: Okay. Thank you, Ms.
20 Moore.

21 MS. MOORE: You're welcome. Does the
22 Voters Services Division have any comments?

1 MEMBER GILL: I don't have any
2 questions.

3 CHAIR BENNETT: Member Greenfield, do
4 you have any questions?

5 MEMBER GILL: Are you asking for
6 questions from Board Members?

7 CHAIR BENNETT: Yeah, I was. I was
8 asking Ms. Greenfield if she had any. Mike, you
9 said you did not.

10 MEMBER GREENFIELD: No, I don't have
11 any.

12 CHAIR BENNETT: Okay, all right.

13 MS. STROUD: Ms. Smith from the Voter
14 Services Division has comments.

15 MS. SMITH: Hi, Ms. Moore. This is
16 Ms. Smith from the Voter Services Division from
17 the Board of Elections. I just wanted to again
18 thank you for your service. And since this is
19 the first time that you are running for an ANC
20 office, I just wanted to mention --

21 MS. MOORE: I can't hear you. Give me
22 one second.

1 MS. SMITH: Sure.

2 MS. MOORE: Can you hear me? I'm
3 sorry. I'm in a really bad -- I'm taking my
4 daughter back to school today, so I'm like in and
5 out. I'm sorry. Can you hear me?

6 MS. SMITH: Yes. Yes, I can hear you.

7 MS. MOORE: Can you guys hear me?
8 Okay, okay. I'm ready.

9 MS. SMITH: Yes. I just wanted --
10 just to mention again, thank you for your
11 service. And since this is the first time that
12 you are running for one of the ANC positions, I
13 just wanted to mention that on the website, there
14 was a list of tips for filing your nominating
15 petitions. And those tips was a step by step
16 process and the information and the documentation
17 needed to file your petitions. And the
18 Declaration of Candidacy was also listed as one
19 of those forms that was needed to file your
20 petitions.

21 MS. MOORE: Okay.

22 MS. SMITH: Thank you.

1 MS. MOORE: I understand if I missed
2 that question when the (audio interference) was
3 submitted. My question is for the Board of
4 Elections since I know you all represent (audio
5 interference) I may or may not have missed that
6 document. When I submitted my documentation on
7 July 21st, could it have been a courtesy just to
8 let me know you're missing something. And I say
9 that because when I sent the petition to
10 challenge Mr. Butler's candidacy, you guys
11 immediately sent me an email that day saying
12 you're missing documentation. So if I was
13 missing documentation for a challenge on the
14 position, why wasn't I missing -- why didn't I
15 get the same respect and regard of the missing
16 documentation I had for candidacy?

17 MS. STROUD: Thank you. Yes, Ms.
18 Moore.

19 MS. MOORE: (Audio interference.)

20 MS. STROUD: I'm sorry, you just --
21 But yes -- I understand, like the service has
22 kind of been unstable on both ends today. But

1 yeah, the Board Members have heard your statement
2 and they will take all of that into
3 consideration. And as the Chair explained
4 earlier, what we will do is we'll hear all the
5 matters that are scheduled for today. And we
6 will -- The Board Members will go into executive
7 session to deliberate. And then they will come
8 back onto the record to indicate their rulings
9 with respect to each of the matters. And I will
10 notify you in the event that you do not stay on
11 the line for this, what the Board's determination
12 has been with respect to your appeal.

13 MS. MOORE: Okay.

14 MS. STROUD: Okay? Thank you so much
15 and safe travels. And congratulations on getting
16 your daughter off to school.

17 MS. MOORE: Thank you. She's a Junior
18 this year, so we have one more to go.

19 MS. STROUD: One more to go. That's
20 awesome.

21 MS. MOORE: All right, thank you guys
22 for --- All right, bye.

1 MS. STROUD: Be safe.

2 (Whereupon, the above-entitled matter
3 went off the record at 2:50 p.m. and resumed at
4 3:13 p.m.)

5 MS. STROUD: Hi, Ms. Miller. For some
6 reason, I can't hear you. You're on mute, but --
7 Still can't hear you, Ms. Miller.

8 MEMBER GILL: Hey, Terri. This is
9 Mike Gill. Can you hear me?

10 MS. STROUD: Yes.

11 MEMBER GILL: Okay. Well --

12 MS. STROUD: Let me see if there's --
13 Okay, I think she went out and is going to come
14 back in again.

15 MS. MILLER: Can you hear me?

16 MS. STROUD: Yes.

17 MS. MILLER: I'm sorry. I'm using my
18 husband's computer now. I'm so sorry. I don't
19 know what --

20 MS. STROUD: Oh, no worries.

21 MS. MILLER: Okay.

22 MS. STROUD: No worries at all. We

1 can hear you perfectly fine. And may I say that
2 where you are looks very beautiful.

3 MS. MILLER: That may be part of the
4 problem. I'm in Colorado.

5 MS. STROUD: Okay.

6 MS. MILLER: Yeah, apologies. It is
7 beautiful.

8 MS. STROUD: No worries.

9 MS. MILLER: Thank you for taking the
10 time today. I'm very thankful.

11 MS. STROUD: No worries.

12 CHAIR BENNETT: Thank you. Hi, Ms.
13 Miller. This is Michael Bennett. I'm Chair of
14 the Board.

15 MS. MILLER: Hi, Mr. Bennett.

16 CHAIR BENNETT: Joining us is -- Hi.
17 Joining us is Board Member Michael Gill and also
18 Board Member Karyn Greenfield. And we're here to
19 hear your appeal of the decision that the
20 Executive Director made with regard to your
21 ballot access. These are relative informal.
22 Sorry for the Zoom, but I guess that's what

1 everybody -- that's the way of the world these
2 days.

3 MS. MILLER: Well that makes it
4 convenient. I didn't have to fly home from
5 Colorado.

6 CHAIR BENNETT: There you go. There
7 you go. There you go. That's a good way to look
8 at it.

9 MS. MILLER: So thank you.

10 CHAIR BENNETT: So thank you. Like I
11 said, this is relatively informal. Ms. Stroud is
12 going to conduct it. After we -- Thank you for
13 joining us early by the way. I know you're
14 scheduled for about 30 minutes and we're running
15 ahead.

16 MS. MILLER: Good, good.

17 CHAIR BENNETT: So thank you for that.
18 So the way this is going to work is Ms. Stroud
19 will kind of direct us through it. If anybody
20 has any questions at the end of your statements,
21 we'll ask those. We're going to go to the next
22 person -- We have a series of hearings today and

1 Monday or Tuesday. We'll go to the next person.
2 And then at the end of the day, those that we
3 finish today, we'll go into executive session and
4 make the decisions by vote. And Ms. Stroud will
5 send out an email later on today letting you know
6 what the vote was and the decision on your
7 particular appeal. So with that, I'll turn it
8 over to Ms. Stroud. And I'm sure you'll be
9 talking in two seconds.

10 MS. STROUD: So my Chair sort of
11 usurped my spiel. And so we're here to hear your
12 appeal from the Executive Director's
13 determination -- adverse preliminary
14 determination regarding your attempt to gain
15 ballot access in the ANC SMD 2E07 contest. So if
16 you could just, you know, tell the Board --
17 explain to the Board why you should be granted
18 ballot access despite not having timely filed
19 your Declaration of Candidacy. And the floor is
20 yours.

21 MS. MILLER: Well thank you very much
22 for your time. I think I'm going to fall on my

1 own sword and not make any excuses and fully
2 admit that I did not submit the Declaration of
3 Candidacy in time. This is the second time
4 running for ANC. And the first time it seemed
5 more straight forward to me. I think I'm more of
6 a kind of an in-person, person, being a little
7 bit older. And it's easier to walk down to DC
8 BOE, fill in the forms you need to, speak with
9 someone, pick up the papers, return the papers.
10 It all felt slightly easier for me. And
11 procedurally, I understood it and was able to
12 kind of wrap my mind around what I needed to do.

13 I did not set out intentionally to not
14 follow procedure. I would never do that. I
15 really am a rule follower. And so I do feel like
16 if this were not a pandemic and I were able to
17 kind of do things in-person, absolutely the
18 intent would be to follow all the rules and to do
19 it in a timely manner. I did do that with my
20 petition. I took it out early. I returned it
21 early. I submitted double the signatures because
22 I wanted to kind of dot my I's and cross my T's.

1 And I would have done the same thing with the
2 Declaration of Candidacy. I certainly would have
3 taken it out. I would have returned it early to
4 make sure everything had been done according to
5 the rule of the law. And in this case, I did not
6 do that.

7 I really would -- while I do believe
8 I could win as a write-in candidate and that's,
9 you know, what I guess I would be facing if you
10 don't agree to put my name on the ballot. I do
11 believe the intent was there. And there's no one
12 else that's filed papers or expressed interest in
13 this seat. And if this were a contested seat, I
14 guess I would feel a little bit differently or my
15 presentation to you would be a little bit harder
16 to make, I think. But in this case, there is
17 nobody else running in the seat. And having my
18 name in the ballot, I think would just make it
19 easier for my constituents.

20 I hope I apologized. I should have.
21 Because I've now had to have all of you spend
22 your time listening to this excuse. And I

1 apologize because I do know what that is. But if
2 this whole world weren't so crazy and everything
3 weren't so virtual and confusing, I do believe my
4 intent was there to file everything on time. So
5 there's what I have to say. And I will end it
6 again with I'm really sorry. And I hope you will
7 take the extreme circumstances into measure and
8 allow my name to be put on the ballot.

9 CHAIR BENNETT: Thank you, Ms. Miller.
10 Are there any questions, Mr. Gill?

11 MEMBER GILL: No. Thank you for your
12 presentation. I don't have any questions.

13 CHAIR BENNETT: Any questions, Ms.
14 Greenfield?

15 MEMBER GREENFIELD: No, I don't have
16 any questions.

17 CHAIR BENNETT: Do we have anything
18 from the Registrar?

19 (No audible response.)

20 CHAIR BENNETT: Okay, while part of
21 your -- part of your written response cannot be a
22 part of our decision making process regarding

1 ballot access or not. I want to one, just say my
2 thoughts, and for me, prayers are with you with
3 regard to your family situation. I certainly
4 understand that.

5 MS. MILLER: My head is not where it
6 should be, so thank you for that.

7 CHAIR BENNETT: I have been through
8 that. But let me be clear, that cannot enter
9 into our decision making process. But I can't
10 help but connect.

11 MS. MILLER: I appreciate that.

12 CHAIR BENNETT: My thoughts are with
13 you on that for sure. And thank you so much for
14 taking the time today for sure.

15 MS. MILLER: Thank you. Thank you.
16 On a side note, I want to say how much I have --
17 I don't want to use the word enjoyed, that's not
18 the word, but how much respect I have for Alice
19 Miller, who is responsive, helped me a lot during
20 the primaries. I know you all have so much going
21 on, trying to get --

22 CHAIR BENNETT: No, not really.

1 MS. MILLER: Believe me -- so whenever
2 you call, we'll have to deal with this. But she
3 was really great right before the primary.
4 Helped get ballots out to people. And so I know
5 since you're kind of her bosses, I just want to
6 say big cheers -- three cheers for Alice.

7 MS. STROUD: Awe, thank you.

8 CHAIR BENNETT: Thank you.

9 MS. MILLER: Okay. Good luck with
10 everything.

11 MS. STROUD: And we're recording this,
12 so I will make sure that she sees it --

13 MS. MILLER: Okay, good.

14 MS. STROUD: -- so she will know.

15 MS. MILLER: Okay, good.

16 MS. STROUD: Thank you, Ms. Miller.

17 So the Board Members after we've heard all the
18 presentations today, will go into executive
19 session and deliberate. And they will then come
20 back onto the record to vote. And if you want to
21 stay on, you can. But I will email you today
22 with respect to the Board's decision.

1 MS. MILLER: That sounds good. Thank
2 you, Ms. Stroud.

3 MS. STROUD: Okay? Thank you, Ms.
4 Miller. And enjoy your time in Colorado.

5 MS. MILLER: Thank you, I will.

6 (Whereupon, the above-entitled matter
7 went off the record at 3:25 p.m. and resumed at
8 3:30 p.m.)

9 MS. ABUBAKER: Hello, everyone.

10 MS. STROUD: Hi, I-Ra. How are you?

11 MS. ABUBAKER: I'm doing well. How
12 are you?

13 MS. STROUD: I'm good. Mr. Chair?

14 CHAIR BENNETT: Hi --

15 MS. STROUD: Yes. Ms. I-Ra Abubaker.

16 CHAIR BENNETT: Hi, Ms. Abubaker.

17 This is Michael Bennett. I'm Chair of the Board
18 of Elections. And joining us on this call to
19 hear your appeal is Karyn Greenfield, Board
20 Member and also Michael Gill, Board Member.

21 I won't steer too much in Ms. Stroud's
22 dialogue here. But the way this will work -- I

1 guess I'm going to do it. The way this will work
2 is we will hear from you. This is relatively
3 informal, so you know, please feel comfortable.
4 And you know, share as you wish. We are going to
5 hear your appeal. We may have a few questions at
6 the end.

7 And then after we hear everybody
8 that's on the schedule today -- Thank you for
9 coming in early by the way to do this -- But once
10 we get everybody that's on the schedule for
11 today, we'll go into executive session. The
12 Board will vote on whether to grant the appeal or
13 not. And Ms. Stroud will put an email out later
14 on this evening or late this afternoon that will
15 tell you how we voted and what the outcome is.
16 So you won't have a long time to wait. So thank
17 you so much for appearing today. I'll turn it to
18 Ms. Stroud.

19 MS. STROUD: Thank you so much. So
20 yes, we're here -- the Board is here to hear your
21 appeal into the Executive Director's -- your
22 appeal from the Executive Director's adverse

1 preliminary determination regarding your attempt
2 to gain ballot access in the contest for Advisory
3 Neighborhood Commissioner in Single Member
4 District 4B05. And so, the Executive Director
5 determined that you did not timely file your
6 Declaration of Candidacy. And so if you could
7 just make a statement as to why you should be
8 granted ballot access despite not having done
9 that.

10 MS. ABUBAKER: Yes. So again, good
11 evening to everybody. Thank you for the rundown
12 of how this will go. So I want to run for 4B05
13 just because I grew up in this community my whole
14 life. I went to school here. My folks are from
15 here. And I really want to make sure that young
16 people's voices are being heard when it comes to
17 talking about why I bring issues in our
18 community.

19 I've been able to serve young people
20 in D.C. working through various non-profits here.
21 One Critical Exposure, also Public Allies which
22 is under AmeriCorps. And through that, it was

1 like rent community initiative projects. And I
2 really wanted to just make sure that people in
3 our community, particularly the folks who have
4 been here for a long time -- voices are actually
5 being heard when it comes to these vibrant
6 issues. And I recently found out that a lot of
7 young people in our community don't even know
8 what an ANC is and the role of an ANC. And so I
9 want to make sure people are informed, so that
10 their wills are being heard.

11 MS. STROUD: What are the
12 circumstances that made it so you did not timely
13 file your Declaration of Candidacy?

14 MS. ABUBAKER: Yes, so this was a bit
15 of a personal matter. So I wasn't able to -- I
16 wasn't able to file the form because my godmother
17 -- So I recently found out my godmother was
18 diagnosed with cancer. So I've been supporting
19 her with that. And I asked my brother to support
20 me in actually putting the form in and he
21 actually forgot. He turned in everything but
22 that form. But I mean I was supporting my

1 godmother at the time. And I still am -- but
2 yeah.

3 MS. STROUD: Okay. Have you filed the
4 Declaration of Candidacy with the Board to date?

5 MS. ABUBAKER: Yes.

6 MS. STROUD: Okay. So right now --
7 Ms. Smith is from the Voter's Services Division.
8 I just want to confirm that your document was
9 filed with the Board.

10 MS. SMITH: Yes.

11 MS. STROUD: Okay, do you have any
12 questions, Mr. Chair?

13 CHAIR BENNETT: No, I don't have any
14 questions. Thank you for your -- actually for
15 willing to be a part in the service. So I don't
16 have any questions. Mr. Gill, do you have any
17 questions?

18 MEMBER GILL: No. Terri asked my
19 question, so I'm good.

20 CHAIR BENNETT: Ms. Greenfield, do you
21 have any questions?

22 MEMBER GREENFIELD: Can I just ask,

1 when did you file your package, your petitions
2 and everything -- just what that date was?

3 MS. ABUBAKER: I believe it was August
4 3rd.

5 MEMBER GREENFIELD: Okay. I don't
6 have anything else.

7 CHAIR BENNETT: And the deadline was
8 August 5th, so the only thing that was late was
9 the Declaration of Candidacy.

10 MEMBER GREENFIELD: Okay.

11 CHAIR BENNETT: Okay. Do you have any
12 --

13 MS. STROUD: Does anyone have any
14 questions -- anybody from Voter Services have any
15 statements? Okay. Thank you, Ms. Abubaker. The
16 Board Members, at the end of hearing all of the
17 matters today, will deliberate. And they will
18 come back on the record to vote on each matter.
19 And you don't have to stay on the call now. And
20 I will notify you later on today whether or not
21 the Board has decided to grant you ballot access.
22 And thank you for joining us early. We are far

1 ahead of schedule. So thank you for joining us.
2 And so we will get back to you later on today.
3 Thank you so much.

4 MS. ABUBAKER: Thank you, everyone.
5 I look forward to hearing from you.

6 (Whereupon, the above-entitled matter
7 went off the record at 3:36 p.m. and resumed at
8 3:59 p.m.)

9 MR. ADAMS: Good afternoon.

10 MS. STROUD: Hi, Mr. Adams. We are
11 waiting for the Chair of the Board to step back
12 into the office and we will be right with you.

13 MR. ADAMS: Okay, great. Thank you.

14 MS. STROUD: You're welcome.

15 CHAIR BENNETT: Mr. Adams?

16 MR. ADAMS: Yes?

17 CHAIR BENNETT: All right. This is
18 Michael Bennett. I'm Chair of the Board. And
19 thank you for your time today. And with us today
20 are Karyn Greenfield, Board Member and also
21 Michael Gill, Board Member. You've already
22 talked to Ms. Stroud. And we also have a couple

1 persons from our Registrar's office as well. I
2 won't bother to name the names.

3 But the way this will happen, this is
4 relatively informal, so please be comfortable and
5 share as you will.

6 MR. ADAMS: Okay.

7 CHAIR BENNETT: We'll hear your
8 comments appealing the Director's decision
9 relative to your ballot access. And afterwards -
10 - after we hear everybody today, we're going to
11 go into executive session, deliberate, vote on
12 the various persons we have heard today. And
13 then Ms. Stroud will put an email out later on
14 this evening and let you know how everybody voted
15 and the final determination. So with that, Ms.
16 Stroud will conduct this. And so I'll turn it
17 over to her and we will hear from you, Mr. Adams.
18 Thanks so much. Sorry for this being Zoom and
19 all that. But I'm sure you can certainly
20 understand and probably are Zoomed out by now
21 like the rest of us, but we'll keep going.

22 MR. ADAMS: Not a problem. Thank you

1 for taking the time out of you all's busy
2 schedule. I appreciate it.

3 MS. STROUD: Thank you, Mr. Adams. So
4 we're here for the Board to hear your appeal from
5 the Executive Director's preliminary adverse
6 determination regarding your attempt to gain
7 ballot access in the Advisory Neighborhood
8 Commission 7B01 SMD contest. And what we're here
9 for is for you to explain to the Board why you
10 should be granted ballot access despite not
11 having timely filed the Declaration of Candidacy
12 for the Office of ANC Commissioner on 7B01. And
13 so the floor is yours, Mr. Adams.

14 MR. ADAMS: Thank you, thank you. And
15 once again, good afternoon to everyone. And
16 again, I thank you all for taking time out of
17 your busy schedule to support my hearing and my
18 appeal. Can you guys hear me okay?

19 MS. STROUD: Very well.

20 MR. ADAMS: Excellent, excellent.
21 Well you know, I pretty much in my letter noted
22 that I had completed all of the documents that I

1 was aware of and submitted them. However, this
2 was -- And I know that ignorance is not a good
3 defense, but this is new to me, this arena. And
4 I inadvertently failed to submit one document,
5 which of course was the Declaration of Candidacy
6 for the office.

7 I'm happy to report that we did have
8 a good momentum. I've had some great pillars in
9 the community who actually approached me and
10 asked if I would consider serving in a capacity
11 as Advisory Neighborhood Commission. Our current
12 commissioner will not be running. So our
13 incumbent will not be running for another term.
14 There is another candidate that is open to
15 serving as well. And I guess at the end of the
16 day, I just want to do what we can to make sure
17 that our community has a selection of candidates
18 to choose from since the incumbent of course is
19 not serving.

20 Again, my apologies to you guys. I
21 definitely respect the elections process and I do
22 apologize for that misstep. But I'm just asking

1 if you guys would give consideration if you will
2 -- or this body would give consideration to offer
3 me an opportunity now that I have everything
4 submitted, to have my name placed on the ballot.

5 And at the end of the day, I thank you
6 all in advance for your consideration. And
7 truly, truly appreciate having the opportunity to
8 come before you this afternoon to ask your
9 consideration. So thank you.

10 MS. STROUD: Thank you. Do the Board
11 Members have any questions for Mr. Adams?

12 CHAIR BENNETT: No, I don't have any
13 questions. Thanks so much, Mr. Adams.

14 MR. ADAMS: You're welcome.

15 MS. STROUD: Mr. Gill?

16 MEMBER GREENFIELD: No, I don't have
17 any questions.

18 MS. STROUD: Okay. Any comments from
19 the Voter Services Division?

20 MEMBER GILL: No questions from me.
21 Thanks.

22 MS. STROUD: Okay. Thanks, Michael.

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Okay. Mr. Adams, so as Mr. Bennett explained, the Board is going to hear all of the matters that are scheduled for today. And then they will vote to go into executive session to deliberate. At the end of which they will come back on the record to vote with respect to each matter. And if you're not on the call at that point, I will email you to notify you of the Board's determination.

MR. ADAMS: Okay, thank you. So should I just stay on the call or how does that work?

MS. STROUD: You are perfectly welcome to. The next hearing is not scheduled until 5:00 p.m., but I am making an effort to have that occur earlier. So you are free to stay on the line.

MR. ADAMS: Okay. I do have another call. I'm actually teleworking, which is why I'm not really showing my picture because I'm home. So forgive me.

1 MS. STROUD: Okay. Understood,
2 understood.

3 MR. ADAMS: I'm not too comfortable.
4 But you know, I do appreciate that. Can I call
5 back in, in about 15 minutes? Would that be
6 okay?

7 MS. STROUD: Sure, sure. The link
8 will still be accessible.

9 MR. ADAMS: Okay, great.

10 CHAIR BENNETT: Mr. Adams, we're going
11 to go into executive session to discuss them all.
12 After we finish with them all, you're more than
13 welcome to be a part of anything that you'd like.
14 But also during executive session, we're going to
15 go off of Zoom and then come back with a
16 decision. But Ms. Stroud will put it out by
17 email anyway. But it's your call. I just wanted
18 to make sure you knew.

19 MR. ADAMS: Okay. Okay. Well I'll
20 just look to the email because I am still
21 working, so I do appreciate that. Once again,
22 thank you all for allowing me to come before the

1 Board and I truly appreciate having the
2 opportunity. So thank you, all. Thank you.

3 MS. STROUD: Thank you, Mr. Adams.

4 MR. ADAMS: Okay, take care. Bye-bye.

5 (Whereupon, the above-entitled matter
6 went off the record at 4:06 p.m. and resumed at
7 4:53 p.m.)

8 MS. STROUD: Hi, Ms. Hibbs. How are
9 you? Are you on mute?

10 MS. HIBBS: Can you hear me now?

11 MS. STROUD: Yes, thank you.

12 CHAIR BENNETT: Okay, thank you. Hi,
13 Ms. Hibbs. This is Michael Bennett. I'm the
14 Chair of the Board of Elections. Thank you for
15 your appeal and your time this afternoon. With
16 us here is Board Member Karyn Greenfield and also
17 Board Member Michael Gill. We are, you know,
18 this is obviously with Zoom and all that. But
19 this is a very -- pretty informal hearing. We'll
20 hear your appeal and your position. And we
21 certainly are happy to do that.

22 Afterwards, Ms. Stroud will -- I'm

1 going to give it to her in a second -- But
2 afterwards, we're going into executive session
3 and deliberate on all the matters we've heard
4 today. And vote and have decisions. And so she
5 will -- And then we'll come back out of executive
6 session. But she will be contacting you by email
7 later on this evening, giving you the results and
8 the vote tally of the three Board Members. So
9 with that, I will turn it over to Ms. Stroud.
10 Thank you for -- I think you have moved your time
11 around and able to see us early, so thank you for
12 that. And I'll turn it over to Ms. Stroud now to
13 kind of follow through with the process.

14 MS. STROUD: Hi, Ms. Hibbs. How are
15 you?

16 MS. HIBBS: Doing well. How are you?

17 MS. STROUD: Good, good. So I think
18 the Chair explained it all. The Board is here to
19 hear your appeal from the Executive Director's
20 adverse preliminary determination regarding your
21 eligibility to appear on the ballot as a
22 candidate for the Office of Advisory Neighborhood

1 Commissioner in ANC Single Member District 6E04.
2 And we have your written material for the record
3 and it will be entered into the record for this
4 hearing. But you have the opportunity now to
5 orally explain to the Board why you should be
6 granted access to the ballot despite the late
7 filling of the Declaration of Candidacy. And so
8 the floor is yours.

9 MS. HIBBS: Okay. Thank you, Ms.
10 Stroud. I appreciate the opportunity to appear
11 and provide my appeal in a verbal manner. So
12 thank you. So I think that I'll just go through
13 what I wrote simply and clearly as requested. So
14 I submitted my paperwork for Advisory
15 Neighborhood Commissioner for single member
16 district 6E04 on Wednesday, August 5 at 1:38 p.m.
17 Eastern Time.

18 I had attempted to schedule an
19 appointment on Monday, August 3rd around 9:00
20 a.m. I called the office to try to get an
21 appointment for that day. I'm an essential
22 employee who has to go into the office, so I

1 found the opportunity for going in-person to be
2 quite limited. But as a first time candidate had
3 preferred to do it that way to make sure that I
4 had everything buttoned up and everything was
5 okay. I don't have a scanner at the house, so I
6 have to borrow a neighbor's.

7 So I was informed that on Monday,
8 August 3rd that there were no appointments
9 available for that Monday, that they were all
10 booked up. She offered me Tuesday, August 4th,
11 the BOE staff member. And there was a hurricane
12 forecasted, so I asked for a time on Wednesday,
13 August 5th and was offered an appointment in the
14 afternoon and I booked that.

15 After I submitted my petition
16 following that phone call on Wednesday, August
17 5th, I had a fever and COVID-like symptoms and
18 made the determination that submitting the
19 paperwork electronically was in the best interest
20 of everyone. At 4:58 p.m. I received a
21 notification from the BOE that they received my
22 email with the nominating petitions and a

1 reminder to submit the Declaration of Candidacy.
2 I responded 16 minutes later at 5:14 p.m. Eastern
3 Time with a Declaration of Candidacy. I thought
4 I had already filled it out, but they're -- I'll
5 go into the details of that later on.

6 So I think the first point that I make
7 in my -- the written appeal that I submitted was
8 the notification to the candidate. And so
9 expecting that the review of the specifics of the
10 paperwork at least would be done within three
11 business days following that deadline -- the
12 Declaration of Candidacy being one of them, but
13 the other paperwork listed in the requirements
14 would also be reviewed. I assumed everything was
15 fine given that after three days, I did not hear
16 anything by mail, email immediately following
17 that time period until the past Monday.

18 So as I noted, I've made campaign
19 decisions. I've raised funds. I've spent
20 significant funds. I've signed contracts for
21 campaign material based on the thought that --
22 although I now know that, that letter was -- the

1 Declaration of Candidacy was 14 minutes late, I
2 assumed that there was no problem based on the
3 fact that I was not notified. And so, I think
4 that is that point.

5 I also noted that DC Municipal
6 Regulation 601.5 states that the deadline should
7 be the same day as filing the nominating
8 petition. And so I noted that I did make the
9 same day despite it being at 5:14 p.m. Sorry,
10 there is a fly in front of my face.

11 The third point that I make is just
12 the inconsistent and unclear instruction. I
13 attached an attachment to my Letter of Appeal, so
14 I hope that, that's there. That was a copy and
15 paste of what was on the website, the BOE's
16 website, that outlines the various steps for
17 submitting all of the paperwork and getting your
18 name on the 2020 ANC ballot. I note that the
19 Forms to File section says that the declaration
20 does not have to be filed before August 5th.

21 I also note that there is a
22 distinction that's said in that first section

1 under Forms to File -- it makes a differentiation
2 between the Statement of Candidacy versus the
3 declaration. And what has been pointed out to me
4 is that there's -- later on down at the bottom of
5 the page, says that the deadline for the
6 Statement of Candidacy -- no, declaration -- the
7 Declaration of Candidacy is due at the deadline
8 that was listed, 5:00 p.m. on Wednesday, August
9 5th. But that it does not also make a
10 differentiation at that point between that one
11 and the Statement of Candidacy -- the confusion
12 between those two forms in the instructions that
13 were outlined on the BOE's website.

14 I also note that I submitted the
15 nominating petitions, which have confirmed what I
16 needed to submit when I talked to someone on the
17 phone on that Monday, August 3rd. They said that
18 you can submit the nominating petitions by email.
19 I did that. I did that well within the time
20 period -- the deadline, which was 5:00 p.m. I
21 submitted them at 1:38 p.m. Eastern Time.

22 And then at two minutes before what I

1 now know is the deadline -- the 5:00 p.m.
2 deadline, which I thought was just for the
3 nominating petition, they did mention that I
4 needed to submit the Declaration of Candidacy.
5 And that form, I responded 16 minutes later, 14
6 minutes after the 5:00 p.m. deadline. But I make
7 the point that it did take three hours and 20
8 minutes to respond. And had I been able to go
9 in-person as I had wanted to without
10 complications of COVID, which I go into in the
11 last one, that I would have immediately learned
12 that I had not submitted the form that is at
13 issue here.

14 So the final point being COVID-19
15 complication. I'll again make the point that
16 it's just difficult for essential employees to be
17 able to get the time periods that have been
18 offered, the 10:00 a.m. to 2 o'clock p.m. Eastern
19 Time, middle of the day, to be able to go do
20 that. And then there was severe weather on
21 Tuesday, August 4th. And then ending up having
22 the COVID-like symptoms, as well as a fever.

1 Making the determination that based on
2 those factors, that it would be best to submit
3 the paperwork electronically to keep everyone
4 safe at the end of the day was really to my own
5 detriment -- potentially to my detriment in this
6 particular instance given that had I been in-
7 person, it could have been adjudicated right on
8 the spot.

9 So with that, that is a verbal
10 overview of my appeal and I ask the BOE to
11 overturn the adverse determination of my
12 eligibility. Thank you.

13 MS. STROUD: Thank you, Ms. Hibbs. Do
14 the Board Members have any questions for Ms.
15 Hibbs?

16 CHAIR BENNETT: No, I don't have any
17 questions. Thanks so much for your time though
18 and your explanation. It was well presented.
19 Thank you. Mr. Gill, any comments? Any
20 questions?

21 MEMBER GILL: No questions, thanks --
22 Thank you for sending the written appeal also.

1 CHAIR BENNETT: Ms. Greenfield?

2 MEMBER GREENFIELD: No, no questions.

3 Thank you.

4 CHAIR BENNETT: Okay. Ms. Hibbs,
5 we're going to -- I'm going to call for -- do we
6 have any comments from the Registrar? Okay. Ms.
7 Stroud, if you don't mind, I'm going to call for
8 a vote from the Board to go into executive
9 session. So can I get a motion to deliberate on
10 the --

11 MEMBER GILL: Do you want to explain
12 to Ms. Hibbs what's going on here? I think --

13 CHAIR BENNETT: Oh, I'm sorry. My
14 apologies. Yeah, my apologies, Ms. Hibbs. We're
15 going to take a vote, go into executive session.
16 You're the last of the persons that we're hearing
17 an appeal from today. And we're going to go --
18 We're going to take a vote to go into executive
19 session to deliberate on all the appeals we've
20 heard today, including yours. We will take a
21 vote on all the appeals, including yours.

22 MS. STROUD: We'll return to the

1 record and they'll take the vote.

2 CHAIR BENNETT: Yes. Once we return
3 to the record, we'll take the vote. And we will
4 -- if you're on, then that's fine. If you're
5 not, that's okay. Ms. Stroud will put out an
6 email after we are done that will inform all the
7 persons that are appealing the adverse decision
8 what the vote was and the disposition of their
9 appeal. So that's what we're going to do right
10 now. Okay, do you have any questions? I don't
11 want to ignore your situation or your appeal. Do
12 you have any questions at this point?

13 MS. HIBBS: No questions. Thank you
14 for the information.

15 CHAIR BENNETT: Okay, great. Can I
16 get a motion from Ms. Greenfield for the Board to
17 go into executive session?

18 MEMBER GREENFIELD: Yes. I move that
19 we go -- the Board go into executive session.

20 CHAIR BENNETT: Can I get a second
21 from Mr. Gill?

22 MEMBER GILL: Second.

1 CHAIR BENNETT: It's been properly
2 moved and seconded. All in favor of going into
3 executive session, Mr. Gill?

4 MEMBER GILL: Aye.

5 CHAIR BENNETT: Ms. Greenfield?

6 MEMBER GREENFIELD: Aye.

7 CHAIR BENNETT: And aye as well. So
8 this meeting is suspended and we'll go into
9 executive session to deliberate. We'll call back
10 -- We'll connect on a separate line, Ms.
11 Greenfield and Mr. Gill --

12 MEMBER GREENFIELD: Okay.

13 CHAIR BENNETT: -- in about two
14 minutes. And we'll return probably by -- Let's
15 see, it's 5:05. We'll return at the latest at
16 5:30, but we're going to try to return as early
17 as 5:20. Okay? All right, thank you.

18 (Whereupon, the above-entitled matter
19 went off the record at 5:06 p.m. and resumed at
20 5:24 p.m.)

21 CHAIR BENNETT: We've been off the
22 record and deliberated on the various appeals

1 we've had regarding ballot access for various ANC
2 Commissioner elections. And so now I'd like to -
3 - We're going to go through a take a voice vote
4 on each of the -- on each of the persons. And so
5 I'd like to get a motion regarding Rob Hudson
6 from Ms. Greenfield. Do you have the language,
7 Ms. Greenfield for the motion on Mr. Robb
8 Hudson's appeal?

9 MS. STROUD: So if you decide that
10 the error with respect to the failure to timely
11 file the Declaration of Candidacy -- if you
12 decide that, that error should be waive, you
13 would say, I move that we waive the error with
14 respect to the failure to timely file the
15 Declaration of Candidacy and grant ballot access
16 to the candidate.

17 MEMBER GREENFIELD: Okay.

18 MS. STROUD: And if that's not -- if
19 that is not your decision, you'd say, I move that
20 we do not waive the error and deny ballot access
21 to the candidate.

22 MEMBER GREENFIELD: Okay. I move that

1 we waive the error --

2 MEMBER GILL: That's a mouthful.

3 MEMBER GREENFIELD: I know. Let's see
4 how much I remember. I move that we --

5 CHAIR BENNETT: With respect to Robb
6 Hudson?

7 MEMBER GREENFIELD: With respect to
8 Robb Hudson, and grant access to the ballot.

9 CHAIR BENNETT: Okay. It's been
10 properly moved.

11 MEMBER GILL: Second.

12 CHAIR BENNETT: Mr. Gill gives second.
13 And let's take a voice vote. Ms. Greenfield?

14 MEMBER GREENFIELD: Aye.

15 CHAIR BENNETT: Mr. Gill?

16 MEMBER GILL: Aye.

17 CHAIR BENNETT: And aye for me, so
18 it's unanimous. Robb Hudson now has ballot
19 access.

20 With respect to Merritt Drucker, Mr.
21 Gill, can you give me a motion?

22 MEMBER GILL: Aye. Oh, I'm sorry. I

1 make a motion to waive the Executive Director's
2 determination that there was an error and that we
3 grant him ballot access.

4 CHAIR BENNETT: Second, Ms.
5 Greenfield?

6 MEMBER GREENFIELD: Second.

7 MS. STROUD: For short hand, I think
8 you can either say I move that we deny ballot
9 access or grant ballot access.

10 MEMBER GREENFIELD: Okay.

11 (Simultaneous speaking.)

12 CHAIR BENNETT: It's been properly
13 moved and seconded that Merritt Drucker be
14 granted ballot access. Ms. Greenfield?

15 MEMBER GREENFIELD: Aye.

16 CHAIR BENNETT: Mr. Gill, your vote?

17 MEMBER GILL: Aye.

18 CHAIR BENNETT: It is unanimous. I
19 vote aye as well.

20 Jeri Epstein -- Ms. Greenfield, can
21 you give me a motion?

22 MEMBER GREENFIELD: Yes. I move that

1 we grant ballot access to Jeri Epstein.

2 CHAIR BENNETT: Mr. Gill?

3 MEMBER GILL: Second.

4 CHAIR BENNETT: It's been properly
5 moved and seconded. And voice vote, Ms.
6 Greenfield?

7 MEMBER GREENFIELD: Aye.

8 CHAIR BENNETT: Mr. Gill?

9 MEMBER GILL: Aye.

10 CHAIR BENNETT: Aye for me as well.
11 It's unanimous. Jeri Epstein is granted ballot
12 access.

13 With respect to Clara Botstein -- Can
14 I get a motion, Botstein? Can I get a motion,
15 Mr. Gill? With regard to ballot access?

16 MEMBER GILL: With regard to ballot
17 access, the name again?

18 CHAIR BENNETT: Clara Botstein.

19 MEMBER GILL: Clara Botstein, I waive
20 that we grant ballot access -- I mean I motion
21 that we waive the error and grant ballot access.

22 CHAIR BENNETT: Great. Ms.

1 Greenfield?

2 MEMBER GREENFIELD: I second.

3 CHAIR BENNETT: It's been properly
4 moved and seconded. Can I get a voice vote on
5 Clara Botstein in terms of ballot access, Mr.
6 Gill?

7 MEMBER GILL: Aye.

8 CHAIR BENNETT: Ms. Greenfield?

9 MEMBER GREENFIELD: Aye.

10 CHAIR BENNETT: And it's aye for me as
11 well, so it's unanimous.

12 With regard to Phil Toomajian and
13 ballot access, can I get a motion relative to
14 whether you wish to grant or deny Mr. Phil
15 Toomajian ballot access. Ms. Greenfield?

16 MEMBER GREENFIELD: I move that we
17 grant ballot access to Mr. Phil Toomajian.

18 CHAIR BENNETT: Mr. Gill, can I get a
19 second?

20 MEMBER GILL: Second.

21 CHAIR BENNETT: It's been properly
22 moved and seconded. Voice vote, Ms. Greenfield?

1 MEMBER GREENFIELD: Aye.

2 CHAIR BENNETT: Mr. Gill?

3 MEMBER GILL: Aye.

4 CHAIR BENNETT: Aye as well, so it's
5 unanimous. Okay, I'll come back here.

6 For Latoya Moore, it's been -- Can I
7 get a motion with regard to ballot access for
8 Latoya Moore? I will add though that with
9 respect to Ms. Moore, if you are interested in
10 providing her ballot access, it should be with
11 the proviso that she actually sign the petition -
12 - the Declaration of Candidacy prior to her
13 having ballot access. Can I get a motion, Ms.
14 Greenfield, with regard to Latoya Moore?

15 MEMBER GREENFIELD: Yes, I move that
16 we grant Latoya Moore ballot access provided that
17 she sign the declaration with signature or
18 digital signature.

19 CHAIR BENNETT: Okay. Mr. Gill, can
20 I get a second?

21 MEMBER GILL: Second.

22 CHAIR BENNETT: It's been properly

1 moved and seconded that Latoya Moore be granted
2 ballot access provided that she provides an
3 actual signature for the declaration by Monday,
4 close of business. Ms. Stroud will be in contact
5 with her. Can I get a voice vote, Ms.
6 Greenfield?

7 MEMBER GREENFIELD: Aye.

8 CHAIR BENNETT: Mr. Gill?

9 MEMBER GILL: Aye.

10 CHAIR BENNETT: And it's aye for me as
11 well, so it's unanimous.

12 With respect to Amber Gove, can I get
13 a motion with regard to whether or not we should
14 provide her with ballot access, Ms. Greenfield?

15 MEMBER GREENFIELD: I move that we
16 grant ballot access to Amber Gove.

17 CHAIR BENNETT: Okay. It's been
18 properly moved. Can I get a second?

19 MEMBER GILL: Second.

20 CHAIR BENNETT: Properly moved and
21 seconded. Voice vote, Mr. Gill?

22 MEMBER GILL: Aye.

1 CHAIR BENNETT: Ms. Greenfield?

2 MEMBER GREENFIELD: Aye.

3 CHAIR BENNETT: And aye for me as well
4 with regard to Amber Gove and ballot access is
5 granted.

6 With respect to Elizabeth Miller, Mr.
7 Gill can you give me a motion as to whether or
8 not we should grant Ms. Miller ballot access?

9 MEMBER GILL: I move that we grant Ms.
10 Miller ballot access.

11 MEMBER GREENFIELD: I second.

12 CHAIR BENNETT: It's been properly
13 moved and seconded that we grant Elizabeth Miller
14 ballot access. Can I get a voice vote, Ms.
15 Greenfield?

16 MEMBER GREENFIELD: Aye.

17 CHAIR BENNETT: Mr. Gill?

18 MEMBER GILL: Aye.

19 CHAIR BENNETT: Aye for me as well.

20 It's unanimous. Ms. Elizabeth Miller is granted
21 ballot access.

22 John Adams -- Can I get a motion from

1 Mr. Gill with regard to John Adams and granting
2 him ballot access?

3 MEMBER GILL: I move that we grant
4 ballot access to John Adams.

5 CHAIR BENNETT: It's been properly
6 moved. Can I get a second?

7 MEMBER GREENFIELD: I second it.

8 CHAIR BENNETT: It's been properly
9 moved and seconded. Can I get a voice vote, Ms.
10 Greenfield?

11 MEMBER GREENFIELD: Aye.

12 CHAIR BENNETT: Mr. Gill?

13 MEMBER GILL: Aye.

14 CHAIR BENNETT: And aye for me as
15 well, unanimous. John Adams is granted ballot
16 access.

17 With respect to I-Ra Abubaker, can I
18 get a motion with regard to granting her ballot
19 access or not? Mr. Gill?

20 MEMBER GILL: I move that we grant
21 ballot access --

22 CHAIR BENNETT: I-Ra Abubaker.

1 MEMBER GILL: -- I-Ra Abubaker.

2 CHAIR BENNETT: Okay. Can I get a
3 second from Ms. Greenfield?

4 MEMBER GREENFIELD: I second.

5 CHAIR BENNETT: It's been properly
6 moved and seconded. Voice vote, Mr. Gill?

7 MEMBER GILL: Aye.

8 CHAIR BENNETT: Ms. Greenfield?

9 MEMBER GREENFIELD: Aye.

10 CHAIR BENNETT: It's unanimous. I
11 vote aye as well. Ms. Abubaker is granted -- I-
12 Ra Abubaker's appeal is granted for ballot
13 access.

14 Jordan Hibbs -- Mr. Gill, can you give
15 me the final motion of whether or not Jordan
16 Hibbs should be granted ballot access?

17 MEMBER GILL: I move that we grant
18 ballot access to Ms. Jordan Hibbs.

19 CHAIR BENNETT: Ms. Greenfield, can I
20 get a second?

21 MEMBER GREENFIELD: I second.

22 CHAIR BENNETT: It's been properly

1 moved and seconded. Voice vote, Mr. Gill?

2 MEMBER GILL: Aye.

3 CHAIR BENNETT: Ms. Greenfield?

4 MEMBER GREENFIELD: Aye.

5 CHAIR BENNETT: It's aye for me as
6 well, so it's a unanimous decision. Jordan Hibbs
7 is granted ballot access.

8 There are no more matters before the
9 Board today. Mr. Gill, do you have any matters
10 before I ask for a motion to close?

11 MEMBER GILL: None for me. Thank you,
12 Mr. Chairman.

13 CHAIR BENNETT: Ms. Greenfield, do you
14 have any matters we need to deal with before I
15 ask for a close?

16 MEMBER GREENFIELD: No, I don't.
17 Thank you.

18 CHAIR BENNETT: Okay. It is -- Can I
19 get a motion that we adjourn this special meeting
20 of the DC Board of Elections, Mr. Gill?

21 MEMBER GILL: I move that we adjourn
22 this special meeting of the DC Board of

1 Elections.

2 CHAIR BENNETT: Can I get a second?

3 MEMBER GREENFIELD: I second.

4 CHAIR BENNETT: And I third, so it's
5 unanimous. The meeting is now adjourned. Thank
6 you so much.

7 (Whereupon, the above-entitled matter
8 was concluded at 5:33 p.m.)

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A

a.m. 90:20 95:18
able 25:15 50:11 51:16
 51:17 55:1 70:11,16
 77:19 78:15,16 89:11
 95:8,17,19
above-entitled 9:3 15:2
 22:8 34:19 48:7 57:3
 66:2 75:6 81:6 88:5
 99:18 111:7
absence 25:13
absolutely 21:11 22:4
 34:14 36:22 70:17
Abubaker 75:9,11,15
 75:16 77:10 78:14
 79:5 80:3,15 81:4
 108:17,22 109:1,11
Abubaker's 109:12
accept 5:17 43:20
access 2:12 5:4 9:22
 10:11,13 11:18 13:6
 14:8 16:22 17:5 23:15
 23:17 25:19 26:13
 36:2 37:18,21 38:6
 41:4,11 44:17 51:15
 53:1,5 54:17 58:20
 59:3,4 67:21 69:15,18
 73:1 77:2,8 80:21
 82:9 83:7,10 90:6
 100:1,15,20 101:8,19
 102:3,9,9,14 103:1,12
 103:15,17,20,21
 104:5,13,15,17 105:7
 105:10,13,16 106:2
 106:14,16 107:4,8,10
 107:14,21 108:2,4,16
 108:19,21 109:13,16
 109:18 110:7
accessible 87:8
acknowledge 3:10,12
 3:17
action 53:3
active 59:7,9
actual 11:20 106:3
Adams 81:9,10,13,15
 81:16 82:6,17,22 83:3
 83:13,14,20 85:11,13
 85:14 86:2,11,19 87:3
 87:9,10,19 88:3,4
 107:22 108:1,4,15
add 7:14,15 12:16,17
 12:22 30:10,12 55:21
 105:8
addition 27:2 36:15
 53:4
additional 28:4 39:12
 53:6,9 55:11 60:12,15
 60:19

address 5:1 25:15 41:5
addressed 29:1
adjourn 110:19,21
adjourned 111:5
Adjournment 2:14
adjudicated 96:7
admit 18:3 70:2
adults 50:11
advance 37:4 85:6
adverse 2:10 10:9
 16:20 23:10 35:19
 58:14 69:13 76:22
 83:5 89:20 96:11 98:7
advise 40:10
advised 37:9
Advisory 4:19 10:7
 17:1 23:12 58:17 59:8
 77:2 83:7 84:11 89:22
 90:14
advocacy 24:8 29:18
advocate 24:16
afternoon 3:3 4:6,17
 8:9 24:4 35:9 36:5
 37:3 47:3 49:21 58:6
 60:7 76:14 81:9 83:15
 85:8 88:15 91:14
aging 21:4
agree 71:10
ahead 24:2 30:16 48:16
 51:7 56:17 68:15 81:1
albeit 13:8
Alice 73:18 74:6
all's 83:1
Allies 77:21
allow 5:2 54:15 55:9
 59:2 72:8
allowing 48:16 54:16
 87:22
Amber 47:6 49:22
 106:12,16 107:4
AmeriCorps 77:22
ANC 3:6 20:17 24:18
 26:2,3,20 27:22 29:2
 29:3,4,13 31:13 35:21
 36:10,10 38:8 40:19
 41:21 42:6,7 50:2,3
 62:19 63:12 69:15
 70:4 78:8,8 83:12
 90:1 93:18 100:1
anc.dc.gov 26:4
announce 14:5
annual 37:2
answer 44:22
anticipate 46:10
anxiety 54:20
anybody 68:19 80:14
anyway 87:17
apologies 48:13 67:6

84:20 97:14,14
apologize 37:3 72:1
 84:22
apologized 71:20
appeal 6:19 16:19 23:9
 23:15 25:5 30:3 35:18
 40:22 58:13 65:12
 67:19 69:7,12 75:19
 76:5,12,21,22 83:4,18
 88:15,20 89:19 90:11
 92:7 93:13 96:10,22
 97:17 98:9,11 100:8
 109:12
appealing 82:8 98:7
appeals 2:10 97:19,21
 99:22
appear 35:20 47:9
 58:15 89:21 90:10
appearance 55:16
appeared 42:8,9
appearing 33:14,19
 35:2 76:17
appears 54:10
application 27:5 43:3
applying 4:18
appointment 90:19,21
 91:13
appointments 91:8
appreciate 8:12 14:21
 17:8 21:10 30:3 46:15
 49:18 51:13 55:15
 56:15 73:11 83:2 85:7
 87:4,21 88:1 90:10
approached 84:9
approved 29:2
Apt 5:8
arena 84:3
arguably 19:3
argue 28:11
articulated 45:7
Ascertainment 2:8
asked 18:22 27:3 39:12
 39:17,20 41:11 51:22
 52:15 59:6 60:4,7,8
 78:19 79:18 84:10
 91:12
asking 19:18 62:5,8
 84:22
assist 29:6 53:18
Assistant 1:20
assumed 92:14 93:2
assured 37:8
attach 5:13
attached 5:11 7:7,9
 93:13
attachment 5:15 93:13
attempt 36:20 69:14
 77:1 83:6

attempted 90:18
attended 26:2
attending 59:9
attention 51:9 59:11
Attorney 1:18
audible 72:19
audio 15:6 59:5,14
 60:15 64:2,4,19
August 1:9 25:2,9
 26:18,22 27:1,15 29:1
 29:16 31:17,21 41:1
 61:5 80:3,8 90:16,19
 91:8,10,13,16 93:20
 94:8,17 95:21
available 31:19 91:9
Avenue 5:8
aware 23:13 50:15 84:1
Awe 74:7
awesome 65:20
aye 99:4,6,7 101:14,16
 101:17,22 102:15,17
 102:19 103:7,9,10
 104:7,9,10 105:1,3,4
 106:7,9,10,22 107:2,3
 107:16,18,19 108:11
 108:13,14 109:7,9,11
 110:2,4,5

B

back 8:18 11:5 12:3,4
 17:14,21 21:19 27:16
 32:10,18 33:7 47:21
 63:4 65:8 66:14 74:20
 80:18 81:2,11 86:7
 87:5,15 89:5 99:9
 105:5
background 24:7 29:18
 37:12 38:4
bad 63:3
ballot 2:8,12 5:4,6 9:22
 10:11,13 11:17 13:6
 14:8 16:22 17:4 23:14
 23:17 25:4 26:13
 29:18,22 35:21 36:2
 37:18,22 38:6 41:3
 43:1 44:17 51:15
 52:13 53:1,5 54:7,16
 55:9 58:16,20 59:3,4
 61:8 67:21 69:15,18
 71:10,18 72:8 73:1
 77:2,8 80:21 82:9
 83:7,10 85:4 89:21
 90:6 93:18 100:1,15
 100:20 101:8,18
 102:3,8,9,14 103:1,11
 103:15,16,20,21
 104:5,13,15,17 105:7
 105:10,13,16 106:2

106:14,16 107:4,8,10
 107:14,21 108:2,4,15
 108:18,21 109:12,16
 109:18 110:7
ballots 74:4
Bard 24:13
barriers 19:21
based 19:18 92:21 93:2
 96:1
beautiful 67:2,7
began 29:9
believe 5:14 6:2 11:22
 44:19 71:7,11 72:3
 74:1 80:3
best 38:16 39:4 44:2
 54:14 91:19 96:2
big 33:13 40:6 56:17
 74:6
bit 17:10 50:9 70:7
 71:14,15 78:14
blessed 36:16
Board's 21:22 26:6
 31:20 34:2 38:9 45:19
 65:11 74:22 86:10
body 85:2
BOE 39:22 40:4,18 41:2
 70:8 91:11,21 96:10
BOE's 93:15 94:13
booked 91:10,14
borrow 91:6
bosses 74:5
bother 82:2
Botstein 22:11,12,18
 23:5,7,18,22 24:3,5
 30:7,15 31:13 32:6
 33:17 34:4,8,11,15,17
 103:13,14,18,19
 104:5
Botstein's 45:14
bottom 13:11 32:2 94:4
Box 5:16
bring 19:2 77:17
Brooks 1:19 12:15 20:3
 30:11,18
brother 78:19
brought 42:8 59:10
building 20:22
burden 44:16 50:16
buried 36:22
business 92:11 106:4
busy 83:1,17
Butler's 64:10
buttoned 91:4
bye 65:22
bye-bye 15:1 22:7
 34:18 57:1,2 88:4

C

cache 32:7 33:9
call 3:9 19:10 40:14
 74:2 75:18 80:19 86:8
 86:12,20 87:4,17
 91:16 97:5,7 99:9
called 2:6 3:21 17:21
 39:2 53:19 90:20
calls 37:12
campaign 29:1,4,6,7,11
 29:17 92:18,21
campaigns 40:10
cancer 78:18
candidacies 37:15
candidacy 5:11,21 6:10
 6:17 7:7 10:18 13:8
 17:6 23:12 25:1 26:1
 26:13 28:16 31:16,16
 31:19 36:3 53:15
 58:21 59:16 63:18
 64:10,16 69:19 70:3
 71:2 77:6 78:13 79:4
 80:9 83:11 84:5 90:7
 92:1,3,12 93:1 94:2,6
 94:7,11 95:4 100:11
 100:15 105:12
candidate 4:18,19 10:7
 11:13 17:1 29:2,3,4
 29:13 31:11 41:19
 58:16 59:13,18,19
 60:20 61:9 71:8 84:14
 89:22 91:2 92:8
 100:16,21
candidate@dcboe.org
 39:16
candidates 40:19 42:5
 42:7 55:2 84:17
cane 21:2
canes 19:6 20:17
canvassing 29:9
capacities 56:14
capacity 36:12 44:12
 84:10
care 44:9 56:21 88:4
caring 50:22
case 5:3 9:21 10:12
 17:4 23:16 26:8 36:1
 55:3 58:19 71:5,16
cases 54:12
caused 31:7
certainly 71:2 73:3
 82:19 88:21
Chairman 110:12
challenge 25:21 61:6
 61:10 64:10,13
challenged 61:8,13
challenges 43:12
challenging 24:18
chance 30:2 36:20
 54:15 55:10
change 43:4
changed 41:14 42:3,10
chat 21:16
cheers 74:6,6
childcare 50:12,19
children 19:10 36:18
 37:4,6,7 40:8 50:22
choice 28:18
choose 37:5 84:18
circulation 11:14
circumstances 28:1
 30:6 43:21 44:3,18
 52:21 55:19 72:7
 78:12
civic-minded 36:7
Clara 24:5 103:13,18,19
 104:5
clarified 28:4
clarifying 46:1
clear 35:7 73:8
clearly 5:13 31:4 90:13
clerical 5:12 6:2
close 106:4 110:10,15
closer 51:3
co-chair 54:13
collecting 38:9
college 24:10,12,13
Colorado 67:4 68:5
 75:4
Columbia 1:2,11 19:5
 21:5 36:12
come 17:14 19:10
 21:19 43:17 65:7
 66:13 74:19 80:18
 85:8 86:6 87:15,22
 89:5 105:5
comes 49:12 77:16
 78:5
comfortable 39:7 76:3
 82:4 87:3
coming 39:8 47:13 55:6
 76:9
comments 45:21 55:20
 61:22 62:14 82:8
 85:18 96:19 97:6
Commission 59:8 83:8
 84:11
commissioner 4:20
 10:7 17:1 18:22 23:12
 35:21 36:10,16 41:21
 50:2 58:17 77:3 83:12
 84:12 90:1,15 100:2
commissioners 50:18
communication 25:20
 28:22
community 30:2 36:11
 41:21 44:9 50:7 77:13

77:18 78:1,3,7 84:9
 84:17
compassion 44:4 55:9
competition 20:16
competitive 30:1
complete 19:21 26:5
 27:13 39:18
completed 34:3 41:14
 42:14 53:10 83:22
completely 59:3
complicated 36:14
 37:20 43:19 50:9
complication 37:14
 95:15
complications 95:10
complied 12:1 38:2
component 26:16
comprehensive 7:21
computer 6:11 47:20
 66:18
concerning 34:2
concluded 47:16 111:8
conditions 54:19
conduct 10:3 23:3 35:5
 49:10 58:4 68:12
 82:16
confirm 25:12 60:9 79:8
confirmed 51:21 94:15
conflicting 33:12
confusing 19:13 31:10
 72:3
confusion 11:21 25:8
 25:18 26:19 94:11
congratulations 65:15
connect 73:10 99:10
connected 28:2
connecting 15:6
conscientious 28:5
consider 53:9 84:10
consideration 8:11
 34:12 44:22 65:3 85:1
 85:2,6,9
constituents 53:13
 71:19
contact 21:21 41:5
 43:18 106:4
contacting 89:6
CONTENTS 2:4
contest 69:15 77:2 83:8
contested 71:13
continue 54:16
contracts 92:20
Contributing 50:3
convened 1:11
convenient 68:4
conversation 28:3
copy 11:20 41:9 93:14
coronavirus 36:13,19

correct 7:4,11 31:5
51:22 52:16,17 58:22
60:11
correctly 25:13 35:12
correspondents 16:14
corresponding 26:6
cost 36:19,19
counsel 4:1 37:13,17
51:14
countless 37:16 50:3
couple 8:18 47:19 48:2
81:22
course 9:13 53:2 84:5
84:18
court 5:1
courtesy 55:4 64:7
COVID 95:10
COVID- 59:13
COVID-19 25:20 95:14
COVID-like 91:17 95:22
crazy 72:2
created 29:8
crisis 29:20
Critical 77:21
cross 70:22
curiosity 20:18,19
curious 20:15
current 84:11

D

D 1:18
D.C 77:20
data 26:14
date 6:6,9,16 7:2 79:4
80:2
dated 7:7
daughter 63:4 65:16
day 6:12,14 27:10,13
28:19 32:22 34:17
55:7 60:6,7 61:9
64:11 69:2 84:16 85:5
90:21 93:7,9 95:19
96:4
days 16:14 29:16 49:8
53:3 54:8 55:13 61:6
68:2 92:11,15
DC 5:9 24:6,14 28:22
51:1,14 54:21 70:7
93:5 110:20,22
dcboa.org 59:18
deadline 25:2 26:19
27:9,21 28:19 54:5
80:7 92:11 93:6 94:5
94:7,20 95:1,2,6
deadlines 5:20 26:12
deal 33:13 40:6 74:2
110:14
Deanna 1:20 12:18

Deceleration 6:17
decide 100:9,12
decided 27:13 80:21
decision 21:22 25:5
34:2 38:1 67:19 69:6
72:22 73:9 74:22 82:8
87:16 98:7 100:19
110:6
decisions 33:22 69:4
89:4 92:19
declaration 5:10 6:10
7:6 10:17 13:1,7 17:6
24:22 25:9,14 26:17
26:21 27:8,14 31:15
31:16,19 32:20 36:3
53:15 58:21 63:18
69:19 70:2 71:2 77:6
78:13 79:4 80:9 83:11
84:5 90:7 92:1,3,12
93:1,19 94:3,6,7 95:4
100:11,15 105:12,17
106:3
deemed 41:2 43:3
deeply 44:9
defense 18:6 84:3
deficient 23:15
definitely 31:3 33:9
34:12 84:21
delay 28:11
deliberate 4:11 14:3
21:17 33:21 45:15
65:7 74:19 80:17
82:11 86:6 89:3 97:9
97:19 99:9
deliberated 99:22
deliberations 46:3
deliver 39:8
demographically 19:4
demonstrated 53:12
deny 100:20 102:8
104:14
denying 37:21 41:3
44:17
Department 60:17
Deputy 7:13 30:9
described 53:21
desk 21:2
despite 5:4 11:21 36:2
58:20 59:3 69:18 77:8
83:10 90:6 93:9
details 92:5
determination 5:5,10
10:10 16:20,21 23:11
35:20 58:15 65:11
69:13,14 77:1 82:15
83:6 86:10 89:20
91:18 96:1,11 102:2
Determinations 2:11

determine 39:4
determined 77:5
detriment 96:5,5
developed 29:9
devoting 47:2
diagnosed 78:18
dial 47:20
dialogue 75:22
Diego 51:2
different 11:7 31:15
33:14 43:1,19 49:15
60:3
differentiation 94:1,10
differently 71:14
difficult 17:11 29:20
31:1 38:15 43:22 51:5
95:16
digital 105:18
direct 68:19
directly 25:18
Director 23:14 67:20
77:4
Director's 5:4 16:20
23:10 35:19 58:14
69:12 76:21,22 82:8
83:5 89:19 102:1
disappointed 29:14
discuss 17:9 25:3
87:11
discussion 14:11
dismayed 52:10
disposition 4:14 98:8
disproportionately
50:16
disqualified 27:19
distinction 93:22
distressed 52:19
district 1:2,11 4:20 10:8
17:2 19:4,4,6 20:17
21:5 23:13 30:1 35:22
36:7,12 58:18 77:4
90:1,16
Division 6:22 55:20
61:22 62:14,16 79:7
85:19
document 7:9 10:16,17
11:11 26:14 32:5 41:4
42:21 64:6 79:8 84:4
documentation 12:1
60:11,13,16 61:14,16
63:16 64:6,12,13,16
documents 11:7,18
13:6 17:13,14 18:8,11
18:14 24:21 25:12
38:11 83:22
doing 21:4 38:16 39:2
44:2 55:5 75:11 89:16
dot 70:22

double 70:21
drawn 8:6
Drop 5:16
dropping 40:2
Drucker 9:1,2,6,7,8,11
9:16,19 10:1,5,6,8,14
10:20 12:10,12,14,18
12:19,22 13:18 14:1,9
14:14,16,18,20,21
101:20 102:13
Drucker's 9:15
due 25:18 26:18 27:9
32:22 50:18 94:7

E

earlier 48:19 65:4 86:17
early 23:1 24:11 52:5
53:19 56:1,13 68:13
70:20,21 71:3 76:9
80:22 89:11 99:16
easier 70:7,10 71:19
east 24:12
Eastern 90:17 92:2
94:21 95:18
EDT 1:12
education 24:9
effort 86:16
efforts 26:4 51:13
either 5:14 37:4 38:14
39:14,16,22 102:8
election 19:13,17 26:12
30:1 40:20 51:11 52:2
elections 1:4,11,13,16
3:5 17:12 18:7 25:4
25:12 27:4,20 28:2,13
28:15,17 29:15 30:4
32:19 51:6,14 54:22
60:18 62:17 64:4
75:18 84:21 88:14
100:2 110:20 111:1
electric 51:8
electronic 26:10 32:12
electronically 91:19
96:3
eligibility 2:11 10:10
16:21 23:11 35:20
58:15 89:21 96:12
eligible 25:4 29:17
Elizabeth 107:6,13,20
else's 36:14
email 4:13 5:11 6:7,18
6:20,21,21 9:14 14:12
32:19 34:1 39:13,15
40:15 41:1 43:17
46:21 49:16 51:17
52:9 60:8,13,14 64:11
69:5 74:21 76:13
82:13 86:9 87:17,20

89:6 91:22 92:16
94:18 98:6
emailed 27:4,16
emails 6:11 11:6,7
52:13 60:10
emotionally 52:11
employed 36:17 50:11
employee 90:22
employees 95:16
employment 36:17
ends 64:22
engaged 19:20 59:10
enjoy 37:11 44:8 75:4
enjoyed 73:17
ensure 26:5
ensuring 51:11 53:13
enter 73:8
entered 90:3
enthusiasm 28:13
entire 61:17
Epstein 15:5,6,7,10,12
15:17,19,21 16:3,6,13
16:18 17:7 20:3,8,14
20:21 21:8,9,14 22:1
22:5,6 102:20 103:1
103:11
error 5:13 6:3 31:5 43:4
100:10,12,13,20
101:1 102:2 103:21
errors 11:21
especially 28:10,18
29:19 51:13
essential 90:21 95:16
essentially 51:3
establish 24:11
evening 52:10 58:8
76:14 77:11 82:14
89:7
event 65:10
events 29:10
everybody 4:14 22:22
46:21 48:19 68:1 76:7
76:10 77:11 82:10,14
everybody's 22:20
exceeding 53:11
excellent 43:22 83:20
83:20
excessively 44:16
excited 29:12
exclude 54:6
excuse 71:22
excuses 70:1
executive 4:7,9 5:4
16:20 23:10,14 35:19
46:18 49:14 58:5,14
65:6 67:20 69:3,12
74:18 76:11,21,22
77:4 82:11 83:5 86:5

87:11,14 89:2,5,19
97:8,15,18 98:17,19
99:3,9 102:1
expecting 92:9
experience 24:16
explain 10:11 42:2
69:17 83:9 90:5 97:11
explained 44:18 65:3
86:3 89:18
explanation 96:18
Exposure 77:21
expressed 71:12
extend 55:4
extreme 72:7
extremely 29:14 50:10
51:16 52:19

F

F 1:19
face 93:10
facing 71:9
fact 12:2 19:9,19 93:3
factors 96:2
facts 44:18
failed 84:4
failing 54:11
failure 54:8 100:10,14
fair 28:16 54:16
faith 29:8
fall 69:22
falls 50:17
family 44:7 50:10 73:3
far 80:22
fashion 26:16
fast 23:2
fatigue 49:8
favor 99:2
fear 50:19
feel 60:17 70:15 71:14
76:3
feet 39:1
fellow 50:17
felt 61:12 70:10
female 50:17
fever 91:17 95:22
figured 11:10,12 32:21
33:6,13
file 6:6 25:9 31:18 41:7
63:17,19 72:4 77:5
78:13,16 80:1 93:19
94:1 100:11,14
filed 6:8 7:1 13:3,7
25:11,13 26:10,12,21
27:1 31:17 36:2 40:21
58:20 69:18 71:12
79:3,9 83:11 93:20
filing 3:7 13:12 17:5
25:8,17 43:5 63:14

93:7
fill 17:16 70:8
filled 40:1 92:4
filling 90:7
final 82:15 95:14
109:15
finally 31:18
Finance 29:1,5
find 19:12 20:15 32:7
fine 18:3 67:1 92:15
98:4
finish 58:7 69:3 87:12
finished 4:5 47:13
first 4:17 10:17 15:12
24:11,19 28:6,7 31:11
32:8,17 33:11 35:12
38:17 59:17 61:3
62:19 63:11 70:4 91:2
92:6 93:22
five 50:10 54:10
fix 19:10
flexibility 30:5 53:7,9
floor 69:19 83:13 90:8
Florida 5:8
flow 17:10,20
fly 68:4 93:10
flyers 29:9
focused 32:9 33:11
folder 38:10
folks 77:14 78:3
follow 46:4 70:14,18
89:13
follower 70:15
following 41:12 53:5
91:16 92:11,16
forecasted 91:12
forget 32:20
forgive 86:22
forgot 78:21
form 5:20 25:1,9,14
26:14,17 27:1,9,15,18
28:5,18 32:3,3 33:5
38:3 41:10,16 42:12
42:16 43:8,14 52:14
52:16,17 53:15 54:2,6
54:11 60:19,20 78:16
78:20,22 95:5,12
forms 39:22 51:16,18
52:2 53:22,22 54:4
63:19 70:8 93:19 94:1
94:12
forthcoming 61:17
fortunate 50:10
forward 19:14 22:1 39:4
41:20 70:5 81:5
found 15:17,17 23:14
33:9 78:6,17 91:1
four 24:7 53:17

frankly 60:14
free 24:9 86:17
frequent 16:14
FRIDAY 1:8
front 21:2 93:10
froze 47:20
fulfilled 59:4
full 16:8
full- 36:16
fully 36:17 70:1
fundamental 51:8
funds 92:19,20
further 34:13

G

gain 69:14 77:2 83:6
General 1:18 4:1
generation 50:22
genuine 26:18
getting 8:9 65:15 93:17
Gill 1:15 3:12,14,14
7:20 8:2,17 13:20,20
20:11,14 21:6 22:16
30:16,20 35:4 36:5
45:5,5 49:3 56:8,9
57:22 62:1,5 66:8,9
66:11 67:17 72:10,11
75:20 79:16,18 81:21
85:15,20 88:17 96:19
96:21 97:11 98:21,22
99:3,4,11 101:2,11,12
101:15,16,21,22
102:16,17 103:2,3,8,9
103:15,16,19 104:6,7
104:18,20 105:2,3,19
105:21 106:8,9,19,21
106:22 107:7,9,17,18
108:1,3,12,13,19,20
109:1,6,7,14,17 110:1
110:2,9,11,20,21
give 17:3 19:16 23:16
27:9 49:12,17 61:1
62:21 85:1,2 89:1
101:21 102:21 107:7
109:14
given 22:22 44:17
92:15 96:6
gives 101:12
giving 8:17 89:7
glad 8:7 9:14
global 41:13 54:18
goals 28:16
godmother 78:16,17
79:1
Google 19:11
Gove 47:6,7,9,9,10,12
47:19 48:1,10,12,18
48:21,22 49:7,18 50:1

55:14,22 56:4,16,21
57:2 106:12,16 107:4
GOVERNMENT 1:1
grace 55:8
grand 51:4
grant 30:4 76:12 80:21
100:15 101:8 102:3,9
103:1,20,21 104:14
104:17 105:16 106:16
107:8,9,13 108:3,20
109:17
granted 5:3 10:13 14:8
17:4 23:17 36:1 58:19
69:17 77:8 83:10 90:6
102:14 103:11 106:1
107:5,20 108:15
109:11,12,16 110:7
granting 108:1,18
grappled 37:16
Greenfield 1:15 3:17,18
3:19 7:22 13:19 20:9
22:15 35:4 36:5 45:8
45:9 49:2 56:3,5
57:21 62:3,8,10 67:18
72:14,15 75:19 79:20
79:22 80:5,10 81:20
85:16 88:16 97:1,2
98:16,18 99:5,6,11,12
100:6,7,17,22 101:3,7
101:13,14 102:5,6,10
102:14,15,20,22
103:6,7 104:1,2,8,9
104:15,16,22 105:1
105:14,15 106:6,7,14
106:15 107:1,2,11,15
107:16 108:7,10,11
109:3,4,8,9,19,21
110:3,4,13,16 111:3
greet 29:10
greetings 29:3
grew 77:13
group 21:16
guess 31:8 36:7 67:22
71:9,14 76:1 84:15
guidance 43:5
guidelines 11:14 54:7
59:14 60:1

H

hand 102:7
handed 17:13
happen 7:8 21:12 38:11
38:14 45:14 82:3
happened 5:18 32:7
37:20 43:10,15 54:3
happy 23:19 44:22 84:7
88:21
harder 71:15

Haskell 24:5 30:22
head 73:5
healthy 50:14
hear 9:8,9 14:2,11 15:7
15:8 16:10 21:13 33:9
33:20 34:7 35:18
40:12 47:13 57:17,18
58:2,5,13 62:21 63:2
63:5,6,7 65:4 66:6,7,9
66:15 67:1,19 69:11
75:19 76:2,5,7,20
82:7,10,17 83:4,18
86:3 88:10,20 89:19
92:15
heard 21:18 40:22
45:13,16 49:13 65:1
74:17 77:16 78:5,10
82:12 89:3 97:20
hearing 3:6 8:14,20
16:9,19 22:2 23:3,9
30:3 31:9 37:5 45:14
46:4,11 47:15,18
49:17 58:1 80:16 81:5
83:17 86:15 88:19
90:4 97:16
hearings 2:10 8:22 34:3
68:22
hello 12:21 37:11 75:9
help 51:3 73:10
helped 24:11 73:19
74:4
helpful 26:6 27:7 40:5
51:16 56:13
helpfully 51:21
helping 44:10
Hey 66:8
Hi 3:14,18 9:6,16 12:18
12:19,20 15:5,6,19,21
16:18 22:11,12 23:5,7
34:22 45:5 48:10,22
57:6,8,14 62:15 66:5
67:12,15,16 75:10,14
75:16 81:10 88:8,12
89:14
Hibbs 88:8,10,13 89:14
89:16 90:9 96:13,15
97:4,12,14 98:13
109:14,16,18 110:6
high 24:10,12
historic 51:7
historically 38:8,12
39:21 42:3,6 44:1
history 28:9
holding 23:8
home 19:8 24:6 48:19
50:12 68:4 86:21
honored 50:5
hope 18:17 30:4 48:18

49:21 71:20 72:6
93:14
hopefully 8:8,10
hour 25:1 28:11
hours 25:17 36:11 50:4
95:7
house 91:5
Hudson 4:18,21,22 5:7
5:8 6:5,8,16 7:5,11
8:5,7,15 100:5 101:6
101:8,18
Hudson's 100:8
huge 50:14 51:6
hundreds 36:11
hurricane 91:11
husband's 66:18

I

I's 70:22
I- 109:11
I-Ra 75:10,15 108:17,22
109:1
iCloud 5:16
ID 17:13
identified 25:15
ignorance 84:2
ignore 98:11
immeasurably 36:15
immediately 4:13 25:14
40:16 41:10 64:11
92:16 95:11
impact 28:15
importance 26:11
important 29:5
importantly 28:14
impossible 25:20
improve 37:18 51:15
improving 50:5
in- 39:8 96:6
in-person 25:7,11,19
28:1 31:9 32:15 36:20
40:1,2 54:4 70:6,17
91:1 95:9
inadvertently 18:9 84:4
include 61:3
included 5:16 27:7
including 13:7 26:6
38:6 54:12 97:20,21
inclusive 28:17
incomplete 43:3
inconsistent 93:12
inconvenience 31:7
incorrect 43:5
incredibly 40:5
incumbent 84:13,18
indicate 12:4 27:9 65:8
indicates 7:1
indication 27:17

individuals 45:18
ineligible 5:5 41:3
inform 14:7 98:6
informal 23:4 35:6
49:11 58:2 67:21
68:11 76:3 82:4 88:19
information 17:10,19
18:10,11,16 26:3
27:21 29:6 33:12
34:13 41:6,7,17 49:12
53:14 60:12,22 61:1,4
63:16 98:14
informed 25:3 78:9
91:7
initial 10:16
Initially 11:18
initiate 59:15
initiative 78:1
inquire 39:3
instance 96:6
instruction 93:12
instructions 60:1,16
61:2 94:12
integrity 26:12
intent 70:18 71:11 72:4
intentionally 70:13
intents 12:5
interest 71:12 91:19
interested 105:9
interesting 16:5 37:10
interference 59:5,15
60:15 64:2,5,19
internal 14:10
internet 19:9
interpreted 26:22
invested 29:11
issue 25:16 95:13
issues 77:17 78:6
It'll 48:1

J

Jeri 102:20 103:1,11
job 19:1 37:2 44:6
56:17
John 107:22 108:1,4,15
join 37:5 59:12
joining 67:16,17 68:13
75:18 80:22 81:1
Jordan 109:14,15,18
110:6
July 6:13,14 7:2,8 39:10
40:16 42:19 51:20
53:20 54:1 60:13 61:5
64:7
jump 23:1 24:1
June 38:4
Junior 65:17

K

KAREN 1:19
Karyn 1:15 3:19 22:15
 30:17 35:3 45:8 49:2
 67:18 75:19 81:20
 88:16
keep 36:21,22 50:13
 82:21 96:3
keeping 39:1
key 53:10
kids 37:9 51:4
knew 39:21 87:18
known 60:20
knows 8:20

L

lack 28:12
language 31:14 32:4,5
 100:6
large 5:15
Lastly 54:18
late 25:17 27:18 43:4
 76:14 80:8 90:6 93:1
latest 99:15
Latoya 105:6,8,14,16
 106:1
launched 29:7,11,16
law 71:5
lead 54:20
learn 52:11,16
learned 95:11
leave 17:22 37:2
left 5:14 18:9 52:1
let's 99:14 101:3,13
letter 6:1,4,19 7:21
 10:15 29:3,16 41:2
 61:7 83:21 92:22
 93:13
letting 21:21 46:21 69:5
level 44:1 55:1
life 36:14 50:8 77:14
light 17:5 28:10 30:5
Likewise 43:12
limited 91:2
line 7:13 53:2 57:21
 65:11 86:18 99:10
link 5:17 87:7
lipstick 15:14
list 5:20 38:12,18 40:19
 63:14
listed 42:22 52:12
 63:18 92:13 94:8
listen 47:13
listening 71:22
literally 55:5
little 17:10 38:4 48:19
 49:7 52:5 55:13 70:6
 71:14,15

live 5:8 19:3
long 8:5 15:13 76:16
 78:4
longest 26:15
look 22:1 68:7 81:5
 87:20
looked 18:4
looking 6:11 42:19
looks 67:2
lost 52:19
lot 35:8 52:20 73:19
 78:6
love 15:16 24:6
luck 8:12 56:18 74:9

M

mail 19:8,15 39:14,15
 40:15 43:16 92:16
mail365@boe 5:17
main 31:8
making 72:22 73:9
 86:16 96:1
male 61:9
managing 50:12
manner 60:5 70:19
 90:11
March 51:5
mask 15:13 38:22
material 90:2 92:21
materials 28:20
matter 4:4,17 8:22 9:3
 14:6 15:2 21:18 22:8
 34:1,19 45:17 48:7
 57:3 58:4 66:2 75:6
 78:15 80:18 81:6 86:8
 88:5 99:18 111:7
matters 3:8 4:3,10 14:2
 21:13,17 33:20 45:16
 46:8 49:13 65:5,9
 80:17 86:4 89:3 110:8
 110:9,14
mean 6:9 12:7,8 18:15
 26:22 35:6 78:22
 103:20
meaningful 28:18
meant 5:13
measure 20:19 72:7
mechanically 11:19
meet 15:21 16:1 29:10
meeting 1:6 2:6 3:6,9
 3:21,22 4:7 14:4
 15:13 33:3 59:6,10
 99:8 110:19,22 111:5
meetings 59:9
members 1:13 3:10
 7:18 13:16 14:2 20:7
 22:15 26:2 30:13 35:3
 36:6 49:2 56:1 62:6

65:1,6 74:17 80:16
 85:11 89:8 96:14
mention 62:20 63:10,13
 95:3
mentorship 59:20
Merritt 9:2 101:20
 102:13
message 11:2
met 5:19 12:5 13:12,13
method 39:4,16
Michael 1:12,14 3:4
 9:17 15:20 22:14,16
 35:1,4 49:1,2 57:15
 57:19,22 67:13,17
 75:17,20 81:18,21
 85:22 88:13,17
middle 95:19
Mike 1:15 3:14 13:20
 15:21 20:11 45:5 62:8
 66:9
Miller 66:5,7,15,17,21
 67:3,6,9,13,15 68:3,9
 68:16 69:21 72:9 73:5
 73:11,15,19 74:1,9,13
 74:15,16 75:1,4,5
 107:6,8,10,13,20
mind 40:11 70:12 97:7
minute 28:11 33:6
minutes 8:18,21 22:22
 25:1 27:5 47:20,21
 48:2 68:14 87:5 92:2
 93:1 94:22 95:5,6,8
 99:14
missed 17:15 64:1,5
missing 5:22 27:7
 28:21 42:10,16,20
 52:3 53:14 54:2 61:14
 61:16 64:8,12,13,14
 64:15
misstep 84:22
mistakes 37:20
modern 28:8
momentum 84:8
Monday 52:10 69:1
 90:19 91:7,9 92:17
 94:17 106:3
money 29:8
month 40:22 59:6
months 22:20 50:10
Moore 57:6,7,8,12,14
 57:16,18 58:9,12,22
 59:5 61:20,21 62:15
 62:21 63:2,7,21 64:1
 64:18,19 65:13,17,21
 105:6,8,9,14,16 106:1
morning 39:5,10 61:10
mother 51:1
motion 97:9 98:16

100:5,7 101:21 102:1
 102:21 103:14,14,20
 104:13 105:7,13
 106:13 107:7,22
 108:18 109:15 110:10
 110:19
mouthful 101:2
move 19:13 98:18
 100:13,19,22 101:4
 102:8,22 104:16
 105:15 106:15 107:9
 108:3,20 109:17
 110:21
moved 38:17 51:1
 89:10 99:2 101:10
 102:13 103:5 104:4
 104:22 106:1,18,20
 107:13 108:6,9 109:6
 110:1
moving 39:4
Municipal 93:5
mute 57:7 66:6 88:9

N

name 4:22 5:7,21 24:5
 35:12 36:8 41:5,6
 42:22 43:1 49:22 55:9
 71:10,18 72:8 82:2
 85:4 93:18 103:17
named 52:14
names 82:2
near 10:15 11:5
nearly 51:1 55:7
need 11:3 14:10 17:16
 18:7 21:1 25:8 42:13
 42:17 47:19 60:12,19
 70:8 110:14
needed 26:8 42:14 53:6
 60:16,20 63:17,19
 70:12 94:16 95:4
neighbor's 91:6
neighborhood 4:19
 10:7 17:1 23:12 24:17
 29:19 50:5 54:12
 58:17 59:8 77:3 83:7
 84:11 89:22 90:15
neighbors 24:17 29:10
 39:1 51:19 54:15
network 24:9
never 10:22 25:10
 60:21 70:14
new 18:1,9 31:2 39:6
 59:13,19,20 60:20
 61:18 84:3
Nice 15:21 16:1
night 52:20 61:12
nine 33:5
nominating 7:3,10

11:14 53:11 63:14
 91:22 93:7 94:15,18
 95:3
non-profits 77:20
noon 40:16
normal 28:1 52:1 53:2,3
 54:3
Normally 17:11
notarize 18:8
notarized 11:1,3,9
 13:11 32:4 42:13
notarizing 18:13,14
notary 32:3
notation 21:1
note 31:15 32:11 59:14
 73:16 93:18,21 94:14
noted 5:10 83:21 92:18
 93:5,8
notice 1:12 61:11
notification 27:18 52:9
 91:21 92:8
notified 41:10 54:4 93:3
notify 45:18 65:10
 80:20 86:9
notifying 54:2
noting 42:20
November 40:20
number 3:6
numbering 26:9 51:22
NW 5:8

O

o'clock 46:12 95:18
obtain 51:18
obtained 38:5,20
obviously 5:18 52:11
 88:18
occur 46:4,7,10 86:17
occurred 25:10
offer 18:9 85:2
offered 18:15 91:10,13
 95:18
office 1:18 24:20 28:7,8
 28:22 29:4 38:2,7
 41:15 55:12 58:16
 62:20 81:12 82:1
 83:12 84:6 89:22
 90:20,22
older 70:7
oldest 19:4
omit 18:15
omitted 18:15
once 4:5 18:7 19:10
 31:6 32:6 45:15 58:6
 59:6 76:9 83:15 87:21
 98:2
one-page 42:20
ones 41:12 49:15

open 9:21 84:14
operating 43:11,21
 54:19
opportunity 16:10 17:3
 23:16 29:12,21 44:14
 49:4 50:6 85:3,7 88:2
 90:4,10 91:1
opted 50:18
orally 43:6 90:5
order 2:6 3:9,22
outbreak 36:13
outcome 45:19 76:15
outlined 6:1 94:13
outlines 93:16
overextended 54:22
overlook 18:18
overrule 37:22
overturn 96:11
overview 96:10
Owing 52:20

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 1:12 3:2 9:1,4,5
 15:3,4 22:9,10 25:2
 25:10 26:18 27:3,10
 27:14 31:21 33:15
 34:20,21 41:1 47:10
 48:8,9 57:4,5 66:3,4
 75:7,8 81:7,8 86:16
 88:6,7 90:16 91:20
 92:2 93:9 94:8,20,21
 95:1,6,18 99:19,20
 111:8
package 80:1
packet 23:15
page 11:8,9 13:2,4 18:8
 18:14 31:18 32:8,17
 33:11 51:22 94:5
pages 10:21 26:9
paid 40:8
painful 8:5
painless 8:10
pandemic 17:10 18:19
 28:8,10 37:14 38:15
 39:6 41:13,22 42:3
 43:7,11,13,16 53:6
 54:19 59:14 70:16
papers 70:9,9 71:12
paperwork 42:4 43:10
 61:10 90:14 91:19
 92:10,13 93:17 96:3
part 6:3,4 11:21 13:11
 13:11 32:8 33:11 46:5
 50:21 59:7 67:3 72:20
 72:21,22 79:15 87:13
participating 16:2,8

57:22
participation 19:16
particular 39:5 41:13
 69:7 96:6
particularly 52:4 78:3
partnership 24:13
paste 93:15
pay 51:9
PBS 37:9
people 19:7 23:1 51:9
 74:4 77:19 78:2,7,9
people's 77:16
perfect 54:21
perfectly 67:1 86:14
period 61:7 92:17 94:20
periods 95:17
person 18:20 39:9
 41:19 44:11,13 60:3
 68:22 69:1 70:6 96:7
personal 44:8 78:15
persons 82:1,12 97:16
 98:7 100:4
petition 4:15 6:6 7:3,10
 9:22 11:15 32:9 38:6
 40:1 42:18 43:14 52:6
 53:11,21,22 60:14
 61:10,13 64:9 70:20
 91:15 93:8 95:3
 105:11
petitions 3:7,7 4:3 5:12
 5:16 6:8,14 7:1 11:15
 12:3,3 18:3,13 24:20
 26:9,14 27:2 31:20
 32:10 38:9 39:8,13,15
 40:2,15 43:9 51:17
 63:15,17,20 80:1
 91:22 94:15,18
Petworth 24:6,19
Phil 36:8 104:12,14,17
phone 40:14 91:16
 94:17
pick 70:9
picked 43:9
picking 40:1
picture 86:21
pillars 84:8
place 46:12 52:7
placed 85:4
please 3:12 44:15 49:11
 53:8 54:15 60:9,10,11
 76:3 82:4
pleased 40:12
point 19:2 27:17 29:7
 54:18 86:9 92:6 93:4
 93:11 94:10 95:7,14
 95:15 98:12
pointed 94:3
policy 24:8

population 21:4
portions 53:10
posed 37:15
position 16:10 38:8
 44:5 58:3 64:14 88:20
positions 35:8 63:12
posted 40:19
potentially 96:5
practice 37:10
prayers 73:2
preferred 42:22 91:3
prejudice 41:16,18
preliminary 2:11 5:5,9
 10:10 16:21 23:10
 35:19 58:14 69:13
 77:1 83:5 89:20
preparation 26:1
prepared 23:18 30:21
 43:20
presence 3:12,17 55:17
present 1:13,16 4:21
 9:1,21 47:6,17 58:19
presentation 71:15
 72:12
presentations 74:18
presented 17:12 96:18
presiding 1:12
press 59:21 83:21
 88:19
previous 5:19
previously 38:7 41:8
 53:15 55:3
primaries 73:20
primary 74:3
print 13:4
printed 10:20,21 52:17
prior 105:12
probably 14:12 18:4
 33:13 49:5 82:20
 99:14
problem 8:13 9:13
 21:11 48:3,21 67:4
 82:22 93:2
procedurally 70:11
procedure 8:6 70:14
procedures 42:2 53:8
 53:18
proceed 40:11 47:11,18
 48:11,16
proceeding 46:6
proceedings 35:5
process 5:19 19:14,17
 25:8,19 27:13 31:10
 37:18,19 39:6,18 40:3
 49:10 51:12,15 52:8
 53:11,20 59:15,19,22
 61:17 63:16 72:22
 73:9 84:21 89:13

processes 41:13 53:8
programming 37:10
programs 24:10
projects 78:1
promote 28:16
promptly 26:8 41:9
pronounce 41:6 42:21
pronouncing 35:11
properly 99:1 101:10
 102:12 103:4 104:3
 104:21 105:22 106:18
 106:20 107:12 108:5
 108:8 109:5,22
proposition 51:4
prospective 55:2
provide 21:3 29:5 38:19
 41:11 42:15 46:21
 53:1 55:1 90:11
 106:14
provided 38:10,13
 39:22 41:5,7,9 42:4
 42:19 43:8,14 44:2
 53:4,14,16 105:16
 106:2
provides 28:17 106:2
providing 42:12 105:10
proviso 105:11
public 8:19 24:7,8,11
 24:14 41:18 47:3
 77:21
publically 40:19
purposes 12:5
pursuant 1:11
put 4:13 15:14 44:13
 71:10 72:8 76:13
 82:13 87:16 98:5
putting 39:7 78:20

Q

question 31:13 39:21
 46:1 60:4 64:2,3
 79:19
questions 7:19 8:2
 13:16,21 20:8 21:7
 23:20 30:14,18 33:17
 45:1,3,6,9,20 55:21
 56:2,2,3,6,10 62:2,4,6
 68:20 72:10,12,13,16
 76:5 79:12,14,16,17
 79:21 80:14 85:11,13
 85:17,20 96:14,17,20
 96:21 97:2 98:10,12
 98:13
quick 8:10 28:3 33:5
quickly 17:17 31:5
 52:17
quite 37:19 50:4,9 91:2
quorum 3:11,21 9:18

quote 39:18 40:21

R

Ra 109:12
raised 29:8 92:19
re-did 32:13
re-numbered 32:11
re-read 32:8 33:10
reach 34:12
reached 59:17
read 26:3 29:3 32:17
 54:7
reading 59:21
ready 48:4,11 63:8
realize 31:4
realized 31:6
reason 10:22 26:17
 66:6
reasonable 30:5
reasonably 42:1 53:17
reasons 25:2 41:12
 53:5
reassured 52:6
reattached 6:18
reboot 48:2
receipt 11:17 26:13
 51:21 60:9
receipts 60:8
receive 10:15 11:2
 27:17 29:15 41:2
received 10:9 27:6,16
 28:22 33:8 43:6 52:9
 91:20,21
recognize 26:11 31:1
 33:15 37:17 44:2
recognized 37:14
recommendation 52:22
 54:6
recommended 37:21
 41:3 52:12
reconsider 12:13 52:22
record 4:12 5:1,2 6:5
 9:4 15:3 21:19 22:9
 34:20 45:17 48:8 57:4
 65:8 66:3 74:20 75:7
 80:18 81:7 86:7 88:6
 90:2,3 98:1,3 99:19
 99:22
recording 74:11
records 38:5
reduced 43:22
referred 31:14
reflect 28:12 40:20
 41:14
regard 50:7 64:15 67:20
 73:3 103:15,16
 104:12 105:7,14
 106:13 107:4 108:1

108:18
regarding 3:6 10:11
 11:13 26:19 52:6
 69:14 72:22 77:1 83:6
 89:20 100:1,5
registered 38:18,22
Registrar 1:19,20 7:13
 30:8,9 72:18 97:6
Registrar's 82:1
Regulation 93:6
regulations 28:13
rejected 61:8
rejection 61:7,11
relative 9:22 58:3 67:21
 82:9 104:13
relatively 23:2,4 34:5
 35:6 58:1 68:11 76:2
 82:4
relax 49:11
release 58:8
relied 26:20 27:20 42:1
 53:17
relying 26:3 40:13
remains 37:19
remarks 23:19 30:21
 45:7
remember 101:4
remembered 32:18
reminder 27:8 33:1
 92:1
rent 78:1
reply 52:6
report 84:7
reporter 5:1
represent 30:2 64:4
representation 40:13
representative 18:21
 28:3
request 26:7,14 29:21
 51:17 52:21 53:9,21
requested 18:12 38:5
 38:12 90:13
requests 38:17
required 10:17 13:6
 24:21 38:10,21 39:12
 40:13 42:2,4 43:10
 51:18 53:18
requirement 12:6
requirements 13:12
 38:2 41:15 53:12 59:4
 92:13
requires 53:6
residents 21:2 36:7
resource 27:22
resources 29:11
respect 14:5 23:11
 28:12 34:1 45:17
 64:15 65:9,12 73:18

74:22 84:21 86:7
 100:10,14 101:5,7,20
 103:13 105:9 106:12
 107:6 108:17
respectfully 29:21
 52:21
respond 43:2 60:5
 61:15 95:8
responded 60:2 92:2
 95:5
responding 26:7
response 33:7 60:3
 72:19,21
responsibilities 44:7
 50:19
responsive 73:19
rest 6:1 8:10 37:8 82:21
resubmit 13:1
result 25:5
resulted 43:5
results 46:22 49:17
 54:21 58:8 89:7
resumed 9:4 15:3 22:9
 34:20 48:8 57:4 66:3
 75:7 81:7 88:6 99:19
return 70:9 97:22 98:2
 99:14,15,16
returned 70:20 71:3
review 28:15 52:2,5
 53:20 55:2,11 92:9
reviewed 92:14
reviewing 42:15
revised 53:8
revisions 26:7
risk 39:8
river 24:12
Rob 100:5
Robb 4:17 5:7 100:7
 101:5,8,18
role 78:8
room 47:10,16
rule 70:15 71:5
rules 30:5 70:18
ruling 16:11
rulings 65:8
rumor 19:9
run 18:20 38:7 42:6
 50:18 77:12
rundown 77:11
running 24:19 28:7,8
 44:6 62:19 63:12
 68:14 70:4 71:17
 84:12,13
rush 27:11

S

sacrifice 44:8
safe 22:5 36:21,21

43:18 49:22 50:13
51:11 65:15 66:1 96:4
safely 51:18
San 51:2
sandwich 50:21
saying 11:3 27:5,16
31:3 32:11,20 33:7
64:11
says 21:1 93:19 94:5
scan 11:6,11
scanned 11:4
scanner 91:5
schedule 21:16 48:17
76:8,10 81:1 83:2,17
90:18
scheduled 8:20,22
21:13 29:10 33:20
46:8,12 47:9 48:15
65:5 68:14 86:4,15
school 24:10,12 50:13
63:4 65:16 77:14
schooling 36:19
schools 24:14
searched 52:13
seat 71:13,13,17
second 18:1 62:22 70:3
89:1 98:20,22 101:11
101:12 102:4,6 103:3
104:2,19,20 105:20
105:21 106:18,19
107:11 108:6,7 109:3
109:4,20,21 111:2,3
seconded 99:2 102:13
103:5 104:4,22 106:1
106:21 107:13 108:9
109:6 110:1
seconds 69:9
section 93:19,22
secure 51:11
seeking 51:15
sees 74:12
selection 84:17
send 42:17 49:16 69:5
sending 96:22
sent 5:12 6:7,12,13,18
7:3,9 10:16 11:4,12
11:13,15,16,17,19
18:2,12 32:10 52:17
61:10 64:9,11
separate 13:8 46:5
99:10
series 68:22
serve 28:13 41:20
44:12,20 50:6,6 54:16
77:19
served 36:10 50:1
serves 38:1
service 44:1,16 51:11

55:2,18 56:7,12,14
62:18 63:11 64:21
79:15
services 6:22 40:9
55:20 61:22 62:14,16
79:7 80:14 85:19
serving 24:18 36:15
40:7 44:9 47:3 84:10
84:15,19
session 4:8,9 9:21
46:18 49:14 58:5 65:7
69:3 74:19 76:11
82:11 86:5 87:11,14
89:2,6 97:9,15,19
98:17,19 99:3,9
set 23:19 70:13
setting 9:12
setup 13:3
severe 95:20
share 76:4 82:5
she'd 17:22
sheet 52:6
sheets 13:8
shock 40:21
short 6:2 23:19 55:6
102:7
showing 86:21
shown 37:11 53:7
sick 17:22
side 73:16
sign 28:4 32:17 43:14
105:11,17
signature 11:9,20
105:17,18 106:3
signatures 38:21 51:19
70:21
signed 6:17 11:18,20
12:4 41:4,9 92:20
significant 28:14 92:20
similarly 52:14
simply 90:13
Simultaneous 46:16
102:11
simultaneously 50:22
single 4:20 10:8 17:2
23:13 29:22 35:21
58:17 77:3 90:1,15
singled 61:13
sir 3:13 9:10 45:4
situation 54:13 73:3
98:11
six 36:9 39:1 44:12
54:18
size 5:15
skills 24:16
sleep 52:20
slightly 70:10
slip 5:18

small 36:18 37:4
SMD 38:13,18,22 69:15
83:8
Smith 1:20 7:14,14,15
7:17 12:15,17,18,19
12:21 13:9,14 20:3,5
62:13,15,16 63:1,6,9
63:22 79:7,10
smooth 17:20
somebody 17:15
sorry 6:10 10:1 22:17
31:7 35:16 46:15 48:1
55:12 57:16 63:3,5
64:20 66:17,18 67:22
72:6 82:18 93:9 97:13
101:22
sort 69:10
sounds 75:1
space 32:2
speak 70:8
speaking 46:16 102:11
special 1:6 3:5 110:19
110:22
specifically 24:9 39:20
specifics 92:9
spend 71:21
spent 92:19
spiel 69:11
spoke 12:22 17:21
39:10 53:21
spot 25:16 96:8
spouse 36:17
spouses 50:16
spurred 20:18,18
staff 1:16 26:7 27:7
36:6 37:21 38:9 39:11
39:14 40:4,9,14 42:1
42:4,6,11,14,17 43:1
43:6,8,13,17,20 51:21
52:2 53:18,20 54:21
55:19 91:11
starting 59:19
starting 22:20
state 4:22 5:2 17:3
23:16 36:1 59:2
stated 26:20
statement 11:13 26:13
65:1 77:7 94:2,6,11
statements 30:10 68:20
80:15
states 93:6
stating 41:2
stay 14:6 22:5 29:22
36:21 65:10 74:21
80:19 86:12,17
steer 75:21
stemmed 25:18
step 41:20 61:2,2 63:15

63:15 81:11
steps 37:18 39:3,12
40:12 93:16
straight 70:5
stress 54:20
Stroud's 75:21
students 24:10
stuff 8:9
submission 26:5 27:3
42:7,15 52:3 53:13
54:5
submit 26:17 27:8
32:20 33:4 39:13
51:16,20 54:9,11 61:3
70:2 84:4 92:1 94:16
94:18 95:4 96:2
submitted 13:10 24:20
24:22 27:2,14,15
28:19 40:14 43:16
52:15 54:1,4 60:10,14
64:3,6 70:21 84:1
85:4 90:14 91:15 92:7
94:14,21 95:12
submitting 28:20 91:18
93:17
subsequently 11:2,10
substance 38:3 41:15
substantial 26:4
substantive 26:16
substantively 11:22
successful 52:8
successfully 51:19
54:1
sufficient 27:4 39:17
42:9
supervising 50:12
support 24:16 29:19
53:12 54:14 55:11
78:19 83:17
supporting 78:18,22
supposed 54:8
surprised 29:15 52:10
survive 37:1
suspended 99:8
sword 70:1
symptoms 91:17 95:22
system 13:2
systems 51:8

T

T's 70:22
taken 17:22 37:17 71:3
talked 25:11 26:2 81:22
94:16
talking 69:9 77:17
tally 89:8
tears 55:12
technical 43:4

technically 12:1
telephone 39:11
teleworking 86:20
tell 4:14 10:16 11:5
 20:22 42:21 43:2
 69:16 76:15
telling 29:17 42:13,16
ten 29:16
tend 37:11
term 84:13
terms 5:3 104:5
Terri 1:18 4:1 66:8
 79:18
terrific 40:5 47:1
testimony 55:15
thankful 67:10
thanks 8:3,11 9:11
 14:16,21 16:8 22:16
 35:2,8 49:3,19 56:16
 56:19 58:11 82:18
 85:13,21,22 96:17,21
things 5:21 16:12 18:19
 19:22 42:10 51:2,10
 52:5 70:17
third 93:11 111:4
thought 27:12 29:2
 33:1,8 92:3,21 95:2
thoughts 73:2,12
three 38:7 50:1 53:14
 54:8 61:15 74:6 89:8
 92:10,15 95:7
tickets 50:4
timeframe 34:5
timely 13:3,7,13 26:16
 36:2 38:5 53:13 58:20
 60:5 69:18 70:19 77:5
 78:12 83:11 100:10
 100:14
times 16:5,6 32:9 37:16
 38:7 43:20 49:6 52:1
 54:3
tips 63:14,15
today 3:5 4:4 8:9,14
 9:14 14:3,7 16:11
 21:13,21 22:3 33:19
 33:21 34:6,7 35:2
 37:22 45:16 46:8
 47:18 49:14 55:16
 58:1 63:4 64:22 65:5
 67:10 68:22 69:3,5
 73:14 74:18,21 76:8
 76:11,17 80:17,20
 81:2,19,19 82:10,12
 86:4 89:4 97:17,20
 110:9
today's 37:5
told 28:21 39:14,18
 42:11,17 43:13 52:15

Toomajian 34:22 35:9
 35:13,13,14,15 36:4,9
 37:8 45:2,11,12,22
 46:3,7,9,14 47:1,5,12
 104:12,15,17
top 13:10 44:6,7
traditional 25:19
trainings 26:2
travels 65:15
trend 50:20
tried 32:6
truly 85:7,7 88:1
Trust 19:1
try 13:1 31:5 90:20
 99:16
trying 18:19 36:22
 50:13 54:14 55:18
 73:21
Tuesday 69:1 91:10
 95:21
turn 3:22 30:8 52:5 69:7
 76:17 82:16 89:9,12
turned 16:12 78:21
twice 12:22 38:21 51:18
two 10:21 11:6,7 13:8
 18:11 25:17 33:14
 35:3 36:17 38:17,20
 46:4 50:11,17 53:10
 54:4,12 60:6 69:9
 94:12,22 99:13

U

U.S 39:14 40:15 43:16
unanimous 101:18
 102:18 103:11 104:11
 105:5 106:11 107:20
 108:15 109:10 110:6
 111:5
unclear 93:12
understand 10:9 16:22
 19:15,20 27:19 38:15
 54:21 64:1,21 73:4
 82:20
understanding 44:4
understood 70:11 87:1
 87:2
undertaking 50:14 51:7
unfortunate 50:20
unfortunately 13:2
 17:19 24:22 33:3
 36:18 37:19
unjust 38:1 44:19
unnecessarily 44:16
unprecedented 25:6
 30:6
unresponded 38:19
unstable 64:22
untimely 17:5

unusual 16:6 18:18
 43:21
updated 40:18
upset 52:11
use 24:15 73:17
usurped 69:11
utilities 51:9

V

vacancies 59:12
various 3:7,8 77:20
 82:12 93:16 99:22
 100:1
verbal 90:11 96:9
versus 94:2
vibrant 78:5
video 6:12
Videoconference 1:11
virtual 50:13 72:3
virtually 16:2 17:19
voice 100:3 101:13
 103:5 104:4,22 106:5
 106:21 107:14 108:9
 109:6 110:1
voices 77:16 78:4
volunteer 36:12,16
 41:20 44:5 50:2
volunteered 44:13
volunteers 40:7 54:14
vote 4:8,10,11,12 21:19
 45:17 46:19 49:15
 58:7 69:4,6 74:20
 76:12 80:18 82:11
 86:5,7 89:4,8 97:8,15
 97:18,21 98:1,3,8
 100:3 101:13 102:16
 102:19 103:5 104:4
 104:22 106:5,21
 107:14 108:9 109:6
 109:11 110:1
voted 46:20 76:15
 82:14
Voter 6:22 62:13,16
 80:14 85:19
Voter's 79:7
voters 1:19,20 7:13
 28:17 30:8,9 38:13,18
 38:22 55:20 61:22
votes 14:5
voting 19:7,15,19

W

wait 14:11 21:20 76:16
waited 43:1
waiting 81:11
waive 100:12,13,20
 101:1 102:1 103:19
 103:21

waived 18:7,13,13
waiver 19:18
walk 4:2 70:7
walked 17:11 42:6
walker 21:1
walkers 19:6 20:17
walking 59:22
wanted 12:17,21 17:3
 42:5 62:17,20 63:9,13
 70:22 78:2 87:17 95:9
wants 19:1
Washington 5:9 24:6
wasn't 5:11 17:20,22
 18:16 28:21 31:8 60:5
 64:14 78:15,16
water 51:9
waving 37:11
way 31:3 46:20 68:1,7
 68:13,18 75:22 76:1,9
 82:3 91:3
ways 33:14
wearing 38:22
weather 95:20
website 4:12 26:4,20
 27:21,22 29:9 31:13
 31:20 32:18 59:17,21
 60:22 63:13 93:15,16
 94:13
Wednesday 31:21
 90:16 91:12,16 94:8
week 19:10
weeks 38:20 54:5 61:15
welcome 16:18 37:6,7
 61:21 81:14 85:14
 86:14 87:13
went 9:4 10:20 11:1
 15:3 22:9 31:18 32:1
 34:20 48:8 57:4 66:3
 66:13 75:7 77:14 81:7
 88:6 99:19
weren't 72:2,3
wheelchairs 19:5
wife 36:21
willing 18:20 41:20
 44:11 79:15
wills 78:10
win 71:8
window 33:6
wish 56:17 76:4 104:14
witness 14:10
woman 17:21 18:1
women 50:17
wonderful 36:18 50:15
word 73:17,18
work 18:19 24:8,13
 27:14 32:12 33:3
 40:10 50:11 55:6
 68:18 75:22 76:1

86:13
working 19:11 77:20
 87:21
works 32:16
world 68:1 72:2
worries 22:18 48:14,15
 66:20,22 67:8,11
wouldn't 60:19
wrap 70:12
write-in 71:8
write-ins 19:14
writing 19:15
written 72:21 90:2 92:7
 96:22
wrong 51:10
wrote 90:13

X

Y

year 17:18 18:18 25:7
 38:11,14 42:10 44:15
 51:2 65:18
years 24:7 36:9 44:12
 50:1
yesterday 11:10 12:22
young 77:15,19 78:7

Z

Zoom 22:17 36:8 37:12
 47:16 49:3,4,7 67:22
 82:18 87:15 88:18
Zoomed 82:20

0

1

1:00 1:12 27:3 32:10
1:02 3:2
1:09 9:4
1:17 9:5
1:20 9:1
1:22 15:3
1:31 15:4
1:38 90:16 94:21
1:42 22:9
1:58 22:10
10,000 49:5
10:00 41:1 95:18
111 2:14
14 93:1 95:5
15 87:5
15th 39:10 40:17 42:19
16 92:2 95:5
17th 29:16 41:1 61:11
19 59:14
1B11 4:20

2

2 95:18
2:08 34:20
2:10 34:21
2:22 48:8
2:28 48:9
2:38 57:4
2:41 57:5
2:50 66:3
20 8:21 22:22 95:7
20001 5:9
2019 50:3
2020 1:9 31:22 40:20
 93:18
204 5:8
21 1:9
21st 61:5,6 64:7
23rd 6:13,14 7:2,8
 60:13
24th 7:2
29 38:4
2A06 17:2 18:21,22
2E07 69:15

3

3 2:6,8
3:00 47:9 48:15
3:13 66:4
3:25 75:7
3:30 75:8
3:36 81:7
3:59 81:8
30 61:6 68:14
30th 51:20 54:1
311 50:4
3rd 80:4 90:19 91:8
 94:17

4

4 2:12
4:06 88:6
4:51 32:21
4:53 88:7
4:58 91:20
41 25:1 28:11
4A02 10:8
4B05 77:4,12
4C08 23:13 24:18
4th 91:10 95:21

5

5 46:12 90:16
5:00 25:2,10 26:18 27:5
 27:10 31:21 33:15
 86:15 94:8,20 95:1,6
5:05 99:15
5:06 99:19

5:14 92:2 93:9
5:20 99:17
5:24 99:20
5:30 99:16
5:33 111:8
5D03 58:18
5th 25:2,9 26:18,22
 27:1,3,15 31:17,21
 80:8 91:13,17 93:20
 94:9

6

6:41 27:14
601.5 93:6
6A 50:3
6A02 35:22 36:10 38:8
6A04 50:2
6E04 90:1,16

7

70-year-old 51:1
7B01 83:8,12
7th 29:1

8

9

9:00 90:19
919 5:8

C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Special Board Meeting

Before: DCBOE

Date: 08-21-20

Place: teleconference

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