

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

TUESDAY

July 2, 2019

+ + + + +

The District of Columbia Board of Elections convened a Regular Board Meeting in Room 750, 1015 Half Street, S.E., Washington, D.C., pursuant to notice at 11:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
TERRI D. STROUD, General Counsel
MONICA EVANS, Representative of Alice P. Miller

BOARD OF ELECTIONS STAFF PRESENT:

KENNETH MCGHIE, General Counsel
SYLVIA GOLDSBERRY-ADAMS, Operations Manager
KAREN F. BROOKS, Registrar of Voters
LINDA JOHNSON, Assistant to the Executive
Director

CONTENTS

Meeting Called to Order. 3

Adoption of Agenda 4

Adoption of Minutes. 4

Board Matters. 6

 Board Orders Issued:

 Hammond v. Smith-McDermott, 19-032
 (June 21, 2019)

 Marlin v. Johnson, 19-033 (June 21, 2019)

Campaign Finance Report,
Cecily Collier-Montgomery.10

Executive Director's Report, Monica Evans for
 Alice P. Miller17

General Counsel's Report, Terri D. Stroud.21

 Litigation Status:

 William V. Hunt v. D.C. Board of Elections

 James Butler v. D.C. Board of Elections

 Graham v. D.C. Board of Elections

Public Matters24

Adjournment.55

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

2 (11:34 a.m.)

3 MR. BENNETT: Okay, I'm going to go
4 ahead and get started and we will move through
5 the items. Hopefully, we'll be able to get
6 Michael Gill on the line soon to have a quorum.

7 So let me just start off, I won't be
8 able to adopt any agenda and the minutes, until
9 Mr. Gill is on the line so we have a quorum to do
10 so.

11 Let me just kind of go straight to
12 board matters.

13 Can you hear us okay, reporter? Thank
14 you.

15 So let me just go straight to board
16 matters and at the top of the list and agenda is
17 the order announced, although it's been
18 publicized earlier, announced the appointment of
19 Ms. Terri Stroud as our new general counsel.
20 Welcome to her. And happy birthday for the
21 record.

22 MS. STROUD: Thank you. Thank you.

1 MR. BENNETT: Also, too, I'd like to
2 welcome to the podium here Ms. Monica Evans who
3 is acting on behalf of Ms. Alice Miller who is on
4 vacation today and her birthday was a couple of
5 days ago. So thank you, Monica, for taking some
6 of your birthday time to be here with us today
7 for this meeting.

8 I'm going to go ahead and move on to
9 a couple of other board matters before Mr. Gill
10 is actually to join us --

11 MR. GILL: Michael, Michael, I'm on.

12 MR. BENNETT: Oh, you're on. Okay,
13 great. Excellent.

14 Well, let me go back. I won't go back
15 and repeat what I've already done, but I'd like
16 to get an adoption of the agenda for today and
17 Mr. Gill, let me ask you --

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

19 MR. BENNETT: Okay. So that's
20 obviously seconded and it's unanimous.

21 And also the adoption of the minutes
22 from our last meeting, our June meeting, that was

1 actually held on May 29.

2 MR. GILL: I move to adopt the minutes
3 of May 29th.

4 MR. BENNETT: That's properly moved
5 and I second, so it's unanimous.

6 One other board matter is Ms. Dionna
7 Lewis had to submit her resignation from the
8 board just the other day. Today is Tuesday. I
9 guess it was on Friday or maybe even yesterday.
10 She's been nominated for another board in the
11 District. I can't remember the exact name, but
12 it's basically the labor appeals board for the
13 District and prior to she was nominated and had a
14 committee review and she was -- she passed the
15 committee vote and so now she's waiting for the
16 full Council's vote on her nomination for that
17 board. So as a result of that, she was required
18 to resign from this board.

19 And if you didn't know, there is
20 another person that is being -- is appearing
21 today at 1 o'clock for Ms. Karen Greenfield who
22 was nominated by the Mayor to take Ms. Wilson's

1 place on this board. And we hope that that
2 process goes through and that we are able to have
3 a full complement of board members. But until
4 then, Mr. Gill and I are your board members and
5 we will serve diligently to get through any of
6 the matters of the Board of Elections.

7 So with regard to the other board
8 matters, Mr. Gill, do you have any other board
9 matters?

10 MR. GILL: No, just that I would like
11 to remark that our loss will be the labor board's
12 gain. And it was a real pleasure to have served
13 with Dionna.

14 MR. BENNETT: I echo that as well.
15 I'm not sure if you were on the line when I noted
16 that Ms. Terri Stroud has been selected and
17 appointed as the general counsel of the board as
18 well. And today is her birthday.

19 MR. GILL: Well, ah. Yesterday was my
20 birthday, Terri, so Cancers, lovely.

21 MS. STROUD: Cancers are wonderful.

22 (Laughter.)

1 MR. BENNETT: Happy birthday to you,
2 too, Mike. I didn't know that. And if you
3 didn't know, Monica Evans is acting on Alice
4 Miller's behalf today.

5 MR. GILL: Yes, I knew that.

6 MR. BENNETT: Okay, great. All right,
7 so next on the board matters and we'll -- going
8 forward what we'll do is we'll make a statement
9 relative to any hearings or matters that we've
10 had to decide on as a board under board matters
11 for the previous month.

12 The two items that we had here last
13 month and that we actually had a special meeting
14 on matters associated with challenges of the ANC
15 seats that are currently occupied by Ms. Smith-
16 McDermott and also Mr. Johnson.

17 And I'll just read you the
18 administrative orders that were issued, at least
19 summaries of them.

20 In Hammond v. Smith-McDermott involved
21 an appeal brought by Philip Hammond from a
22 resolution issued by an Advisory Neighborhood

1 Commission 7B that found no vacancy existed in
2 the Office of the Advisory Neighborhood
3 Commissioners for Single Member District 7B04.
4 The board determined that challenger Hammond did
5 not meet the burden of proving that Commissioner
6 Nicole Smith-McDermott did not meet residency
7 qualifications necessary to serve as ANC
8 Commissioner for SMD 7B04. Accordingly, the
9 board ruled that the resolution was valid. And
10 i.e., Ms. Smith-McDermott would remain in her
11 position as the ANC Commissioner for SMD 7B04.

12 Let me just note that the decision of
13 the board was unanimous. The vote was unanimous.

14 And likewise, Marlin v. Johnson
15 involved an appeal brought by Robert Marlin from
16 a resolution issued by Advisory Neighborhood
17 Commission, ANC 7B, that found no vacancy adopted
18 in the Office of Advisory Neighborhood Commission
19 for Single Member District 7B05. The board
20 determined that challenger Marlin did not meet
21 the burden of proving that Commissioner Villareal
22 Johnson did not meet the residency requirement

1 necessary to serve as ANC Commissioner of SMD
2 7B05.

3 Accordingly, the board ruled that the
4 resolution was not valid and Mr. Johnson remains
5 in that particular seat. And again, the vote by
6 the board was unanimous.

7 Those two orders were issued on June
8 21st and posted on the board's website in the
9 administrative order section.

10 And Hammond v. Smith-McDermott is
11 Order No. 19-032 and Marlin v. Johnson is Order
12 No. 19-033.

13 So those are the board matters for
14 today.

15 And I'll ask Mr. Gill, do you have any
16 comments or any additional board matters?

17 MR. GILL: No comments and no
18 additional matters.

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

20 Next item on the agenda is the Office
21 of Campaign Finance report.

22 Ms. Montgomery?

1 MS. COLLIER-MONTGOMERY: Yes, good
2 morning.

3 MR. BENNETT: I'm sorry, I forgot to
4 introduce those here. Ms. Cecily Montgomery,
5 Director of Office of Campaign Finance.

6 MS. COLLIER-MONTGOMERY: Good morning.
7 The first thing I would like to report is that
8 during the month of June, the Office of Campaign
9 Finance partnered with the Board of Elections in
10 its voter registration drive to conduct outreach
11 in the community and we visited three sites and
12 our supervisory training officer, Deloris Ramsey,
13 accompanied the board to these sites. And
14 basically the purpose was to provide information
15 on the Office of Campaign Finance as well as on
16 the new Fair Elections Program.

17 On Saturday, June 15, 2019, we
18 participated in outreach at the Mayor's Office on
19 Asian and Pacific Islanders Festival; on
20 Wednesday, June 19, 2019, the Metropolitan Police
21 Department Beat the Streets kickoff event at MPD
22 1st District in Ward 6, 201 M Street, Southwest,

1 in the Greenleaf Housing Community.

2 On Wednesday, June 26, 2019, at the
3 Metropolitan Police Department Beat the Streets
4 event was held in the 7th District in Ward 8 at
5 1300 Congress Street, Southeast, in Congress
6 Heights.

7 In the Fair Elections Program during
8 the month of June, there were four new candidates
9 which registered to participate in the program.
10 The first was John J. Fanning for Ward 2, City
11 Council on June 3, 2019; Daniel Hernandez for
12 Ward 2, City Council on June 4, 2019; Kishan
13 Putta for Ward 2, City Council on June 26, 2019;
14 and Anthony Lamount Dale for D.C. At-Large City
15 Council on June 28, 2019.

16 Also, the Fair Elections Program also
17 conducted outreach in the community. The FEP
18 staff visited the following ANCs: on June 5th,
19 1C; June 6th, 1B; June 12th, 6B02; June 24th, 4B;
20 and June 26th, 5B.

21 We also during the month of June in
22 the FEP Program met with our vendor on June 19th

1 to view the interim FEP e-filing system and I'm
2 happy to say that we're still on target and that
3 we will be ready for the July 31st filing date
4 and which will be the first filing date for FEP
5 candidates. And what we intend to do prior to
6 that date is to invite the candidates in so that
7 we can explain the use of the system to them.

8 In our Public Information and Records
9 Management Division, during the month of June,
10 there were no financial reports during June 29,
11 2019 for principal campaign committees or
12 political action committees or independent
13 expenditure committees or our constituent
14 services and statehood fund programs.

15 We did, however, have new candidates
16 and committees to register and they are as
17 follows: John Fanning, John Fanning for Ward 2
18 City Council again in the FEP Program, June 3,
19 2019; Daniel Hernandez, Daniel Hernandez for Ward
20 2 City Council in the FEP Program on June 4th;
21 Barbara Summers, Candidate for Mayor 2022, June
22 25, 2019; Veda Rasheed, D.C. Council Ward 7

1 Exploratory Committee on June 25, 2019; Kishan
2 Putta, Kishan for D.C. 2020, Ward 2 City Council
3 again in the FEP Program on June 26th; Anthony L.
4 Dale, Dale for D.C. At-large City Counsel in the
5 FEP Program, June 28th; Save our Votes DC, that
6 is a political action committee that registered
7 on June 28th; Save Our Votes DC Independent
8 Expenditure Committee registered on June 28,
9 2019.

10 We conducted interim conferences
11 during the month of June. On June 10, 2019, the
12 participants were James Jennings, candidate, Vote
13 Jennings, Ward 7, DC Council 2020; Robin Salas,
14 Treasurer, Vote Jennings, Ward 7 D.C. Counsel
15 2020; Eleanor Ory, Treasurer, Committee to Hold
16 Jack Evans Accountable and Recall Jack Evans Now;
17 Robert Diener, Treasurer, Jan Spanning for Ward
18 2, and Ward 2 Citizens Recall; John Fanning,
19 Candidate, John Fanning for Ward 2; Jordan
20 Grossman, Candidate, Jordan Grossman for Ward 2;
21 Jonah Perlin, Treasurer; Jordan Grossman for Ward
22 2; Daniel Hernandez, Candidate, Daniel Hernandez

1 for Ward 2; Brandon T. Todd, Candidate, Re-Elect
2 Brandon Todd 2020; Adam Hunter, Treasurer, Re-
3 Elect Brandon Todd 2020.

4 In our Audit Branch during the month
5 of June, the Audit Branch conducted seven desk
6 reviews of principal campaign committees and
7 that, of course, includes the Mayor's reports.
8 We have four on-going full field audits. The
9 first one is Sheika Reid for Ward 1 which was
10 initiated on August 29, 2018. That is her
11 principal campaign committee. DC Proud 2019
12 Inaugural Committee, that was initiated on April
13 22, 2019 and that is an Inaugural Committee.
14 Committee to Elect Zachary Parker 2018. That was
15 initiated on March 5, 2019. That is a newly-
16 elected official 2/4/2018 election. Emily for
17 Education, initiated March 4, 2019, newly elected
18 official, school board 2018 election.

19 There are no periodic random audits
20 which are ongoing. We issued two audits during
21 the month of June and these are compliance
22 audits. The first was Frazier O'Leary for Ward

1 4. That was issued on June 7, 2019. Again that
2 is a newly elected official, school board
3 official, school board 2018 election. And the
4 second was the Ward 4 Constituent Service Fund
5 and that was issued on June 4, 2019 and that is a
6 Constituent Service Program. Both of the audits
7 are available on our website for view by members
8 of the public and I'll ask the general counsel,
9 Bill Sandford, to come forward and give the
10 report of the Legal Division of the Office of
11 Campaign Finance.

12 MR. SANDFORD: Thank you. Good
13 morning, Mr. Chairman and distinguished Board
14 Member Gill. My name is William Sandford,
15 general counsel for the Office of Campaign
16 Finance.

17 During the month of June 2019, the
18 Office of General Counsel did not receive any
19 referrals as they were not required to file them,
20 however, we did complete 20 informal hearings and
21 issued 20 orders which included the following:
22 ten orders for failure to timely file ANC summary

1 financial statements in which no fines were
2 imposed. Two failures to timely file orders
3 regarding Political Action Committees no fines
4 were imposed or issued. One failure to timely
5 file order regarding a principal campaign
6 committee in which no fines were imposed. And
7 seven failure to timely file orders in which
8 \$20,550 in fines were imposed or issued.

9 During the month of June 2019, the
10 Office of the General Counsel filed fines against
11 the following respondents. A fine of \$1,650 was
12 imposed against the Critical Campaign Committee
13 of Carley for Ward 5. A fine of \$3,150 was
14 imposed against Kenyan McDuffie, 2018 for \$4,000.
15 A fine of \$4,000 was imposed against Reid for
16 Ward 1. A fine of \$4,000 was imposed against DC
17 Recovery Act. A fine of \$3,350 was imposed
18 against DC Bike Life Compound. And a fine of
19 \$1,300 was imposed against DC Choice IEC.

20 During the month of June 2019, there
21 were no requests for interpretive opinions.

22 The Office of the General Counsel did

1 not carry or open any new investigations, and the
2 Office of the General Counsel did not conduct any
3 show cause proceedings. And that concludes my
4 report.

5 MR. BENNETT: Thank you, Mr. Sandford.

6 Ms. Montgomery?

7 MS. COLLIER-MONTGOMERY: Yes, that
8 concludes the report of the Office of Campaign
9 Finance.

10 Mr. Gill, do you have any questions?

11 MR. GILL: No questions. Thank you.

12 MR. BENNETT: Thanks for your report.

13 Next we'll have Ms. Monica Evans give her report
14 from the Board of Elections and in lieu of Ms.
15 Miller.

16 Ms. Evans.

17 MS. EVANS: Good morning. As
18 indicated, I am Monica Evans, the Special
19 Assistant to the Executive Director and I will be
20 giving Ms. Miller's report in her absence.

21 Canvass. The process is still on-
22 going and it usually takes about eight months to

1 complete. Essentially 218,000 voters were
2 canvassed and we're in the process of beginning
3 to send forwardable cards to approximately 17,600
4 registered who had mailers identified as
5 undeliverable. The voters will remain on the
6 voter role at the address listed in the board's
7 records through two additional federal elections
8 as required by law.

9 Additionally, 181,000 voters provided
10 no response to a canvass and by law no action is
11 required on those voters.

12 Continuing poll worker training. We
13 just completed the first round of poll worker
14 refresher training with the captains and special
15 ballot clerks. Training began on May 22nd and
16 wrapped up on June 27th. We held nine captain
17 sessions and 14 special ballot sessions. A total
18 of 251 individuals participated in those
19 refresher trainings. The purpose was essentially
20 to increase the quality and to address concerns
21 and discrepancies that were identified during
22 this 2018 election cycle. The captains and

1 special ballot clerks were extremely appreciative
2 of these additional trainings and we will be
3 having the second round of trainings beginning
4 this August.

5 Testimony. The board submitted
6 testimony before the Council of the District of
7 Columbia Committee on the Judiciary on Public
8 Safety. Three pieces of legislation were
9 introduced for the purpose of increasing voter
10 registration and turnout. The first piece of
11 proposed legislation provides employees with up
12 to two hours of paid leave in order to vote in
13 District elections. And this would essentially
14 would have no effect on our operations.

15 The second piece of proposed
16 legislation will require housing providers and
17 title companies to give voter registration
18 packets to new tenants and homeowners. And this
19 will require the board to create a voter
20 registration packet to provide to the Office of
21 the Tenant Advocate and develop a packet that
22 will be posted on our website. The bill also

1 requires the board to provide voting information
2 on our website along with the search feature to
3 elect individuals to identify their ward
4 Councilmembers and Advisory Neighborhood
5 Commissioner. And essentially these requirements
6 can be accomplished and would be within the
7 board's overall objectives.

8 The final piece of proposed
9 legislation requires the board to solicit opinion
10 from the Attorney General for the District of
11 Columbia and its General Counsel of the Council
12 of the District of Columbia on whether the
13 subject matter of an initiative or referendum is
14 a proper subject matter before the board accepts
15 the proposed measure. These measures are
16 consistent with the agency's mission and the
17 board does not have any objection to these
18 requirements. Additionally, initiative measures
19 would only appear on general election matters.

20 That concludes the Executive
21 Director's report.

22 MR. BENNETT: Great. Any questions,

1 Mr. Gill?

2 MR. GILL: No questions. Thank you.

3 MR. BENNETT: Okay. Next is the
4 report of the General Counsel.

5 Ms. Stroud:

6 MS. STROUD: Good morning. The first
7 item on my agenda is the litigation status. The
8 first case is William Hunt versus the D.C. Board
9 of Elections. This matter was filed in the
10 United States District Court for D.C. on October
11 18, 2018 and it's a complaint regarding the
12 counting of write-in votes cast in the November
13 6, 2018 general election in the mayoral contest.

14 Mr. Hunt filed a complaint prior to
15 the general election because he wanted the board
16 to count the write-in votes cast in that contest.
17 Because the number of write-in votes cast in the
18 mayoral contest was not sufficient to elect a
19 write-in candidate, the board was not required to
20 count the write-in votes. Rather, the board
21 reported those number of write-in votes cast in
22 the aggregate and provided that number in the

1 certified election results which are posted on
2 the board's website.

3 While the complaint was filed on
4 October 18, 2018, the board was not made aware of
5 the complaint until April 15th of this year due
6 to filing and service errors on the plaintiff's
7 part and the board was not formally served until
8 April 26, 2019. The board filed a motion to
9 dismiss on Wednesday, April 24th and we are
10 awaiting the court's decision in this matter.

11 The second case is James Butler versus
12 the D.C. Board of Elections. Mr. Butler filed
13 this action in the Superior Court seeking a writ
14 of mandamus to compel the board to accept the
15 D.C. term limits campaign initiative as a proper
16 subject. The initial scheduling conference for
17 this matter will be held on July 19th.

18 The final matter involves the board's
19 appeal of a permanent injunction entered by the
20 Superior Court on December 12, 2018 which
21 prohibited the board from taking any action on
22 the referendum 008 petition. The permanent

1 injunction was entered on the basis that the
2 board had failed to provide adequate public
3 notice of the meeting at which the board
4 formulated the referendum short title and summary
5 statement.

6 The proposer of the referendum is also
7 appealing the preliminary injunction and that
8 appeal was consolidated with the board's appeal.
9 The board and the proposer filed a joint brief
10 and appendix on June 26th and the appellee's
11 brief is due on July 26th.

12 And I have another matter concerning
13 final rulemakings that the board acted on during
14 the May 29th hearing. These amendments concern
15 Chapter 5. One supported the Voters
16 Confidentiality Act and the other listed the
17 District's voter registration agencies.

18 And the final rulemaking concerned the
19 Office of Campaign Finance Operations. While the
20 regulations were sent to the D.C. Register on May
21 29th after the board's meeting, they were not
22 accompanied by the final rulemaking transmittal

1 forms, so they have been sent and will be
2 published in next week's D.C. Register. And that
3 concludes my report.

4 MR. BENNETT: Great. Any comments,
5 Mr. Gill?

6 MR. GILL: No comments. Thank you.

7 MR. BENNETT: Okay. Now we're going
8 to move over to public matters and what I'd like
9 to do is to reverse a little bit and I'll take
10 public matters from persons that are physically
11 here today first, and then persons over the
12 phone.

13 Ms. Brazil.

14 MS. BRAZIL: Good morning. My name is
15 Dorothy Brazil. I'm the Executive Director of DC
16 Watch. Our mailing address is 1327 Gerard
17 Street, Northwest.

18 I have a couple of questions I wanted
19 to direct to the board and a request for some
20 information.

21 The first one is easy. Ms. Monica
22 Evans indicated at the June 13th meeting of the

1 Council to consider pending legislation that
2 would affect voter turnover, the Board of
3 Elections gave testimony. I was at that hearing.
4 No testimony was delivered by the Board of
5 Elections. If there is such testimony, I'd like
6 to get a written copy of it.

7 MS. EVANS: Yes, we did not provide
8 in-person testimony. That was in writing.

9 MS. BRAZIL: Not only that, but no one
10 showed from the board.

11 The next thing I would like to ask is
12 what are the rules of the board --

13 MR. BENNETT: And the board would just
14 like to make sure we're clear. We'll be happy to
15 send you that testimony. That testimony wasn't
16 posted or anything on the website. Are you
17 familiar with that?

18 MS. EVANS: I know we have the
19 testimony. I'm not sure whether or not it was
20 posted -- it was not posted on the website.

21 MR. BENNETT: We'll be happy to
22 forward it to you.

1 MS. EVANS: Yes.

2 MS. BRAZIL: If the chairman could
3 enlighten me as regards, what are the rules
4 regarding board members participating on the
5 telephone? I know that at one point the adoption
6 of a rule that indicates that at your discretion
7 you can allow a board member to participate by
8 video conference, telephone conference, or by
9 other means of communication. But I also recall
10 you gave some explanation that you did not
11 believe that at any time it would affect more
12 than one member of the board. You're down one
13 member because of Ms. Lewis' resignation and now
14 you have Mr. Gill on the phone. And the same
15 thing occurred at last month's meeting when you
16 actually had two people on the phone who were
17 board members.

18 Can you tell me what the -- or could
19 the general counsel tell me what the existing law
20 and regulation is regarding board members
21 participating in board meetings and not being
22 physically here? And can you give me the

1 citation.

2 MS. COLLIER-MONTGOMERY: Sure. One
3 moment.

4 (Pause.)

5 MR. BENNETT: While she's looking it
6 up, is there another question coming, Ms. Brazil?

7 MS. BRAZIL: Yes. I had another
8 question as regards board's processes. I
9 understand that the Board of Elections is an
10 independent agency of the District government and
11 that it believes it has independent authority
12 regarding personnel in contracting matters.

13 Can you give me the citations to a
14 position and the code and the regulations? And
15 can you provide me with a copy of any personnel
16 rules and regulations or any contracting rules
17 and regulations that you believe to govern the
18 Board of Elections?

19 MR. BENNETT: I'd be happy to. I
20 don't have one at my fingertips. I'd be happy to
21 provide those to you after the meeting.

22 MS. BRAZIL: After the meeting?

1 MR. BENNETT: Yes.

2 MS. STROUD: And Ms. Brazil, with
3 respect to your question regarding the regulation
4 regarding board members participating in board
5 meetings other than in person, 3 DCMR 102.3
6 provides that except as provided otherwise by
7 statute, a quorum of the board shall consist of
8 no fewer than two members of the board and shall
9 be necessary to conduct official board business.
10 At the discretion of the chairperson, any member
11 may participate in a meeting of the board by
12 means of a videoconference, telephone conference,
13 or by any means of communication by which all
14 persons participating in the meeting are able to
15 hear one another and such participation shall
16 constitute present, in person, at the meeting.

17 MS. BRAZIL: And you cited 3 DCMR 103
18 or 102?

19 MS. STROUD: 102.3.

20 MS. BRAZIL: 102.3?

21 MS. STROUD: Yes.

22 MS. BRAZIL: Thank you.

1 MS. STROUD: You're welcome.

2 MR. BENNETT: And Ms. Stroud, will you
3 provide Ms. Brazil with the citation for
4 personnel matters after the meeting?

5 MS. STROUD: Sure.

6 MS. BRAZIL: And my final matter
7 concerns the website. After repeated statements
8 by me at your board meeting as regards problems
9 with the website and not being able to search it
10 for cases or other matters, has there been any
11 effort to improve the website in terms of
12 information that's posted on it?

13 MR. BENNETT: I don't have an answer.
14 I haven't focused on it myself.

15 MS. STROUD: We will check into that.
16 We have been making improvements, and we take
17 into account, as I am aware, some of the
18 suggestions that you have made particularly with
19 respect to administrative orders, but we are
20 still working on it with DataNet, our vendor.

21 MR. BENNETT: I know that Ms. Miller
22 focused on it after the last, but she's not here

1 today. And I will assume that Ms. Evans hasn't
2 consulted with her about that.

3 MS. EVANS: I have not.

4 MS. BRAZIL: Well, you know, Mr.
5 Chairman, the good thing about these meetings
6 meetings is the fact there is a court reporter
7 who records the meetings. I have been making
8 pleas, bringing to your attention the problems
9 with the website consistently for at least six
10 months.

11 So as we go into the 2020 elections,
12 I think that it more than behooves the board and
13 more than enough time has passed, especially
14 since all you're telling essentially is you're
15 passing it off to a vendor to do.

16 Can you answer me one question? Who
17 on the board staff, a physical body on the board
18 staff is responsible for submitting information
19 to be posted and/or monitoring the website? Is
20 there anybody?

21 MR. BENNETT: Yes. Our Public Affairs

22 --

1 MS. STROUD: Our Public Affairs
2 Information Officer is Rachael Coll. I know that
3 she's in regular contact with her and I know that
4 one of the concerns that you had on our website
5 concerning our administrative orders was the fact
6 that there was not a sorting feature. In the
7 times that we've taken your concerns into
8 account, we have created a sorting feature for
9 orders. They can now be sorted by date, number,
10 or subject.

11 MS. BRAZIL: Okay. My final question
12 concerns the positions of different counsel. Can
13 you enlighten me as regards what the board's
14 process was for Mr. McGhie no longer being the
15 general counsel and for Ms. Stroud being
16 appointed general counsel?

17 Can you give me some specifics as
18 regards how that process went down and why it was
19 conducted behind closed doors? Specifically,
20 where was the position posted for filling?

21 MR. BENNETT: The position was -- I'll
22 start at the back part of your question. The

1 position was never posted. The board has the
2 authority to --

3 MS. BRAZIL: I'm sorry, your --

4 MR. BENNETT: The position was never
5 posted. The board has the authority to appoint
6 these particular positions, one is the general
7 counsel of the Board of Elections. The other is
8 the executive director, and the other is the
9 director of the Office of Campaign Finance. So
10 the board made the determination that it was time
11 to make a change. Mr. McGhie moved on to another
12 position and Ms. Stroud was a person at the board
13 discussed and we made the unanimous determination
14 that it was an excellent choice and so she's been
15 duly appointed.

16 MS. BRAZIL: I don't want to belabor
17 the point, but didn't you see any value in at
18 least posting the position on websites that
19 attorneys, election officials, and D.C.
20 government employees would be able to see?

21 I mean I was perusing, you know,
22 nonprofit organizations, entities that deal with

1 election law that on occasion post positions. I
2 was talking to people in the Office of the
3 Attorney General. No one knew about the vacancy
4 and I would also add that Ms. Stroud was a
5 staffer in the Office of General Counsel. That
6 was before any of the current -- you, Mr.
7 Bennett, any of the current board members were
8 there, so you can't draw upon your experience
9 with her in the Office of the General Counsel.

10 But you didn't see any value in terms
11 of posting the position to make sure you got the
12 best candidate? Or did you just go by a single
13 recommendation from Ms. Miller?

14 MR. BENNETT: No, we didn't go by a
15 single recommendation. It was the board, the
16 three of us, that made the decision that Ms.
17 Stroud was the very best choice for that
18 position.

19 MS. BRAZIL: How could you have made
20 that decision when you had no first-hand
21 knowledge of her work?

22 MR. BENNETT: We had lots of first-

1 hand knowledge of her work. We've been working
2 with her for several years.

3 MS. BRAZIL: She's a special assistant
4 to Ms. Miller, she's not a general counsel.
5 You've hired her for the position of general
6 counsel.

7 MR. BENNETT: I'm real clear about
8 that. And our experience with her, she was by
9 far the very best choice for that particular
10 position. I'm not sure what you're asking me --

11 MR. GILL: I would just second
12 Michael's comment. But the full board was
13 involved in the decision making process and the
14 full board fully supports Terri as general
15 counsel.

16 MS. BRAZIL: But that only contributes
17 to what I believe is an illegal act.

18 MR. BENNETT: There wasn't any illegal
19 act, Ms. Brazil. That was certainly not the
20 case. That was certainly not the case. That is
21 not the case. That is not factual. That
22 statement is not factual.

1 MS. BRAZIL: Do you believe that this
2 board is subject to the District's open
3 government and sunshine laws?

4 MR. BENNETT: Absolutely.

5 MS. BRAZIL: Then why don't you
6 conduct the business of this board in compliance
7 with those laws?

8 MR. BENNETT: Ms. Brazil, we are here
9 and this is a public meeting.

10 MS. BRAZIL: But you don't conduct the
11 business in public.

12 MR. BENNETT: There is an opportunity
13 for the board, even under that statute, that it
14 has to be in executive session. And the results
15 of our executive session was the appointment of
16 Ms. Stroud as general counsel.

17 MS. BRAZIL: There wasn't any executive
18 session issue with regards to simply posting the
19 vacancy?

20 MR. BENNETT: I'm not going to keep
21 repeating my answers.

22 MS. BRAZIL: Did you even have a

1 written job description for the position?

2 MR. BENNETT: Yes, Ms. Brazil, there
3 is a written job description.

4 MS. BRAZIL: Could I get a copy of
5 that written document?

6 MR. BENNETT: It's on the website, Ms.
7 Brazil.

8 MS. BRAZIL: No, it's not.

9 MR. BENNETT: Okay, fine. We'll get
10 you a written copy of the job description.

11 MS. BRAZIL: No, it's not.

12 MR. BENNETT: Any other public matters
13 that are physically here? Great.

14 Any public matters on the phone?

15 MR. SINDRAM: Yes, sir.

16 MR. BENNETT: Okay.

17 MR. SINDRAM: How are you, Mr. Chair?

18 You're holding up very well under intensive,
19 extreme entities. I'm proud of you.

20 MR. BENNETT: Thank you. Can you
21 state who you are and your address, name and
22 address for the record?

1 And I think was Mr. Sindram not able
2 to dial in on the bridge.

3 MR. SINDRAM: Yes, sir. Michael
4 Sindram, disabled veteran, who served our country
5 more than most --

6 MS. BRAZIL: I'll be outside waiting
7 for that information.

8 MR. SINDRAM: Hello?

9 MR. BENNETT: Yes, go ahead, go ahead,
10 Mr. Sindram.

11 MR. SINDRAM: Was that Ms. Brazil? I
12 thought she was done.

13 MR. BENNETT: She just walked outside.

14 MR. SINDRAM: Okay. Michael Sindram,
15 disabled veteran, served our country more than
16 most. I wish Ms. Brazil was there now to tell
17 her be nice to a disable veteran. I'm a very
18 tender, sensitive guy. She always hurts my
19 feelings and I can't sleep.

20 In any event, if Mr. Sandford were to
21 announce me as participant, caller, whatever,
22 distinguished caller, I wouldn't object.

1 I do have a question. Previous ANC 4B
2 meeting, I'm looking at the agenda on June 24th,
3 it indicates here presentation, Deloris K.
4 Ramsey, Fair Elections Manager, Office of
5 Campaign Finance. And she did not show, so I'm
6 going to ask you all, what is Ms. Ramsey's
7 position, her duties, responsibilities? And if
8 in the future she is to appear in a meeting, if
9 she would, that would be most helpful.

10 MR. BENNETT: Can you repeat your
11 question, Mr. Sindram?

12 MR. SINDRAM: Sure. I'm looking at
13 the regular public meeting agenda, Monday, June
14 24, 2019, 7 p.m., Advisory Neighborhood
15 Commission 4B. On the agenda on item number 9
16 it's got here presentation, Deloris K. Ramsey,
17 Fair Elections Manager, Office of Campaign
18 Finance.

19 So if Ms. Montgomery, could you give
20 an intro because Ms. Ramsey was not at the
21 meeting and I was not able to ask questions then,
22 so I will now.

1 Ms. Ramsey as the Fair Elections
2 Manager, what does that entail?

3 MR. BENNETT: I don't know Ms. Ramsey.
4 Do you know her?

5 MS. COLLIER-MONTGOMERY: As far as I
6 know, the person of the outreach in the ANC is
7 basically what we've been trying to do --

8 MR. BENNETT: Can you hear her, Ms.
9 Reporter? Okay. Go ahead.

10 MR. SINDRAM: If I may, Mr. Chair, I
11 heard Ms. Ramsey's name mentioned during the
12 meeting there, Ms. Montgomery, so evidently
13 Deloris K. Ramsey exists, but I don't have a
14 handle on what exactly who she is and as Fair
15 Elections Manager title, what does that mean?

16 MS. COLLIER-MONTGOMERY: All right,
17 the Fair Elections Manager is Eric Jackson and
18 basically, with the appearance --

19 MR. SINDRAM: But could you -- it says
20 here Deloris K. Ramsey is the Fair Elections
21 Manager, on this agenda, which is posted on the
22 web, but I'm holding a hard copy. It indicates

1 Government of the District of Columbia, Advisory
2 Neighborhood Commission 4B, regular public
3 meeting agenda, Monday, June 24, 2019, 7 p.m.

4 Under item 9, it's got presentation
5 colon Deloris K period Ramsey, Fair Elections
6 Manager, Office of Campaign Finance.

7 Now if I understand you, correctly,
8 Ms. Montgomery, you're saying somebody else is
9 the Fair Elections Manager, although I did hear
10 Ms. Ramsey's name mentioned in your presentation.

11 MS. COLLIER-MONTGOMERY: If the Fair
12 Elections Manager was not available at the
13 Advisory Neighborhood Commission meeting, then
14 members of his staff would have present on the
15 24th. And I have a member of his staff in the
16 board room, and I would ask her to come forward.

17 But basically, what we did in early
18 March was we requested that we be placed on the
19 agendas of various ANCs throughout the District
20 of Columbia through October of 2018 with the
21 purpose of being able to give a short
22 presentation on the new Fair Elections Program.

1 And so most of the ANCs have been gracious enough
2 to allow us usually five minutes on their agenda
3 for that purpose, which gives us the opportunity
4 to also distribute brochures, but we'll defer at
5 this point to a staff member of the Fair
6 Elections Program to basically address the
7 meeting on the 24th.

8 MS. HAYES: Good afternoon. I'm
9 Tamika Hayes of the Fair Elections Program. I
10 processed in attending the ANC meeting to get a
11 confirmation from someone in charge of each
12 meeting from each ANC Commission and on that
13 specific day we did not receive a confirmation
14 that we were going to be placed on the agenda
15 until it was between 4 p.m. and 5 p.m. which was
16 too short of a notice for our staff to adjust to
17 make sure that we could be in attendance. So you
18 need a confirmation from the ANC specifically for
19 us to rearrange our schedules.

20 We had sent the confirmation out prior
21 to and on that specific day, it was just too much
22 of a short notice to see who could actually

1 attend the meeting. So we reached out to them.
2 We actually had Ms. Ramsey reach out and let them
3 know that the notice was too short and if we
4 could reschedule.

5 MR. BENNETT: So it sounds like that
6 the ANC put somebody's name on that and really
7 shouldn't have been there based on who they
8 contacted, Ms. Ramsey contacted. The manager of
9 the Fair Elections Program is Mr. Eric Jackson,
10 so that agenda you're looking at, Mr. Sindram,
11 probably was sent out by the ANC and that was
12 just a mistake of they gave Ms. Ramsey the wrong
13 title.

14 MR. SINDRAM: It sounds right, it is
15 just a bit misleading because the way it is
16 written on this agenda item it indicates Deloris
17 K. Ramsey, Fair Elections Manager, is indeed
18 their elections manager when evidently not. It's
19 what, Mr. Eric Johnson?

20 MR. BENNETT: Mr. Eric Jackson. Eric
21 Jackson is actually the Fair Elections Manager.

22 MR. SINDRAM: Okay.

1 MR. BENNETT: It sounds like it was
2 just a misunderstanding at the ANC.

3 MR. SINDRAM: The explanation of short
4 notice between 4 and 5, the show time for the
5 meeting was 7 p.m. So you guys would have been
6 there anyway and I don't understand why the
7 failure to show up. It would be most helpful if
8 you guys were there to field questions from the
9 community and so on, but be that as it may, you
10 made mention rescheduled. Do you have a date and
11 time certain of coming, when you'll be at our ANC
12 4B meeting?

13 MS. HAYES: We do not have a date and
14 time scheduled at the moment, but we will
15 definitely be more than likely at the next board
16 meeting. I can't confirm that at the moment, but
17 we did request their schedule.

18 MR. SINDRAM: If I understand, you
19 said you will be at the next board meeting?

20 MS. HAYES: I say more than likely we
21 will be at the next board meeting. I cannot
22 confirm the date and the schedule, but we

1 requested a reschedule.

2 MR. SINDRAM: For 4B, they'll not be
3 meeting July and August. The next meeting will
4 be September 23rd at 7 p.m., the same location of
5 the MPD 4th District Station, 6001 Georgia
6 Avenue, N.W. I look forward either meeting you
7 or Mr. Eric Jackson or Deloris Ramsey or someone
8 there that could enlighten us as to in more
9 depth, detail, what you guys do and that could
10 field questions from the community. It would be
11 most helpful.

12 MS. HAYES: Just to confirm, you said
13 September 7th at 6:30?

14 MR. SINDRAM: No, no, no. It's ANC 4B
15 normally, ordinarily, barring any unforeseen
16 circumstance is the fourth Monday of each month.

17 MS. HAYES: Okay.

18 MR. SINDRAM: The fourth Month. Now
19 again, for July and August, there will be no
20 meeting, so that moves us to September and that
21 will be September 23rd, 7 p.m. and the location
22 again which may be subject to change but it's

1 been this way for quite some time, MPD 4th
2 District Station, 6001 Georgia Avenue, N.W.
3 Again, the date, September 23rd, 7 p.m.

4 MS. HAYES: Okay.

5 MR. SINDRAM: That would be the 4th
6 District Activity Room.

7 MS. HAYES: Thank you very much. I
8 will pass that information on to Ms. Ramsey, so
9 she can add it to our calendar.

10 MR. SINDRAM: And if you will,
11 briefly, since I've got you here, what do you
12 guys do, the Fair Elections manager, program,
13 what have you? What is it that you are -- you
14 guys are responsible for doing?

15 MR. BENNETT: If I could answer that
16 and I just wanted to -- Mr. Jackson walked in --
17 but please take this as not as a snide remark,
18 Mr. Sindram, but it's a fairly complex and
19 lengthy explanation and I would recommend that we
20 -- hopefully, have you dial in at one of the
21 training sessions, but in general, the Fair
22 Elections Program is one that administers the

1 public financing of elections for the City
2 Council, the Mayor, and the Attorney General in
3 the District. I don't think it includes the
4 Board of Elections?

5 MS. COLLIER-MONTGOMERY: School Board.

6 MR. BENNETT: Yes, School Board. The
7 School Board, Counsel, Mayor, and Attorney
8 General is a program that allows persons running
9 for those offices to receive public funds.
10 That's generally what the program is about. It's
11 a relatively detailed explanation of -- if Mr.
12 Jackson would like to add something else in
13 summary, just walk back in to that explanation.
14 I'd be happy to have it, but --

15 MR. JACKSON: Sorry, Mr. Chairman,
16 what's the question again?

17 MR. BENNETT: The question was what is
18 the Fair Elections Program and I just gave him
19 the short answer. It's basically public funding
20 for people running for those offices that I
21 mentioned. And there's certain requirements that
22 you have to meet in order to receive public

1 funding, but it's a fairly lengthy explanation
2 that this meeting is probably not the proper
3 place to provide that.

4 Mr. Sindram, does that answer your
5 question, Mr. Sindram?

6 MR. SINDRAM: I thank you for your
7 explanation. If Mr. Jackson wanted to weigh in,
8 that would be a propos.

9 MR. JACKSON: Hi, how are you? Fair
10 Elections Program is a publicly-funded program
11 that allows the District of Columbia to provide
12 public funding for people running for elections.
13 It actually -- if you are opted into the program,
14 you must adhere to the program's requirements
15 which require only smaller dollar contributions.
16 If you're running for say a ward race, which is
17 we have open ward race, multi-candidates to Ward
18 2, you can only have a contribution of \$50 or
19 less. And it has to be from individuals, no
20 corporate donations, no businesses or anything to
21 that nature.

22 MR. BENNETT: Is that helpful, Mr.

1 Sindram? I'm really hesitant to go a lot further
2 because there are a lot of requirements and we
3 could be talking about it for another hour.

4 MR. SINDRAM: I got you. Thanks. In
5 the interest of time, Mr. Chair, I appreciate it.
6 I look forward to making your acquaintance should
7 you be at that meeting, Mr. Jackson. Hopefully,
8 you and certainly someone from your office.

9 I did want to bring to your attention
10 and this may be a little out of your lane that
11 from ANC 4B09, La Roya Huff is the Commissioner
12 of that SMD. She works for Brandon Todd.
13 Actually, she's a constituent services person and
14 I think clearly that's a conflict of interest.
15 That may be something for the board overall or
16 another entity to look at, but I'm just putting
17 it out there that that clearly appears to be
18 conflict of interest and we've had Mr. Todd's
19 name surface on using his office for board
20 representative election, throwing the election,
21 if you will, and I think he was reprimanded,
22 fined, or whatever, which is not good.

1 One of the things, we want to open it
2 to all, and we also want to play by the same
3 rules. And just because you got some juice in
4 terms of being an incumbent, you've got a war
5 chest that's sizeable, that should not carry the
6 day.

7 What will carry the day is when you
8 have open elections, when you have fair and
9 equitable voting and opportunity for all, not
10 just because of name recognition, status,
11 stature, whatever, and I know, Mr. Chair, you
12 have said this repeatedly, you want to open up
13 the voting mechanism not only to we, the people,
14 but to any and all eligible who's heart desire is
15 to serve, or a true and pure motive to represent
16 we, the people. So I echo and support you in
17 that endeavor, the board's endeavor, and
18 hopefully with this now Fair Elections Program,
19 that will bolster that mindset and give greater
20 credence. Because right now the culture of
21 corruption is alive and well. As Phil Mendelson
22 said, the Chair of the Council, the integrity of

1 the Council is eroded, no, it's obliterated.

2 And one thing more, term limits, of
3 course, Jack Evans, I don't want to ask you, but
4 what's the status on your end with that. I know
5 under multiple investigations, but he continually
6 pushed no term limits. And we voted on that in
7 1992.

8 So again, Mr. Chair, on the one hand
9 if you are inviting and enlisting our support and
10 when we do come to vote and then later on, the
11 motley crew at the granite palace, the Wilson
12 Building, negates and nullifies what we, the
13 people have voted, why bother? Same thing with
14 Initiative 77, on that beat.

15 So term limits, number one. And
16 number two, outside employment. That has given,
17 and I think Ms. Montgomery, you can echo this
18 concern. When you've got outside employment,
19 right, that gives the pay to play greater -- the
20 fix is in, okay. And so for Mary Cheh of Ward 3,
21 teaching full time at G.W. Evans became a lawyer
22 full time and others. That's telling we, the

1 people, that's telling me the public trust is not
2 at the forefront. It's the outside gate. And
3 remember, as a Councilmember, that's a part-time
4 gig. You're getting \$140,000 plus, \$140,000 per
5 year, notwithstanding the perks, office space and
6 everything. That's more than adequate to have a
7 comfortable living. You don't need the outside
8 employment. That's for being greedy and not
9 needy.

10 So once again, putting it out there,
11 term limits and no outside employment. Ms.
12 Montgomery and others there, to closely look at
13 that. I know you are not the lawmakers, but you
14 do have standing and you can minimally with
15 courts amicus, general counsel, friend of the
16 court, put it in there that this outside
17 employment certainly gives rise to corruption and
18 what not. And if we were to alleviate that, we
19 wouldn't be wasting our time on all the other
20 stuff that we can do it more productively and
21 proactively.

22 All too often, Mr. Chair, government

1 is reactive and on your watch it has become more
2 proactive. That brings joy to my heart.
3 Actually, I'm subterraneously excited to know
4 that.

5 Any questions, I'd be delighted to
6 field them at this time.

7 MR. BENNETT: I don't have any.

8 Mr. Gill, do you have any for Mr.
9 Sindram?

10 MR. SINDRAM: We need an elephant in
11 the room, Mr. Gill. Where are you?

12 MR. GILL: Michael Gill, again, and I
13 have no questions.

14 MR. BENNETT: Any other public
15 comments for public matters on the line?

16 MR. SINDRAM: And brief indulgence,
17 one question if I may for Mr. Gill.

18 Does the RNC, Republican Committee
19 party now have a set office in D.C.? They did at
20 one time when Ron Moten ran and then it kind of
21 -- it went away, but do you guys now have a set
22 office to take care of business, Republicans?

1 MR. GILL: So Michael, one of the
2 beautiful things about serving on the Board of
3 Elections is that I'm no longer affiliated with
4 them, and I'm prohibited from having any
5 political leanings and such. So I have no idea.

6 MR. SINDRAM: I'm not asking you a
7 question substantive. I'm asking procedurally,
8 does the Republican Committee have an office in
9 D.C., and if so what is the address and contact
10 information?

11 MR. BENNETT: He's just saying that he
12 doesn't know, Mr. Sindram.

13 MR. GILL: I don't know.

14 MR. SINDRAM: Thanks, Mr. Gill. And
15 next time we meet, I don't want the excuse the
16 dog ate my homework, the train had a flat tire.

17 MR. BENNETT: Any other public matters
18 on the line? I think Ms. Lewis was on the line.

19 Are you there, Ms. Lewis?
20 Unfortunately, she was not able to stay on and
21 join us.

22 Anyway, if there are no other public

1 matters, we may have an opportunity to celebrate
2 with Ms. Lewis in person next month.

3 MR. SINDRAM: And Mr. Chair, in light
4 of Independence Day, the 4th of July, I'd like to
5 share briefly, it is the veteran, it is the
6 veteran, not the preacher, who has given us
7 freedom of religion. It is the veteran, not the
8 reporter, who has given us freedom of the press.
9 It is the veteran, not the poet, who has given us
10 freedom of speech. It is the veteran, not the
11 campus organizer, who has given us freedom to
12 assemble. It is the veteran, not the lawyer, who
13 has given the right to a fair trial. It is the
14 veteran, not the politician, who has given us the
15 right to vote. As the veteran salutes the flag,
16 he serves under the flag. God bless America and
17 our troops. Lest we forget, Mr. Chair, and all
18 listening to the sound of my voice, it is because
19 we veterans put our life on the line. We shed
20 precious blood for due process and fundamental
21 rights and that's why as we see in this country
22 at this point in time, subject to change, we're

1 not ducking grenades, bullets, and mortars.

2 Thank you for your indulgence, Mr. Chair.

3 MR. BENNETT: Thank you, Mr. Sindram.

4 And thumbs up to that last statement.

5 We don't have any more public matters
6 and I think we're at the end of the agenda, so
7 the meeting is hereby adjourned.

8 MR. SINDRAM: Have a good day, guys.

9 MR. GILL: Thank you, Michael.

10 MR. BENNETT: Thank you, Mike, safe
11 travels.

12 (Whereupon, the above-entitled matter
13 went off the record at 12:31 p.m.)

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A

a.m. 1:13 3:2
able 3:5,8 6:2 28:14
 29:9 32:20 37:1 38:21
 40:21 53:20
above-entitled 55:12
absence 17:20
Absolutely 35:4
accept 22:14
accepts 20:14
accompanied 10:13
 23:22
accomplished 20:6
account 29:17 31:8
Accountable 13:16
acquaintance 48:6
act 16:17 23:16 34:17
 34:19
acted 23:13
acting 4:3 7:3
action 12:12 13:6 16:3
 18:10 22:13,21
Activity 45:6
Adam 14:2
add 33:4 45:9 46:12
additional 9:16,18 18:7
 19:2
Additionally 18:9 20:18
address 18:6,20 24:16
 36:21,22 41:6 53:9
adequate 23:2 51:6
adhere 47:14
adjourned 55:7
Adjournment 2:21
adjust 41:16
administers 45:22
administrative 7:18 9:9
 29:19 31:5
adopt 3:8 4:18 5:2
adopted 8:17
adoption 2:3,4 4:16,21
 26:5
Advisory 7:22 8:2,16
 8:18 20:4 38:14 40:1
 40:13
Advocate 19:21
Affairs 30:21 31:1
affect 25:2 26:11
affiliated 53:3
afternoon 41:8
agencies 23:17
agency 27:10
agency's 20:16
agenda 2:3 3:8,16 4:16
 4:18 9:20 21:7 38:2
 38:13,15 39:21 40:3
 41:2,14 42:10,16 55:6
agendas 40:19

aggregate 21:22
ago 4:5
ah 6:19
ahead 3:4 4:8 37:9,9
 39:9
Alice 1:18 2:11 4:3 7:3
alive 49:21
alleviate 51:18
allow 26:7 41:2
allows 46:8 47:11
amendments 23:14
America 54:16
amicus 51:15
ANC 7:14 8:7,11,17 9:1
 15:22 38:1 39:6 41:10
 41:12,18 42:6,11 43:2
 43:11 44:14 48:11
ANCs 11:18 40:19 41:1
and/or 30:19
announce 37:21
announced 3:17,18
answer 29:13 30:16
 45:15 46:19 47:4
answers 35:21
Anthony 11:14 13:3
anybody 30:20
anyway 43:6 53:22
appeal 7:21 8:15 22:19
 23:8,8
appealing 23:7
appeals 5:12
appear 20:19 38:8
appearance 39:18
appearing 5:20
appears 48:17
appellee's 23:10
appendix 23:10
appointed 6:17 31:16
 32:15
appointment 3:18
 35:15
appreciate 48:5
appreciative 19:1
approximately 18:3
April 14:12 22:5,8,9
Asian 10:19
asking 34:10 53:6,7
assemble 54:12
assistant 1:21 17:19
 34:3
associated 7:14
assume 30:1
At-Large 11:14 13:4
ate 53:16
attend 42:1
attendance 41:17
attending 41:10

attention 30:8 48:9
Attorney 20:10 33:3
 46:2,7
attorneys 32:19
Audit 14:4,5
audits 14:8,19,20,22
 15:6
August 14:10 19:4 44:3
 44:19
authority 27:11 32:2,5
available 15:7 40:12
Avenue 44:6 45:2
awaiting 22:10
aware 22:4 29:17

B

back 4:14,14 31:22
 46:13
ballot 18:15,17 19:1
Barbara 12:21
barring 44:15
based 42:7
basically 5:12 10:14
 39:7,18 40:17 41:6
 46:19
basis 23:1
beat 10:21 11:3 50:14
beautiful 53:2
began 18:15
beginning 18:2 19:3
behalf 4:3 7:4
behooves 30:12
belabor 32:16
believe 26:11 27:17
 34:17 35:1
believes 27:11
Bennett 1:13,15 3:3 4:1
 4:12,19 5:4 6:14 7:1,6
 9:19 10:3 17:5,12
 20:22 21:3 24:4,7
 25:13,21 27:5,19 28:1
 29:2,13,21 30:21
 31:21 32:4 33:7,14,22
 34:7,18 35:4,8,12,20
 36:2,6,9,12,16,20
 37:9,13 38:10 39:3,8
 42:5,20 43:1 45:15
 46:6,17 47:22 52:7,14
 53:11,17 55:3,10
best 33:12,17 34:9
Bike 16:18
bill 15:9 19:22
birthday 3:20 4:4,6 6:18
 6:20 7:1
bit 24:9 42:15
bless 54:16
blood 54:20
board's 6:11 9:8 18:6

20:7 22:2,18 23:8,21
 27:8 31:13 49:17
body 30:17
bolster 49:19
bother 50:13
Branch 14:4,5
Brandon 14:1,2,3 48:12
Brazil 24:13,14,15 25:9
 26:2 27:6,7,22 28:2
 28:17,20,22 29:3,6
 30:4 31:11 32:3,16
 33:19 34:3,16,19 35:1
 35:5,8,10,17,22 36:2
 36:4,7,8,11 37:6,11
 37:16
bridge 37:2
brief 23:9,11 52:16
briefly 45:11 54:5
bring 48:9
bringing 30:8
brings 52:2
brochures 41:4
BROOKS 1:21
brought 7:21 8:15
Building 50:12
bullets 55:1
burden 8:5,21
business 28:9 35:6,11
 52:22
businesses 47:20
Butler 2:16 22:11,12

C

calendar 45:9
Called 2:2
caller 37:21,22
campaign 1:17 2:8 9:21
 10:5,8,15 12:11 14:6
 14:11 15:11,15 16:5
 16:12 17:8 22:15
 23:19 32:9 38:5,17
 40:6
campus 54:11
Cancers 6:20,21
candidate 12:21 13:12
 13:19,20,22 14:1
 21:19 33:12
candidates 11:8 12:5,6
 12:15
canvass 17:21 18:10
canvassed 18:2
captain 18:16
captains 18:14,22
cards 18:3
care 52:22
Carley 16:13
carry 17:1 49:5,7
case 21:8 22:11 34:20

34:20,21
cases 29:10
cast 21:12,16,17,21
cause 17:3
Cecily 1:16 2:8 10:4
celebrate 54:1
certain 43:11 46:21
certainly 34:19,20 48:8
 51:17
certified 22:1
Chair 1:13,15 36:17
 39:10 48:5 49:11,22
 50:8 51:22 54:3,17
 55:2
chairman 15:13 26:2
 30:5 46:15
chairperson 28:10
challenger 8:4,20
challenges 7:14
change 32:11 44:22
 54:22
Chapter 23:15
charge 41:11
check 29:15
Cheh 50:20
chest 49:5
choice 16:19 32:14
 33:17 34:9
circumstance 44:16
citation 27:1 29:3
citations 27:13
cited 28:17
Citizens 13:18
City 11:10,12,13,14
 12:18,20 13:2,4 46:1
clear 25:14 34:7
clearly 48:14,17
clerks 18:15 19:1
closed 31:19
closely 51:12
code 27:14
Coll 31:2
Collier-Montgomery
 1:16 2:8 10:1,6 17:7
 27:2 39:5,16 40:11
 46:5
colon 40:5
Columbia 1:2,11 19:7
 20:11,12 40:1,20
 47:11
come 15:9 40:16 50:10
comfortable 51:7
coming 27:6 43:11
comment 34:12
comments 9:16,17 24:4
 24:6 52:15
Commission 8:1,17,18
 38:15 40:2,13 41:12

Commissioner 8:5,8,11
 8:21 9:1 20:5 48:11
Commissioners 8:3
committee 5:14,15 13:1
 13:6,8,15 14:11,12,13
 14:14 16:6,12 19:7
 52:18 53:8
committees 12:11,12
 12:13,16 14:6 16:3
communication 26:9
 28:13
community 10:11 11:1
 11:17 43:9 44:10
companies 19:17
compel 22:14
complaint 21:11,14
 22:3,5
complement 6:3
complete 15:20 18:1
completed 18:13
complex 45:18
compliance 14:21 35:6
Compound 16:18
concern 23:14 50:18
concerned 23:18
concerning 23:12 31:5
concerns 18:20 29:7
 31:4,7,12
concludes 17:3,8 20:20
 24:3
conduct 10:10 17:2
 28:9 35:6,10
conducted 11:17 13:10
 14:5 31:19
conference 22:16 26:8
 26:8 28:12
conferences 13:10
Confidentiality 23:16
confirm 43:16,22 44:12
confirmation 41:11,13
 41:18,20
conflict 48:14,18
Congress 11:5,5
consider 25:1
consist 28:7
consistent 20:16
consistently 30:9
consolidated 23:8
constituent 12:13 15:4
 15:6 48:13
constitute 28:16
consulted 30:2
contact 31:3 53:9
contacted 42:8,8
CONTENTS 2:1
contest 21:13,16,18
continually 50:5
Continuing 18:12

contracting 27:12,16
contributes 34:16
contribution 47:18
contributions 47:15
convened 1:12
copy 25:6 27:15 36:4
 36:10 39:22
corporate 47:20
correctly 40:7
corruption 49:21 51:17
Council 11:11,12,13,15
 12:18,20,22 13:2,13
 19:6 20:11 25:1 46:2
 49:22 50:1
Council's 5:16
Councilmember 51:3
Councilmembers 20:4
counsel 1:17,20 3:19
 6:17 13:4,14 15:8,15
 15:18 16:10,22 17:2
 20:11 21:4 26:19
 31:12,15,16 32:7 33:5
 33:9 34:4,6,15 35:16
 46:7 51:15
Counsel's 2:13
count 21:16,20
counting 21:12
country 37:4,15 54:21
couple 4:4,9 24:18
course 14:7 50:3
court 21:10 22:13,20
 30:6 51:16
court's 22:10
courts 51:15
create 19:19
created 31:8
credence 49:20
crew 50:11
Critical 16:12
culture 49:20
current 33:6,7
currently 7:15
cycle 18:22

D

D 1:17 2:13
D.C 1:13 2:15,16,17
 11:14 12:22 13:2,4,14
 21:8,10 22:12,15
 23:20 24:2 32:19
 52:19 53:9
Dale 11:14 13:4,4
Daniel 11:11 12:19,19
 13:22,22
DataNet 29:20
date 12:3,4,6 31:9
 43:10,13,22 45:3
day 5:8 41:13,21 49:6,7

54:4 55:8
days 4:5
DC 13:5,7,13 14:11
 16:16,18,19 24:15
DCMR 28:5,17
deal 32:22
December 22:20
decide 7:10
decision 8:12 22:10
 33:16,20 34:13
defer 41:4
definitely 43:15
delighted 52:5
delivered 25:4
Deloris 10:12 38:3,16
 39:13,20 40:5 42:16
 44:7
Department 10:21 11:3
depth 44:9
description 36:1,3,10
desire 49:14
desk 14:5
detail 44:9
detailed 46:11
determination 32:10,13
determined 8:4,20
develop 19:21
dial 37:2 45:20
Diener 13:17
different 31:12
diligently 6:5
Dionna 5:6 6:13
direct 24:19
director 1:16,22 10:5
 17:19 24:15 32:8,9
Director's 2:10 20:21
disable 37:17
disabled 37:4,15
discrepancies 18:21
discretion 26:6 28:10
discussed 32:13
dismiss 22:9
distinguished 15:13
 37:22
distribute 41:4
District 1:2,11 5:11,13
 8:3,19 10:22 11:4
 19:6,13 20:10,12
 21:10 27:10 40:1,19
 44:5 45:2,6 46:3
 47:11
District's 23:17 35:2
Division 12:9 15:10
document 36:5
dog 53:16
doing 45:14
dollar 47:15
donations 47:20

doors 31:19
Dorothy 24:15
draw 33:8
drive 10:10
ducking 55:1
due 22:5 23:11 54:20
duly 32:15
duties 38:7

E

e-filing 12:1
earlier 3:18
early 40:17
easy 24:21
echo 6:14 49:16 50:17
Education 14:17
effect 19:14
effort 29:11
eight 17:22
either 44:6
Eleanor 13:15
elect 14:3,14 20:3 21:18
elected 14:16,17 15:2
election 14:16,18 15:3
 18:22 20:19 21:13,15
 22:1 32:19 33:1 48:20
 48:20
elections 1:4,12,14,19
 2:15,16,17 6:6 10:9
 10:16 11:7,16 17:14
 18:7 19:13 21:9 22:12
 25:3,5 27:9,18 30:11
 32:7 38:4,17 39:1,15
 39:17,20 40:5,9,12,22
 41:6,9 42:9,17,18,21
 45:12,22 46:1,4,18
 47:10,12 49:8,18 53:3
elephant 52:10
eligible 49:14
Emily 14:16
employees 19:11 32:20
employment 50:16,18
 51:8,11,17
endeavor 49:17,17
enlighten 26:3 31:13
 44:8
enlisting 50:9
entail 39:2
entered 22:19 23:1
entities 32:22 36:19
entity 48:16
equitable 49:9
Eric 39:17 42:9,19,20
 42:20 44:7
eroded 50:1
errors 22:6
especially 30:13
essentially 18:1,19

19:13 20:5 30:14
Evans 1:18 2:10 4:2 7:3
 13:16,16 17:13,16,17
 17:18 24:22 25:7,18
 26:1 30:1,3 50:3,21
event 10:21 11:4 37:20
evidently 39:12 42:18
exact 5:11
exactly 39:14
excellent 4:13 32:14
excited 52:3
excuse 53:15
executive 1:21 2:10
 17:19 20:20 24:15
 32:8 35:14,15,17
existed 8:1
existing 26:19
exists 39:13
expenditure 12:13 13:8
experience 33:8 34:8
explain 12:7
explanation 26:10 43:3
 45:19 46:11,13 47:1,7
Exploratory 13:1
extreme 36:19
extremely 19:1

F

F 1:21
fact 30:6 31:5
factual 34:21,22
failed 23:2
failure 15:22 16:4,7
 43:7
failures 16:2
fair 10:16 11:7,16 38:4
 38:17 39:1,14,17,20
 40:5,9,11,22 41:5,9
 42:9,17,21 45:12,21
 46:18 47:9 49:8,18
 54:13
fairly 45:18 47:1
familiar 25:17
Fanning 11:10 12:17,17
 13:18,19
far 34:9 39:5
feature 20:2 31:6,8
federal 18:7
feelings 37:19
FEP 11:17,22 12:1,4,18
 12:20 13:3,5
Festival 10:19
fewer 28:8
field 14:8 43:8 44:10
 52:6
file 15:19,22 16:2,5,7
filed 16:10 21:9,14 22:3
 22:8,12 23:9

filing 12:3,4 22:6
filing 31:20
final 20:8 22:18 23:13
 23:18,22 29:6 31:11
Finance 1:17 2:8 9:21
 10:5,9,15 15:11,16
 17:9 23:19 32:9 38:5
 38:18 40:6
financial 12:10 16:1
financing 46:1
fine 16:11,13,15,16,17
 16:18 36:9
fined 48:22
fines 16:1,3,6,8,10
fingertips 27:20
first 10:7 11:10 12:4
 14:9,22 18:13 19:10
 21:6,8 24:11,21
first- 33:22
first-hand 33:20
five 41:2
fix 50:20
flag 54:15,16
flat 53:16
focused 29:14,22
following 11:18 15:21
 16:11
follows 12:17
forefront 51:2
forget 54:17
forgot 10:3
formally 22:7
forms 24:1
formulated 23:4
forward 7:8 15:9 25:22
 40:16 44:6 48:6
forwardable 18:3
found 8:1,17
four 11:8 14:8
fourth 44:16,18
Frazier 14:22
freedom 54:7,8,10,11
Friday 5:9
friend 51:15
full 5:16 6:3 14:8 34:12
 34:14 50:21,22
fully 34:14
fund 12:14 15:4
fundamental 54:20
funding 46:19 47:1,12
funds 46:9
further 48:1
future 38:8

G

G.W 50:21
gain 6:12
gate 51:2

general 1:17,20 2:13
 3:19 6:17 15:8,15,18
 16:10,22 17:2 20:10
 20:11,19 21:4,13,15
 26:19 31:15,16 32:6
 33:3,5,9 34:4,5,14
 35:16 45:21 46:2,8
 51:15
generally 46:10
Georgia 44:5 45:2
Gerard 24:16
getting 51:4
gig 51:4
Gill 1:16 3:6,9 4:9,11,17
 4:18 5:2 6:4,8,10,19
 7:5 9:15,17 15:14
 17:10,11 21:1,2 24:5
 24:6 26:14 34:11 52:8
 52:11,12,12,17 53:1
 53:13,14 55:9
give 15:9 17:13 19:17
 26:22 27:13 31:17
 38:19 40:21 49:19
given 50:16 54:6,8,9,11
 54:13,14
gives 41:3 50:19 51:17
giving 17:20
God 54:16
GOLDSBERRY-ADA...
 1:20
govern 27:17
government 1:1 27:10
 32:20 35:3 40:1 51:22
gracious 41:1
Graham 2:17
granite 50:11
greater 49:19 50:19
greedy 51:8
Greenfield 5:21
Greenleaf 11:1
grenades 55:1
Grossman 13:20,20,21
guess 5:9

H

Half 1:12
Hammond 2:6 7:20,21
 8:4 9:10
hand 34:1 50:8
handle 39:14
happy 3:20 7:1 12:2
 25:14,21 27:19,20
 46:14
hard 39:22
Hayes 41:8,9 43:13,20
 44:12,17 45:4,7
hear 3:13 28:15 39:8
 40:9

heard 39:11
 hearing 23:14 25:3
 hearings 7:9 15:20
 heart 49:14 52:2
 Heights 11:6
 held 5:1 11:4 18:16
 22:17
 Hello 37:8
 helpful 38:9 43:7 44:11
 47:22
 Hernandez 11:11 12:19
 12:19 13:22,22
 hesitant 48:1
 Hi 47:9
 hired 34:5
 Hold 13:15
 holding 36:18 39:22
 homeowners 19:18
 homework 53:16
 hope 6:1
 hopefully 3:5 45:20
 48:7 49:18
 hour 48:3
 hours 19:12
 housing 11:1 19:16
 Huff 48:11
 Hunt 2:15 21:8,14
 Hunter 14:2
 hurts 37:18

I

i.e 8:10
 idea 53:5
 identified 18:4,21
 identify 20:3
 IEC 16:19
 illegal 34:17,18
 imposed 16:2,4,6,8,12
 16:14,15,16,17,19
 improve 29:11
 improvements 29:16
 in-person 25:8
 Inaugural 14:12,13
 included 15:21
 includes 14:7 46:3
 increase 18:20
 increasing 19:9
 incumbent 49:4
 Independence 54:4
 independent 12:12
 13:7 27:10,11
 indicated 17:18 24:22
 indicates 26:6 38:3
 39:22 42:16
 individuals 18:18 20:3
 47:19
 indulgence 52:16 55:2
 informal 15:20

information 10:14 12:8
 20:1 24:20 29:12
 30:18 31:2 37:7 45:8
 53:10
 initial 22:16
 initiated 14:10,12,15,17
 initiative 20:13,18
 22:15 50:14
 injunction 22:19 23:1,7
 integrity 49:22
 intend 12:5
 intensive 36:18
 interest 48:5,14,18
 interim 12:1 13:10
 interpretive 16:21
 intro 38:20
 introduce 10:4
 introduced 19:9
 investigations 17:1
 50:5
 invite 12:6
 inviting 50:9
 involved 7:20 8:15
 34:13
 involves 22:18
 Islanders 10:19
 issue 35:18
 issued 2:5 7:18,22 8:16
 9:7 14:20 15:1,5,21
 16:4,8
 item 9:20 21:7 38:15
 40:4 42:16
 items 3:5 7:12

J

J 11:10
 Jack 13:16,16 50:3
 Jackson 39:17 42:9,20
 42:21 44:7 45:16
 46:12,15 47:7,9 48:7
 James 2:16 13:12 22:11
 Jan 13:17
 Jennings 13:12,13,14
 job 36:1,3,10
 John 11:10 12:17,17
 13:18,19
 Johnson 1:21 2:7 7:16
 8:14,22 9:4,11 42:19
 join 4:10 53:21
 joint 23:9
 Jonah 13:21
 Jordan 13:19,20,21
 joy 52:2
 Judiciary 19:7
 juice 49:3
 July 1:9 12:3 22:17
 23:11 44:3,19 54:4
 June 2:6,7 4:22 9:7

10:8,17,20 11:2,8,11
 11:12,13,15,18,19,19
 11:19,20,21,22 12:9
 12:10,18,20,21 13:1,3
 13:5,7,8,11,11 14:5
 14:21 15:1,5,17 16:9
 16:20 18:16 23:10
 24:22 38:2,13 40:3

K

K 38:3,16 39:13,20 40:5
 42:17
 Karen 1:21 5:21
 keep 35:20
 KENNETH 1:20
 Kenyan 16:14
 kickoff 10:21
 Kishan 11:12 13:1,2
 knew 7:5 33:3
 knowledge 33:21 34:1

L

L 13:3
 La 48:11
 labor 5:12 6:11
 Lamount 11:14
 lane 48:10
 Laughter 6:22
 law 18:8,10 26:19 33:1
 lawmakers 51:13
 laws 35:3,7
 lawyer 50:21 54:12
 leanings 53:5
 leave 19:12
 Legal 15:10
 legislation 19:8,11,16
 20:9 25:1
 lengthy 45:19 47:1
 Lest 54:17
 Lewis 5:7 53:18,19 54:2
 Lewis' 26:13
 lieu 17:14
 life 16:18 54:19
 light 54:3
 likewise 8:14
 limits 22:15 50:2,6,15
 51:11
 LINDA 1:21
 line 3:6,9 6:15 52:15
 53:18,18 54:19
 list 3:16
 listed 18:6 23:16
 listening 54:18
 litigation 2:14 21:7
 little 24:9 48:10
 living 51:7
 location 44:4,21
 longer 31:14 53:3

look 44:6 48:6,16 51:12
 looking 27:5 38:2,12
 42:10
 loss 6:11
 lot 48:1,2
 lots 33:22
 lovely 6:20

M

M 10:22
 mailers 18:4
 mailing 24:16
 making 29:16 30:7
 34:13 48:6
 Management 12:9
 manager 1:20 38:4,17
 39:2,15,17,21 40:6,9
 40:12 42:8,17,18,21
 45:12
 mandamus 22:14
 March 14:15,17 40:18
 Marlin 2:7 8:14,15,20
 9:11
 Mary 50:20
 matter 5:6 20:13,14
 21:9 22:10,17,18
 23:12 29:6 55:12
 matters 2:5,19 3:12,16
 4:9 6:6,8,9 7:7,9,10
 7:14 9:13,16,18 20:19
 24:8,10 27:12 29:4,10
 36:12,14 52:15 53:17
 54:1 55:5
 Mayor 5:22 12:21 46:2
 46:7
 Mayor's 10:18 14:7
 mayoral 21:13,18
 McDermott 7:16
 McDuffie 16:14
 McGhie 1:20 31:14
 32:11
 mean 32:21 39:15
 means 26:9 28:12,13
 measure 20:15
 measures 20:15,18
 mechanism 49:13
 meet 8:5,6,20,22 46:22
 53:15
 meeting 1:6,12 2:2 4:7
 4:22,22 7:13 23:3,21
 24:22 26:15 27:21,22
 28:11,14,16 29:4,8
 35:9 38:2,8,13,21
 39:12 40:3,13 41:7,10
 41:12 42:1 43:5,12,16
 43:19,21 44:3,3,6,20
 47:2 48:7 55:7
 meetings 26:21 28:5

30:5,6,7
member 1:16 8:3,19
 15:14 26:7,12,13
 28:10 40:15 41:5
members 1:14 6:3,4
 15:7 26:4,17,20 28:4
 28:8 33:7 40:14
Mendelson 49:21
mention 43:10
mentioned 39:11 40:10
 46:21
met 11:22
Metropolitan 10:20
 11:3
Michael 1:13,15 3:6
 4:11,11 37:3,14 52:12
 53:1 55:9
Michael's 34:12
Mike 1:16 7:2 55:10
Miller 1:18 2:11 4:3
 17:15 29:21 33:13
 34:4
Miller's 7:4 17:20
mindset 49:19
minimally 51:14
minutes 2:4 3:8 4:21
 5:2 41:2
misleading 42:15
mission 20:16
mistake 42:12
misunderstanding 43:2
moment 27:3 43:14,16
Monday 38:13 40:3
 44:16
Monica 1:18 2:10 4:2,5
 7:3 17:13,18 24:21
monitoring 30:19
Montgomery 9:22 10:4
 17:6 38:19 39:12 40:8
 50:17 51:12
month 7:11,13 10:8
 11:8,21 12:9 13:11
 14:4,21 15:17 16:9,20
 44:16,18 54:2
month's 26:15
months 17:22 30:10
morning 10:2,6 15:13
 17:17 21:6 24:14
mortars 55:1
Moten 52:20
motion 22:8
motive 49:15
motley 50:11
move 3:4 4:8,18 5:2
 24:8
moved 5:4 32:11
moves 44:20
MPD 10:21 44:5 45:1

multi-candidates 47:17
multiple 50:5

N

N.W 44:6 45:2
name 5:11 15:14 24:14
 36:21 39:11 40:10
 42:6 48:19 49:10
nature 47:21
necessary 8:7 9:1 28:9
need 41:18 51:7 52:10
needy 51:9
negates 50:12
Neighborhood 7:22 8:2
 8:16,18 20:4 38:14
 40:2,13
never 32:1,4
new 3:19 10:16 11:8
 12:15 17:1 19:18
 40:22
newly 14:17 15:2
newly- 14:15
nice 37:17
Nicole 8:6
nine 18:16
nominated 5:10,13,22
nomination 5:16
nonprofit 32:22
normally 44:15
Northwest 24:17
note 8:12
noted 6:15
notice 1:13 23:3 41:16
 41:22 42:3 43:4
notwithstanding 51:5
November 21:12
nullifies 50:12
number 21:17,21,22
 31:9 38:15 50:15,16

O

o'clock 5:21
O'Leary 14:22
object 37:22
objection 20:17
objectives 20:7
obliterated 50:1
obviously 4:20
occasion 33:1
occupied 7:15
occurred 26:15
October 21:10 22:4
 40:20
office 1:17 8:2,18 9:20
 10:5,8,15,18 15:10,15
 15:18 16:10,22 17:2,8
 19:20 23:19 32:9 33:2
 33:5,9 38:4,17 40:6

48:8,19 51:5 52:19,22
 53:8
officer 10:12 31:2
offices 46:9,20
official 14:16,18 15:2,3
 28:9
officials 32:19
on- 17:21
on-going 14:8
once 51:10
ongoing 14:20
open 17:1 35:2 47:17
 49:1,8,12
operations 1:20 19:14
 23:19
opinion 20:9
opinions 16:21
opportunity 35:12 41:3
 49:9 54:1
opted 47:13
order 2:2 3:17 9:9,11,11
 16:5 19:12 46:22
orders 2:5 7:18 9:7
 15:21,22 16:2,7 29:19
 31:5,9
ordinarily 44:15
organizations 32:22
organizer 54:11
Ory 13:15
outreach 10:10,18
 11:17 39:6
outside 37:6,13 50:16
 50:18 51:2,7,11,16
overall 20:7 48:15

P

P 1:18 2:11
P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 38:14 40:3 41:15
 41:15 43:5 44:4,21
 45:3 55:13
Pacific 10:19
packet 19:20,21
packets 19:18
paid 19:12
palace 50:11
Parker 14:14
part 22:7 31:22
part-time 51:3
participant 37:21
participants 13:12
participate 11:9 26:7
 28:11
participated 10:18
 18:18
participating 26:4,21
 28:4,14

participation 28:15
particular 9:5 32:6 34:9
particularly 29:18
partnered 10:9
party 52:19
pass 45:8
passed 5:14 30:13
passing 30:15
Pause 27:4
pay 50:19
pending 25:1
people 26:16 33:2
 46:20 47:12 49:13,16
 50:13 51:1
period 40:5
periodic 14:19
perks 51:5
Perlin 13:21
permanent 22:19,22
person 5:20 28:5,16
 32:12 39:6 48:13 54:2
personnel 27:12,15
 29:4
persons 24:10,11 28:14
 46:8
perusing 32:21
petition 22:22
Phil 49:21
Philip 7:21
phone 24:12 26:14,16
 36:14
physical 30:17
physically 24:10 26:22
 36:13
piece 19:10,15 20:8
pieces 19:8
place 6:1 47:3
placed 40:18 41:14
plaintiff's 22:6
play 49:2 50:19
pleas 30:8
please 45:17
pleasure 6:12
plus 51:4
podium 4:2
poet 54:9
point 26:5 32:17 41:5
 54:22
Police 10:20 11:3
political 12:12 13:6
 16:3 53:5
politician 54:14
poll 18:12,13
position 8:11 27:14
 31:20,21 32:1,4,12,18
 33:11,18 34:5,10 36:1
 38:7
positions 31:12 32:6

33:1
post 33:1
posted 9:8 19:22 22:1
 25:16,20,20 29:12
 30:19 31:20 32:1,5
 39:21
posting 32:18 33:11
 35:18
preacher 54:6
precious 54:20
preliminary 23:7
present 1:14,19 28:16
 40:14
presentation 38:3,16
 40:4,10,22
presiding 1:13
press 54:8
previous 7:11 38:1
principal 12:11 14:6,11
 16:5
prior 5:13 12:5 21:14
 41:20
proactive 52:2
proactively 51:21
probably 42:11 47:2
problems 29:8 30:8
procedurally 53:7
proceedings 17:3
process 6:2 17:21 18:2
 31:14,18 34:13 54:20
processed 41:10
processes 27:8
productively 51:20
program 10:16 11:7,9
 11:16,22 12:18,20
 13:3,5 15:6 40:22
 41:6,9 42:9 45:12,22
 46:8,10,18 47:10,10
 47:13 49:18
program's 47:14
programs 12:14
prohibited 22:21 53:4
proper 20:14 22:15
 47:2
properly 5:4
propos 47:8
proposed 19:11,15
 20:8,15
proposer 23:6,9
proud 14:11 36:19
provide 10:14 19:20
 20:1 23:2 25:7 27:15
 27:21 29:3 47:3,11
provided 18:9 21:22
 28:6
providers 19:16
provides 19:11 28:6
proving 8:5,21

public 2:19 12:8 15:8
 19:7 23:2 24:8,10
 30:21 31:1 35:9,11
 36:12,14 38:13 40:2
 46:1,9,19,22 47:12
 51:1 52:14,15 53:17
 53:22 55:5
publicized 3:18
publicly-funded 47:10
published 24:2
pure 49:15
purpose 10:14 18:19
 19:9 40:21 41:3
pursuant 1:13
pushed 50:6
put 42:6 51:16 54:19
Putta 11:13 13:2
putting 48:16 51:10

Q

qualifications 8:7
quality 18:20
question 27:6,8 28:3
 30:16 31:11,22 38:1
 38:11 46:16,17 47:5
 52:17 53:7
questions 17:10,11
 20:22 21:2 24:18
 38:21 43:8 44:10 52:5
 52:13
quite 45:1
quorum 3:6,9 28:7

R

race 47:16,17
Rachael 31:2
Ramsey 10:12 38:4,16
 38:20 39:1,3,13,20
 40:5 42:2,8,12,17
 44:7 45:8
Ramsey's 38:6 39:11
 40:10
ran 52:20
random 14:19
Rasheed 12:22
Re- 14:2
Re-Elect 14:1
reach 42:2
reached 42:1
reactive 52:1
read 7:17
ready 12:3
real 6:12 34:7
rearrange 41:19
recall 13:16,18 26:9
receive 15:18 41:13
 46:9,22
recognition 49:10

recommend 45:19
recommendation 33:13
 33:15
record 3:21 36:22 55:13
records 12:8 18:7 30:7
Recovery 16:17
referendum 20:13
 22:22 23:4,6
referrals 15:19
refresher 18:14,19
regard 6:7
regarding 16:3,5 21:11
 26:4,20 27:12 28:3,4
regards 26:3 27:8 29:8
 31:13,18 35:18
register 12:16 23:20
 24:2
registered 11:9 13:6,8
 18:4
Registrar 1:21
registration 10:10
 19:10,17,20 23:17
regular 1:6,12 31:3
 38:13 40:2
regulation 26:20 28:3
regulations 23:20
 27:14,16,17
Reid 14:9 16:15
relative 7:9
relatively 46:11
religion 54:7
remain 8:10 18:5
remains 9:4
remark 6:11 45:17
remember 5:11 51:3
repeat 4:15 38:10
repeated 29:7
repeatedly 49:12
repeating 35:21
report 2:8,10,13 9:21
 10:7 15:10 17:4,8,12
 17:13,20 20:21 21:4
 24:3
reported 21:21
reporter 3:13 30:6 39:9
 54:8
reports 12:10 14:7
represent 49:15
representative 1:18
 48:20
reprimanded 48:21
Republican 52:18 53:8
Republicans 52:22
request 24:19 43:17
requested 40:18 44:1
requests 16:21
require 19:16,19 47:15
required 5:17 15:19

18:8,11 21:19
requirement 8:22
requirements 20:5,18
 46:21 47:14 48:2
requires 20:1,9
reschedule 42:4 44:1
rescheduled 43:10
residency 8:6,22
resign 5:18
resignation 5:7 26:13
resolution 7:22 8:9,16
 9:4
respect 28:3 29:19
respondents 16:11
response 18:10
responsibilities 38:7
responsible 30:18
 45:14
result 5:17
results 22:1 35:14
reverse 24:9
review 5:14
reviews 14:6
rights 54:21
rise 51:17
RNC 52:18
Robert 8:15 13:17
Robin 13:13
role 18:6
Ron 52:20
room 1:12 40:16 45:6
 52:11
round 18:13 19:3
Roya 48:11
rule 26:6
ruled 8:9 9:3
rulemaking 23:18,22
rulemakings 23:13
rules 25:12 26:3 27:16
 27:16 49:3
running 46:8,20 47:12
 47:16

S

S.E 1:12
safe 55:10
Safety 19:8
Salas 13:13
salutes 54:15
Sandford 15:9,12,14
 17:5 37:20
Saturday 10:17
Save 13:5,7
saying 40:8 53:11
says 39:19
schedule 43:17,22
scheduled 43:14
schedules 41:19

scheduling 22:16
school 14:18 15:2,3
 46:5,6,7
search 20:2 29:9
seat 9:5
seats 7:15
second 5:5 15:4 19:3
 19:15 22:11 34:11
seconded 4:20
section 9:9
seeking 22:13
selected 6:16
send 18:3 25:15
sensitive 37:18
sent 23:20 24:1 41:20
 42:11
September 44:4,13,20
 44:21 45:3
serve 6:5 8:7 9:1 49:15
served 6:12 22:7 37:4
 37:15
serves 54:16
service 15:4,6 22:6
services 12:14 48:13
serving 53:2
session 35:14,15,18
sessions 18:17,17
 45:21
set 52:19,21
seven 14:5 16:7
share 54:5
shed 54:19
Sheika 14:9
short 23:4 40:21 41:16
 41:22 42:3 43:3 46:19
show 17:3 38:5 43:4,7
showed 25:10
simply 35:18
Sindram 36:15,17 37:1
 37:3,4,8,10,11,14,14
 38:11,12 39:10,19
 42:10,14,22 43:3,18
 44:2,14,18 45:5,10,18
 47:4,5,6 48:1,4 52:9
 52:10,16 53:6,12,14
 54:3 55:3,8
single 8:3,19 33:12,15
sir 36:15 37:3
sites 10:11,13
six 30:9
sizeable 49:5
sleep 37:19
smaller 47:15
SMD 8:8,11 9:1 48:12
Smith- 7:15
Smith-McDermott 2:6
 7:20 8:6,10 9:10
snide 45:17

solicit 20:9
somebody 40:8
somebody's 42:6
soon 3:6
sorry 10:3 32:3 46:15
sorted 31:9
sorting 31:6,8
sound 54:18
sounds 42:5,14 43:1
Southeast 11:5
Southwest 10:22
space 51:5
Spanning 13:17
special 7:13 17:18
 18:14,17 19:1 34:3
specific 41:13,21
specifically 31:19
 41:18
specifics 31:17
speech 54:10
staff 1:19 11:18 30:17
 30:18 40:14,15 41:5
 41:16
staffer 33:5
standing 51:14
start 3:7 31:22
started 3:4
state 36:21
statehood 12:14
statement 7:8 23:5
 34:22 55:4
statements 16:1 29:7
States 21:10
Station 44:5 45:2
stature 49:11
status 2:14 21:7 49:10
 50:4
statute 28:7 35:13
stay 53:20
straight 3:11,15
Street 1:12 10:22 11:5
 24:17
Streets 10:21 11:3
Stroud 1:17 2:13 3:19
 3:22 6:16,21 21:5,6
 28:2,19,21 29:1,2,5
 29:15 31:1,15 32:12
 33:4,17 35:16
stuff 51:20
subject 20:13,14 22:16
 31:10 35:2 44:22
 54:22
submit 5:7
submitted 19:5
submitting 30:18
substantive 53:7
subterraneously 52:3
sufficient 21:18

suggestions 29:18
summaries 7:19
summary 15:22 23:4
 46:13
Summers 12:21
sunshine 35:3
Superior 22:13,20
supervisory 10:12
support 49:16 50:9
supported 23:15
supports 34:14
surface 48:19
SYLVIA 1:20
system 12:1,7

T

T 14:1
taken 31:7
takes 17:22
talking 33:2 48:3
Tamika 41:9
target 12:2
teaching 50:21
telephone 26:5,8 28:12
tell 26:18,19 37:16
telling 30:14 50:22 51:1
ten 15:22
Tenant 19:21
tenants 19:18
tender 37:18
term 22:15 50:2,6,15
 51:11
terms 29:11 33:10 49:4
Terri 1:17 2:13 3:19
 6:16,20 34:14
testimony 19:5,6 25:3,4
 25:5,8,15,15,19
thank 3:13,22,22 4:5
 9:19 15:12 17:5,11
 21:2 24:6 28:22 36:20
 45:7 47:6 55:2,3,9,10
Thanks 17:12 48:4
 53:14
things 49:1 53:2
thought 37:12
three 10:11 19:8 33:16
throwing 48:20
thumbs 55:4
timely 15:22 16:2,4,7
times 31:7
tire 53:16
title 19:17 23:4 39:15
 42:13
today 4:4,6,16 5:8,21
 6:18 7:4 9:14 24:11
 30:1
Todd 14:1,2,3 48:12
Todd's 48:18

top 3:16
total 18:17
train 53:16
training 10:12 18:12,14
 18:15 45:21
trainings 18:19 19:2,3
transmittal 23:22
travels 55:11
Treasurer 13:14,15,17
 13:21 14:2
trial 54:13
troops 54:17
true 49:15
trust 51:1
trying 39:7
Tuesday 1:8 5:8
turnout 19:10
turnover 25:2
two 7:12 9:7 14:20 16:2
 18:7 19:12 26:16 28:8
 50:16

U

unanimous 4:20 5:5
 8:13,13 9:6 32:13
undeliverable 18:5
understand 27:9 40:7
 43:6,18
unforeseen 44:15
Unfortunately 53:20
United 21:10
use 12:7
usually 17:22 41:2

V

v 2:6,7,15,15,16,17 7:20
 8:14 9:10,11
vacancy 8:1,17 33:3
 35:19
vacation 4:4
valid 8:9 9:4
value 32:17 33:10
various 40:19
Veda 12:22
vendor 11:22 29:20
 30:15
versus 21:8 22:11
veteran 37:4,15,17 54:5
 54:6,7,9,10,12,14,15
veterans 54:19
video 26:8
videoconference 28:12
view 12:1 15:7
Villareal 8:21
visited 10:11 11:18
voice 54:18
vote 5:15,16 8:13 9:5
 13:12,14 19:12 50:10

54:15
voted 50:6,13
voter 10:10 18:6 19:9
 19:17,19 23:17 25:2
voters 1:21 18:1,5,9,11
 23:15
votes 13:5,7 21:12,16
 21:17,20,21
voting 20:1 49:9,13

W

waiting 5:15 37:6
walk 46:13
walked 37:13 45:16
wanted 21:15 24:18
 45:16 47:7
war 49:4
ward 10:22 11:4,10,12
 11:13 12:17,19,22
 13:2,13,14,17,18,19
 13:20,21 14:1,9,22
 15:4 16:13,16 20:3
 47:16,17,17 50:20
Washington 1:12
wasn't 25:15 34:18
 35:17
wasting 51:19
watch 24:16 52:1
way 42:15 45:1
web 39:22
website 9:8 15:7 19:22
 20:2 22:2 25:16,20
 29:7,9,11 30:9,19
 31:4 36:6
websites 32:18
Wednesday 10:20 11:2
 22:9
week's 24:2
weigh 47:7
welcome 3:20 4:2 29:1
went 31:18 52:21 55:13
William 2:15 15:14 21:8
Wilson 50:11
Wilson's 5:22
wish 37:16
wonderful 6:21
work 33:21 34:1
worker 18:12,13
working 29:20 34:1
works 48:12
wouldn't 37:22 51:19
wrapped 18:16
writ 22:13
write-in 21:12,16,17,19
 21:20,21
writing 25:8
written 25:6 36:1,3,5,10
 42:16

wrong 42:12

X

Y

year 22:5 51:5
years 34:2
yesterday 5:9 6:19

Z

Zachary 14:14

0

008 22:22

1

1,300 16:19
1,650 16:11
10 2:8 13:11
1015 1:12
102 28:18
102.3 28:5,19,20
103 28:17
11:30 1:13
11:34 3:2
12 22:20
12:31 55:13
12th 11:19
1300 11:5
1327 24:16
13th 24:22
14 18:17
140,000 51:4,4
15 10:17
15th 22:5
17 2:11
17,600 18:3
18 21:11 22:4
181,000 18:9
19 10:20
19-032 2:6 9:11
19-033 2:7 9:12
1992 50:7
19th 11:22 22:17
1B 11:19
1C 11:19
1st 10:22

2

2 1:9 11:10,12,13 12:17
 12:20 13:2,18,18,19
 13:20,22 14:1 47:18
2/4/2018 14:16
20 15:20,21
20,550 16:8
201 10:22
2018 14:10,14,18 15:3
 16:14 18:22 21:11,13

22:4,20 40:20
2019 1:9 2:6,7 10:17,20
 11:2,11,12,13,15
 12:11,19,22 13:1,9,11
 14:11,13,15,17 15:1,5
 15:17 16:9,20 22:8
 38:14 40:3
2020 13:2,13,15 14:2,3
 30:11
2022 12:21
21 2:6,7,13
218,000 18:1
21st 9:8
22 14:13
22nd 18:15
23rd 44:4,21 45:3
24 2:19 38:14 40:3
24th 11:19 22:9 38:2
 40:15 41:7
25 12:22 13:1
251 18:18
26 11:2,13 22:8
26th 11:20 13:3 23:10
 23:11
27th 18:16
28 11:15 13:8
28th 13:5,7
29 5:1 12:10 14:10
29th 5:3 23:14,21

3

3 2:2 11:11 12:18 28:5
 28:17 50:20
3,150 16:13
3,350 16:17
31st 12:3

4

4 2:3,4 11:12 14:17 15:1
 15:4,5 41:15 43:4
4,000 16:14,15,16
4B 11:19 38:1,15 40:2
 43:12 44:2,14
4B09 48:11
4th 12:20 44:5 45:1,5
 54:4

5

5 14:15 16:13 23:15
 41:15 43:4
50 47:18
55 2:21
5B 11:20
5th 11:18

6

6 2:5 10:22 21:13
6:30 44:13

6001 44:5 45:2
6B02 11:19
6th 11:19

7

7 12:22 13:13,14 15:1
 38:14 40:3 43:5 44:4
 44:21 45:3
750 1:12
77 50:14
7B 8:1,17
7B04 8:3,8,11
7B05 8:19 9:2
7th 11:4 44:13

8

8 11:4

9

9 38:15 40:4

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In the matter of: Board Meeting

Before: DCBOE

Date: 07-02-19

Place: Washington, DC

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