

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

SEPTEMBER 2, 2020

+ + + + +

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 10:00 a.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:

ALICE P. MILLER, Executive Director
KAREN F. BROOKS, Registrar of Voters
KATE MUNOZ, Senior Attorney
DEANNA SMITH, General Counsel
TERRI STROUD, General Counsel

OFFICE OF CAMPAIGN FINANCE STAFF PRESENT:

CECILY COLLIER-MONTGOMERY, Director
WILLIAM O. SANFORD, General Counsel

CONTENTS

Meeting Called to Order. 3

Ascertainment of Quorum. 3

Adoption of Agenda/Approval. 4
of Minutes for Regular Board
Meeting - August 5,2020
Regular Board Meeting

Board Matters. 5

Campaign Finance Report. 5

Executive Director's Report.24
General Matters

General Counsel's Report
Litigation Matters30
Rulemaking33
Nominating Petition Challenge Hearings . . .51
Proper Subject Matter Hearing. 178
"The New Modern Day Criminal Justice
Cannabis Reform Act of 2020"

Public Matters 213

Adjourn. 256

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

(10:03 a.m.)

1
2
3 CHAIR BENNETT: All right. Okay. So
4 I'm going to call the meeting to order. I need
5 to ascertain a quorum. Can Ms. Greenfield and
6 Mr. Gill -- well, Ms. Greenfield can you give me
7 a "present?"

8 MEMBER GREENFIELD: Present.

9 CHAIR BENNETT: Mr. Gill, can you give
10 me a "present"?

11 MEMBER GILL: Present.

12 CHAIR BENNETT: And I am present. So
13 three Board members are here and present, so we
14 have a quorum. The meeting is called to order.

15 The adoption of the agenda and the
16 approval of the minutes from last meeting, from
17 the October -- sorry, August 5th meeting. What
18 I'm going to do with the agenda, though, is to
19 amend the agenda and put public matters just
20 above the nominating petition challenge hearings.
21 And then the meeting would adjourn after we
22 concluded the nomination petition challenge

1 hearings. So -- I'm sorry, it will conclude
2 after proper subject matter hearing. So, anyway,
3 I'm moving (audio interference) to just before C
4 of the agenda.

5 So can I get a motion to approve the
6 agenda as amended and minutes from August 5th?

7 MEMBER GILL: Hi, Michael. This is
8 Mike Gill. I move we approve the agenda as
9 amended and I move we approve the minutes from
10 the last Board meeting.

11 CHAIR BENNETT: Okay, great. Ms.
12 Greenfield, can I get a second?

13 MEMBER GREENFIELD: I second it.

14 CHAIR BENNETT: Okay. It's been
15 properly moved and seconded. We'll do a voice
16 vote. Mr. Gill?

17 MEMBER GILL: Aye.

18 CHAIR BENNETT: Ms. Greenfield?

19 MEMBER GREENFIELD: Aye.

20 CHAIR BENNETT: Aye from me. So it's
21 unanimous, the agenda and minutes from last
22 meeting are approved.

1 Board matters, Ms. Greenfield?

2 MEMBER GREENFIELD: No. I don't have
3 any.

4 CHAIR BENNETT: Any Board matters, Mr.
5 Gill?

6 MEMBER GILL: No, I do not have any.

7 CHAIR BENNETT: Okay. And I have one,
8 and that is to note that the appeal from the OCF
9 Order 2019 on Landry and Warren, that order is
10 delayed getting out. Just lots of other things
11 going on. But, anyway, that order will get out
12 as soon as possible, and so I want to apologize
13 for not getting that order out sooner.

14 Next item on the agenda is the report
15 from the Office of Campaign Finance. Ms. Cecily
16 Montgomery.

17 Ma'am, sorry, you're on mute.

18 MS. COLLIER-MONTGOMERY: Yeah. Can
19 you hear me?

20 CHAIR BENNETT: Yes, I can. Thank
21 you.

22 MS. COLLIER-MONTGOMERY: All right.

1 The first thing I want to report is that we
2 continue to operate under a modified status, and
3 all of us our services continue to be provided
4 remotely via email and telephone. The number is
5 202-671-0547. Our financial reports will
6 continue to be received online at our website on
7 the required deadlines and candidates may also
8 contact our office for instructions concerning
9 the registration process.

10 I would also report that, on August
11 the 27th, 2020, the office posted a notice of
12 debates at our website. The office will conduct
13 debates during the week of September the 28th,
14 2020 in the contested citywide races and the
15 November the 3rd, 2020 general elections for the
16 office of at-large member of the Council, and
17 also for the office of at-large member of the
18 State Board of Education. All candidates who are
19 certified in the Fair Elections Program must
20 participate in the debate, and the candidates in
21 the traditional campaign finance program will be
22 invited to participate.

1 And I would also point out for the
2 record that, under the Fair Elections Act, the
3 Office of Campaign Finance is required to conduct
4 debates in the citywide races during -- in the
5 citywide races which are contested. And, in this
6 particular case, again, the citywide races that
7 are contested are the at-large member of the
8 Council and also the at-large member of the State
9 Board of Education. And these are contested
10 citywide elections in which candidates who have
11 been certified as participating -- candidates in
12 the Fair Elections Program also are certified in
13 those particular races. And, again, the Fair
14 Elections Act does require -- it is mandatory
15 that the FEP candidates who have been certified
16 in the program must participate in the debate.

17 At the present time, in the at-large
18 City Council race, there are 10 certified Fair
19 Elections Program candidates, and there are 13
20 traditional program candidates who will be
21 invited to attend.

22 In the State Board of Education

1 contestant race, there is one Fair Elections
2 Program participating candidate. And, also,
3 there are four traditional program candidates who
4 will be invited to attend.

5 In the Fair Elections Program
6 Division, as of August the 28th, 2020, the total
7 sum of \$3,283,278 has been disbursed in base
8 amounts and matching payments during Fiscal Year
9 2019 and 2020 to the 32 candidates certified in
10 the Fair Elections Program to participate in the
11 June 2nd, 2020 primary election, the June 16,
12 2020 special election, and the November the 3rd,
13 2020 general election. The current balance in
14 the elections fund allocated for the 2020
15 election cycle is \$790,435.13.

16 There are currently 31 candidates
17 registered in the Fair Elections Program for the
18 November the 3rd, 2020 general election, and 16
19 of these candidates are certified as
20 participating candidates. Basically, that means
21 that means that they met the threshold
22 requirements for the offices that they are

1 seeking. Eleven candidates were certified as
2 participating candidates in the primary election,
3 and 10 of those candidates were defeated and will
4 not continue to participate in the general
5 election. And the four candidates who were
6 certified as participating candidates in the June
7 16th special election were defeated.

8 During August of 2020, the total sum
9 of \$584,593.65 was disbursed in 34 authorized
10 base and matching payments. And the candidates'
11 names are listed on our report, but I will not
12 read them into the record. Our stats will be
13 published at our website this evening so that
14 members of the public can view directly to whom
15 the payments were made.

16 With respect to certifications in the
17 Fair Elections Program, there were five
18 candidates who were certified to participate in
19 the November the 3rd, 2020 general election
20 during the month of August. The first was Martin
21 for Ward 2, who was certified on August the 26th;
22 the second is Vincent Orange 2020, who was

1 certified on August the 26th; Randy Downs for
2 Ward 2, who was certified on August 26th; the
3 Committee to Elect Dontrell Smith was certified
4 on August the 26th; and Washington for Ward 8 DC,
5 who was also certified on August the 26th.

6 During the month of August, the Fair
7 Elections Program's division also conducted desk
8 reviews and other activities. They conducted 39
9 desk reviews of the mandatory August the 10th,
10 2020 and amended reports of receipts and
11 expenditures. They issued 14 requests for
12 additional information to committees based on the
13 desk reviews. They also issued six status
14 reports to candidates who are seeking
15 certification in the program who have not as of
16 yet met the threshold requirement.

17 In our Public Information and Records
18 Management Division, before I report on the two
19 filing dates which were scheduled in August, I
20 have updated the report from the Board's meeting
21 in August with respect to the July 31st report of
22 receipts and expenditures.

1 The July 31st report of receipts and
2 expenditures filed by the principal campaign
3 committees and the political action committees,
4 the total number of required filers was 54.
5 Thirty-eight timely filed. We had one request
6 for an extension, which was granted. We had 15
7 failures to file, and the 15 failures to file
8 were referred to the Office of the General
9 Counsel for enforcement. And all of the
10 candidates who timely filed electronically filed
11 their reports.

12 With our initiative referendums
13 committees who are required to file the July 31st
14 report of receipts and expenditures, we had 10
15 required filers. Five actually filed; five
16 failed to file and will be referred to the Office
17 of the General Counsel. And the five who timely
18 filed also electronically filed their report.

19 For the August filing dates, August
20 the 10th was the due date for the filing of the
21 report of receipts and expenditures by the
22 principal campaign committees and also our

1 political action committee. We had 78 required
2 filers; 71 timely filed; we had three late
3 filers. We also had three filers who requested
4 extensions, and the extensions were granted. We
5 had four failures to file, and there will be
6 seven referrals to the General Counsel for the
7 enforcement process. All 74 of the actual filers
8 also, again, electronically filed their reports.

9 August the 10th was also a filing
10 deadline for the filing of the reports of
11 receipts and expenditures for our independent
12 expenditure committees. We had three required
13 filers, three timely filed, and they also
14 electronically filed their report.

15 With our Fair Elections Program, August 10th
16 was also the filing of the report of receipts and
17 expenditures by the principal campaign committees
18 in the program -- registered in the program.
19 There are 45 required filers. There were 36
20 timely filers. There were two late filers.
21 There were also five extensions which were
22 requested and granted. There were five failures

1 to file, and there were seven referrals to the
2 General Counsel for enforcement. Again, the 38
3 actual filers also electronically filed their
4 report.

5 In our Fair Elections Program, there
6 was also an optional filing date for those
7 committees that have been certified, and that
8 date was August the 31st. In terms of the number
9 off timely filers, there was seven, and the seven
10 also electronically filed their reports.

11 During the month of August, we had
12 five new candidates and committees who registered
13 in the traditional campaign finance program.
14 Claudia Berrigan, Committee to Elect Claudia
15 Berrigan for City Council At-Large, registered on
16 August the 1st. Ravi Perry, the Committee to
17 Elect Ravi Perry to the DC State Board of
18 Education At-Large registered on August 3rd.
19 Sohaer Syed, U.S. Representative on August the
20 4th. Christopher Etesse/Chris Edu Tech Ward 2
21 registered on August the 5th. Sarah Mehrotra,
22 Committee to Elect Sarah Mehrotra, Ward 2 State

1 Board of Education, registered on August the
2 10th.

3 During the month of August, again,
4 there were 14 referrals to the Office of the
5 General Counsel for the failure to timely file
6 the August 10th report. Three of these were
7 traditional candidates to committees; seven were
8 Fair Elections candidate committees; and four
9 were political action committees. I won't read
10 the names of the committees into the record but,
11 again, they are listed on our report, and our
12 report will be published at our website this
13 afternoon.

14 With referrals to the Office of the
15 General Counsel for the failure to timely file
16 the July 31st report of receipts and
17 expenditures, there were 20 referrals. Again, 14
18 were principal campaign committee; one was a
19 political action committee; four were initiative
20 committee; and one was a referendum committee.
21 Again, the names of those committees will be
22 published this afternoon at our website in our

1 stats.

2 We had 20 candidates and treasurers
3 who during the month of August completed the OCF
4 entrance conference presentation. Again, the
5 names of those candidates and committees are
6 listed in our report, and they will be available
7 this afternoon on our website.

8 In our Reports Analysis and Audit
9 Division, during the month of August the Audit
10 Division conducted 114 desk reviews of reports
11 that had been filed during the month of August.
12 Also in the Audit Division, with respect to
13 ongoing audits, the first is the full field audit
14 of the Jack Evans Legal Defense Fund. The final
15 audit report was issued on August the 3rd, 2020.
16 With periodic random audits, we have three which
17 are ongoing of candidates. In the upcoming 2020
18 elections of the January 31st filing, Friends of
19 Robert White, the audit records were received on
20 March the 16th; Veda for Ward 7 was initiated on
21 March 2nd; the Committee to Elect Rogers for
22 Council was initiated on March 2nd.

1 We also have periodic random audits of
2 the January 31st reports filed by the political
3 action committees: the Verizon Communications
4 Inc. Good Government Club PAC, which was
5 initiated on March 2nd; the DC Libertarian Party,
6 which was initiated on March 2nd; the
7 Firefighters Committee on Political Activities,
8 which was initiated on March the 2nd.

9 We also have a period random audit,
10 which is ongoing, of our constituent service
11 programs. And that is of the April the 1st, 2020
12 report that is with respect to the Ward 4
13 Constituent Service Program. An extension was
14 granted in that case for the transmittal of the
15 records. And, again, due to unexpected
16 circumstances, a request was also submitted on
17 August the 25th, 2020.

18 With respect to the audit that was
19 issued, the Legal Defense Fund for Jack Evans,
20 that audit was issued on August the 3rd, 2020.
21 It is available at our website for review by
22 members of the public. It was issued as a

1 compliance audit, and it was also referred to the
2 Office of the General Counsel for the resolution
3 of the complaint which was received on February
4 the 3rd, 2020 from the Committee to Hold Jack
5 Evans Accountable.

6 The OCF General Counsel requested that
7 the audit branch conduct an investigative audit
8 of the financial operations of the fund. And Mr.
9 SanFord, the General Counsel, will, during his
10 report, also address the complaint which was
11 filed.

12 That completes my report, and I would
13 ask that Mr. SanFord, the General Counsel, now
14 present the report from the Office of the General
15 Counsel for the office.

16 MR. SANFORD: Good morning, Mr.
17 Chairman and distinguished Board Members. My
18 name is William SanFord, General Counsel for the
19 Office of Campaign Finance.

20 CHAIR BENNETT: Good morning, Mr.
21 SanFord. Thank you.

22 MR. SANFORD: Thank you. During the

1 month of August, the Office of the General
2 Counsel received a total of 36 referrals.
3 Thirty-four referrals came from the Public
4 Information and Records Management Division,
5 which included 20 referrals for failure to timely
6 file the July 31st, 2020 report, and 14 referrals
7 for failure to file the August 10th, 2020 report.
8 In addition, the Office of the General Counsel
9 received two referrals from the Reports Analysis
10 and Audit Division for failure to respond to
11 requests for additional information.

12 The Office of the General Counsel
13 conducted 19 informal hearings and issued 12
14 orders in which no fines were imposed. During
15 the month of August 2020, the Office of the
16 General Counsel did not impose any fines, nor did
17 the Office collect any fines.

18 During the month of August 2020, the
19 Office of the General Counsel maintained a total
20 of five open investigations, which included the
21 following.

22 Number one, the Committee to Hold Jack

1 Evans Accountable, Adam Eidingger, Chairman. A
2 complaint was received on the 3rd of February
3 2020. The respondent was DC Legal Defense
4 Committee for Jack Evans. The allegation
5 included the unlawful use of a legal defense
6 committee. As the Director has indicated during
7 her presentation, that matter was referred to the
8 Reports Analysis and Audit Division for an
9 investigative audit. That final audit report was
10 issued on the 3rd of August 2020, and the case
11 was referred back to the Office of the General
12 Counsel. And on August 31st the Office of the
13 General Counsel issued an order dismissing the
14 complaint based upon the findings in the
15 investigative audit, in addition to the
16 investigation conducted by the Office of the
17 General Counsel. That order will be posted at
18 the Office of Campaign Finance website later
19 today.

20 The second complaint was filed by
21 Jennie Malloy on May 19th of 2020. The
22 respondent in this case is Karl Racine for

1 Attorney General 2018, the principal campaign.
2 The allegation was inappropriate use of campaign
3 funds. The investigation has been completed, and
4 the order is pending.

5 The third complaint, also filed by
6 Jennie Malloy on May 19th, the respondent was Ed
7 Lazere for DC, principal campaign committee. The
8 allegation, again, was inappropriate use of Fair
9 Elections funds. The investigation was completed
10 on the 14th of August 2020, and the order was
11 issued on the 28th of August 2020. That
12 complaint was also dismissed because the Office
13 of the General Counsel concluded its
14 investigation and found that there were no actual
15 expenditures connected with the allegation that
16 an email transmitted by the committee endorsing a
17 candidate in another election was paid for by
18 funds that were attributed to the Fair Elections
19 funds that the candidate, Ed Lazere, received.

20 The fourth investigation was a
21 complaint that was filed by Chuck Thies on May
22 28, 2020. The respondent in this matter was

1 Anthony Lorenzo Green, principal campaign
2 committee for Ward 7 DC Council. The allegation
3 was inappropriate use of a government resource.
4 An investigation has been completed. The order
5 is pending.

6 And the final open investigation, a
7 complaint filed by Laura Wolfe on June 12th,
8 2020. The respondent is Brooke Pinto, and the
9 allegation was failure to report excessive
10 contributions. That investigation has been
11 completed, and the order is pending.

12 And all of the pending orders should
13 be issued by the end of next week.

14 During the month of August 2020 there
15 were no requests for interpretive opinions. And
16 during the month of August 2020 there were no
17 show cause proceedings conducted by the Office of
18 the General Counsel. And that should conclude my
19 report.

20 CHAIR BENNETT: Ms. Montgomery, is
21 there anything else?

22 MS. COLLIER-MONTGOMERY: Yes. One

1 thing I neglected to state for the record is that
2 the debates that the Office of Campaign Finance
3 will conduct during the last week of September
4 will be conducted in a virtual format. And we
5 will provide more details, probably on a weekly
6 basis.

7 We have sent out notices to all of the
8 candidates who would be required to participate
9 in the Fair Elections Program. And we have also
10 provided notices to the candidates in the
11 traditional program, as well, that they will be
12 invited to participate in the debates. But,
13 again, we will provide more information as it
14 becomes available, and we'll make sure that the
15 public is fully aware of when and also the time
16 for the debates.

17 CHAIR BENNETT: Thank you, Ms.
18 Montgomery. Just to add -- just to repeat a
19 little bit, because I think you went out for a
20 little bit. It really was about the debates, and
21 the one comment I wanted to make was this is a
22 new program that the Office of Campaign Finance

1 has been working very hard to put together. It
2 seems to be coming together nicely, and thanks
3 for all that.

4 So, there will be a lot of information
5 on the website, and the Office of Campaign
6 Finance and the FEP program are to be
7 congratulated. But we also need to continue to
8 support them in this process, to make sure that
9 we have debates that are consistent with (audio
10 interference). So, thanks so much for that, Ms.
11 Montgomery.

12 MS. COLLIER-MONTGOMERY: You're
13 welcome.

14 CHAIR BENNETT: Mr. Gill, do you have
15 any questions?

16 MEMBER GILL: No questions. Thank
17 you.

18 CHAIR BENNETT: Ms. Greenfield, do you
19 have any questions for Ms. Montgomery?

20 MEMBER GREENFIELD: No, I don't have
21 any questions. Thank you.

22 CHAIR BENNETT: Okay. Thanks so much,

1 Ms. Montgomery.

2 Next item on the agenda is the
3 Executive Director Report for the Office of
4 Campaign Finance. Ms. Miller? I'm sorry, Board
5 of Elections, Executive Director of the Board of
6 Elections. Ms. Miller. Thank you.

7 MS. MILLER: Thank you. Just, as you
8 know, we're really approaching the final leg of
9 preparations for the November general election,
10 about 65 days out. With that said, (audio
11 interference) are 55 mail drop boxes placed
12 around DC and will be available October 5th
13 through 8:00 p.m. on November 3rd, election
14 night. Ballots will be able to be deposited in
15 boxes 24 hours a day until they are locked at
16 5:00 p.m. on election night. Boxes have (audio
17 interference) mail drop boxes.

18 As I indicated at our last meeting,
19 drop boxes have been found to be quite popular
20 (audio interference).

21 CHAIR BENNETT: Can everybody hear Ms.
22 Miller okay? Ms. Greenfield?

1 MEMBER GREENFIELD: She's dropping out
2 a little bit.

3 CHAIR BENNETT: Okay.

4 MS. MILLER: Okay. They have a very
5 slim slot for letters to deposit their ballots
6 with the rare possibility of anything other than
7 an envelope having the capability of fitting
8 through the slot. The ballots will be retrieved
9 by BOE staff twice a day through Election Day.

10 As of yesterday, we have trained 1,327
11 poll workers. We have 2,500 students to be
12 trained and an additional 3,000 now being
13 processed for training through October. These
14 are all new poll workers. None of this includes
15 any of our veteran poll workers, of which 2,000
16 have said that they are willing to work for this
17 election.

18 I would also indicate that we are
19 receiving, on average, 200 applications a day
20 (audio interference) serving as poll workers. So
21 they're definitely (audio interference) to sign
22 up through this process, especially under very

1 challenging circumstances that we're being
2 confronted with.

3 Poll workers, they will continue
4 through the second work of October. Ballots are
5 still scheduled to be mailed to everyone, as you
6 know. They should begin arriving (audio
7 interference) to any challenge period. The end
8 of the challenge period with the ballot lottery,
9 which is scheduled for September 11th.

10 We will operate 16 early vote centers.
11 We have identified (audio interference) Union
12 Market by Gallaudet, Capital One Arena, Nats
13 Stadium, UDC, and (audio interference) will serve
14 as early vote centers, and they will also serve
15 through Election Day. We also have an additional
16 74, I believe, Election Day vote centers.

17 Anyone will be able to vote anywhere
18 through Election Day, including at the early vote
19 centers. The jail will not serve as a vote
20 center. DC Jail will not serve as a vote center
21 as previously reported. I received a letter from
22 the Director of the Jail, Director Booth, who

1 indicated that they are still in the midst of
2 handling COVID-19. They will remain in (audio
3 interference) and for the future, they want to be
4 in a medical stay-in-place status and will only
5 operate and be available for their residents
6 only. And, therefore, they will not allow the
7 facility to be a polling location. So (audio
8 interference) operate as a polling place, will
9 have ballots made available to them through the
10 absentee ballot process. People see that as the
11 best form for ballots being made available for
12 residents and maintain safe infection control and
13 risk reduction as the facility is establishing
14 the site as a polling site.

15 We are also working under the law with
16 the restored vote process, which that law
17 maintains that D.C. federal prisoners are allowed
18 to vote in this election. With that in mind, we
19 have identified 107 federal prisons that have
20 D.C. residents. We have mailed 2,400
21 applications for mail ballots to those in the
22 federal prisons and asked the wardens to provide

1 to them applications for registration. That was
2 done on August 20th, and we asked them to please
3 get those applications back to us by September
4 20th, which is the turnaround that will allow us
5 to get those processed by October 13th deadline
6 for registration. Well, hopefully, that will
7 happen. We'll stay on top of that and work with
8 the wardens and other entities that are helping
9 us to support this initiative for the restore the
10 vote process for the federal prisons.

11 We have a number of outreach
12 activities that we've been involved with to
13 actually help to allow us to get the number of
14 poll workers that we have. And so I want to
15 thank the Outreach Division for doing that. As
16 of October, the month of October, I would say,
17 they actually participated in 22 outreach
18 programs. And that is amazing given the fact
19 that these have been virtual and a lot of
20 creative ways to get this done. And they have
21 been just really creative with trying to do
22 outreach and get registrations done and provide

1 means for individuals to sign up to be poll
2 workers (audio interference). That has gone on
3 through the whole month (audio interference) very
4 appreciative of that (audio interference).

5 I do want to thank everyone who has
6 stepped up to provide support to BOE as we try to
7 navigate this November election. And it is a new
8 normal and circumstances that have never existed
9 before. It's been a challenging process.

10 Actually, (audio interference) work with the ANCs
11 (audio interference) our community, various
12 parties and other civic organizations and
13 community groups, as well as our registered
14 voters to make this November election as seamless
15 as possible. And I want to, again, emphasize, at
16 the end of the day, we all want the same thing;
17 that is to work hard and make this election
18 happen, and especially have a positive voting
19 experience for our voters. And that's it for me.

20 CHAIR BENNETT: Questions. Mr. Gill?

21 MEMBER GILL: No questions. Thank

22 you.

1 CHAIR BENNETT: Any questions, Ms.
2 Greenfield?

3 MEMBER GREENFIELD: No questions.
4 Thank you.

5 CHAIR BENNETT: Okay, great. Next on
6 the -- and I have none. Thank you. Next on the
7 agenda is the General Counsel's Report. Ms.
8 Terri Stroud.

9 MS. STROUD: Good morning, everyone.
10 The first item on my agenda is litigation status.
11 The first matter is William V. Hunt v. D.C. Board
12 of Elections. This matter is a complaint
13 regarding the counting of write-in votes cast in
14 the November 6th general election, 2018 general
15 election. Mr. Hunt was a write-in candidate for
16 mayor, and he filed a complaint to request that
17 the Board count the write-in votes cast in the
18 mayoral contest, which the Board was not required
19 to do by law. The Board filed a petition in
20 April of 2019, which was granted on March 10th of
21 this year. Mr. Hunt appealed to the D.C. Court
22 of Appeals, and we are ultimately awaiting a

1 decision in the Court's -- the Court's decision
2 on that matter.

3 The next matters are related, Philip
4 Hammond v. D.C. Board of Elections and Robert
5 Marlin v. D.C. Board of Elections. These matters
6 were filed in the D.C. Court of Appeals and they
7 appealed Board orders upholding a resolution of
8 ANC 7B that found no vacancies in single member
9 districts 7B04 and 7B05. All the papers in this
10 matter have been filed and we are awaiting the
11 Court's decision in this matter -- in both of
12 those matters.

13 La Riva v. D.C. Board of Elections was
14 a complaint for declaratory and injunctive relief
15 alleging that a provision in the elections
16 statute was unconstitutional because it provided
17 ballot access (audio interference) for candidates
18 for all office save the office of president, all
19 offices except the office of president. Because
20 of purposes of the election statute was
21 challenged. The matter was handled by the
22 District's Office of the Attorney General. The

1 case was dismissed as a result of the passage of
2 the General Election Preparations Emergency
3 Amendment Act of 2020, which lowered the
4 signature requirement for the office of president
5 to 250 signatures, the same as for at-large
6 elected offices.

7 And the final case is Alliance Party
8 v. D.C. Board of Elections. This matter was held
9 in the District's Federal District Court, and it
10 is similar -- it involves also the signature
11 requirements from the office of president. The
12 complaint alleged -- or seeks to preclude the
13 Board from enforcing the August 5, 2020 deadlines
14 to file nominating petitions against independent
15 and third-party candidates for the office of
16 president, because although the signature
17 requirement was lower, that did not occur until
18 after the August 5th deadline had passed. And so
19 the Board -- the plaintiffs seek the court to
20 accept the petition with the requisite number of
21 signatures if it is filed by noon on Tuesday,
22 September 8th. This matter is also being handled

1 by the District's Office of the Attorney General,
2 and there is a status conference on this coming
3 Thursday -- or tomorrow. That concludes
4 litigation status.

5 The next item on my agenda is the
6 rulemaking. The first rulemaking is final
7 rulemaking, and that is to amend Title 3 of 3
8 DCMR Chapter 7, to establish the deadline for the
9 receipt of absentee ballots. A notice of
10 emergency and proposed rulemaking with respect to
11 this rulemaking was published in the DC Register
12 on June 26, 2020 at 67 DCR 7922, and a notice of
13 emergency proposed rulemaking with respect to the
14 Chapter 16 rulemaking was published in the DC
15 Register on June 5, 2020 at 67 DCR 6977-6978.
16 And the Chapter 16 rulemaking concerns the
17 signature requirements that were lowered for the
18 2020 general election.

19 The next item is emergency rulemaking,
20 and that rulemaking would amend Title 3 Chapters
21 5 and 7 to place the chapters into conformity
22 with the General Election Preparation Emergency

1 Amendment Act of 2020, establish that requests
2 for absentee ballots must be received by the 15th
3 day before the election in light of United States
4 Postal Service delays, and clarify that cameras
5 may be used in voting and counting locations as
6 long as they do not interfere with the election
7 administration process.

8 And so I would ask the Board at this
9 time to allow the Board to submit both sets of
10 rulemaking, the final and emergency proposed
11 rulemaking, to the DC Register, and they will
12 become effective once published in both
13 instances.

14 CHAIR BENNETT: Okay. Can we get a
15 motion from Mr. Gill to accept the emergency and
16 rulemaking -- the rulemaking that the General
17 Counsel (audio interference).

18 MEMBER GILL: So, Michael, I couldn't
19 quite hear you, but I think the request is that I
20 make a motion to accept the General Counsel's
21 recommendation?

22 CHAIR BENNETT: That's correct, with

1 regard to the rulemaking, emergency and --

2 MS. STROUD: Emergency proposed and
3 final.

4 CHAIR BENNETT: And final. Yeah, I'm
5 sorry. So that's the motion, Mr. Gill. So do I
6 understand that you're making that motion?

7 MEMBER GILL: Yes. I move to accept
8 the General Counsel's recommendations.

9 CHAIR BENNETT: Okay. Ms. Greenfield,
10 can I get a second?

11 MEMBER GREENFIELD: I second it.

12 CHAIR BENNETT: Okay. It's been
13 properly moved and seconded. Can I get a voice
14 vote, Ms. Greenfield?

15 MEMBER GREENFIELD: Aye.

16 CHAIR BENNETT: Mr. Gill?

17 MEMBER GILL: Aye.

18 CHAIR BENNETT: An aye for me as well,
19 so it's unanimous. Thank you, Ms. Stroud.

20 And so now we're going to do public
21 matters, and then we'll get to the hearing. So,
22 if -- gosh, how are we going to do this, Randy?

1 So, if you can raise your hand if
2 you'd like to speak. We will unmute your mic so
3 we can bring you in. I guess you can type in the
4 chat if you'd like to speak.

5 I apologize. This is all very
6 difficult considering having to do all this
7 virtually. Thank you so much for your patience
8 during this matter.

9 If you're on the phone, you have to do
10 star-3. Okay, I think we've got somebody.

11 All right. I believe this is Ms.
12 Brizill. Can you identify yourself and give your
13 address?

14 MS. BRIZILL: The audio on this setup
15 is terrible. Can you hear me?

16 CHAIR BENNETT: Yes, I can. Thank
17 you.

18 MS. BRIZILL: My name is Dorothy
19 Brizill. I'm Executive Director of DCWatch. Our
20 mailing address is 1327 Girard Street, NW. I
21 would like to ask Ms. Miller a couple of
22 questions. Could she give a report on where

1 things stand as regards contracting for the
2 November elections? Where do things stand as
3 regards contracting for a public relations firm?

4 CHAIR BENNETT: The question (audio
5 interference) contracting for a public relations
6 firm.

7 MS. MILLER: Oh, the contract was
8 awarded in August, I believe.

9 MS. BRIZILL: Ms. Miller, I can barely
10 hear you.

11 MS. MILLER: Okay. I'm sorry. The
12 contract was awarded in August. Well, it really
13 wasn't awarded. It was -- the contract was -- it
14 was already in place and so they just continued
15 the contract. I forgot how they frame it in the
16 Office of Contract Procurement.

17 CHAIR BENNETT: They amended the
18 contract, extended the term, and increased the
19 value.

20 MS. MILLER: Right.

21 MS. BRIZILL: Why did they amend the
22 contract and extend the value when there was a

1 lot of issues raised regarding the performance of
2 the contractor for the June primary?

3 CHAIR BENNETT: Yeah, they had a
4 bidding process, and they -- and at the end of
5 the bidding process, they made the award to Bain,
6 who had done the PR work earlier. And since Bain
7 was awarded the contract, what they did was to
8 simply amend Bain's current contract, extended
9 the period, and increased the value.

10 MS. BRIZILL: That's what -- you
11 didn't answer my question. I'm sorry, Mr.
12 Bennett. My question was, if his performance for
13 the June primary was so poor, and it was so
14 acknowledged at the special hearing Mr. Allen
15 had, why did you extend the contract as well as
16 expand the amount of payment?

17 CHAIR BENNETT: The decision to do
18 that, Ms. Brizill, is not on the Board. It's
19 actually on the Office of Contracts and
20 Procurement. And they made the determination
21 when they reviewed the various proposals that
22 Bain had the best proposal for this time period

1 and awarded accordingly based on their evaluation
2 criteria.

3 MS. BRIZILL: Did the Board weigh in
4 and express its concerns and objections, or did
5 you not weigh in?

6 CHAIR BENNETT: I didn't personally
7 weigh in. No, ma'am.

8 MS. MILLER: No.

9 MS. BRIZILL: Where do things stand as
10 regards to contracting for other things, such as
11 the ballot boxes? Has that been completed?

12 CHAIR BENNETT: Yes, it has. And
13 also, the contract for the mail house has been
14 completed as well.

15 MS. BRIZILL: What other contracts are
16 outstanding? That haven't been completed?

17 CHAIR BENNETT: Those are the two big
18 ones that I'm aware of right now. I can't think
19 what the -- I don't think there are any others
20 that are in the critical path, Ms. Brizill.

21 MS. BRIZILL: I have one more
22 question. Who is the current public information

1 officer and press officer for the Board since
2 Rachel Coll indicates that that's no longer a
3 function of hers?

4 MS. MILLER: That position is
5 currently being advertised for.

6 MS. BRIZILL: What other positions are
7 being advertised?

8 MS. MILLER: That's it.

9 MS. BRIZILL: You're not advertising
10 to fill the IT vacancies?

11 MS. MILLER: No, not at this time.

12 CHAIR BENNETT: The IT vacancies --
13 Ms. Brizill, the IT -- just to answer your
14 question completely -- the IT support that we
15 need, we're actually in -- there is a large
16 contract that OCTO has that provides IT support
17 services, that we in the process of bringing some
18 of those folks on through that OCTO contract.

19 MS. BRIZILL: I don't understand what
20 you just said.

21 CHAIR BENNETT: Okay. OCTO has a
22 contract with a -- well, the name of the contract

1 is Pipeline, and that particular contract allows
2 you to purchase bodies, so to speak, IT bodies of
3 that contract to provide support. So we are
4 using the OCTO contract to bring in IT support
5 for the upcoming period.

6 MS. BRIZILL: And how does that work?
7 You then reimburse OCTO?

8 CHAIR BENNETT: Yes. Well, we
9 actually -- yeah, we actually reimburse OCTO for
10 the charges for those individuals. I believe
11 that's how it works. We end up paying for --

12 MS. BRIZILL: But what are the IT
13 positions? There's supervisor of the IT section
14 at Board of Elections. So you're going to
15 contract out for supervision of IT at the Board
16 of Elections?

17 CHAIR BENNETT: No, no, no. We're
18 just -- we're bringing in the IT services support
19 and we're supervising those persons ourselves.

20 MS. BRIZILL: One last question. You
21 have two vacancies in the area of the General
22 Counsel. Where does that stand?

1 CHAIR BENNETT: Ms. Stroud?

2 MS. STROUD: We are -- I'm speaking to
3 candidates currently.

4 MS. BRIZILL: You're speaking to
5 candidates now?

6 MS. STROUD: Yes.

7 MS. BRIZILL: So when do you assume
8 you'll be bringing them onboard?

9 MS. STROUD: Hopefully, shortly.

10 MS. BRIZILL: Shortly is a month, two
11 months, three months, six months, a year? What
12 is it?

13 MS. STROUD: As long as it takes for
14 me to find the right personnel to fill the
15 positions.

16 CHAIR BENNETT: We're targeting in a
17 couple of months, Ms. Brizill.

18 MS. BRIZILL: How many vacancies are
19 there total at Board of Elections right now going
20 into the November election? How many vacancies?

21 CHAIR BENNETT: I have to get back to
22 you on that, Ms. Brizill. I'm not sure of the

1 total number. I don't have it in front of me.

2 MS. BRIZILL: Thank you.

3 CHAIR BENNETT: Thank you. Any other
4 persons that raised their hands? I'm looking.

5 Okay. Go ahead, Mr. Sindram, you're
6 unmuted. I believe. Michael Sindram?

7 (No response.)

8 MR. EIDINGER: Are you -- can I ask a
9 question still?

10 CHAIR BENNETT: Yes.

11 MR. EIDINGER: Hi. This is Adam
12 Eidinger. I'm the treasurer for the Campaign to
13 Decriminalize Nature. I requested now, going
14 back at least a couple weeks, copies of our
15 petitions that we submitted, and I have yet to
16 receive them. And I was told there might be a
17 delay due to printing for the election. But it's
18 important information for us, and we haven't even
19 received an estimate on what the cost will be.
20 In the past, it's normally a two- or three-day
21 turnaround for the Board, and I think we're now
22 into well over a month, actually, since the

1 initial request, and I requested again. I'm
2 wondering if there's a problem, like --

3 CHAIR BENNETT: Mr. Eidinger, one of
4 the things that you're requesting copies of, what
5 sort --

6 MR. EIDINGER: Copies of the
7 Initiative 81 petitions that were submitted --

8 (Simultaneous speaking.)

9 MR. EIDINGER: -- the ballot.

10 CHAIR BENNETT: Oh, okay. Yeah. For
11 the -- for lack of a better term, the mushroom
12 petition?

13 MR. EIDINGER: Yes.

14 CHAIR BENNETT: Okay. We will -- we
15 were talking about that now. One moment, Mr.
16 Eidinger.

17 MR. EIDINGER: I know there was a lot
18 going on, and I respect that. I'm still, though,
19 making the request that I'd like to get the
20 copies.

21 CHAIR BENNETT: Mr. Eidinger, thank
22 you for your patience again. And I appreciate

1 your point. We will target to get those out in
2 two weeks, sir. Is that reasonable, from your
3 perspective? There is a lot of other stuff
4 going, but if you can give us two weeks, that
5 would be very helpful.

6 MR. EIDINGER: Yeah. I'm patient
7 here. I just don't want the request to get lost,
8 that's all.

9 CHAIR BENNETT: Okay. Well, we're
10 committing to two weeks, so we'll try and make it
11 shorter.

12 MR. EIDINGER: Sounds good. Thank
13 you.

14 CHAIR BENNETT: Okay. Thank you, Mr.
15 Eidinger. Do we anybody else on the line? Can
16 you unmute somebody? Who is that? I can't see
17 that far.

18 MR. SINDRAM: Can you hear me, Mr.
19 Chair?

20 CHAIR BENNETT: Yes, I can. I'm
21 sorry, can you identify yourself and address?

22 MR. SINDRAM: Michael Sindram,

1 disabled veteran, served our country more than
2 most. Questions for you, Mr. Bennett. Following
3 the full-blown hearing last meeting, it appeared
4 to me the ANC Dupont Circle were clearly masking
5 their attempt to endorse a candidate, and ANC is
6 to be nonpartisan. So what is the status of your
7 order, your opinion, if you will?

8 CHAIR BENNETT: That order will be
9 out. There's been a little delay just getting
10 the order written up. We are probably at least
11 another couple weeks away. Sorry about that.
12 We're really focused on trying to pin down some
13 of these other things, but that's at least a
14 couple weeks out, Mr. Sindram. I noted that
15 earlier in the Board matters but thanks for
16 asking about it.

17 MR. SINDRAM: Yes. And as you aware,
18 I'm cybernetically challenged, so if you'll do
19 the kindness, or Ms. Jennings, ADA Coordinator,
20 send me a hard copy of it, that would be greatly
21 appreciated.

22 CHAIR BENNETT: Okay.

1 MR. SINDRAM: I believe you all have
2 my address on record, or you should, or I can
3 give it to you.

4 CHAIR BENNETT: Yes. We'll make note
5 of that and if you haven't gotten within a
6 reasonable period of time, by the next meeting,
7 Mr. Sindram, if you would call Ms. Jennings to
8 make sure that she got the note. She's not in
9 this meeting today, so --

10 MR. SINDRAM: Okay.

11 CHAIR BENNETT: Okay, I'm sorry. She
12 is in the meeting, so she heard you.

13 MR. SINDRAM: Will do.

14 CHAIR BENNETT: Thank you.

15 MR. SINDRAM: Thank you, sir. Keep up
16 the good work. And Mr. Gill, we need an elephant
17 in the room. Competition is good. In this
18 jurisdiction, the District of Columbia, we do not
19 have an election. We really have a primary that
20 determines who's going to be the candidate for
21 the obstinate donkey and therein. That ought not
22 be. And I might add, too, that the Democratic

1 Party, back in the day, were known as the
2 Copperheads. So I don't understand why black
3 folk especially flock to their former slave
4 masters, the Copperheads, where the Republicans
5 were the party -- the emancipating party,
6 Emancipation Proclamation, you'll recall. So,
7 again, we need an elephant in the room, Mr. Gill,
8 and by and large, I understand D.C. Republican is
9 a dirty word, but still, it seems like the public
10 --

11 PARTICIPANT: There are states that's
12 all Democratic.

13 MR. SINDRAM: Say again?

14 PARTICIPANT: There are states that
15 are all Democratic.

16 MR. SINDRAM: I'm staying focused on
17 the District of Columbia, our home, my home, sir,
18 okay, and --

19 (Simultaneous speaking.)

20 CHAIR BENNETT: Please talk one at a
21 time.

22 MEMBER GILL: Hey, Michael, this is

1 Mike Gill. I appreciate your sentiments there.
2 I will reiterate the Board of Elections, our
3 point is to make sure the elections are fair and
4 efficient and accountable. And so we try to keep
5 the partisan language out of these meetings.

6 MR. SINDRAM: Yeah, but how can that
7 be, Board Member Gill, if there's a one-party
8 town? It's a monopoly. Even courts have ruled
9 monopolies are illegal, plain and simple, and my
10 question to you is, as the most powerful -- the
11 head Republican, or at least visible, why isn't
12 there being more done for the Republicans to be
13 more visible and to campaign more vigorously?
14 This is the nation's, albeit the world's,
15 capital. We hear nothing, nothing about an
16 elephant in the room, and I've been mentioning
17 this meeting in, meeting out, and, you know,
18 nothing is done. Again, competition is good.
19 We're a one-party town, sad but true. And
20 irrespective of other states, I'm concerned about
21 D.C. This is what the meeting is about.

22 MEMBER GILL: Mr. Sindram, I thank

1 you. Good comments, but I think you should
2 direct them to your local party folks, not to the
3 Board of Elections.

4 MR. SINDRAM: I'm directing it to you.
5 You're a party member on the Board, and so I got
6 your ear, you know. And getting the runaround is
7 counterproductive. Remember, Mr. Gill, and the
8 rest of you all, freedom is not free. It's
9 because we veterans put our life on the line for
10 due process and fundamental fairness. And
11 Chairman Bennett, you've repeatedly said you
12 encourage to vote, it's crucial, it's critical.
13 It is. You recall Hitler gained power by merely
14 the vote of one. Votes count and competition is
15 good, and we don't have any competition --

16 CHAIR BENNETT: Mr. Sindram --
17 (Simultaneous speaking.)

18 CHAIR BENNETT: Mr. Sindram, can you
19 hear me?

20 MR. SINDRAM: I can hear you.

21 CHAIR BENNETT: Okay. Thank you so
22 much for your comments. Your three minutes are

1 up.

2 Do we have anybody else who would like
3 to make a comment? Mr. Slaughter? I think
4 you're on.

5 (Simultaneous speaking.)

6 MR. SLAUGHTER: Yes. I'm good now.
7 I just didn't call in to hear a political speech,
8 so, thank you.

9 CHAIR BENNETT: All right. Thank you.
10 Anybody else want to make a comment in public
11 matter?

12 (No response.)

13 CHAIR BENNETT: I don't see anybody
14 else. Got one more? Okay. We've unmuted --
15 what number is that? We've unmuted 202-355 if
16 you have any comments. Okay, maybe not. I don't
17 see any additional comments. If we missed
18 anybody, my apologies.

19 So, public comments are over, and
20 we're going to move into the nominating petition
21 challenge hearings.

22 Ms. Stroud, can you move us through

1 this?

2 MS. STROUD: Sure. So, the first item
3 on the docket for the nominating petition
4 challenge hearings will be Cheryl Moore v.
5 Anthony Muhammad. And so I'd like to -- if you
6 can state the -- Cheryl Moore and Anthony
7 Muhammad, I'm trying to see if they're present.
8 Are you -- so I need the first six digits of your
9 telephone number, including the area code, so
10 that we can identify you.

11 (Simultaneous speaking.)

12 CHAIR BENNETT: If other people can
13 mute, that would be great. We're going unmute
14 everybody but if you would --

15 (Simultaneous speaking.)

16 CHAIR BENNETT: There's a lot of
17 background noise. If you could mute yourself if
18 you're not either Ms. Moore or Mr. Muhammad,
19 please.

20 (Simultaneous speaking.)

21 CHAIR BENNETT: Ms. Moore is speaking.

22 MS. MOORE: Hello. Can you hear me?

1 CHAIR BENNETT: Yes. Now we can hear
2 you, Ms. Moore. Okay. We got Ms. Moore.

3 MS. STROUD: Okay.

4 CHAIR BENNETT: What about Mr.
5 Muhammad?

6 MR. MUHAMMAD: Anthony Muhammad. I'm
7 on also.

8 CHAIR BENNETT: All right, all right.

9 MS. STROUD: Thank you.

10 CHAIR BENNETT: Thank you so much. My
11 apologies, folks, because I know it's very
12 frustrating for you. It certainly is for me. So
13 my great gratitude for your patience in walking
14 through this. Thank you. Okay.

15 MS. STROUD: So the first item is
16 Cheryl Moore v. Anthony Muhammad, who was a
17 candidate for Advisory Neighborhood Commissioner
18 in Single Member District AE02. So I'm going to
19 have the parties first identify themselves for
20 the record stating their name and address. Ms.
21 Moore, if you could go first?

22 MS. MOORE: Okay. Cheryl Moore, 1882

1 Alabama Avenue, SE.

2 MS. STROUD: And Mr. Muhammad?

3 MR. MUHAMMAD: Anthony Muhammad, 2015
4 Alabama Avenue, Washington, D.C., Southeast.

5 MS. STROUD: Okay. So how we're going
6 to proceed with each matter is that I'm going to
7 have the registrar voter give her preliminary
8 determination report. Then I'm going to have the
9 parties respond to the registrar's findings. And
10 then I will make a recommendation to the Board as
11 to how they should move. The Board may decide to
12 go into Executive Session to deliberate, but I
13 think -- at the end of that?

14 CHAIR BENNETT: Yes. What I'd like to
15 do is to ask for, I'll say, a motion and a vote
16 to go into Executive Session after we hear all
17 the matters, and then we'll make decisions and
18 then return. So we won't do them one at a time.
19 We'll take all the testimony and then we'll go
20 into Executive Session after that. So, thank
21 you, Ms. Stroud.

22 MS. STROUD: Okay. So the registrar

1 voters for -- a representative from the Office of
2 the Registrar Voters will read the preliminary
3 determination report, and then the parties will
4 have the opportunity to respond. Thank you.

5 MS. SMITH: Good morning. My name is
6 DeAnna Smith, and I am going to read the
7 registrar findings. On July 16, 2020, Anthony
8 Muhammad submitted nominating petition to appear
9 on the ballot as a candidate in the November 3,
10 2020 general election for the office of Advisory
11 Neighborhood Commissioner for Single Member
12 District 1802. The minimum requirement to obtain
13 ballot access for this office is 10 signatures of
14 District voters who are duly registered in the
15 same SMD as the candidate. The petition
16 contained 20 signatures. The petition was posted
17 for public inspection for 10 days as required by
18 law.

19 The petition was challenged on August
20 17, 2020 by Cheryl Moore, a registered voter in
21 the District of Columbia. Ms. Moore filed
22 challenges to 12 of the 19 signatures submitted

1 enumerated by line and page number on individual
2 challenge sheets filed for each petition page.
3 The signatures were challenged were pursuant to
4 503 DCMR Section 1607.1 of the Board's
5 regulations.

6 My review of the challenges indicates
7 that 4 of the 12 challenges are valid. Two are
8 valid because the signer is not registered to
9 vote at the address listed on the petition at the
10 time the petition was signed, and two are valid
11 because the signers are not registered. This
12 leaves the candidate's nominating petition with
13 15 signatures, 5 signatures over the number
14 required for ballot access. Thank you.

15 MS. STROUD: Ms. Moore, do you have
16 any response?

17 MS. MOORE: Yes. When we had our
18 first meeting, they said 14; how it's 15 now?

19 MS. STROUD: It's just 15 that will be

20 --

21 MS. MOORE: I can't hear.

22 MS. STROUD: (Audio interference) The

1 matter is on 15. I sent you the report last
2 night.

3 MS. MOORE: What you say? You sent it
4 to me last night?

5 MS. STROUD: Ma'am.

6 MS. MOORE: I can't hear you.

7 (Audio interference)

8 MS. MOORE: It's --

9 (Simultaneous speaking.)

10 MS. STROUD: -- indicated that she
11 sent you the report last night.

12 MS. MOORE: I didn't receive a report
13 last night. That's what I was saying, is when we
14 last spoke, she was saying he had 14.

15 MS. STROUD: Yes. As I just indicated
16 (Audio interference). I'm sorry, Ms. Moore but
17 it was my math that was off. The --

18 MS. MOORE: Okay.

19 MS. STROUD: -- it was 15 signatures,
20 not 14.

21 MS. MOORE: So he had 15?

22 MS. STROUD: Yes, ma'am --

1 MS. MOORE: Okay.

2 MS. STROUD: -- which is five --

3 MS. MOORE: So --

4 MS. STROUD: -- over the number
5 required for ballot access, Ms. Moore.

6 MS. MOORE: Okay -- okay, but my other
7 question I had, did she write it down about me
8 being the ANC already in the seat, and I had on
9 my petition reelect, and he's passing off a
10 petition saying reelect him.

11 MS. STROUD: Ms. Moore, that is not
12 before the Board right now. It's just the matter
13 of the nominating petition challenge.

14 MS. MOORE: Okay. Thank you. Have a
15 nice day.

16 MS. STROUD: Okay. So the
17 recommendation would be that Mr. Muhammad be
18 granted ballot access in this matter.

19 MS. MOORE: Okay. Okay, fine.

20 CHAIR BENNETT: All right. Ms. Stroud
21 --

22 MS. STROUD: Mr. Muhammad, did you

1 want to say anything?

2 MR. MUHAMMAD: No, ma'am.

3 MS. STROUD: Okay. Thank you.

4 CHAIR BENNETT: Next matter.

5 MR. MUHAMMAD: Thank you.

6 MS. STROUD: So the next matter is
7 Cheryl Moore v. Bruce Jones, who is a candidate
8 for Advisory Neighborhood Commissioner in Single
9 Member District AE02. Ms. Jones, are you on the
10 line?

11 MR. JONES: Yes, ma'am.

12 MS. STROUD: Raise your hand if you're
13 on the line.

14 MR. JONES: I'm sorry, what was that?

15 MS. STROUD: Okay. I see you, Mr.
16 Jones. If you could state your name and address
17 for the record?

18 MR. JONES: My name is Bruce Jones.
19 I reside at 1807 Tobias Drive, SE, Washington,
20 D.C.

21 MS. STROUD: Okay. Thank you.
22 Registrar voters, can you please read the

1 preliminary determination report?

2 MS. SMITH: Yes. Thank you. On July
3 15, 2020, Bruce Jones submitted a nominating
4 petition to appear on the ballot as a candidate
5 in the November 3, 2020 general election for the
6 office of ANC for SMD8E02. The minimum
7 requirement to obtain ballot access for the
8 office is 10 signatures of District voters who
9 are duly registered in the same SMD as the
10 candidate. The petition contained 10 signatures.
11 The petition was posted for public inspection for
12 10 days as required by law.

13 The petition was challenged on August
14 17th by Cheryl Moore, a registered voter in the
15 District of Columbia. The petition contained 20
16 signatures. Ms. Moore filed challenges to 3 of
17 the 10 signatures submitted and enumerated by
18 line and page number. Challenge sheets were
19 filed for each petition page the signatures were
20 challenged pursuant to DCMR 3 DCMR 1607.1 of the
21 Board's regulations.

22 My review of the challenges indicate

1 that zero of the three challenges are valid.
2 This leaves the candidate's nominating petition
3 to 10 signatures, the number required for valid
4 access.

5 MS. STROUD: Okay. Ms. Moore, did you
6 have any thoughts?

7 MS. MOORE: No. I'm fine.

8 MS. STROUD: Okay. Thank you. So it
9 will be my recommendation to the Board at this
10 instance that Mr. Jones be granted ballot access
11 as he has met the minimum number required for
12 ballot access.

13 Mr. Jones, do you have anything to say
14 for the record?

15 MR. JONES: No. Good luck to Anthony,
16 and good luck, Cheryl. I don't know, I just
17 think this is completely baseless and obviously,
18 Ms. Moore does not want to campaign or actually
19 have a democratic election, but that's it. Thank
20 you.

21 CHAIR BENNETT: Okay. Next matter.
22 Thank you, Mr. Jones.

1 MS. STROUD: The next matter is
2 Michael Eichler v. Mary Sutherland, candidate for
3 Advisory Neighborhood Commissioner and Single
4 Member District 6E01. Mr. Eichler, I see you on
5 the line. If you could state your name and
6 address for the record?

7 MR. EICHLER: Yes. My name is Michael
8 Eichler, address is 806 Rhode Island Avenue, NW,
9 Apartment 1.

10 MS. SUTHERLAND: So I can keep going?

11 MS. STROUD: Ms. Sutherland, are you
12 on the line? Mary Sutherland?

13 (Audio interference)

14 MS. STROUD: If you could raise your
15 hand by pressing star 3, Ms. Sutherland.

16 (Audio interference)

17 MS. STROUD: Ms. Sutherland?

18 MS. SUTHERLAND: Yes, ma'am.

19 MS. STROUD: Okay. If you could state
20 your name and address for the record?

21 MS. SUTHERLAND: Yes. Mary
22 Sutherland, 1520 Eighth Street, NW, Washington,

1 20001.

2 MS. STROUD: Okay. So the registrar
3 voters representative will read the preliminary
4 determination report into the record.

5 MS. SMITH: Yes. Thank you. On July
6 30, 2020, Mary J. Sutherland submitted a
7 nominating petition to appear on the ballot as a
8 candidate in the November 3, 2020 general
9 election for the office of ANC for SMD6E01. The
10 minimum requirement to obtain ballot access for
11 this office is 10 signatures of District voters
12 who are duly registered in the same SMD as the
13 candidate. The petition contained 10 signatures.
14 The petition was posted for public inspection for
15 10 days as required by law.

16 The petition was challenged on August
17 14th by Michael Eichler, a registered voter in
18 the District of Columbia. Mr. Eichler filed
19 challenges to 10 of the -- 2 of the 10 signatures
20 submitted enumerated by line and page number on
21 individual challenged sheets filed for each
22 petition page. The signatures were challenged

1 pursuant to Title 3 DCMR Section 1607.1 of the
2 Board's regs.

3 My review of the challenges indicate
4 that two signatures are valid; one of the
5 challenges are valid because the signer is not
6 registered to vote at the address listed on the
7 petition at the time the petition was signed; and
8 one is valid because the signer is an inactive
9 voter. This leaves the candidate's nominating
10 petition with eight signatures, two signatures
11 below the number require for ballot access. The
12 registrar of voters received two change of
13 address forms from Mary J. Sutherland on Monday,
14 August 24, 2020. After validating the two change
15 of address forms, one is valid because the signer
16 was deemed inactive; and one change of address
17 form. Candidate Mary J. Sutherland was credited
18 with one signature that had initially been
19 determined to be invalid.

20 This leaves the candidate's nominating
21 petition with nine, signatures, one signature
22 below the number required for ballot access.

1 Thank you.

2 MS. STROUD: Okay. Ms. Sutherland,
3 your response?

4 MS. SUTHERLAND: Yes. I would like
5 very much to respond and disagreement with the
6 address in regards to Mr. Eugene Brisbon. He's
7 the one that is in question, and the address
8 during that time that was in question was a 1705
9 Eighth Street address. It was listed under
10 Apartment 204. The address itself, the building
11 address is correct, but the apartment number,
12 204, was incorrect, as I was told. It was put
13 through with his handwriting. That is not a
14 problem, but he has lived at this 1715 all the
15 way through up until the current address that was
16 posted on August the 24th and stamped by the
17 Board of Election on August 24th.

18 I would also like to state that in
19 2018, Mr. Eugene Brisbon was listed at that time
20 on the registered voters list at the same address
21 of 1715. He's still in the Single Member
22 District. Upon completing my petition, the

1 address of 803 R Street, Apartment 103 was
2 listed, and that was due to the move. And once
3 again, he is still in the same Single Member
4 District. He should be credited for this 803 for
5 this period of 2020.

6 I was being told that by last voting
7 in 2016 that he has been inactive. This is 2020
8 so you're looking at '16, '17, '18, '19,
9 technically which is three years; 2020 will carry
10 him in the fourth year which he has applied and
11 put through that address change within the period
12 if the fiscal year for 2020 ends on September the
13 30th of 2020. So he would be obligated and
14 should be credited for this address even though
15 it has been stated to me, to no avail, that he
16 was inactive. He never moved from that 1715
17 address. The only thing that was different was
18 the apartment number, and Ms. Jennings went as
19 far back as 2014 to let me know twice it was in
20 his handwriting, so I can be seeing that okay, he
21 made a mistake, but he never lived out of the
22 Single Member District. He was still at 1715

1 Eighth Street, the same apartment building. Only
2 the apartment number was incorrect, and I feel
3 that -- and this is me personally, as is stated
4 in number 9, signer does not appear in the voter
5 rolls of Single Member District 6E01, but he was
6 on the roll in 2018. Of course, he would not be
7 on that roll list for 2020. I didn't receive a
8 copy of it, but I can assume, but 2018 he was
9 with the same address of 1715 Eighth Street. The
10 apartment number only was incorrect.

11 I rest my case in that area, but can
12 I have the opportunity to say something, please?

13 Hello.

14 MS. STROUD: Is it related to the
15 challenge, Ms. Sutherland?

16 MS. SUTHERLAND: Yes.

17 MS. STROUD: Sure, go ahead.

18 MS. SUTHERLAND: I would only like to
19 say that upon my pre-hearing on the 24th, which
20 sort of disturbed me because at one point, I had
21 said, you know, I can't go through this, you
22 know, for something over an address. But when

1 you are constantly being told and you are
2 requesting the hearing for September the 2nd, but
3 each time -- I requested that meeting three
4 times, and each time, I was told, Well, you can
5 have that hearing, but he, whoever he was, will
6 go along with my finding. This was told to me
7 three times, so it kind of disturbed me. I feel
8 that it was inappropriate to schedule the person
9 and don't worry about the rest. So what this is
10 saying to me, you can -- I can disagree with you
11 and I'm still following through on the address,
12 which is I feel that is right, because this man
13 has been in the same Single Member District. But
14 to tell me that you can have it and it's fine,
15 but he's going to go along with my finding, I
16 find that as being inappropriate. You just
17 schedule a person. You don't have to go that
18 far. This is why sent the letter saying that
19 after, you know, consideration, I need to have
20 this hearing, but in the meantime, other than
21 that, I want to say thank you so much.

22 MS. MILLER: Thank you, Ms.

1 Sutherland. So the essence of what I think I
2 heard is that Mr. Brisbon was determined to be
3 inactive the by the registrar of voters?

4 CHAIR BENNETT: Yes.

5 MS. MILLER: And that -- so in light
6 of that, if he wasn't active at the time that he
7 signed, that signature is invalid, and the Board
8 regulations make that clear as does the statute.

9 MS. SUTHERLAND: Okay. May I ask,
10 please, how can that be if the fiscal year ends
11 the 30th of September? He's active as of
12 September; his address was put through on August
13 the 24th within that same year, so the year had
14 not --

15 MS. MILLER: But when he signed --

16 MS. SUTHERLAND: -- ended.

17 MS. MILLER: -- the petition, he was
18 not active.

19 MS. SUTHERLAND: Excuse me?

20 MS. MILLER: Continue, Ms. Sutherland.

21 MS. SUTHERLAND: I didn't hear you,
22 I'm sorry.

1 MS. MILLER: You can continue. I'm
2 sorry for interrupting you.

3 MS. SUTHERLAND: I was just saying it
4 is still active because it is in the same year.
5 The fiscal year ends at the end of September. He
6 is still in this year, the beginning of the year,
7 because he filed on August the 24th with the
8 current address. I understand about him being
9 inactive but see, this is a discrepancy that I
10 have because I'm looking at the apartment number,
11 address he was in at the time, never left the
12 Single Member District. But with that current
13 address and still being within that year, that he
14 should be credited for that address, because he
15 applied within the -- before the year ended.

16 CHAIR BENNETT: Thank you, Ms.
17 Sutherland. I think we understand your point,
18 and it's a good point, so thank you. We'll
19 certainly consider that when we deliberate on the
20 matter.

21 MS. SUTHERLAND: All right. I want to
22 thank you so much, and I want to thank you for

1 listening, giving me the opportunity to say what
2 I feel was right. I go with what is right, yes.

3 CHAIR BENNETT: We appreciate it, Ms.
4 Sutherland. Does Mr. --

5 MS. MILLER: Mr. Eichler is on the
6 line. Mr. Eichler, do you have any comments.

7 MR. EICHLER: Yes, sure. I think what
8 the crux of the matter is that this signature 9
9 of 10 that has deemed to be invalid due to an
10 inactive voter status, the real question is why
11 is that voter inactive? And I don't have that
12 person's voter record. I don't understand how
13 that person went from active to inactive. I
14 believe it's a four-year window, that if you
15 don't vote within four years, that you become
16 inactive. It hasn't been four years since the
17 general election in 2016, so it's possible that
18 he only voted in the primary in 2016 and then
19 failed to vote in the general, and that would
20 make him two years inactive, because according to
21 the conversation during the pre-hearing
22 conference, there was no voter record for him

1 voting in 2018. So the real question is how did
2 this voter go from active to inactive. The issue
3 with the address, I believe, is some concern that
4 if he was registered at one address but actually
5 lived in another, that he would not be receiving
6 the BOE reminder notices and letters saying, hey,
7 we miss you; we want you to registered, because
8 they would have been going to the wrong address.

9 But in reality, like if he registered
10 at the wrong address, that's his fault, and that
11 if Ms. Sutherland chose to use his signature as
12 part of her 10, then in fact, like there are
13 plenty of tools available -- made available by
14 BOE to validate the signatures before you submit
15 them, and that validation process I did on behalf
16 of my own personal signatures that I submitted
17 and identified a handful that were invalid. And
18 I ensured that I had multiple to get well over
19 the threshold.

20 And on some level, you know, we can
21 argue over this one signature, but Ms. Sutherland
22 had the tools to research whether her 10

1 signatures were valid and find an 11th in case
2 one of them was invalid, and she did not choose
3 to move -- to perform that action to ensure that
4 she was submitting 10 valid signatures. But
5 again, the real question comes back to why was
6 this one person moved from active to inactive.
7 Was that movement, was that switch to inactive
8 valid, and do we have records from that one
9 person to indicate that perhaps, yes, he did fail
10 to vote in the general election in 2016, which
11 would be why it's now been more than four years
12 since his last voting activity.

13 MS. STROUD: Well, just to answer, I
14 guess, the general question, Mr. Eichler, it's
15 not simply a matter of not voting. It's not
16 refined to a particular notice and not voting and
17 two subsequent federal elections. So that would
18 have led to inactive, so if he's inactive, it was
19 because of that reason, not simply failure to
20 vote in elections. It was failure plus lack of
21 corresponding with the Board prior to that
22 timeframe. So Ms. Jennings,, are you on the

1 line?

2 (No response.)

3 MS. SUTHERLAND: While you're waiting
4 -- this is Mary Sutherland again, if you don't
5 mind while you're waiting. I'm speaking with --
6 on Mr. Michael when he said -- stated that I
7 could have used my tools to check the people out.
8 I saw no reason to do any checking with the
9 signatures that I have, reason being for each
10 time that I run and do a petition, these are
11 people that always sign my petitions with no
12 problem. So there was no reason for me to do
13 anything special, because I was sure of it
14 because I deal with them every time. I run every
15 two years; haven't won, though, but I run every
16 two years, and I've never encountered a problem.
17 But Mr. Michael, I want to thank you for what you
18 said, because you are absolutely correct. When
19 it comes down to the address, this year would be
20 the fourth, but his address was put through
21 within this year of 2020. But I want to say
22 thank you, Mr. Michael.

1 MR. EICHLER: Sure.

2 MS. SUTHERLAND: And thank you all --

3 MR. EICHLER: And I guess what it
4 comes down is if the address that was submitted
5 on the voter registration originally was
6 incorrect, then he may not have received the
7 notifications and the correspondences to which he
8 has not responded --

9 MS. SUTHERLAND: He did not --

10 MR. EICHLER: -- and the question then
11 becomes --

12 MS. SUTHERLAND: -- receive it.

13 MR. EICHLER: -- then the question
14 becomes like --

15 (Simultaneous speaking.)

16 MR. EICHLER: -- how did the address
17 --

18 MS. SUTHERLAND: -- because it was
19 incorrect.

20 MR. EICHLER: Sorry. Only one person
21 can speak at a time --

22 MS. SUTHERLAND: Oh, I'm so sorry.

1 MR. EICHLER: -- on this format. It's
2 very hard when multiple people are speaking.

3 MS. STROUD: We're going to hear --

4 MR. EICHLER: And so -- and I'm --

5 MS. STROUD: -- we're going to hear
6 from first the Office of the Registrar and then
7 Ms. Jennings who will speak to the findings or
8 their research regarding the inactive status of
9 the voter at question. DeAnna, you can go first.
10 Go ahead.

11 MS. SMITH: Can you hear me? Yes.
12 This is DeAnna Smith, Office of the Registrar.
13 Yes. To respond to the inactivity of Mr. Eugene
14 Brisbon, I can contest that the -- it started in
15 2016, he did vote in the last few elections, and
16 he did not vote in the 2016 general election, and
17 there was no activity with any type of responses
18 to him to verify his address and to verify his
19 voting activity.

20 MS. MILLER: And actually, let me
21 correct my previous statement. There is the
22 notice -- no response to notice to federal

1 elections that leads to removal, but after the
2 particular notice, which is referred to as a D2
3 notice, it says -- and there's not response
4 within a certain timeframe, that triggers
5 inactivity. So it's no correspondence with the
6 Board and no voting, no activity so that the
7 Board can determine your address. And then once
8 we send out particular postcards, which we send
9 out when we conduct our biennial canvass, which
10 is when we mail cards to people who have not
11 voted in a particular general election -- we send
12 postcards, and if there's no response, they go on
13 the inactive list. And then after two federal
14 elections, that leads to the removal of the voter
15 (Audio interference). So inactivity is triggered
16 early, and so that's why he would have been made
17 inactive. And so Ms. Jennings, if you could
18 speak to --

19 (Audio interference)

20 PARTICIPANT: Okay.

21 PARTICIPANT: I unmuted.

22 MS. JENNINGS: Hi. So we have --

1 CHAIR BENNETT: Ms. Jennings (Audio
2 interference) right here.

3 MS. JENNINGS: Yes. Good morning,
4 everyone. Terrica Jennings. We checked that
5 signature during our pre-hearing conference, and
6 what was missed that was that Mr. Brisbon had not
7 voted since 2016. In addition to that, several
8 notices had gone to his -- the address he had
9 listed on file. It was written in his address --
10 in his handwriting rather -- on his voter
11 registration application, and he had not
12 corresponded with the Board over several years.
13 So he was deemed inactive.

14 Yes. So he had been deemed inactive
15 at the time the notice was sent. And I know the
16 concern that Ms. Sutherland had was that it was
17 written error on the Board's part or that the
18 Board had made some type of administrative error
19 when we entered his address, but the address that
20 the Board had on file was the exact same address
21 that was listed on his voter registration
22 application, which is also written in his

1 handwriting, so there was not an error on the
2 Board's part.

3 MS. MILLER: Thank you, Ms. Jennings.
4 So having heard the statements of the parties and
5 the testimony from the Board staff, I would
6 recommend to the Board that Ms. Sutherland be
7 denied ballot access for not having met the
8 requisite signature requirements.

9 CHAIR BENNETT: Okay. We'll take that
10 recommendation into consideration, and address
11 them when we make deliberations in an Executive
12 Session. Next item. Thank you to the parties.
13 Next item, Ms. Stroud?

14 MS. STROUD: The next item --

15 MR. EICHLER: Thank you.

16 MS. STROUD: -- is Kathy Henderson v.
17 Sabrina Rhodes, Advisory Neighborhood
18 Commissioner at Single Member District 5D01. Ms.
19 Henderson, are you present on the phone?

20 CHAIR BENNETT: Her number --

21 MS. STROUD: If you could raise your
22 hand?

1 (No response.)

2 (Audio interference)

3 PARTICIPANT: Sebrena Rhodes is on.

4 I see her.

5 MS. RHODES: I'm here.

6 CHAIR BENNETT: Ms. Rhodes, are you
7 on? Can you --

8 MS. RHODES: I'm here.

9 CHAIR BENNETT: Okay, great. And Ms.
10 Henderson?

11 (No response.)

12 MS. STROUD: Well, Ms. Henderson does
13 not appear to be on the line.

14 CHAIR BENNETT: Can we unmute
15 everybody to see whether or not there's any --
16 I'm sorry to do this but --

17 (Audio interference)

18 MS. RHODES: Okay, I'm here.

19 CHAIR BENNETT: Ms. Rhodes, you're
20 here?

21 MS. RHODES: I'm here.

22 CHAIR BENNETT: Okay. We're trying to

1 see if Ms. Henderson --

2 (Off record comments.)

3 CHAIR BENNETT: Ms. Henderson is going
4 to gradually come back in, so apologies for the
5 delays, Ms. Rhodes, and thanks for your patience.
6 We're just trying to make sure we're able to
7 connect with the parties.

8 MS. RHODES: Okay. No problem.

9 CHAIR BENNETT: Thank you.

10 MS. HENDERSON: Good morning. Kathy
11 Henderson here. I had technical difficulty and
12 had to switch to an iPhone format.

13 CHAIR BENNETT: We can hear you, Ms.
14 Henderson. MS. Stroud, do you want to --

15 MS. STROUD: Yes. Ms. Henderson, if
16 you could state your name and address for the
17 record?

18 MS. HENDERSON: Kathy Henderson, 1807
19 L Street NE, Washington, D.C. 20002.

20 MS. STROUD: And Ms. Rhodes, if you
21 could state your name and address for the record?

22 MS. RHODES: Sebrena Rhodes, 1854

1 Central Place, Washington, D.C., 20002, Unit 2.

2 MS. STROUD: Okay. And Ms. Rhodes,
3 you are a candidate for Advisory Neighborhood
4 Commissioner in Single Member District 5D01,
5 correct?

6 MS. RHODES: Correct.

7 MS. STROUD: Okay. Ms. Wilson-Smith?

8 MS. SMITH: Yes. Thank you. My name
9 is DeAnna Smith and I'm going to read the report
10 of the registrar. On July 27, 2020, Sebrena
11 Rhodes submitted a nominating petition to appear
12 on ballot as a candidate in the November 3, 2020
13 general election for the office of ANC for SMD
14 5D01. The minimum requirement to obtain ballot
15 access for this office is 10 signatures from
16 District voters who are duly registered in the
17 same SMD as candidate. The petition contained 20
18 signatures. The petition was posted for public
19 inspection for 10 days as required by law.

20 The petition was challenged on August
21 17th by Kathy Henderson, a registered voter in
22 the District of Columbia. Ms. Henderson

1 challenged 15 of the 20 signatures enumerated by
2 line and page number on individual challenge
3 sheets filed for each petition page. The
4 signatures were challenged pursuant to Title 3
5 DCMR Section 1607.1 of the Board's regulations.

6 My review of the challenges indicate
7 that 7 of the 16 challenges are valid; two are
8 valid because the signers were not registered to
9 vote at the address listed on petition at the
10 time the petition was signed; two are valid
11 because the signers were not registered; one is
12 valid because the petition does not include the
13 name of the signer where the signature is
14 sufficiently legible; one is valid because the
15 signature is not dated; and one is valid because
16 the signer's voter registration was designated as
17 inactive at the time the petition was signed.

18 This leaves the candidate's nominating
19 petition with 13 signatures, 3 signatures over
20 the number required for ballot access. Thank
21 you.

22 MS. STROUD: Okay. Ms. Henderson, do

1 you have any response?

2 MS. HENDERSON: Yes. I bring my
3 challenge in furtherance of the Board rules to
4 maintain the integrity of the voting process, and
5 I reassert my challenge to Ms. Rhode's petition
6 beginning with page 2, the -- I challenge number
7 3, 4, and 7.

8 Regarding number 3, the date was
9 incomplete. In fact, the date was likely
10 missing, and Ms. Rhodes filled in the partial
11 date when she turned in the petition, because all
12 of the signatures after that are with -- reflect
13 the previous date.

14 With regard to number 4, Ted Brown,
15 it's the same issue. The date was incomplete
16 which Ms. Rhodes appeared to have filled in when
17 she turned in her petitions on the 24th, but she
18 didn't put the full date. And the signature on
19 file for Mr. Brown does not match.

20 And with regard to number 7, Ms.
21 Satiya Price, Ms. Rhodes did not -- I challenge
22 it on the basis of the wrong address. The Board

1 of Elections rule that that is accurate, that she
2 is registered. They didn't provide the
3 information that she's registered at that
4 address, and Ms. Rhodes did not present an
5 address change form for that particular voter.
6 So I reassert my challenge to her nominating
7 petition outlining the three signers, or alleged
8 signers that I just enumerated.

9 MS. STROUD: Okay. Ms. Rhodes?

10 MS. RHODES: Yes. Well, the issues
11 that she's bring up today, she didn't bring up
12 yesterday in the preliminary hearing. She got
13 the email of the signatures to match with what on
14 my petition and no, I did not fill in anything
15 but my name and the date.

16 MS. STROUD: Okay. We'll now move to
17 representative on the voter services division --

18 MS. HENDERSON: May I say something?
19 May I respond?

20 MS. MILLER: Once we hear the
21 registrar of voters' determination or their
22 response to the statements that you both made.

1 PARTICIPANT: Okay. So --

2 (Audio interference)

3 PARTICIPANT: -- to a Ted Brown and --

4 MS. MILLER: So I just want to
5 confirm, Ms. Henderson, that you said page 2 on
6 the signatures you identified were --

7 MS. HENDERSON: Three, four, and
8 seven, and I did assert my -- the same challenge
9 initially and during the pre-hearing, so Ms.
10 Rhodes is incorrect.

11 (Audio interference)

12 MS. MILLER: So Ms. Henderson, your
13 complaint is that his signature was incomplete
14 and that Ms. Rhodes wrote in the date, the party
15 date?

16 MS. HENDERSON: Let me repeat so that
17 it is clear. Number -- page 2, number 3 in my
18 original challenge and my reassertion, the signer
19 for number 3, Carl Johnson, the date is
20 incomplete, and it appears to have been added by
21 Ms. Rhodes when she -- that's the likely
22 scenario, because all of the signatures after

1 those signers was at the previous date. So I'm
2 assuming, and maybe it's wrong, but I think it's
3 a correct assumption that Ms. Rhodes likely
4 filled in that partial date when she turned in
5 her petition, because that -- why would the
6 person sign on -- with the wrong date? I mean
7 you have a couple of people that -- well, it's
8 possible that three people signed with the wrong
9 date, but it's not probable.

10 MS. RHODES: Okay. Well, can I speak?

11 MS. MILLER: You're muted. Okay. Ms.
12 Rhodes?

13 MS. RHODES: Yes.

14 MS. MILLER: You said you wanted to
15 say something?

16 MS. RHODES: Yes. I want to speak.
17 I want to speak --

18 MS. MILLER: Go ahead.

19 MS. RHODES: Okay. Yesterday we had
20 the preliminary hearing. Ms. Henderson didn't
21 mention any of this, and now she's accusing me of
22 putting dates on my petition, which I did not.

1 We did not have this discussion yesterday, and
2 she's making up things, and she's adding stuff to
3 this hearing that's wasting all of our time.
4 She's adding things to it that we did not talk
5 about yesterday and again, whoever signed the
6 petition, they signed and dated. And she has the
7 email of the signatures that she wanted to match.
8 The only thing she wanted to match was the
9 signatures, and that was it. I have a check here
10 of the names that she was concerned about. Now
11 stakeholders are bringing additional information
12 today, again, wasting my time.

13 CHAIR BENNETT: Okay. We have have --
14 we can hear from the registrar right now.

15 MS. SMITH: Hi. This is DeAnna Smith
16 from the -- representing the registrar of voters.
17 So I can contest that the issue with the dates
18 were not mentioned in yesterday's pre-hearing.
19 The dates mentioned, again, was not mentioned in
20 yesterday's pre-hearing, and the signature for --
21 on page 2, line 3, that was not one of the
22 signatures that Ms. Henderson wanted access --

1 wanted a second copy yesterday. She had a list
2 of names and lines, and number 3 was not one of
3 the signatures that she asked for another copy.
4 Now line 4, Mr. Kenneth Brown on Central Place,
5 was sent to Ms. Henderson yesterday, and myself
6 and the registrar of voters deemed that the
7 signature matches the -- I'm sorry, the signature
8 on the petition matches the signature on file.
9 Thank you.

10 CHAIR BENNETT: Okay. Ms. Stroud, can
11 you make a recommendation?

12 MS. HENDERSON: I'd like to --

13 MS. STROUD: I recommend that --

14 MS. HENDERSON: -- I'd like to respond
15 -- I'd like to respond.

16 MS. STROUD: -- Ms. Rhodes be granted
17 ballot access in light of the fact that she has
18 13 signatures and the testimony that we heard
19 today regarding the signatures. I would note for
20 the record that it is okay for the candidate to
21 fill in the date if that's what happened. It
22 didn't, then that's fine. But if it did, that

1 would not be a defense to invalidate the
2 signature.

3 CHAIR BENNETT: Okay. We heard the
4 testimony from the parties. We'll take it under
5 consideration in the deliberations. Thank you to
6 Ms. Rhodes and Ms. Henderson. Can we have the
7 next matter, Ms. Stroud?

8 MS. STROUD: Sue. It is Kathy
9 Henderson v. Bernice Blacknell, a candidate for
10 Advisory Neighborhood Commissioner in Single
11 Member District 5D04. Ms. Blacknell, are you on
12 the line?

13 MS. BLACKNELL: Yes. Can you hear me?

14 CHAIR BENNETT: Yes.

15 MS. STROUD: Yes, I can. If you could
16 just state your name and address for the record,
17 please.

18 MS. BLACKNELL: My name is Bernice
19 Blacknell. I live at 2114 I Street NE, Apartment
20 103, Zip Code is 20002.

21 MS. STROUD: All right. Thank you,
22 Ms. Blacknell. And we'll hear from the office of

1 the registrar of voters.

2 MS. SMITH: Yes. Again, this is
3 DeAnna Smith representing the registrar of voters
4 and reading the findings. On July 20, 2020,
5 Bernice Blacknell submitted a nominating petition
6 to appear on the ballot as a candidate in the
7 November 3, 2020 general election for the office
8 of ANC, SMD 5D04. The minimum requirement to
9 obtain ballot access for this office is 10
10 signatures of District voters who are duly
11 registered in the same SMD as candidate. The
12 petition contained 20 signatures. The petition
13 was posted for public inspection for 10 days as
14 required by law.

15 The petition was challenged on August
16 17th by Kathy Henderson, a registered voter in
17 the District of Columbia. Ms. Blacknell filed --
18 sorry -- Ms. Henderson filed challenges of 14 of
19 the 20 signatures submitted enumerated by line
20 and page number on individual challenge sheets
21 filed for each petition page. The signatures
22 were challenged pursuant to Title 3 DCMR 1607.1

1 of the Board's regulations.

2 My review of the challenges indicate
3 that 9 of the 14 challenges are valid; five are
4 valid because the signers were not registered to
5 vote at the address listed on the petition at the
6 time the petition was signed; two are valid
7 because the signers were not registered; and two
8 were valid because the circulator failed to
9 complete all required information in the
10 circulator's affidavit.

11 This leaves the candidate's nominating
12 petition with 12 signatures, 2 signatures over
13 the number required for ballot access. Thank
14 you.

15 MS. STROUD: Okay. Ms. Blacknell?

16 MS. BLACKNELL: Yes.

17 MS. STROUD: Or Ms. Henderson?

18 MS. HENDERSON: Yes. I'd like to
19 speak.

20 CHAIR BENNETT: Okay. Go ahead, Ms.
21 Henderson. Ms. Henderson, go ahead.

22 MS. HENDERSON: Hello.

1 CHAIR BENNETT: Yes. We can hear you,
2 Ms. Henderson. Go ahead.

3 MS. HENDERSON: Thank you. I reassert
4 my challenge to Ms. Blacknell's petition, and I
5 reassert my challenge to page 1, line 4, Margaret
6 Presson, that came up in the pre-hearing, and Ms.
7 Smith, I believe, or Ms. Jennings, but either,
8 that they would get additional information about
9 that. Ms. Presson, on the face of the petition,
10 the signature purporting to be Margaret Presson's
11 says that the address is 807 21st Street NE. Ms.
12 Presson's address is actually 809 21st Street NE,
13 which is also reflected in the Board of Elections
14 records, and the signatures do not match.

15 On page 2, signatures 1 and 2 appear
16 -- I reassert that challenge. They appear to be
17 written by the same person, and according to the
18 Board of Elections records, Ruth M. Hall was
19 deleted and not registered, and Douglas Hall, you
20 know, the signatures were written by the same
21 person, but one of these persons is registered,
22 and that's Mr. Hall. So the other signature is

1 not valid. So I mean it's an issue of fraud
2 which I reassert.

3 And finally, 43 percent of Ms.
4 Blacknell's signatures are not valid, and they're
5 not valid through a simple errors, just
6 carelessly circulated the petition to people who
7 are not registered, and there's no evidence that
8 these people believe they were registered. And
9 the Board has previously held that where there is
10 an appearance or an overwhelming appearance of
11 fraud, you know, they just threw out the petition
12 as in Anthony Williams' petition. I think that
13 was back in early 2000. It didn't mean the
14 Board's decision didn't mean that every signature
15 was fraudulent. It just meant that the majority
16 of the signatures were fraudulent, and there was
17 enough reason to question the validity of the
18 circulating practice, and he was dismissed. And
19 I think that the Board should apply that same
20 decision here based on the Board's -- based on
21 the Board of Elections registrar's findings and
22 the fact that these matters are still unresolved

1 regarding Ms. Presson and Ms. Hall and Mr. Hall.
2 And with that, I rest.

3 MS. STROUD: Okay. Thank you, Ms.
4 Henderson. Now we'll hear from the voter
5 services division, the office of the registrar of
6 voters.

7 MS. SMITH: Ms. Henderson, with regard
8 to Ms. Presson's signature, that is the one
9 record. That's on page 1, line 4, and for page
10 2, lines 1 and 2, yes, they -- the couple
11 (Audio interference) one person probably printed
12 both names on the petition, but these are the
13 signatures on file. And Ms. Hall is a registered
14 voter. Her name is Ruth Mayo Hall. You weren't
15 able to find her, but we were able to find her,
16 and she is a registered voter.

17 CHAIR BENNETT: Okay. Anything,
18 ma'am?

19 (Audio interference)

20 MS. BLACKNELL: Okay. How about Mr.
21 Evers Hall, they're husband and wife.

22 MS. SMITH: Yes. Mrs. Hall is

1 properly registered, like it indicated. She
2 probably wrote the address in for both them, but
3 they both signed their own name on the petition.
4 That is --

5 MS. BLACKNELL: Okay.

6 MS. SMITH: -- both of their
7 signatures.

8 MS. BLACKNELL: Okay. Now how about
9 --

10 MS. SMITH: Ruth Hall and ---

11 (Simultaneous speaking.)

12 MS. BLACKNELL: Thank you. Okay. For
13 page 1, line 10, now on my petition, this man
14 signed his signature the way it is on my
15 petition, exactly the way it is on my petition,
16 so I did not forge anybody's name.

17 CHAIR BENNETT: Is that Ms. Blacknell?

18 PARTICIPANT: No, that's -- yes, Ms.
19 Blacknell.

20 CHAIR BENNETT: Okay.

21 MS. BLACKNELL: Yes, ma'am -- yes,
22 sir. I'm sorry.

1 CHAIR BENNETT: That's okay. Is there
2 anything else you want to add, Ms. Blacknell?

3 MS. BLACKNELL: No, sir -- no, sir.
4 Oh, it's another thing, okay. There's renovation
5 going on at Langston, so when my petition was
6 signed, maybe some of the residents, you know,
7 have been like moving or getting ready to move
8 and everything. I'm not, you know,
9 discriminating or anything like that, but I would
10 appreciate not to be as forging anybody's
11 signatures. I'm not that type of person. Kathy
12 Henderson has a personal thing against me, and
13 I'm sorry to say it that, you know, this --

14 CHAIR BENNETT: Ms. Blacknell --

15 MS. BLACKNELL: -- is no --

16 CHAIR BENNETT: -- Ms. Blacknell, --

17 MS. BLACKNELL: Okay. That's all I
18 have to say.

19 CHAIR BENNETT: Thanks, Ms. Blacknell.

20 MS. HENDERSON: Yes.

21 (Simultaneous speaking.)

22 MS. HENDERSON: I'd like to reply.

1 CHAIR BENNETT: -- this out. I
2 appreciate the time. Is there --

3 MS. BLACKNELL: Thank you -- thank
4 you, sir.

5 CHAIR BENNETT: -- the registrar?

6 MS. BLACKNELL: Thank you.

7 MS. HENDERSON: I would like to
8 respond.

9 CHAIR BENNETT: Thank you.

10 MS. BLACKNELL: Thank you, sir.

11 MS. HENDERSON: I would like to
12 respond.

13 CHAIR BENNETT: Okay, Ms. Henderson,
14 we'll give you a quick response, ma'am. Please
15 try to keep it short.

16 MS. HENDERSON: Well, just briefly,
17 this process is about the integrity of the voting
18 process, and I think Ms. Blacknell's comments
19 about a person vendetta, I think that's really
20 inappropriate, and it really should be stricken
21 from the record. If you hold yourself out for
22 office, you should be able to read for

1 understanding. You should be able to follow the
2 rules, and you should be check the status of the
3 voters as indicated, because the Board also
4 provides a master index of voters. So we
5 shouldn't even be here if the petitioner took the
6 time to actually read the rules, read the index,
7 and follow the process. And I'm --

8 MS. BLACKNELL: Well, I did --

9 CHAIR BENNETT: Ms. Henderson, thank
10 you so much.

11 MS. BLACKNELL: -- be here.

12 CHAIR BENNETT: The Board will not
13 take any personal comments under consideration
14 with regard to those that you mentioned. Thank
15 you so much. Ms. Stroud, do we have a
16 recommendation from the General Counsel?

17 MS. STROUD: Yes. Based on the
18 information presented by the parties and Board
19 staff, I would recommend that Ms. Blacknell be
20 granted ballot access in the context of office of
21 the Advisory Neighborhood Commissioner in Single
22 Member District 5D04.

1 CHAIR BENNETT: We'll take the
2 recommendation under consideration and consider
3 that during deliberations. Next matter.

4 MS. STROUD: The next matter is Mr.
5 John George v. Trupti Patel, a candidate for
6 Advisory Neighborhood Commissioner in Single
7 Number District 2A03. I see that --

8 MS. BLACKNELL: Thank you all very
9 much.

10 MS. STROUD: -- (simultaneous
11 speaking). Is Mr. John George on the line?
12 Okay. I see you, Mr. George, and I see Patel.
13 If you both just state your names and addresses
14 for the record beginning with the challenger.

15 CHAIR BENNETT: Mr. George, can you
16 state your name for the record?

17 MR. GEORGE: I am not the challenger.

18 CHAIR BENNETT: Oh, I'm sorry. The
19 challenger is Ms. --

20 MS. STROUD: The --

21 CHAIR BENNETT: -- Patel?

22 MS. STROUD: Yes.

1 CHAIR BENNETT: Okay.

2 MS. PATEL: That is correct.

3 CHAIR BENNETT: Ms. Patel?

4 MS. PATEL: Yes. That is correct.

5 There was a misstate on the agenda, so I was just
6 waiting for you guys to clarify that. My name is
7 Trupti Patel.

8 CHAIR BENNETT: Thank you. Sorry
9 about that.

10 MS. PATEL: It's okay. My name is
11 Trupti Patel, and I reside at 950 25th Street NW,
12 Washington, D.C. 20037.

13 MS. STROUD: And Mr. George?

14 MR. GEORGE: Can you hear me? My name
15 is John George at 915 26th Street NW.

16 MS. STROUD: Okay. Now we'll hear
17 from the registrar of voters with respect to this
18 matter.

19 MS. SMITH: Yes. Thank you. Again, my
20 name is DeAnna Smith, and I am representing the
21 registrar of voters in this matter. On July 29,
22 2020, John George submitted a nominating petition

1 to appear on the ballot as a candidate in the
2 November 3, 2020 general election for the office
3 of ANC, SMD 2A03. The minimum requirement to
4 obtain ballot access for this office is 10
5 signatures of District residents who are duly
6 registered in the same SMD as the candidate. The
7 petition contained 20 signatures. The petition
8 was posted for public inspection for 10 days as
9 required by law.

10 The petition was challenged on August
11 17, 2020 by Ms. Trupti Patel, a registered voter
12 in the District of Columbia. Ms. Patel filed
13 challenges to 17 of the 20 signatures submitted
14 enumerated by line and page number on individual
15 challenge sheets filed for each petition page.
16 The signatures were challenged pursuant to Title
17 3 DCMR 1607.1 of the Board's regulations.

18 My review of the challenges indicate
19 that 4 of the 17 challenges are valid; four are
20 valid because the signature is pre-dated. This
21 leaves the candidate's nominating petition with
22 16 signatures, 6 signatures over the number

1 required for ballot access. Thank you.

2 PARTICIPANT: Thank you.

3 MS. STROUD: Okay. Thank you. Ms.
4 Patel -- actually, Mr. George, do you have a
5 response?

6 MR. GEORGE: I agree with the Board of
7 Elections findings.

8 MS. STROUD: Okay. Ms. Patel?

9 MS. PATEL: Thank you. The reason why
10 I asked to appear today is so when you look at
11 Mr. George's petitions, page 1 and page 2, if you
12 look at the bottom where it says the circulator's
13 affidavit to be completed by the person, the
14 printed area does not match at all compared to
15 the page two. And actually, if you look at page
16 1, the handwriting matches actually to the person
17 that is listed on line number 7. So if you look
18 at the handwriting comparison from line number 7
19 to the printed area of the circulator on page 1,
20 they actually match. And so I challenged every
21 single signature on that petition and the other
22 one on page 2, because I believe that the

1 circulator who signs did not actually indeed
2 circulate the petition.

3 (Audio interference)

4 MS. STROUD: Yes. Ms. Patel?

5 PARTICIPANT: She just --

6 MS. STROUD: I'm sorry, Ms. Patel, the
7 burden of proof is on you so do you have any
8 proof that he didn't sign the petition? The
9 signature matches what we have on file.

10 MS. PATEL: Okay. Well, yes, the --
11 her actual signature matches, but the printed
12 affidavit part does not match. And while I can't
13 without a doubt definitively prove it, there is
14 definitely a question. I definitely -- this --
15 these petitions are definitely questionable, and
16 I wanted that addressed appropriately before the
17 Board to say that, you know what. I don't mind
18 having an opponent run against me, but I don't
19 condone cheating. The bar was set extremely low,
20 and this is an attack on the democratic process
21 and integrity of elections.

22 MR. GEORGE: This is John George, if

1 I could comment?

2 CHAIR BENNETT: Yes, please, sir.

3 MR. GEORGE: I think that Ms. Patel is
4 taking this to a level that the Board agreed that
5 this committee should not have to participate in.
6 I do have my circulator on this call if the Board
7 would like to talk directly with the circulator.

8 CHAIR BENNETT: If you'd like for your
9 circulator to make a statement and you can do
10 that quickly, that would be great. Thank you.

11 MS. LAMPTON: Hello.

12 MS. STROUD: Ms. Lampton?

13 MS. LAMPTON: Yes.

14 MS. STROUD: I would like --

15 MS. LAMPTON: Yes. Can you hear me?

16 MS. STROUD: So -- yes.

17 CHAIR BENNETT: Yes.

18 MS. STROUD: So If you could state
19 your name and address for the record?

20 MS. LAMPTON: Susan Lampton, 2538
21 Queen Ann's Lane.

22 MS. STROUD: Okay. And if you could

1 swear or affirm that the testimony that you are
2 about to give is the truth, the whole truth, and
3 nothing but the truth?

4 MS. LAMPTON: Absolutely.

5 MS. STROUD: Do you --

6 MS. LAMPTON: I swear.

7 MS. STROUD: Okay. Thank you, Ms.
8 Lampton. You can -- you may proceed.

9 MS. LAMPTON: I'm sorry?

10 MS. STROUD: You may proceed.

11 CHAIR BENNETT: You can make your
12 statement, please, ma'am.

13 MS. LAMPTON: I must say I totally
14 resent Ms. Patel accusing me of fraud. The
15 signature that she is questioning is my
16 husband's. I personally circulated this to all
17 the neighbors. This is her constituency, and she
18 is accusing us all of fraud. I'm just appalled.
19 I have signed an affidavit. I personally
20 circulated this. I personally saw everyone sign
21 this. I did make a mistake on the dates, and we
22 agreed those should be knocked off. I have

1 nothing else more to say than this is just
2 fruitless.

3 CHAIR BENNETT: Thank you, ma'am. Can
4 we get the recommendations of the General
5 Counsel?

6 MS. STROUD: Yes. Based on the
7 information of the parties and the registrar of
8 voters as well as the testimony of Ms. Lampton, I
9 recommend that Mr. George be granted ballot
10 access in the contest for Advisory Neighborhood
11 Commissioner in Single Member District 2A06.

12 CHAIR BENNETT: Thank you. We'll take
13 the recommendation and the testimony under
14 consideration in Executive Session. Next matter,
15 please.

16 MS. STROUD: The next matter is Matt
17 Buechner v. Lisa Cox, who is a candidate for
18 Advisory Neighborhood Commissioner in Single
19 Number District 3F07. Mr. Buechner, am I
20 pronouncing your name correctly?

21 MR. BUECHNER: It's Matt Buechner.

22 MS. STROUD: Matt Buechner. Okay.

1 Thank you. Mr. Buechner, can you state your name
2 and address for the record followed by Ms. Cox.

3 MR. BUECHNER: Sure. My name is Matt
4 Buechner. My address is 3701 Connecticut Avenue
5 NW, Apartment J1, Washington, D.C. 20008.

6 MS. STROUD: And Ms. Cox.

7 MS. COX: Hi. Yes. My name is Lisa
8 Cox and my address is 3701 Connecticut Avenue NW,
9 Apartment 240, Washington, D.C. 20008.

10 MS. STROUD: Okay. Thank you. And
11 now we'll hear from the Voter Services Division.

12 MS. SMITH: Yes. My name is DeAnna
13 Smith, and I'm going to read the registrar's
14 findings. On July 20, 2020, Lisa Cox submitted a
15 nominating petition to appear on the ballot as a
16 candidate in the November 3, 2020 general
17 election for the office of ANC, SMD 3F07. The
18 minimum requirement to obtain ballot access is 10
19 signatures of duly registered voters in the same
20 SMD as the candidate. The petition contained 10
21 signatures. The petition was posted for public
22 inspection for 10 days as required by law.

1 The petition was challenged on August
2 17th by Matt Buechner, a registered voter in the
3 District of Columbia. Mr. Buechner filed
4 challenges of ten of the ten signatures submitted
5 enumerated by line and page number on individual
6 challenge sheets filed for each petition page.
7 The signatures were challenged pursuant to Title
8 3 DCMR Section 1607.1 of the Board's regulations.

9 My review of the challenges indicate
10 that zero of the ten challenges are valid. This
11 leaves the candidate's nominating petition with
12 ten signatures, the number required for ballot
13 access. Thank you.

14 MS. STROUD: Okay. Mr. Buechner, do
15 you have a response?

16 MR. BUECHNER: Yes, I do. Good
17 afternoon and thank you for your time today.
18 While the Advisory Neighborhood Commission race
19 is a small local election, it's important that we
20 follow the established rules and processes to
21 maintain fair elections to both the letter and
22 the spirit of the rules. Further, an

1 understanding of compliance is essential for an
2 ANC commissioner. The policy recommendations and
3 actions taken by the ANC impact the daily lives
4 of our neighbors and the future of our city.

5 As the challenging party, the burden
6 of proof lies with me. I need to show you that
7 Ms. Cox's actions violate the rules, yielding an
8 insufficient number of signatures on her
9 nominating petition, and I can do just that.

10 Ms. Cox's actions, or lack thereof, as
11 it pertains to the signature by Ms. Sarah
12 Appleton on line 5 of her nominating petition
13 violate the rules and guidelines set forth by the
14 Board of Elections. The circulator affidavit
15 requires the circulator to, among other
16 requirements, and I quote, personally witness the
17 signing of each signature hereon. We know that
18 Ms. Cox falsely signed this affidavit. In an
19 email to me signed August 20, 2020, Ms. Cox
20 admits that she did not personally witness the
21 signature but rather Ms. Cox emailed the form to
22 her, she filled it out with her name, address,

1 and the electronic signature, scanned it, and
2 mailed it back. Ms. Cox goes further to say,
3 technically, you are right. I did not physically
4 witness her sign.

5 In her email, Cox goes on to discuss
6 the new world in which we live related to the
7 COVID-19 pandemic and social distancing. But the
8 Board of Elections has already accounted for this
9 with the reduction of required signatures from
10 twenty-five to ten to be listed on the ballot in
11 November. This exact issue was addressed in
12 guidance from the Office of ANC Executive
13 Director Gottfried Simon on July 29th via email
14 to candidates. Mr. Simon noted that the petition
15 circulator must physically see the signature
16 occur in order to be valid. He even goes so far
17 to suggest videoconferencing and recommends that
18 a distant petition signer acts as their own
19 circulator, an option that is outlined in many
20 petition circulator instructions. Ms. Cox did
21 neither of these.

22 The burden to fulfill ten required

1 signatures is the same on both parties. We must
2 both have ten legally compliant signatures. I
3 got mine by talking to constituents, my friends,
4 and strangers who turned out to be housing policy
5 experts, former ANC commissioners, a couple with
6 a brand new puppy, renters and home owners, long-
7 term residents, and students new to the
8 neighborhood to attend Howard Law, voters
9 disbursed throughout our Single Member District.

10 In her email to me and in yesterday's
11 pre-hearing conference, Ms. Cox asserted that her
12 virtual correspondence with Ms. Appleton meets
13 the spirit of the issue to ensure that signatures
14 are not forged, yet the rules we have been tasked
15 to follow are the bedrock of our democracy.
16 Petition circulators must physically see a
17 signature for political races for ANC
18 commissioner all the way up to President of the
19 United States. As such, it's imperative that we
20 follow both the spirit and the letter of the law.

21 By Ms. Cox's own admission, the
22 signature of Ms. Appleton does not meet the

1 requirements of a valid signature for a
2 nominating petition. I ask that this body follow
3 the rules and processes set forth for valid
4 access and that the signature of Sarah Appleton
5 be deemed non-compliant and ineligible to be
6 counted for Ms. Cox's ten required signatures.
7 With this ruling, Ms. Cox does not meet the
8 burden of ten legally compliant signatures on her
9 petition, and I ask that her name not be listed
10 on the November 3rd ballot for ANC 3F07. Thank
11 you.

12 CHAIR BENNETT: Thank you, Mr.
13 Buechner. Ms. Cox.

14 MS. COX: Hi. Yes, thanks. Matt is
15 right that I did not personally witness Sarah
16 sign. What happened was Sarah went into
17 quarantine because of COVID, and -- but she
18 wanted to sign the petition. So I emailed it to
19 her and she signed it right away, scanned it, and
20 sent it right back. And I kept the email
21 exchange as proof that -- I think Matt, he
22 touched on it -- there's the spirit of the law of

1 witnessing, which is to ensure that the person
2 who's signing it is indeed the person they
3 purport to be and that it's not forged. And this
4 exchange with Sarah is, in effect, doing that.
5 It is me witnessing her that she is actually the
6 person signing it. I tried to resolve this.
7 Matt called into question all my signatures
8 because he thought they might all be forged, or
9 he said cut and pasted. And I tried to resolve
10 it with him and assure him that everybody who
11 signed would be willing to contact him and let
12 him know it was actually them. But -- and Sarah
13 yesterday appeared at the pre-hearing with the
14 signature in question to also testify that --
15 what happened and why she wasn't able to see me
16 in person.

17 And so I would just request that, you
18 know, we do actually follow the spirit of the
19 rule, and I would say that I did actually comply
20 with that spirit. And that we are living --

21 CHAIR BENNETT: Thank you, Ms. Cox.

22 MS. COX: -- in very difficult times.

1 CHAIR BENNETT: Thank you, Ms. Cox.

2 MS. STROUD: What I'm going to have at
3 this time is have my staff attorney, Kate Munoz,
4 address the matter. Ms. Munoz.

5 MS. MUNOZ: -- Office of General
6 Counsel at DC Board of Elections. Terri, can you
7 just confirm that you can hear me?

8 MS. STROUD: I can hear you, Kate.
9 Thank you.

10 MS. MUNOZ: Thank you. So I guess two
11 matters related to this; one, as you just heard,
12 Ms. Appleton did appear at our pre-hearing
13 meeting yesterday, and the parties agreed to
14 stipulate the fact that she appeared, that she
15 testified that she received Ms. Cox's petition
16 electronically, she signed the petition, and
17 transmitted it back to Ms. Cox via email. So the
18 parties agreed to that fact and agreed that, you
19 know, if Ms. Appleton were here today, she would
20 testify to that but given there was agreement on
21 the facts there, perhaps there's not a need for
22 her to appear.

1 Further, as to the question of the
2 applicable rules, I've included in the written
3 record for the Board a copy of the District of
4 Columbia Municipal Regulations at 1607, validity
5 of signatures. At 1607.1(i), I'm going to read
6 the -- what I believe is the relevant language.
7 It says, these marks -- the marks that a person
8 signing the petition makes -- shall not be
9 counted as valid signatures unless the persons
10 witnessing the mark shall attach to the petition
11 affidavits that they explained the contents of
12 the petition to the signatories and witnessed
13 their remarks. That is all I have for now unless
14 there are more questions I can help the Board
15 with.

16 MS. STROUD: Thank you, Ms. Munoz. So
17 I would raise 1602.3 of the Board's regulations
18 with respect to my recommendation. I would
19 recommend that the signature be invalidated
20 pursuant to 1602.3, which indicates that you have
21 to personally witness the signing of each
22 signature on a petition sheet, and that was not

1 -- appears to not have been done in this case.

2 And Mr. Beuchner, I just want to make
3 sure I'm understanding you. That's what you're
4 alleging, that the witnessing requirement was not
5 met with respect to the signature?

6 MR. BUECHNER: That's exactly correct.

7 MS. STROUD: Is that --

8 MR. BUECHNER: Yes.

9 MS. STROUD: Okay. Thank you. And
10 one moment. Yes, the statutory counterpart to the
11 regulation can be found at 1-01.08(b)(3), and
12 that indicates that each signature, the
13 circulator should have to attest that they have
14 personally circulated the petition, personally
15 witnessed each person sign the petition. And in
16 light of the fact that that did not happen in
17 this instance, I would recommend that that
18 signature be invalidated, which would leave Ms.
19 Cox with nine signatures on the petition.

20 CHAIR BENNETT: Okay. Thanks for the
21 recommendations from the General Counsel. We'll
22 take that under consideration in our

1 deliberations. Thanks to the parties for
2 appearing. We will have a decision today. Next
3 matter, please.

4 MS. COX: Thank you.

5 MS. STROUD: The next matter is
6 Detrick Campbell v. Jamaal Burton, who is a
7 candidate for the State Board of Education, I
8 believe -- oh, ANC, okay -- ANC 2C02. Okay.
9 Thank you. Mr. Detrick Campbell, are you on the
10 line?

11 MR. CAMPBELL: Yes, I am.

12 CHAIR BENNETT: And what number is
13 Jamaal's?

14 MS. STROUD: And Mr. Burton? Mr.
15 Burton, are you on the line -- Jamaal Burton?

16 MR. FAGAN: I don't see him so far.

17 MS. STROUD: Okay. So it appears that
18 Mr. -- okay. So I'm going to have the (audio
19 interference) come and testify as to the
20 circumstances under which he was provided notice
21 of this hearing.

22 MS. JENNINGS: Yes. Terrica Jennings

1 for the record. Both parties, Mr. Burton and Mr.
2 Campbell, were provided written notice via email
3 by me immediately after their hearing as well as
4 I spoke to -- I had Tanisha (phonetic) our
5 paralegal speak to Mr. Burton specifically
6 concerning the hearing, because he -- we were
7 concerned about whether or not he would be
8 withdrawing from the State Board position, which
9 he had said he would have.

10 During our hearing yesterday, Mr.
11 Burton had to abruptly leave our meeting, because
12 he said he said he had other matters he had to
13 deal with. I asked him if he wanted to address
14 the State Board issue. He said he would come
15 back at 3:30. He did not come back at 3:30. The
16 challenger did come back at 3:30 and we proceeded
17 with the hearing. Mr. Burton has not followed up
18 since then, so I'm not sure if he will appear
19 today by phone, but he did receive notice of the
20 hearing from myself as well as Tanisha, and it
21 was discussed with him when he showed up briefly
22 for the hearing yesterday around 3:15.

1 MS. STROUD: Okay. Thank you, Ms.
2 Jennings. For the record, Title 3 DCMR 403.4
3 provides that if any person or party waives the
4 right to be present at the hearing or fails to
5 appear, the Board may proceed ex parte unless the
6 Board extends the time of the hearing or unless
7 it's required by statute. So I recommend that
8 the Board proceed ex parte in light of the notice
9 that was given, and I will ask the Board to
10 entertain a motion to proceed in the absence of
11 the candidate.

12 CHAIR BENNETT: Okay. Can I get a
13 motion to proceed ex parte from Ms. Greenfield?

14 MEMBER GREENFIELD: I move that we
15 proceed ex parte with the hearing.

16 CHAIR BENNETT: Okay. The second from
17 Mr. Gill?

18 MEMBER GILL: Second.

19 MEMBER GILL: Okay. It's been
20 properly moved and seconded. Can I get a voice
21 vote, Mr. Gill?

22 MEMBER GILL: Aye.

1 CHAIR BENNETT: Ms. Greenfield?

2 MEMBER GREENFIELD: Aye.

3 CHAIR BENNETT: And vote is unanimous.

4 We will proceed ex parte. Continue, Ms. Stroud.

5 MS. STROUD: Okay. We'll hear from
6 the registrar of voters.

7 MS. SMITH: Hello. As stated, my name
8 is DeAnna Smith, and I am going to present the
9 report of the registrar of voters. On August 5,
10 2020, Jamaal Burton submitted a nominating
11 petition to appear on the ballot as a candidate
12 in the November 3, 2020 general election for the
13 office of ANC, SMD 2C02. The minimum requirement
14 to obtain ballot access for this office is ten
15 signatures of District voters who are duly
16 registered in the same SMD as the candidate. The
17 petition contained ten signatures. The petition
18 was posted for public inspection for ten days as
19 required by law.

20 The petition was challenged on August
21 17, 2020 by Detrick Campbell, a registered voter
22 in the District of Columbia. Mr. Campbell filed

1 challenges to ten of the ten signatures submitted
2 enumerated by line and page number on individual
3 challenge sheets filed for each specific page.

4 The signatures were challenged pursuant to Title
5 3 DCMR 1607.1 of the Board's regulations.

6 My review of the challenges indicate
7 that one of the ten challenges is valid. One is
8 valid because the challenge is not dated and the
9 candidate address on the petition form is an
10 inadvertent error by the Board of Elections.

11 This leaves the candidate's nominating petition
12 with nine signatures, one signature below the
13 number required for ballot access. Thank you.

14 CHAIR BENNETT: Thank you, Ms. Smith.
15 Ms. Stroud, did you have anything you wanted to
16 add?

17 MS. STROUD: No. I -- no. I don't
18 have anything to add. We can hear from the
19 parties if they --

20 (Simultaneous speaking.)

21 CHAIR BENNETT: Mr. Campbell?

22 MR. CAMPBELL: Yes. I thank the

1 registrars for their work, and I want to keep
2 this as brief as possible, so I am finished --

3 CHAIR BENNETT: Mr. Campbell, can you
4 speak up a little bit? I'm sorry, I couldn't
5 hear you.

6 MR. CAMPBELL: I want to thank the
7 registrar's office for their work and want to
8 keep to your brief -- I know that you have a lot
9 on the agenda, so I wanted to be brief. So I am
10 through.

11 CHAIR BENNETT: Okay. Thank you, sir.
12 Anything else, Ms. Stroud?

13 MS. STROUD: Mr. Burton showed -- was
14 that Mr. Burton that spoke?

15 CHAIR BENNETT: That was Mr. Campbell.

16 MS. STROUD: Okay. Mr. Burton -- on
17 the basis of the testimony presented, I would
18 recommend that the Board not allow Mr. Burton
19 access, because he has not met the signature
20 requirements to retain ballot access for Single
21 Member District 2C02 contest.

22 CHAIR BENNETT: We'll take that

1 recommendation under consideration in our
2 deliberations. Next matter.

3 MS. STROUD: The next matter is
4 Victoria Clark v. Rhonda Edward-Hines, candidate
5 for ANC commissioner in Single Number District
6 8C06. Ms. Clark, are you present?

7 CHAIR BENNETT: Phone number?

8 MS. STROUD: Ms. Clark, are you
9 present? If you could raise your hand by
10 pressing star 3 if you are on the call.

11 Okay. Ms. Clark? I see that Ms.
12 Clark has stepped away, so we'll just go on to
13 the next matter and then come back when Ms. Clark
14 is --

15 CHAIR BENNETT: She's there.

16 MS. STROUD: Oh, okay.

17 MS. CLARK: I'm here.

18 MS. STROUD: So Ms. Clark, if you
19 could state your name for the record and your
20 address for the record?

21 MS. CLARK: Victoria Clark, 530 (audio
22 interference).

1 MS. STROUD: Okay. And Ms. Hines, if
2 you could state your name and address for the
3 record?

4 MS. HINES: The record on file is
5 1122 (audio interference) SE, current address is
6 2632 MLK Avenue.

7 MS. STROUD: Okay. Thank you. And
8 Ms. Hines, you're a candidate for Advisory
9 Neighborhood Commissioner in Single Member
10 District 08C06, correct?

11 MS. HINES: Say that again. I'm
12 getting feedback.

13 MS. STROUD: You're a candidate for
14 8C06? Ms. Hines?

15 MS. HINES: Yes.

16 MS. STROUD: Okay. Thank you. Will
17 the registrar of voters present their findings
18 with respect to this matter?

19 MS. SMITH: Yes. Thank you, Ms.
20 Stroud. On August 5, 2020, Rhonda Edwards-Hines
21 submitted a nominating petition to appear on the
22 ballot as a candidate in the November 3, 2020

1 general election for the office of ANC, SMD 8C06.
2 The minimum requirement to obtain ballot access
3 for this office is ten signatures of District
4 voters who are duly registered in the same SMD as
5 candidate. The petition contained 20 signatures.
6 The petition was posted for public inspection for
7 ten days as required by law.

8 The petition was challenged on August
9 17, 2020 by Victoria Clark, a registered voter in
10 the District of Columbia. Ms. Clark filed
11 challenges to 15 of the 20 signatures submitted,
12 enumerated by line and page number on individual
13 challenge sheets filed for each petition page.
14 The signatures were challenged pursuant to Title
15 3 DCMR Section 1607.1 of the Board's regulations.
16 Additionally, the challenger alleges that the
17 candidate does not reside at the address as
18 indicated on her declaration of candidacy at the
19 suggestion of the challenger that the property no
20 longer exists.

21 My review of the challenges indicate
22 that 14 of the 15 challenges are valid; 14 are

1 valid because the information from the District
2 Master Address Repository indicates that the
3 residential address listed on their voter
4 registration record has a status of retired
5 status, which in MAR means that the building at
6 the address has been demolished and/or that the
7 address is no longer in existence.

8 This leaves the candidate's nominating
9 petition with six signatures, four signatures
10 below the number required for ballot access.

11 Thank you.

12 MS. STROUD: Thank you. Ms. Hines,
13 what's your response?

14 MS. HINES: This is the first that I'm
15 hearing of demolished. When I came to pick up my
16 package on the 2nd of July, I was given -- given
17 inside my package a nomination petition
18 circulation guide, and its -- and it stated in
19 1(a) that the signer must be a duly registered
20 voter according to the Board records at the time
21 the petition is signed. And I received a
22 printout of all the registered voters in that

1 SMD, and every single one of these signers are
2 listed in the printout.

3 Now, I have called -- when I got
4 challenged, I had called on the 18th of August at
5 12:14 and spoke to Ms. Kate -- I don't know how
6 to pronounce her last name -- M-U-N-O-Z that I
7 had a hearing with yesterday. And I didn't break
8 it down as I'm going to to the Board. I question
9 about the signers petition and stated that they
10 was in the printout that I was provided by BOE.
11 And she said, no problem, that's just one part.
12 And that's all she said. This is my first time
13 going through this part, so I also called the BOE
14 to talk to someone where I picked up my
15 petitions. And I was indicated that I didn't
16 have to worry about anything, that you have 10
17 days after your hearing to make corrections,
18 because I wanted to come and pick up the voter
19 registrations so my signers can do their current
20 signature voter registration.

21 Also, I called on the 26th because on
22 the 18th, I called to make an appointment because

1 my understanding is that you couldn't do walk-
2 ins, you have to make an appointment. So on the
3 26th, I called again and was given the same
4 explanation. So now --

5 MS. STROUD: Okay.

6 (Simultaneous speaking.)

7 MS. STROUD: Continue, Ms. Hines. I'm
8 sorry.

9 MS. HINES: Did you say continue?

10 MS. STROUD: If you had anything more
11 to say, yes.

12 MS. HINES: Yes, because I wanted to
13 be able to have the opportunity to get my signers
14 the proper paperwork so they can be counted for
15 on my document, on my petition.

16 MS. STROUD: Okay. So --

17 MS. HINES: I just feel that it --
18 it's a matter of miscommunication. If one
19 personnel is saying one thing and another
20 personnel is saying another thing, I feel that
21 BOE personnel should be on one accord --

22 MS. STROUD: I believe --

1 MS. HINES: -- because --

2 MS. STROUD: -- so I will say the
3 actual state of the law regarding Ms. Hines is
4 that if you had provided signatures of
5 individuals who were registered in your Single
6 Member District, and they moved within the Single
7 Member District and had not updated their
8 address, within 10 days after the challenge to
9 such signatures had been filed, you would have
10 been able to collect change of address forms for
11 them. But in this instance, these individuals
12 are not registered at the address, because the
13 address is not an existing address, so they're
14 not registered at that address. So this is not a
15 circumstance under which you would be able to
16 cure these signatures. So I just wanted to, you
17 know, put that on the record and notify you of
18 that. That curing provision is with respect to
19 instances where the signer is registered at a
20 different address in the same jurisdiction, and
21 it might well be the case that there are people
22 who lived at these addresses which no longer

1 exist but still live within the SMD, but that's
2 --

3 CHAIR BENNETT: Should we get to Ms.
4 Clark?

5 MS. STROUD: Yes. And so Ms. Clark?

6 MS. CLARK: Yes. I believe that my
7 position has been stated, and so I won't take up
8 much of the Board's time reiterating my position,
9 except that I will add that whether or not there
10 is a cure process available, Karen Brooks' email
11 of August 28, 2020 set out a deadline, and it was
12 clear and written boldly that the deadline was
13 August 31, 2020. So with that, I maintain my
14 challenges to each of the individual signatures.
15 Thank you.

16 CHAIR BENNETT: Ms. Stroud is there a
17 rebuttal?

18 MS. STROUD: Yes, Ms. Hines can
19 respond.

20 MS. HINES: Hello?

21 MS. STROUD: Yes, Ms. Hines. We can
22 hear you.

1 MS. HINES: Okay. As I had stated,
2 that I had made numerous calls to make an
3 appointment to come and pick up the voter
4 registration forms for my signers, and I was
5 informed, as I stated earlier, that I had the
6 opportunity to do that after the hearing by BOE
7 personnel. So I feel that I did not get a fair
8 chance to even straighten out what was going on
9 on my petition.

10 CHAIR BENNETT: Okay. Thank you, Ms.
11 Hines. May I get a recommendation from the
12 General Counsel?

13 MS. STROUD: Yes. In light of the
14 testimony presented by Board staff and the
15 parties, I would recommend that Ms. Rhonda
16 Edwards-Hines not be granted ballot access in
17 light of the fact that she failed to meet the
18 signature requirements to appear on the ballot as
19 a candidate for the Advisory Neighborhood
20 Commissioner Single Member District 8C06 contest.

21 CHAIR BENNETT: Thank you, Ms. Stroud.
22 We will take that recommendation and the

1 testimony we've heard under consideration in our
2 Executive Session. Our thanks to the parties.
3 Next matter, please.

4 MS. STROUD: The next matter is
5 Barbara J. Clark v. Ira Lovelace, candidate for
6 Advisory Neighborhood Commissioner in Single
7 Member District 7B04. Ms. Clark, are you present
8 on the line?

9 CHAIR BENNETT: If you could raise
10 your hand, Ms. Clark, we're looking for you now
11 on the line. Star 3, I think it is.

12 MS. STROUD: Mr. Lovelace, are you
13 present?

14 CHAIR BENNETT: You can raise your
15 hand or star 3. We don't see either party.

16 MS. STROUD: So in light of the fact
17 that neither party is present, I would ask that
18 the Board, in light of 3 DCMR 403.3, which I put
19 on the record previously, I would recommend that
20 the Board proceed ex parte in light of -- Ms.
21 Jennings? Ms. Jennings is going to come forward
22 and put on the record the notices surrounding --

1 the circumstances surrounding which notice was
2 given.

3 MS. JENNINGS: Mr. Lovelace -- good
4 morning. Terrica Jennings again for the record.
5 During our pre-hearing conference --

6 CHAIR BENNETT: Speak up.

7 MS. JENNINGS: -- both Mr. Lovelace
8 and Ms. Clark had received notice that Mr.
9 Lovelace did not, at the time, meet ballot access
10 requirements. Mr. Lovelace said he was new to
11 the process and wanted to go before the Board to
12 perhaps see if he could get that extra signature
13 to meet the valid access requirement. He did,
14 you know, waver regarding that, so I sent both
15 parties the notice for the hearing today along
16 with the notice to -- the withdrawal form that
17 Mr. Lovelace requested, because he said at the
18 time he was not sure if he would move forward. I
19 have not received a response from either party.

20 MS. STROUD: Okay. Thank you, Ms.
21 Jennings. In light of that, I would recommend
22 that the Board proceed ex parte pursuant to 3

1 DCMR 403.4, in light of the fact that notice was
2 given and I would have the Board entertain a
3 motion at this time.

4 CHAIR BENNETT: Can I get a motion
5 from Ms. Greenfield to proceed with this matter
6 ex parte?

7 MEMBER GREENFIELD: I move that we
8 proceed with this matter ex parte.

9 MEMBER GILL: This is Mike Gill, I
10 second that.

11 CHAIR BENNETT: A second from Mr.
12 Gill?

13 MEMBER GILL: Second.

14 CHAIR BENNETT: It's been properly
15 moved and seconded. All in favor, Ms.
16 Greenfield?

17 MEMBER GREENFIELD: Aye.

18 CHAIR BENNETT: Mr. Gill?

19 MEMBER GILL: Aye.

20 CHAIR BENNETT: And aye as well, so
21 it's unanimous. We'll proceed ex parte, Ms.
22 Stroud. Can we get the record from the

1 registrar, or Ms. Stroud, how do you want to
2 proceed?

3 MS. STROUD: The registrar, I believe,
4 will read the report.

5 MS. SMITH: Yes. Thank you. On July
6 20, 2020, Ira Lovelace submitted a nominating
7 petition to appear on the ballot as a candidate
8 in the November 3, 2020 general election for the
9 office of ANC, SMD 8A02. The minimum requirement
10 to obtain ballot access for this office is ten
11 signatures of District voters who are duly
12 registered in the same SMD as candidate. The
13 petition contained 20 signatures. The petition
14 was posted for public inspection for ten days as
15 required by law.

16 The petition was challenged on August
17 17, 2020 by Barbara Clark, a registered voter in
18 the District of Columbia. Ms. Clark filed
19 challenges to 13 of the 20 signatures submitted
20 enumerated by line and page number on individual
21 challenge sheets filed for each petition page.
22 The signatures were challenged pursuant to Title

1 3 DCMR Section 1607.1 of the Board's regulations.

2 Additionally, the challenger alleges
3 that the candidate does not reside in the Single
4 Member District as indicated on the declaration
5 of candidacy.

6 My review of the challenges indicate
7 that 11 of the 13 challenges are valid; five of
8 the challenges are valid because the signers were
9 not registered to vote at the address listed on
10 the petition at the time the petition was signed;
11 one is valid because the signer was not
12 registered at the time the petition was signed;
13 two are valid because the petition does not
14 include the address of the signers; and three are
15 valid because the signers were not a registered
16 voter in D4 or SMD from which the candidate seeks
17 nomination at the time the petition was signed.

18 This leaves the candidate's nominating
19 petition with nine signatures, one signatures
20 below the number required for ballot access.

21 Thank you.

22 CHAIR BENNETT: Thank you. Ms.

1 Stroud, can you make the recommendation to the
2 Board.

3 MS. STROUD: Sure. In light of the
4 information presented by Board staff, I would
5 recommend that Mr. Lovelace be denied ballot
6 access as a candidate in the contest for Office -
7 - Advisory Neighborhood Commissioner in Single
8 Member District 8A02.

9 CHAIR BENNETT: Okay. Thank you. We
10 will take that recommendation into consideration
11 in our deliberations. Next matter, please.

12 MS. STROUD: The next matter is Robin
13 Hammond Marlin v. Nicole Smith-McDermott,
14 candidate for Advisory Neighborhood Commissioner
15 in Single Number District 7B04. Ms. Marlin, are
16 you on the line? If you could press star 3 if
17 you are on the line to raise your hand?

18 MS. HAMMOND MARLIN: Can you hear me?

19 CHAIR BENNETT: Yes, we can. What's
20 the number, Ms. Marlin?

21 MS. HAMMOND MARLIN: Yes.

22 CHAIR BENNETT: Yes. That's okay. We

1 have you.

2 MS. STROUD: Ms. Smith-McDermott, are
3 you on the line? If you could do star 3 to raise
4 your hand? Ms. McDermott? Okay. Ms. Munoz?

5 MS. MUNOZ: Hello. I'm here.

6 CHAIR BENNETT: Okay, great. Is Ms.
7 McDermott there?

8 MS. STROUD: So Ms. Munoz, if you
9 could provide some testimony regarding the
10 circumstances under which the parties received
11 notice of today's hearing for the record?

12 MS. MUNOZ: Certainly, yes. We
13 provided both parties with notice of this
14 hearing, and we've been attempting to contact the
15 candidate, Ms. Smith-McDermott in particular,
16 letting her know this would be on the agenda. I
17 can add that during the pre-hearing conference
18 held on August 28th, the candidate, Ms. Smith-
19 McDermott indicated during the conference that
20 she intended to withdraw. We have not received
21 her signed formal withdrawal of her candidacy.

22 MS. STROUD: Okay. Thank you, Ms.

1 Munoz. In light of the information provided, I
2 would recommend that the Board proceed ex parte
3 in this matter pursuant to 3 DCMR 403.4, in light
4 of the fact that notice was given. And I would
5 have the Board entertain a motion to do so.

6 CHAIR BENNETT: Mr. Gill, can I get a
7 motion to proceed ex parte on this matter?

8 MEMBER GILL: I move that we proceed
9 ex parte on this matter.

10 CHAIR BENNETT: Ms. Greenfield, can I
11 get a second?

12 MEMBER GREENFIELD: I second.

13 CHAIR BENNETT: It's been properly
14 moved and seconded. Mr. Gill, can I get a voice
15 vote?

16 MEMBER GILL: Aye.

17 CHAIR BENNETT: Ms. Greenfield?

18 MEMBER GREENFIELD: Aye.

19 CHAIR BENNETT: An aye from me, so
20 it's unanimous. We will proceed ex parte. Ms.
21 Stroud?

22 MS. STROUD: We'll now have the report

1 of the registrar of voters.

2 MS. SMITH: Yes. Thank you. My name
3 is DeAnna Smith, and I will present the report of
4 the registrar of voters. On August 5, 2020,
5 Nicole Smith-McDermott submitted a nomination
6 petition to appear on the ballot as a candidate
7 in the November 3, 2020 general election for the
8 office of ANC, SMD 7B04. The minimum requirement
9 to obtain ballot access for this office is ten
10 signatures of District voters who are duly
11 registered in the same SMD as candidate. The
12 petition contained ten signatures. The petition
13 was posted for public inspection for ten days as
14 required by law.

15 The petition was challenged on August
16 15, 2020 by Robin Hammond Marlin, a registered
17 voter of the District of Columbia. Ms. Hammond
18 Marlin filed challenges to five of the ten
19 signatures submitted enumerated by line and page
20 number on individual challenge sheets filed for
21 each petition page. The signatures were
22 challenged pursuant to Title 3 DCMR Section

1 1607.1 of the Board's regs.

2 My review of the challenges indicates
3 that two of the five challenges are valid; two of
4 the challenges are valid because the signers were
5 not registered to vote at the address listed on
6 the petition at the time the petition was signed.

7 This leaves the candidate's nominating
8 petition with eight signatures, two signatures
9 below the number required for ballot access.

10 Thank you.

11 CHAIR BENNETT: Okay.

12 MS. STROUD: Okay. In light of the
13 information provided, my recommendation would be
14 that Ms. --

15 CHAIR BENNETT: Can we hear from Ms.
16 Marlin?

17 PARTICIPANT: They're not here.

18 CHAIR BENNETT: Oh, they're not.

19 MS. STROUD: Oh, the candidate is
20 here. Okay. Ms. Hammond?

21 MS. HAMMOND MARLIN: Yes. I would
22 like to add one -- I did attend the pre-

1 conference along with Ms. McDermott, and I did
2 raise an issue on two other signatures. However,
3 Ms. Munoz felt like, you know, that was
4 information --

5 CHAIR BENNETT: Can you speak up a
6 little bit, Ms. Marlin?

7 MS. HAMMOND MARLIN: I'm sorry?

8 CHAIR BENNETT: Can you speak up a
9 little bit or talk into your microphone.

10 MS. HAMMOND MARLIN: Okay. Can you
11 hear me now?

12 CHAIR BENNETT: Yes. That's much
13 better. Thank you so much.

14 MS. HAMMOND MARLIN: Okay. So during
15 the pre-conference hearing of which Nicole was
16 present, I also raised concerns with two other
17 signatures. However, in lieu of the fact that
18 she has -- doesn't have the required number of
19 ten signatures, I don't know if that's a moot
20 issue in this discussion.

21 But I would also like to raise that
22 I've been listening to the hearing since it

1 started, and I counted at least six out of the 20
2 -- well, so far out of 15 challenges there, the
3 challengers have raised question of residency.
4 And as you know, Mr. Bennett, that's where my
5 challenge against Ms. McDermott began a year,
6 almost two years ago, with the fact that she did
7 not reside in the SMD where she was seeking to be
8 a candidate. So I wanted to put that on record,
9 and I did share that with Ms. Munoz in email, I
10 think, and when I spoke with her. But I think
11 it's significant that this keeps arising.

12 And I would also like for those two
13 signatures that I discussed during the pre-
14 conference hearing to be part of this record and
15 then be addressed by Ms. Brooks.

16 CHAIR BENNETT: Thank you, Ms. Marlin.
17 Can I get a recommendation from the General
18 Counsel?

19 MS. STROUD: Yes. In light of the
20 information presented, I would recommend that the
21 Board deny ballot access to Nicole Smith-
22 McDermott, candidate for Advisory Neighborhood

1 Commissioner in Single Member District 7B05.

2 CHAIR BENNETT: Thank you. We'll take
3 that recommendation under consideration during
4 deliberations. Thanks to the parties. And can
5 we move to the next matter?

6 MS. HAMMOND MARLIN: Mr. Bennett?

7 MS. STROUD: The next matter --

8 MS. HAMMOND MARLIN: Mr. Bennett?

9 MS. STROUD: -- is --

10 MS. HAMMOND MARLIN: Hello -- hello,
11 Mr. Bennett? Mr. Bennett?

12 CHAIR BENNETT: Yes.

13 MS. HAMMOND MARLIN: I have one last
14 -- okay, so I have one last question. When you
15 say you take into advisement, is that a final
16 say? I mean what does that mean?

17 CHAIR BENNETT: That means we're going
18 to consider it during an Executive Session in
19 deliberations, and we'll make a decision based on
20 the testimony and the record. That's what it
21 means. And we will --

22 MS. HAMMOND MARLIN: Okay.

1 CHAIR BENNETT: -- take the
2 recommendations of the General Counsel under
3 advisement as well. Thank you.

4 MS. HAMMOND MARLIN: Okay. I don't --

5 CHAIR BENNETT: I'm sorry?

6 MS. HAMMOND MARLIN: The only thing I
7 was going to add is I guess I don't understand
8 taking under advisement. If this hearing is to
9 determine whether or not the candidates are
10 eligible to be put on the ballot, I'm not
11 understanding why it's not closed during this
12 hearing.

13 CHAIR BENNETT: We are going to break
14 for Executive Session after we hear all the
15 matters, and then we're going to make decisions
16 then, and then come back on the record.

17 MS. HAMMOND MARLIN: Okay. Thank you.

18 CHAIR BENNETT: Thank you. All right.
19 Next matter.

20 MS. STROUD: One second, Mr. Chair.
21 The next matter on the agenda is Robin McKinney
22 v. Isaac Smith, candidate for Advisory

1 Neighborhood Commissioner in Single Member
2 District 8A06. Ms. McKinney, are you present?
3 Star 3 if you are present.

4 Mr. Smith, Mr. Isaac Smith, are you on
5 the line? Star 3 if you are on the line.

6 Okay. Ms. Munoz, if you could go on
7 the record and provide the circumstances under
8 which notice of today's hearing was given.

9 MS. MUNOZ: Hi. This is Kate Munoz.
10 We have contacted both challenger, Ms. McKinney,
11 and candidate, Isaac Smith, to inform them that
12 they are on the agenda. We contacted each of
13 them via email yesterday.

14 MS. STROUD: Okay. And when we sent
15 out a notice of the pre-hearing conference,
16 wasn't there notice provided regarding today's
17 hearing as well?

18 MS. MUNOZ: Yes. Thank you. When we
19 provided notice in writing three days after the
20 challenge was filed of this matter, that included
21 a date both for the pre-hearing meeting and for
22 this public hearing on September 2nd. That was

1 in the correspondence that all the parties
2 received.

3 MS. STROUD: Okay. Thank you. So
4 just again, Mr. -- Ms. McKinney, are you present?
5 Mr. Smith, are you present?

6 Okay. In light of the fact that
7 notice was given pursuant to 3 DCMR 403.4, I
8 recommend that the Board proceed ex parte, in
9 light of the fact that notice was given -- and
10 have the Board entertain a motion to do so.

11 CHAIR BENNETT: Can I get a motion
12 from Mr. Gill to proceed ex parte on this matter?

13 MEMBER GILL: I move that we proceed
14 to ex parte on this matter.

15 CHAIR BENNETT: Okay. Can I get a
16 second, Ms. Greenfield?

17 MEMBER GREENFIELD: I second.

18 CHAIR BENNETT: It's been properly
19 moved and seconded. Mr. Gill, voice vote?

20 MEMBER GILL: Aye.

21 CHAIR BENNETT: Ms. Greenfield, voice
22 vote?

1 MEMBER GREENFIELD: Aye.

2 CHAIR BENNETT: Thank you, and aye for
3 me. The vote is unanimous. We'll proceed ex
4 parte. Ms. Stroud?

5 MS. STROUD: Okay. Registrar of
6 voters will present their report.

7 MS. SMITH: Yes. On July 28, 2020,
8 Isaac Smith submitted a nominating petition to
9 appear on the ballot as a candidate in the
10 November 3, 2020 general election for the office
11 of ANC, SMD 8A06. The minimum requirement to
12 obtain ballot access for this office is 10
13 signatures of duly registered voters in the
14 District of Columbia and the same SMD as the
15 candidate. The petition contained 30 signatures.
16 The petition was posted for public inspection for
17 10 days as required by law.

18 The petition was challenged on August
19 17, 2020 by Robin McKinney, a registered voter in
20 the District of Columbia. Ms. McKinney filed
21 challenges to 28 of the 30 signatures submitted
22 enumerated by line and page number on individual

1 challenge sheets filed for each petition page.
2 The signatures were challenged pursuant to Title
3 DCMR 1607.1 of the Board's regulations.

4 My review of the challenges indicate
5 that eight of the 28 challenges are valid; three
6 of the challenges are valid because the signature
7 is not dated; one is valid because the petition
8 does not include the address of the signer; one
9 is valid because the petition does not include
10 the name of the signer where the signature is not
11 sufficiently legible; one is valid because the
12 signer was not registered at the time the
13 petition was signed; one is valid because the
14 signer's voter registration was designated as
15 inactive on the voter rolls at the time the
16 petition was signed; and one is valid because the
17 signature is not made by the person whose
18 signature it purports to be.

19 This leaves the candidate's nominating
20 petition with 22 signatures, 12 signatures over
21 the number required for ballot access. Thank
22 you.

1 CHAIR BENNETT: Thank you. Any
2 recommendation, Ms. Stroud?

3 MS. STROUD: Yes. In light of the
4 information presented by the registrar's office,
5 I would recommend that Mr. Smith be granted
6 ballot access in the contest for Advisory
7 Neighborhood Commissioner in Single Member
8 District 8A06.

9 CHAIR BENNETT: We'll take the
10 recommendations under consideration in
11 deliberations in Executive Session. Next matter,
12 Ms. Stroud.

13 MS. STROUD: Latoya Moore v. James Q.
14 Butler, Advisory Neighborhood Commissioner in
15 Single Number District 5D03. Ms. Moore, are you
16 on the line?

17 MR. FAGAN: Star 3.

18 MS. STROUD: Star 3 if you're on the
19 line?

20 MR. FAGAN: Yes. Got them both.

21 MS. STROUD: Okay. Thank you. Ms.
22 Moore, if you could state your name and address

1 for the record?

2 MS. MOORE: Latoya Moore, 1703 Spruce
3 Street NE, Washington, D.C. 20002.

4 MS. STROUD: Mr. Butler?

5 MR. BUTLER: Good afternoon. James
6 Butler, 1600 Maryland Avenue NE, Apartment 507,
7 Washington, D.C. 20002.

8 MS. STROUD: Okay. Thank you. We
9 will now hear from the registrar of voters
10 office.

11 MS. SMITH: Yes. Hi. My name is
12 DeAnna Smith, and I'm representing the registrar
13 of voters. On July 17, 2020, James Q. Butler
14 submitted a nominating petition to appear on the
15 ballot as a candidate in the November 3, 2020
16 general election for the office of ANC, SMD 5D03.
17 The minimum requirement to obtain ballot access
18 for this office is 10 signatures of District
19 voters who are duly registered in the same SMD as
20 candidate. The petition contained 35 signatures.
21 The petition was posted for public inspection for
22 10 days as required by law.

1 The petition was challenged on August
2 17, 2020 by Latoya Moore, who is a registered
3 voter in the District of Columbia. Ms. Moore
4 filed challenges to 31 of the 35 signatures
5 submitted enumerated by line and page number on
6 individual challenge sheets filed for each
7 petition page. The signatures were challenged
8 pursuant to Title 3 DCMR Section 1607.1 of the
9 Board's regulations.

10 My review of the challenge indicates
11 that 25 of the 31 challenges are valid; 13 are
12 valid because the signatures are predated; six
13 are valid because the signers were not registered
14 to vote at the address listed on the petition at
15 the time the petition was signed; and six were
16 valid because the signatures are not registered -
17 - I'm sorry -- the signers are not registered.

18 This leaves the candidate's nominating
19 petition with 10 signatures, the number required
20 for ballot access.

21 The registrar of voters timely
22 received information from Ms. Moore indicating

1 that there were discrepancies in the registrar's
2 report. After additional review of the
3 challenge, the registrar of voters determined
4 that one signature that had been -- initially
5 been determined to be valid were, in fact,
6 invalid. Therefore, Mr. Butler was not credited
7 with one signature. This leaves the candidate's
8 nominating petition with nine signatures, one
9 signature below the number required for ballot
10 access. Thank you.

11 CHAIR BENNETT: Okay. Let's hear from
12 the parties.

13 MS. STROUD: Okay. Mr. Butler?

14 MR. BUTLER: Yes. I'd like to respond
15 to that, and I responded in the preliminary
16 hearing. I just want to be clear to the Board
17 that this is not about me asking for anything
18 extra. This is about me asking for the -- what's
19 normal and expected of any candidate whose
20 petition is challenged.

21 On August 17th, Ms. Moore challenged
22 my petition after it was placed for public

1 notice. However, in my declaration of candidacy
2 as well as other elections, I had my email
3 prominently stated in typewritten forms as
4 jqbutler1@hotmail.com, and I used that email
5 address for my declaration of candidacy in this
6 particular race. However, when notice was sent
7 out that a challenge was taking place to my
8 petition -- or my nominating petition, the email
9 was sent to jp, as in paul, butler1@hotmail.com.
10 This was noted by Karla Garcia, because I was not
11 timely in the preliminary hearing, and I had no
12 notice whatsoever at all that my nominating
13 petition was challenged.

14 Now, we all know, and certainly the
15 Board knows, that there are curable defects that
16 can be cured within a 10-day timeframe. I had --
17 had I proper notice, I would have had adequate
18 time to cure a multitude of defects. What's more
19 to this is when the initial report came out from
20 the registrar, Karen Brooks, the preliminary
21 report came out on August 26, Ms. Brooks
22 apparently had the correct email. She notified

1 me that there was essentially the requisite
2 number of ten signatures that you just heard Ms.
3 DeAnna Smith read on the record, ten. So this
4 was on a Wednesday. Of course, I had nothing to
5 worry about at that point.

6 However, I was challenged in response
7 to Ms. Moore on the 27th. Why didn't I know
8 about that email on the 27th that Ms. Moore sent?
9 Well, I would have known about it had a copy
10 email been sent to me or had the registrar, Ms.
11 Brooks, who also said that if she's back, she
12 will give testimony today, to the fact that I
13 wasn't copied on either of the emails, and
14 nothing was sent out via First Class Mail. On
15 the 27th, when the reply was sent, and they said
16 that there -- I was now minus one signature and
17 did not have ballot access -- on the 27th, I
18 still had time to cure, and I'll prove that I had
19 time to cure, because when we had our hearing
20 that following Monday, less than 24 hours later,
21 I cured two of the defects in less than 24 hours.
22 And all parties have received copies of that.

1 My second point is this. One of the
2 individuals that were in controversy with regards
3 to the signature being valid, the address was
4 absolutely the same address. It was that he
5 simply had changed an apartment. He was a
6 registered voter at the time that he signed the
7 petition. He copied me when he resubmitted his
8 registration to the Board of Elections. All
9 parties have received a copy. So his address
10 didn't change. His apartment simply changed.

11 I believe that I'm not asking for
12 anything extra. I'm simply asking for notice and
13 an opportunity to respond -- any curable defects
14 like every single other candidate receives whose
15 nominating petition was challenged.

16 And my third point is this, that the
17 circulating petitions -- the nominating petitions
18 were all circulated by me. I did make the
19 technical error of pre-dating the petitions, two
20 of them, so that did validate, I believe, roughly
21 15 of my signatures. But I believe the strongest
22 -- I know the strongest arguments, and I'm

1 confident the Court of Appeals would agree with
2 me on the first two that, you know, you need
3 notice. You have a right to notice. You have a
4 right to respond. I never received that by the
5 admission of Ms. Brooks, who I'd like to be
6 questioned by the Board if needed, and Ms. Karla
7 Garcia, who indicated that I received no notice
8 whatsoever.

9 MS. STROUD: Okay. Thank you, Mr.
10 Butler. Ms. Munoz, if you could address the
11 concerns raised by Mr. Butler?

12 MS. MUNOZ: Good afternoon. Yes.
13 This is Kate Munoz recapping briefly what the
14 registrar and what Ms. Karla Brooks each spoke to
15 at the pre-hearing conference that was held and
16 related to this matter on August 31st. It
17 appears what occurred is that DC BOE initially
18 used an incorrect address, not the one specified
19 on the Mr. Butler's declaration of candidacy form
20 to send Mr. Butler the challenge documents.
21 However, I think it was three days later, DC BOE
22 staff used the correct address to provide Mr.

1 Butler with its initial preliminary
2 determination, so this was the registrar's
3 preliminary report that in that version had found
4 that Mr. Butler had ten valid signatures for
5 ballot access.

6 And we further checked the email
7 records and determined Ms. Moore -- after that
8 preliminary report was circulated, the
9 challenger, Ms. Moore, flagged discrepancies for
10 the registrar, and a correspondence of that was
11 not provided to Mr. Butler. Subsequent to that,
12 the registrar sent out a revised preliminary
13 determination and in that version concluded that
14 Mr. Butler had nine valid signatures.

15 MS. STROUD: Okay. Thank you, Ms.
16 Munoz.

17 CHAIR BENNETT: Mr. --

18 MR. BUTLER: I'd like to respond very
19 briefly.

20 CHAIR BENNETT: Yes, please.

21 MR. BUTLER: When I received --

22 CHAIR BENNETT: Before you go, if you

1 don't mind.

2 MR. BUTLER: Sure -- sure, go ahead,
3 Mr. Chairman.

4 CHAIR BENNETT: The question I have
5 for you, Mr. Butler, are you asking us to waive
6 the date requirement that you had on the --

7 MR. BUTLER: So yes --

8 CHAIR BENNETT: -- with regard to --

9 MR. BUTLER: -- in parts. Since that
10 time, what I've done is I've cured two of the
11 defects. One I don't even believe is a defect,
12 because it was simply an apartment change. But
13 since that time, out of an abundance of caution,
14 yes, I am asking that the date requirement be
15 waived because I believe the court would allow me
16 adequate notice to respond to a challenge. I
17 never received either adequate notice or time to
18 reply in either instance.

19 CHAIR BENNETT: Thank you. Can I get
20 a recommendation? Mr. Butler, are you done? I'm
21 sorry if I interrupted you.

22 MR. BUTLER: Yes. I'm finished, yes.

1 CHAIR BENNETT: Okay. Can I get a
2 recommendation from the General Counsel?

3 MS. STROUD: In light of the
4 information presented by Mr. Butler, I would
5 recommend that the Board exercise its discretion
6 to waive the formal error with respect to the
7 dates and grant Mr. Moore ballot access in light
8 --

9 MEMBER GILL: Mr. Butler.

10 MS. STROUD: -- Mr. Butler ballot
11 access as he would have the requisite number of
12 signatures to attain ballot access.

13 CHAIR BENNETT: Thank you, Ms. Stroud.
14 We'll take the testimony and the recommendation
15 of the General Counsel under consideration in our
16 deliberations. Thanks to the parties. Ms.
17 Stroud, next matter, please?

18 MS. STROUD: The next matter --

19 MR. BUTLER: Thank you.

20 MS. STROUD: -- on the agenda is
21 Carlene Reid v. Ryan Washington, who is running
22 for member of the State Board of Education for

1 Ward 8. Ms. Reid, are you on the line?

2 (No response.)

3 CHAIR BENNETT: If you could do star
4 3 to raise your hand.

5 MS. MOORE: I've been pressing star 3
6 and no one has given me a chance to speak. This
7 is Latoya Moore.

8 MS. STROUD: Oh.

9 (Off record comments.)

10 MS. MOORE: Is anyone -- can you hear
11 me?

12 CHAIR BENNETT: Yes. Ms. Moore -- we
13 -- I had concluded the matter, but since we
14 haven't started the other one, go ahead, Ms.
15 Moore.

16 MS. MOORE: Okay. Thank you, Mr.
17 Chairman. I let everyone on the line speak, and
18 I was waiting for someone to ask me did I have
19 comments on the matter, and no one did. And I
20 kept pressing star 3 just to outline where we
21 are. I wanted to ask --

22 CHAIR BENNETT: I'm very sorry; go

1 ahead, Ms. Moore.

2 MS. MOORE: I just wanted to add even
3 with the submitted remedies, Mr. Butler only had
4 nine of ten signatures required for ballot
5 access. The circulator affidavit error cannot be
6 remedied under DC law, so the additional time
7 being requested by Mr. Butler would be -- would
8 not be reasonable. Circulator affidavits errors
9 are not curable defects and 21 of the errors were
10 circulator affidavit errors. So I'm just trying
11 to figure out how he's remedying it without my
12 comments and without -- and could someone address
13 those issues that I just spoke of?

14 CHAIR BENNETT: I'm sorry we didn't
15 recognize you to respond, Ms. Moore, but we'll
16 certainly take that testimony under
17 consideration. Thank you.

18 MS. MOORE: Thank you.

19 CHAIR BENNETT: Okay. Now we're
20 looking at -- or considering *Carlene Reid v. Ryan*
21 *Washington of Ward 8, State Board of Education.*
22 Do we have Ms. Reid on the line and Mr.

1 Washington?

2 (No response.)

3 CHAIR BENNETT: We're trying to find
4 you.

5 MS. STROUD: Ms. Reid, if you could
6 press star 3. Mr. Washington?

7 (No response.)

8 (Off record comments.)

9 MS. STROUD: Ms. Munoz, if you could
10 come on the line and indicate the circumstances
11 under which the parties were provided with notice
12 of today's hearing?

13 MS. JENNINGS: Yes, one moment. We
14 provided notice of the hearing via correspondence
15 three days after the challenge was filed to all
16 the parties in this matter, Carlene Reid and Ryan
17 Washington.

18 MS. STROUD: Okay. And they both
19 appeared at the pre-hearing conference that was
20 held?

21 MS. JENNINGS: That's correct, they
22 both appeared at the pre-hearing conference that

1 was held.

2 MS. STROUD: Okay. In light of Ms.
3 Munoz's statement, I would recommend that the
4 Board proceed ex parte, in light of the motion
5 that -- the notice that was given and have the
6 Board entertain a motion to do so.

7 CHAIR BENNETT: Can I get a motion
8 from Ms. Greenfield to proceed ex parte on the
9 matter of Reid v. Washington, State Board of
10 Education?

11 MEMBER GREENFIELD: Yes. I move --
12 motion that we move ex parte in the matter of
13 Reid v. Washington.

14 CHAIR BENNETT: Okay. Can I get a
15 second, Mr. Gill?

16 MEMBER GILL: Second.

17 CHAIR BENNETT: All right. It's
18 properly moved and seconded. Are the parties --
19 can you see them now?

20 Okay. Properly moved and seconded.
21 Can I get a voice vote? Ms. Greenfield, voice
22 vote?

1 MEMBER GREENFIELD: Aye.

2 CHAIR BENNETT: Mr. Gill, voice vote?

3 MEMBER GILL: Aye.

4 CHAIR BENNETT: Aye for me as well.

5 It's unanimous. We'll proceed ex parte, Ms.

6 Stroud.

7 MS. STROUD: Okay. We'll now hear

8 from the registrar of voters.

9 MS. SMITH: Hi. My name is DeAnna
10 Smith, and I presenting the findings from
11 registrar of voters. August 4th, 2020, Ryan
12 Washington submitted a nominating petition to
13 appear on the ballot as a candidate in the
14 November 3rd, 2020 general election for the
15 office of Ward 8, member of the State Board of
16 Education. The minimum requirement to obtain
17 ballot access for this office is 50 signatures of
18 District voters who are duly registered in the
19 same Ward as candidate. The petition contained
20 83 signatures. The petition was posted for
21 public inspection for ten days as required by
22 law.

1 The petition was challenged on August
2 17th, 2020 by Carlene Reid, a registered voter in
3 the District of Columbia. Ms. Reid filed
4 challenges of 46 of the 83 signatures submitted
5 enumerated by line and page number on individual
6 challenge sheets filed for each petition page.
7 The signatures were challenged pursuant to Title
8 3 DCMR Section 1607.1 of the Board's regulations.

9 My review of the challenges indicate
10 that 35 of the 46 challenges are valid; nine are
11 valid because the signer was not registered to
12 vote at the address listed on the petition at the
13 time the petition was signed; two are valid
14 because the petition does not include the address
15 of the signer; two are valid because the signers
16 were not registered at the time the petition was
17 signed; 11 are valid because the signature is not
18 dated; one is valid because the signer is not a
19 registered voter in the Ward or SMD from which
20 the candidate seeks nomination at the time the
21 petition was signed; and ten are valid because
22 the circulator of the petition failed to complete

1 all required information in the circulator's
2 affidavit.

3 This leaves the candidate's nominating
4 petition with 48 signatures, two signatures below
5 the number required for ballot access.

6 The registrar of voters timely
7 received information from Mr. Washington
8 indicating that there were discrepancies in the
9 registrar's report. After additional review of
10 the challenge, the registrar of voters determined
11 that two signatures that had been -- initially
12 been determined to be invalid were, in fact,
13 valid. Therefore, Mr. Washington was credited
14 with two additional signatures.

15 This leaves the candidate's nominating
16 petition with 50 signatures, the number required
17 for ballot access.

18 The registrar of voters timely
19 received one change of address from Mr. Ryan
20 Washington on Monday, August 31st, 2020. This
21 form was accepted. Accordingly, candidate
22 Washington was credited with one signature that

1 had initially be determined to be invalid.

2 This leaves the candidate's nominating
3 petition with 51 signatures, one signature over
4 the number required for ballot access. Thank
5 you.

6 MS. STROUD: Okay. Thank you. In
7 light of the information provided, I would
8 recommend that the Board grant Ryan Washington
9 access in the contest for member of the State
10 Board of Education for Ward 8.

11 CHAIR BENNETT: Okay. Thank you, Ms.
12 Stroud. We will take your recommendation under
13 consideration during deliberations, and we move
14 to the next matter. Thanks to our registrar as
15 well.

16 MS. STROUD: The next matter is
17 Jeannina Williams v. Stephen Slaughter, who is a
18 candidate for the office of Advisory Neighborhood
19 Commissioner in Single Number District 8E07. Ms.
20 Williams, are you on the line? Star 3 if you're
21 on the line.

22 (No response.)

1 CHAIR BENNETT: Is Mr. Slaughter as
2 well?

3 MS. STROUD: Mr. Slaughter is present.

4 CHAIR BENNETT: Okay.

5 MR. SLAUGHTER: I'm here. Can you
6 guys hear me?

7 MS. STROUD: Yes. We can hear you,
8 Mr. Slaughter. Thank you.

9 CHAIR BENNETT: Ms. Williams? We're
10 waiting for Ms. Williams. Haven't found her yet?

11 PARTICIPANT: No.

12 MS. STROUD: Okay.

13 (Off record comments.)

14 MS. STROUD: Okay. So Ms. Williams
15 does not appear to be on the line. Ms. Munoz, if
16 you could appear on the record and provide the
17 circumstances under which notice of this meeting
18 was provided to the parties.

19 MS. MUNOZ: Yes. This is Kate Munoz.
20 I can confirm that we provided Mr. Slaughter and
21 Ms. Williams each notice of the hearing date in
22 correspondence on August 20th and also at a pre-

1 hearing conference date on August 28th and have
2 been contacting them subsequently to confirm that
3 they are on the agenda at this September 2nd
4 hearing.

5 MS. STROUD: Okay. Thank you, Ms.
6 Munoz. In light of the information I was
7 provided, I would recommend that the Board
8 proceed ex parte pursuant to 3 DCMR 403.4, and
9 have the Board entertain a motion to do so.

10 CHAIR BENNETT: Can I get a motion
11 from Ms. Greenfield to proceed ex parte on this
12 matter?

13 MEMBER GREENFIELD: I move that we
14 proceed ex parte in this matter.

15 CHAIR BENNETT: Okay. Can I get a
16 second from Mr. Gill?

17 MEMBER GILL: Second.

18 CHAIR BENNETT: It's properly moved
19 and seconded. Voice vote, Mr. Gill?

20 MEMBER GILL: Aye.

21 CHAIR BENNETT: Ms. Greenfield?

22 MEMBER GREENFIELD: Aye.

1 CHAIR BENNETT: Aye for me. It's
2 unanimous. We'll proceed ex parte on the matter
3 of Williams v. Slaughter.

4 MS. STROUD: Okay. We'll now hear
5 from the Voter Services Division.

6 MS. SMITH: Yes. Thank you. On
7 August 5th, 2020, Stephen Slaughter submitted a
8 nominating petition to appear on the ballot as a
9 candidate in the November 3rd, 2020 general
10 election for the office of ANC for SMD 8E07. The
11 minimum requirement to obtain ballot access for
12 this office is ten signatures of District voters
13 who are duly registered in the same SMD as
14 candidate. The petition contained ten
15 signatures. The petition was posted for public
16 inspection for ten days as required by law.

17 The petition was challenged on August
18 17th by Jeannina Williams, a registered voter in
19 the District of Columbia. Ms. Williams filed
20 challenges of 12 of the 13 signatures submitted
21 enumerated by line and page number on individual
22 challenge sheets filed for each petition page.

1 The signatures were challenged pursuant to Title
2 3 DCMR 1607.1 of the Board's regulations.

3 My review of the challenges indicate
4 that one of the 12 challenges is valid; one of
5 the challenges is valid because the signer is not
6 registered to vote at the address listed on the
7 petition at the time the petition was signed.

8 This leaves the candidate's nominating
9 petition with 12 signatures, two signatures over
10 the number required for ballot access. Thank
11 you.

12 MS. STROUD: Mr. Slaughter?

13 MR. SLAUGHTER: Yes. I'm here.

14 MS. STROUD: Do you have a statement
15 or response?

16 MR. SLAUGHTER: No. I agree with the
17 findings. Thank you.

18 MS. STROUD: Okay. Thank you. In
19 light of the information presented, I recommend
20 that Mr. Slaughter be granted ballot access in
21 the contest for Advisory Neighborhood
22 Commissioner in Single Member District 83P7.

1 CHAIR BENNETT: Thank you, Ms. Stroud
2 and thanks for the testimony and the
3 recommendation will be taken under consideration
4 during deliberations. Thanks to the parties.
5 Next matter, please?

6 MS. STROUD: Okay. The next matter is
7 Jillian Wolons v. Brandon Frye, who is a
8 candidate for member of the State Board of
9 Education from Ward 2. If Ms. Wolons present,
10 could you please press star 3? And Mr. Frye, if
11 you could do the same?

12 (No response.)

13 MS. STROUD: Ms. Wolons?

14 (No response.)

15 MS. STROUD: Mr. Frye?

16 (No response.)

17 MS. STROUD: Ms. Munoz, if you could
18 appear on the record to provide the circumstances
19 under which both parties were provided notice of
20 today's hearing.

21 MS. MUNOZ: Hello. This is Kate
22 Munoz. I can confirm that we provided notice to

1 the parties of the September 2nd public hearing
2 date in correspondence sent to them on August 20,
3 2020, and additionally spoke to Ms. Wolons at the
4 pre-hearing meeting that was scheduled yesterday
5 for September 1st. We have been contacting Mr.
6 Frye by email also to confirm that he is on the
7 agenda for today.

8 MS. STROUD: Thank you. Ms. Wolons,
9 are you on the line?

10 CHAIR BENNETT: Press star 3, please.
11 It appears that Ms. Wolons may be on the line,
12 but in the meantime, what I'd like to do is get
13 the registrar's report while we search for Ms.
14 Wolons.

15 MS. SMITH: Yes. My name is DeAnna
16 Smith, and I going to present the findings from
17 the registrar of voters. On August 5th, 2020,
18 Brandon Frye submitted a nominating petition to
19 appear on the ballot as a candidate in the
20 November 3rd, 2020 general election for the
21 office of Board Team Member of the State Board of
22 Education. The minimum requirement to obtain

1 ballot access for this office is 50 signatures of
2 District voters who are duly registered in the
3 same Ward as the candidate. The petition
4 contained 55 signatures. The petition was posted
5 for public inspection for ten days as required by
6 law.

7 The petition was challenged on August
8 17th, 2020 by Jillian Wolons, a registered voter
9 in the District of Columbia. Ms. Wolons filed
10 challenges to 38 of the 55 submitted enumerated
11 by line and page number on individual challenge
12 sheets filed for each petition page. The
13 signatures were challenged pursuant to Title 3
14 DCMR 1607.1 of the Board's regulations.

15 My review of the challenges indicate
16 that all 38 of the 38 challenges are valid; two
17 are valid because the signer is not registered to
18 vote at the address listed on the petition at the
19 time the petition was signed; four are valid
20 because the signers are not registered at the
21 time the petition was signed; 25 are valid
22 because the signature was pre-dated; five are

1 valid because the circulator of the petition
2 failed to complete all required information in
3 the circulator's affidavit; and two are valid
4 because the signer is not a registered voter in
5 the Ward or SMD from which the candidate seeks
6 nomination at the time the petition was signed.

7 This leaves the candidate's nominating
8 petition with 17, 33 signatures below the number
9 required for ballot access. Thank you.

10 MS. STROUD: Okay. So I just wanted
11 to confirm once again that neither of the parties
12 are on the line. Okay. In light of the
13 information that was provided, my recommendation
14 would be that Mr. Frye be denied ballot access in
15 the contest for member of the State Board of
16 Education for Ward 2.

17 CHAIR BENNETT: Thank you, Ms. Stroud.
18 We'll take -- the Board will take the
19 recommendation under consideration in our
20 Executive Session deliberations. I think those
21 are all the matters associated with nominating
22 petition challenges. And so we thank the parties

1 accordingly.

2 And what I'd like to do is to move on
3 to Proper Subject Matter Hearings regarding The
4 New Modern Day Criminal Justice Cannabis Reform
5 Act of 2020. Can we take a five-minute break?
6 Can I get a motion to take a five-minute break,
7 for a five-minute comfort break for the Chair?
8 Can I get a motion, Mr. Gill?

9 MEMBER GILL: I make a motion that we
10 take a five-minute break for the comfort of the
11 Chairman.

12 (Laughter.)

13 CHAIR BENNETT: Can I get a second,
14 Ms. Greenfield?

15 MEMBER GREENFIELD: I second.

16 CHAIR BENNETT: All in favor, aye.

17 MEMBER GREENFIELD: Aye.

18 MEMBER GILL: Aye.

19 CHAIR BENNETT: Me especially. All
20 right. We'll take a five-minute break. We'll be
21 back literally in five minutes or less. We've
22 got to finish up pretty quickly here. All right.

1 Thanks.

2 (Whereupon ,the above-entitled matter
3 went off the record at 1:38 p.m. and resumed at
4 1:45 p.m.)

5 CHAIR BENNETT: Okay. We're back and
6 I'm comfortable. So if you could -- this is
7 Proper Subject Matter Hearing, The New Modern Day
8 Criminal Justice Cannabis Reform Act of 2020.
9 Ms. Stroud, would you proceed?

10 One thing we want to do, I know we
11 have a lot of witnesses, and this virtual is
12 really cumbersome, but we have the -- we're
13 trying to do -- trying to get through this
14 efficiently. We're going to ask all the
15 witnesses to be very succinct, and we're going to
16 limit the testimony to ten -- I'm sorry -- to two
17 minutes. And if indeed there are witnesses who
18 will end up saying the same thing as somebody
19 else, if you would give your time to another
20 party so we can kind of move through this
21 quickly, I would certainly appreciate it, but
22 I'll leave that up to you. Thanks so much. Ms.

1 Stroud, please proceed.

2 MS. STROUD: Yes. At this meeting,
3 the Board will conduct a hearing to determine
4 whether or not the proposed initiative measure
5 titled The New Modern Day Criminal Justice
6 Cannabis Reform Act of 2020 presents a proper
7 subject of initiative in the District. So I just
8 want to quick put on the record that in making
9 the Board -- making its proper subject
10 determination analysis, the Board is not
11 considering the merits of the proposed measure.

12 The only thing the Board is
13 considering is whether or not the measure
14 presents a proper subject for initiative under
15 the following criteria: one, does the measure
16 conflict with or seek to amend Title IV of the DC
17 Home Rule Act, otherwise known as the District
18 Charter.

19 Does the measure conflict with the
20 U.S. Constitution?

21 Has the measure been properly filed?

22 Has the verified statement of

1 contribution, which consists of the measure
2 committee statement of organization and report of
3 receipts and expenditures, been timely filed?

4 Does the measure authorize
5 discrimination and violation of the DC Human
6 Rights Act?

7 Would the measure negate or limit a
8 budgetary act of the DC Council, or would the
9 measure impermissibly appropriate funds under
10 applicable DC Court of Appeals rules?

11 So the Board does not -- I repeat does
12 not consider whether the measure is a good idea
13 or not, what the benefits or the merits of the
14 measure are, but only whether or not the measure
15 meets proper subject requirements that have been
16 laid out. So Mr. Chair, if you would proceed?

17 CHAIR BENNETT: All right. Sorry.
18 It's been a long day so far. Okay. I'll ask
19 General Counsel if the proponent of the proposed
20 measure has met statutory clerical requirements
21 with respect to its filing.

22 MS. STROUD: Ms. Jennings.

1 CHAIR BENNETT: Ms. Jennings, can we
2 get a response on whether or not the proponent of
3 the proposed measure has met the statutory
4 clerical requirements?

5 MS. JENNINGS: Yes.

6 MS. STROUD: Ms. Jennings, if you
7 could just talk about when the measure was filed,
8 when (audio interference).

9 MS. JENNINGS: Okay. Good morning,
10 everyone. My name is Terrica Jennings, and I'm
11 an attorney with the DC Board of Elections. The
12 measure was brought to the Board on July 14th,
13 2020 and published in the DC Register on July
14 31st, 2020. The initiative was submitted in the
15 proper form, i.e., it was accompanied with or
16 contained an affidavit containing the proposer's
17 name, telephone number, residence address, and a
18 statement that they are required -- they are
19 registered, qualified (audio interference) in the
20 District.

21 Additionally, the proposer submitted
22 the requested typewritten copies of the full text

1 of the measure, a summary statement of no more
2 than 100 words, a short title of the measure as
3 well as a copy of the verified statement of
4 contributions. As it relates to the verified
5 statement of contributions, that was filed with
6 the Office of Campaign Finance on July 13th,
7 2020.

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

9 CHAIR BENNETT: Okay. Is the -- are
10 there any comments from the proponents?

11 MS. STROUD: I just want to state for
12 the record that there -- we'll get to the
13 proponents next, but I just wanted to state for
14 the record that we did get an opinion from the
15 Office of Attorney General, and the opinion
16 indicated -- and that will be submitted for the
17 record, and I believe that the proponent, Ms.
18 Dawn Lee-Carty received the Office of the
19 Attorney General's opinion. We will provide you,
20 Ms. Carty, with a copy of the opinion that was
21 filed by the Office of the Attorney General, and
22 it will be submitted for the record. But the

1 Office of the Attorney General did find in its
2 opinion that the measure was not a proper subject
3 of initiative. And I'll read into the record
4 what the -- in part, what the Office of the
5 Attorney General's opinion said.

6 The Office of the Attorney General
7 indicated that the measure was an impermissible
8 law appropriating funds because it impermissibly
9 interferes with the process of allocating revenue
10 among agency activities. It would forbid law
11 enforcement agencies from allocating revenues
12 toward certain purposes such as investigations
13 involving cannabis and cannabis oil. It would
14 also require the District Government to spend
15 funds immediately towards new purposes and
16 programs, like the retraining of canines, the
17 return of seized property, and the creation of a
18 new execution board. In each of these respects,
19 the measure would impermissibly interfere with
20 the management of the financial affairs of the
21 District.

22 Additionally -- well, actually, that's

1 -- you'll receive the whole record, and then
2 we'll -- I mean the whole statement of the
3 Attorney General, and it will be submitted for
4 the record, but that is the most significant part
5 in which the Attorney General indicates that he
6 finds that the measure is not a proper subject
7 for initiative.

8 And so now we will hear from the
9 proponents of the measure beginning with Ms.
10 Carty -- Ms. Lee-Carty, who filed the proponent.
11 And as the chair indicated, individuals will be
12 provided with two minutes for testimony. Star 3.
13 Ms. Carty, are you present?

14 MS. LEE-CARTY: Can you hear me?

15 MS. STROUD: Yes, we can. We can hear
16 you Ms. Carty.

17 MS. LEE-CARTY: Hello?

18 MR. FAGAN: Yes. They can hear you.
19 Go ahead.

20 (Audio interference.)

21 MS. STROUD: Okay. Well, Ms. Carty,
22 the name on your handle for the WebEx says Kyla.

1 Is that you?

2 MS. LEE-CARTY: Kyla Hill.

3 MS. STROUD: I just want to make sure
4 that's you hear me effectively, so I can begin to
5 start. Ms. Kyla, we're getting a lot of feedback
6 from you, so do you have a cell phone close by or
7 something that might be what's causing the
8 feedback, so if somebody could -- you could turn
9 one of the devices off, maybe that will help.
10 Okay. We can hear you, Ms. Carty. You can give
11 your testimony.

12 MS. LEE-CARTY: Okay. Thank you very
13 much. Good afternoon, Board. My name is Dawn
14 Lee-Carty, Executive Director of the Modern Day
15 Cannabis Justice Reform. It's unfortunate that
16 we never received the oppositions letter from the
17 OAG. However, we were made aware of it one day
18 before this meeting. In our initiative, we have
19 four different measures in which we do not plan
20 to use the appropriations of Washington DC's
21 money in order for this initiative to be
22 effective. We have devised a way that we can use

1 our own cannabis taxpaying money to make this
2 benefit the Washington, D.C. client.

3 As far as the Office of the Attorney
4 General's position with our initiative being out
5 of order, the Office of the Attorney General,
6 Karl Racine, and 25 other attorney generals wrote
7 a letter to the FDA in July of 2019 in which his
8 major concern was that there was a mislabeling of
9 medical cannabis products that were sold at a
10 dispensary. His major concern was also the
11 product's safety, and his last concern was also
12 the mislabeling and potential harm. That was the
13 quality strong word that used potential threats.

14 I have a 12-year-old daughter who
15 suffers with frontal lobe epilepsy. She would
16 have up to 65 seizures a day. She's been
17 medicating with 17 different pharmaceuticals in
18 her lifetime. And in 2015, my daughter, Zoe,
19 began medicating with CBD oil. Zoe went from
20 having 65 seizures a day to being 85 percent
21 seizure free because of CBD therapy. However, in
22 September of 2019, Zoe made law in Washington,

1 D.C. which allowed all school-age children with
2 chronic illnesses and licensed medical cannabis
3 patients to be allowed to medicate in Washington,
4 D.C. school grounds.

5 We were forced to then submerge into
6 this medical cannabis program and four months,
7 only four months after five years of being
8 pharmaceutical free, hospital free, and strictly
9 plant medicine, CBD, four months into my daughter
10 being introduced into Washington, DC's medical
11 cannabis program, she ingested a tainted bottle
12 of CBD oil that contained piperonyl butoxide. I
13 know you nothing about the science, but piperonyl
14 butoxide is a derivative of safrole oil, better
15 known as ecstasy.

16 My daughter lost -- stopped breathing
17 for a minute-and-a-half, was rushed to DC
18 Hospital, and was admitted into ICU for six days
19 for ingesting an unregulated product sold in a
20 licensed dispensary here in Washington, D.C.

21 So I reached out to Office of Attorney
22 General six months since this incident,

1 especially since he wrote this letter and had it
2 co-authored by 25 other AGs, and to no avail.
3 For him to stand today and not to even listen to
4 why we are here today, to the reasons that we
5 suggest in this proposal how this initiative can
6 allow Washington, D.C. to grow as a whole is
7 actually an insult to me.

8 My daughter currently no longer
9 medicates with any products near Washington, D.C.
10 because it's unregulated.

11 So for this opposition standpoint of
12 view is to be to stop the progression for social
13 equity of Washington, D.C., to stop the
14 progression of over policing in Washington, D.C.
15 strictly because he's worried about how the
16 funding will be allocated, it is detailed in our
17 mission how you, as a Washington, D.C. government
18 as a whole, do not have to invest any money into
19 a program which will benefit not only the patient
20 but decrease the risks of public safety and
21 encourage all the cherry picked big money
22 interests that are in Washington, D.C. to be

1 accountable to produce clean medicine for people
2 like my daughter and others who need clean
3 medicine to live. She's six months now and
4 unable to walk up and down stairs by herself.

5 Enough about Zoe and enough about the
6 attorney -- Office of Attorney General. Just --

7 MS. STROUD: Okay. Thank you, Ms.
8 Carty.

9 MS. LEE-CARTY: -- July --

10 MS. STROUD: -- exceeded the time
11 provided, so we need to hear from the rest of the
12 witnesses.

13 MS. LEE-CARTY: Sure.

14 MS. STROUD: Okay.

15 MS. LEE-CARTY: Our next --

16 MS. STROUD: Thank you --

17 MS. LEE-CARTY: -- witness is -- thank
18 you very much.

19 MS. STROUD: Do you have --

20 MS. LEE-CARTY: I'm sorry?

21 MS. STROUD: We have on the list that
22 you provided us, the next witness is Major Neill

1 Franklin.

2 MS. LEE-CARTY: Yes, Major Neill

3 Franklin.

4 MR. FRANKLIN: Yes. Can you hear me?

5 (Simultaneous speaking.)

6 MS. LEE-CARTY: Yes, he is. One
7 second, please.

8 MR. FRANKLIN: Hello. Can you hear
9 me?

10 MS. LEE-CARTY: Okay. He's there.

11 MR. FRANKLIN: I'm here.

12 MS. STROUD: Okay. Thank you, Mr.
13 Franklin. You have two minutes.

14 MR. FRANKLIN: Sure. I'll be brief.
15 My name is Neill Franklin. I'm a retired major
16 with the Maryland State Police, but I'm currently
17 the Executive Director for the Law Enforcement
18 Action Partnership, and I think it's important
19 for you to know that we're a national
20 organization of police, prosecutors, judges
21 corrections, and more working to improve public
22 safety by dramatically reforming public policy.

1 And this is a very important piece of public
2 policy. So this national organization of
3 thousands of members in those disciplines that I
4 mentioned are supporting the Modern Day Criminal
5 Justice and Cannabis Reform Act of 2020.

6 It's imperative that we work
7 diligently to improve policy community relations.
8 That is extremely important to improving public
9 safety. Ending stop and frisks relative to
10 cannabis is absolutely necessary, and we're
11 beginning to realize this in our states across
12 the country where we're making these reforms.

13 Making people whole is also necessary
14 for improving public safety, correcting their
15 criminal records, expunging their criminal
16 records, doing whatever we can to make people
17 whole again so they can become employed and
18 support themselves and their family. Economic
19 stability is extremely important for improving
20 public safety.

21 So therefore, as such, the Modern Day
22 Justice Cannabis Reform Act is necessary,

1 necessary for improving public safety. We have
2 many members within the District. I'm the
3 national representative for the organization and
4 again, we support this Act. Thank you very much
5 for allowing me to speak today.

6 MS. STROUD: Okay. Thank you. Next
7 on the witness list, we have Kyla Hill.

8 MS. HILL: Can you all hear me today?

9 MS. STROUD: Okay. Yes, Ms. Hill, we
10 can hear you.

11 MS. HILL: I am here with Ms. Dawn
12 Lee-Carty. I am the Deputy Director of Modern
13 Day Cannabis Justice Reform, and I would like to
14 share my support on this initiative by bringing
15 to your attention the amount of disparities that
16 we face in DC since similar initiatives have been
17 proposed and passed.

18 In 2019 alone, we see 840 arrests. Of
19 all of those arrests, over 83 percent -- that's
20 about 694 -- were people of color. Cannabis
21 prohibition puts a target on minorities and puts
22 citizens at risk when marijuana is used as

1 probable cause. When people are arrested and
2 prosecuted or held in jails under unfair
3 conditions, unlivable circumstances, they're
4 exposed to COVID, and not only that, they're
5 oftentimes confiscated from their medication as
6 well as pay money that they have on them at that
7 time.

8 Now, a lot of times and most times
9 they're not given their property back. They're
10 not given their money back, and it is disparity
11 to citizens of Washington, D.C.

12 It also creates a challenge for
13 banking. As long as cannabis is prohibited by
14 law, financial institutions do not allow people
15 to bank. We've run into challengers as a
16 nonprofit organization for simply having the word
17 cannabis in our name.

18 So I'm asking you today to consider
19 all of these different things that I've shared,
20 that Ms. Carty shared, that Major Franklin shared
21 to change the way that people live and to stop
22 targeting people of color. Thank you.

1 MS. STROUD: Okay. Thank you, Ms.
2 Hill. The next witness on the agenda Sebastian
3 Medina-Tayac. Mr. Medina-Tayac, are you present?
4 If you could indicate your presence by pressing
5 star 3?

6 MR. TUCKER: Hello.

7 MS. STROUD: Mr. Medina-Tayac, if you
8 could state your name and address for the record?

9 MR. TUCKER: My name is Kaleen Tucker.
10 I'm here to give my testimony. In February of
11 2016 --

12 MS. STROUD: Hold on. Actually, we're
13 looking for -- we have a witness that has already
14 been submitted, so we're only taking witnesses
15 that were already on the list that Ms. Carty
16 provided. And so if Mr. Sebastian Medina-Tayac
17 is not present --

18 MR. TUCKER: He's not --

19 MS. LEE-CARTY: Yes. Mr. Sebastian is
20 also here. We're just getting him on now. Just
21 one second, please?

22 MS. STROUD: So Mr. Sebastian Medina-

1 Tayac, if you could state your name and address
2 for the record?

3 MR. MEDINA-TAYAC: Sure. My name is
4 Sebastian Medina-Tayac. My address is 531 Fern
5 Place NW, in Ward 4, Washington, D.C.

6 MS. STROUD: Thank you. You may
7 proceed.

8 MR. MEDINA-TAYAC: I just wanted to
9 offer very quick testimony in support of Modern
10 Day Cannabis Just Reform. I am the Director of
11 Impact at Eaton Workshop, Eaton Hotel downtown.
12 I have a professional career but also, I am a
13 home cultivator under Initiative 71. And I just
14 wanted to bring to light some of the limitations
15 of the bill as in -- some of the limitations of
16 Initiative 71, the current framework for the
17 decriminalization and legalization of cannabis.

18 Both through I-71 and in the medical
19 market, I think the current structure only
20 empowers people with access to millions of
21 dollars and venture capital, and disempowers and
22 criminalizes the legacy market and the people who

1 have been keeping this medicine accessible for
2 decades, if not centuries. It's no secret that,
3 you know, the legal market is being controlled by
4 large corporations which are majority-owned by
5 white people, and people of color such as
6 indigenous people -- myself, I'm a member of the
7 Piscataway Indian Nation, which is a tribe
8 recognized by the State of Maryland, and our
9 homelands encapsulate Washington, D.C. -- I'm
10 being policed and criminalized based on how many
11 seeds I put in the soil where my ancestors are
12 buried. So it's a great historical injustice to
13 criminalize and police communities of color on
14 plant counts while access to this life-saving
15 herbal medicine is being controlled and
16 restricted by people who are price gouging, not
17 unlike the pharmaceutical industry, and not to
18 mention, as highlighted by the example of Ms.
19 Dawn Lee-Carty's daughter, you know, these are
20 not corporations that are implementing best
21 practices to provide safe medicine to patients in
22 the District.

1 So, therefore, I'd like to advocate
2 for a model that is progressive, that empowers
3 small business owners, empowers and
4 decriminalizes people of color, and puts the
5 power of this medicine in the hands of the
6 people. And thank you so much to everybody for
7 giving me some space to speak, and I appreciate
8 your time today.

9 MS. STROUD: Thank you, sir.
10 The next witness on the agenda is Stacey Lewis.
11 Ms. Lewis, are you present on the line? If you
12 could press star 3 to indicate that you are
13 present. Ms. Lewis?

14 MS. LEE-CARTY: Ms. Lewis is logging
15 on as we speak.

16 MS. LEWIS: Hello?

17 MS. STROUD: Hi, Ms. Lewis

18 MS. LEWIS: Can you hear --

19 MS. STROUD: Can you please state your
20 name and address for the record?

21 MS. LEWIS: Yes, ma'am. My name is
22 Stacey Lewis. My address is 4921 Coral Street

1 NE, Washington, D.C.

2 MS. STROUD: Okay. Thank you. You
3 may proceed.

4 MS. LEWIS: Oh, my goodness. Thank
5 you for letting me speak. This issue means so
6 much to me. I apologize if I get a little
7 emotional. I've kind of been through a lot.
8 Back in 2000 -- I'll start back in the year 2000.
9 I was robbed and beaten in Washington, D.C. by a
10 group of young men over -- when I was walking
11 back from McDonald's on my way to the Metro. I
12 developed severe PTSD to this issue, and I
13 started taking medical cannabis. Like it
14 literally saved my life. I was able to go to
15 college. I was able to do things that were
16 necessary to survive due to this medicine.

17 Fast forward a few years later, I was
18 arrested for growing some plants back before the
19 laws were changed. When I was sentenced, I was
20 nine months pregnant. The judge did not care.
21 No one cared. I ended up having a baby cuffed
22 and shackled to a bed. My children were taken

1 from me.

2 It just doesn't seem like the
3 punishment that I received fit the crime. You
4 know, my growing my own plants kept me out of the
5 black market. It kept me off the street. I was
6 able to determine what -- you know, what went
7 into my medicine that I grew. You know, I
8 understand and take full responsibility for
9 breaking the law, but I just don't think that
10 having my children taken, having a baby cuffed
11 and shackled to a bed is fair. You know, once
12 these laws are changed, it's just so important to
13 me that this never happens to anyone ever again
14 over some plants.

15 Like this took me down the road to
16 hell. Excuse me, but it did. I developed other
17 addictions to other drugs just because I was so
18 devastated. I tried to take my own life over
19 losing my children. I'm sorry.

20 MS. STROUD: Ms. Lewis, I am so sorry
21 to interrupt you, but the Board has to proceed
22 expeditiously to conclude this hearing today, and

1 so if you have written testimony that you would
2 like to present, we will accept it for the
3 record. But we need to move onto the next
4 witness at this time. Thank you so much.

5 MS. LEWIS: Okay. Thank you.

6 MS. STROUD: Okay. Ms. TaeAndrha
7 Whisleman, are you present on the line? Star 3,
8 Ms. Whisleman, if you're present?

9 MS. LEE-CARTY: I'm looking for Ms.
10 TaeAndrha now. She's been on since 10:00.
11 TaeAndrha? Okay.

12 MS. STROUD: Okay. Ms. TaeAndrha
13 Whisleman, you may proceed. Thank you.

14 (No response.)

15 MS. STROUD: Ms. TaeAndrha Whisleman?
16 Okay. Until we can get Ms. TaeAndrha, we're
17 going to move to the next witness, Mr. Brennan
18 Woodson. Is Mr. Woodson on the line? Star 3,
19 Mr. Woodson, if you're on the line.

20 MS. LEE-CARTY: Mr. Woodson is on the
21 line.

22 MR. JACOBS: Did you say Rashad

1 Jacobs? I'm one of the witnesses also.

2 MS. STROUD: No. We're at Mr. Brennan
3 Woodson.

4 (No response.)

5 MS. STROUD: Okay. Not here. Okay.

6 So we're going to move to the next witness,
7 Brandy Lorraine. Brandy Lorraine, are you
8 present? Star 3 if you are present, Ms.
9 Lorraine.

10 MS. LEE-CARTY: Brandy Lorraine is
11 present as well as --

12 MS. STROUD: Okay.

13 MS. LEE-CARTY: -- Brennan Woodson.

14 MS. STROUD: If they could press star
15 3 so that we can find them on the line. What --
16 if you could indicate what number they're calling
17 from so we can identify them.

18 MS. LEE-CARTY: Brennan Woodson is
19 240-346-1706.

20 MS. STROUD: We do not -- okay. Okay.
21 Mr. Woodson?

22 MR. WOODSON: Can you hear me?

1 MS. STROUD: Yes. We can hear you
2 now. You may proceed. You have two minutes.

3 MR. WOODSON: Thank you. So I was
4 just calling in for this directive to say that
5 for me, personally, what this has done for me
6 during COVID is kept me with a job. It's kept me
7 employed. I've actually been able to take care
8 of myself more during these times. I have family
9 so this whole thing is very important to me.
10 It's definitely helped my other fellow employees
11 along during this time.

12 For me, I would say also just the
13 stress level in the community, I feel like if we
14 get this thing passed -- there's just a lot of
15 tension and stuff going on around in this
16 country, and if we can just try to keep it down
17 and keep it peaceful and stuff like that,
18 whatever it takes. So actually, for me, that's
19 why it's important. To me, it's like I said,
20 economically it's helped me and just the stress
21 levels and anxiety that's going on in this world
22 right now, I think that if we get this thing

1 passed, it's just a safer way for people to just
2 be able to enjoy whatever they need to enjoy and
3 relax and not be so stressed out during these
4 times. So that's just my part of it.

5 MS. STROUD: Okay. Thank you so much
6 for your testimony, Mr. Woodson. Ms. Lorraine,
7 are you on the line? Star 3 if you're on the
8 line so that we can see you raise your hand.

9 (No response.)

10 MS. STROUD: Okay, not seeing Ms.
11 Lorraine on the line. Is Michael Vidal on the
12 line? Mr. Vidal?

13 MR. VIDAL: Yes. I'm here. One
14 moment.

15 MS. STROUD: Mr. Vidal, if you could
16 state your name and address for the record?

17 MR. VIDAL: Hello. Can you guys hear
18 me?

19 MS. STROUD: Yes, we can.

20 MR. VIDAL: All right. This is Mike
21 Vidal. I'm actually a Virginia resident, but I
22 work in DC, and you know, I support this

1 initiative so, you know, people can safely get
2 their medicine or recreationally, they can get
3 what they need to relax. And, you know, I just,
4 you know, want everybody to be treated fairly.
5 You know, it's just a plant. Yes. That's all I
6 got. Sorry.

7 MS. STROUD: Okay. Thank you, Mr.
8 Vidal. Ms. Lorraine, are you on the line?

9 MS. BRANDY: I am.

10 MS. STROUD: Okay. We'll hear from you
11 now. You have two minutes. Thank you.

12 (Simultaneous speaking.)

13 MS. STROUD: Could we have your name
14 and address for the record?

15 MS. BRANDY: Okay. My name is Lorraine
16 Brandy. And my address is 19925 Wheelwright
17 Drive, Gaithersburg, Maryland. So I support the
18 cannabis ballot.

19 As far as the medicine, it works for
20 me. I have PTSD, and I have anxiety. And my
21 level of stress is really high. So I've already
22 went to the doctors. And I'm taking the CBD for

1 my pains in my joint.

2 They told me that I have RA. So I
3 told them that I was smoking the marijuana and
4 how it helps for the pain. And they just sent me
5 to a different doctor so they can just analyze
6 the script.

7 So I'm all for it because I know
8 personally that it helps me with the pains that I
9 have for me.

10 As far as me knowing anybody who was
11 locked up in DC, I don't. My only experience
12 I've had with that is my son. He was arrested in
13 Montgomery County with two ounces.

14 He has ADHD. It was his personal
15 weed. They locked him up. They gave me \$1,000
16 bond to get him out since it was his first time.
17 We go to court in November.

18 So I'm not too sure what's going to
19 happen with it. But right now we have a public
20 defender, and I explained to him that he uses it
21 for his ADHD. And we have documentation from his
22 doctor so he would be getting a medical card.

1 And his public defender assured me because he's
2 getting a medical card that he should not get in
3 as much trouble. But because I live in
4 Montgomery County, it's illegal -- it's not
5 legalized out there. So that's all I have.

6 MS. STROUD: Okay. Thank you, Ms.
7 Brandy.

8 MS. BRANDY: Okay.

9 MS. STROUD: So thank you. The next
10 witness is Jemilat Cherry. Ms. Cherry, are you
11 present?

12 MS. CHERRY: I am. Can you hear me?

13 MS. STROUD: Yes, I can. Thank you.
14 You have two minutes.

15 MS. CHERRY: Well, I'll speak very
16 briefly. (Audio interference.)

17 MS. STROUD: Can you state your name
18 and address for the record?

19 MS. CHERRY: (Audio interference)
20 Northwest (audio interference). So very quickly,
21 basically, cannabis has definitely helped me
22 within my own personal life in that the day-to-

1 day without the recent COVID outbreak has been
2 tumultuous in just dealing with life struggles.
3 And cannabis has definitely provided me an outlet
4 that's going to be healthy, natural and promotes
5 better prosperity within my life. Even on a
6 holistic level, thinking out things that are not
7 necessarily over-the-counter medicine that
8 cannabis can provide, you know, with ailments and
9 information and things of that nature, that's
10 definitely held true to me. So that will be my
11 own personal testimony. Thank you.

12 MS. STROUD: Thank you. Next on the
13 agenda is Tamon Thomas. Mr. Thomas, are you on
14 the line?

15 MS. LEE-CARTY: Hold on one moment.

16 MS. STROUD: Star 3 if you are on the
17 line, Mr. Thomas.

18 MS. LEE-CARTY: We just made a call
19 with Ms. Thomas. She had to step off because of
20 the wait so she's logging in now.

21 (Simultaneous speaking.)

22 MS. STROUD: So what we'll do is we'll

1 move on to Cecilia Porrata. And if we have time,
2 then we'll go back to Tamon Thomas. Ms. Porrata,
3 if you could raise your hand by pressing star 3?

4 MR. THOMAS: Tamon, Tamon is my name.
5 Hello?

6 MS. STROUD: Okay, Mr. Tamon. We'll
7 hear from you now. If you could state your name
8 and address for the record?

9 MR. THOMAS: My name is Tamon. My
10 address is 21 T Street Northeast, Washington, DC.

11 MS. STROUD: Okay. You have two
12 minutes, Mr. Thomas.

13 MR. THOMAS: How are you doing? So I
14 just wanted to put in my two cents about the
15 initiative and everything that it's passed for.

16 I personally have dealt with and still
17 kind of deal with stress and a little bit of
18 anxiety as well. And it wasn't until I was able
19 to, you know, with my upbringing I wasn't always
20 able to experiment to try different things to
21 help with that. But it wasn't until recently
22 that I was able to experience and understand the

1 benefits and the qualities that come with it.

2 And it wasn't just from, you know, a
3 one-time thing, like, I was actually able to
4 learn and do my own research into the entire hemp
5 plant as a whole. And that within itself has
6 really been able to help me to understand the
7 various conditions and different ways and
8 different avenues and different forms of hemp
9 product that I could use to assist with that.

10 And so I think that's been one of the
11 main things for me. And it's been one of the
12 main drivers for me to, you know, get behind a
13 movement like this. And so I just wanted to put
14 my little two cents in and do what I can for the
15 hemp community.

16 MS. STROUD: Okay. Thank you, Mr.
17 Thomas. Is Ms. Porrata on the line, Cecilia
18 Porrata. Hello? Yes?

19 MR. PATRICK: Yes, I'm here. Yes.

20 MS. STROUD: Is Cecilia Porrata on the
21 line?

22 MS. PORRATA: Yes. How are you?

1 MS. STROUD: Okay. If you could state
2 your name and address for the record?

3 MS. PORRATA: Cecilia Porrata, 1908 9th
4 Street.

5 MS. STROUD: Okay. You have two
6 minutes. Thank you.

7 MS. PORRATA: Yes, ma'am. My first of
8 all my experience with discrimination (audio
9 interference) in terms of marijuana, I was an
10 abuse victim. And when the police got there, the
11 abuser was able to use marijuana as a reason for
12 me being thought as the aggressor, that I was a
13 crazed drug addict because I had marijuana, which
14 was not the case at all.

15 But as a result, it occurred marijuana
16 is a drug and use that as a way to charge me with
17 possession but with assault as well. And even
18 though it's decriminalized, you know, people are
19 more accepting it, it's still illegal. It's
20 still frowned upon. And people are still getting
21 in trouble for it. And not only getting in
22 trouble for that but adding extra charges, you

1 know, all behind weed.

2 And it's not fair for people who use
3 it for medication. We shouldn't have to only use
4 it for medication. It's not trusting that --

5 MS. STROUD: Ms. Porrata?

6 MS. PORRATA: Yes.

7 CHAIR BENNETT: Ms. Porrata, this is
8 Michael Bennett, the Chair. I am going to turn
9 the meeting over to Mr. Gill as the Chair, and he
10 will complete the hearing and chairing it
11 forward. So thanks so much. I'm sorry to
12 interrupt your testimony. So please continue.

13 MS. STROUD: Okay. Actually, Ms.
14 Porrata, your time is up.

15 MS. LEE-CARTY: Excuse me. Excuse me.
16 I'm sorry to disrupt you while you're speaking.
17 This is Dawn Lee-Carty. We have one other
18 witness testimonial that you could not hear. And
19 he's here. He's calling from a 757 area code, I
20 believe. Could you please allow him his two fair
21 minutes?

22 MS. STROUD: What's --

1 (Simultaneous speaking).

2 MS. LEE-CARTY: This is an 804 area
3 code number. And I was told that this is open to
4 the public.

5 MR. PATRICK: Can they hear me?

6 MS. LEE-CARTY: Can he please have his
7 two minutes?

8 MS. STROUD: What is his name?

9 MR. PATRICK: Jay Patrick.

10 MS. STROUD: What is the witness' name?

11 MR. PATRICK: Jay Patrick.

12 MS. STROUD: Jay Patrick. He is not on
13 the witness list. Ms. Carty, you had sent us a
14 list of individuals who you had proposed to be on
15 the witness list that you wanted to provide
16 testimony for. And I don't believe that we've
17 received any requests to be heard with respect to
18 status from anyone else.

19 MS. LEE-CARTY: Yes. However, I was
20 also informed, which is there has been a heavy
21 lack of communication at the BOE that we could
22 also have public witnesses. Can you hear me?

1 MS. STROUD: I can hear you.

2 MS. LEE-CARTY: Can you hear me?

3 MS. STROUD: Just to clarify, the Board
4 -- when you asked me about individuals that were
5 not on your list.

6 (Simultaneous speaking.)

7 MS. STROUD: When you asked me about a
8 person that was not on your list, I informed you
9 that the Board meeting does have a public section
10 to it where members of the public are able to
11 give their opinions or thoughts on anything that
12 is going on in our Board meeting or that's on our
13 agenda. And none of these individuals spoke
14 during that period. However, I stated that we
15 were going to be going by the list right now
16 because --

17 MR. PATRICK: I wasn't aware of it.

18 (Simultaneous speaking)

19 MS. STROUD: -- After the meeting is
20 over.

21 MEMBER GILL: Hey, Terri, this is Mike
22 Gill. Terri, this is Mike Gill.

1 MR. JACOBS: And I also raised my hand.

2 MS. STROUD: Just one second, Mr. Gill,
3 so that we can hear you. One moment.

4 MR. GILL; Terri, Terri, I think we're
5 spending more time talking about it than the two
6 minutes would have been to speak. If it's just
7 one additional person, I think we can waive the
8 list and hear from the individual person.

9 MS. STROUD: Okay.

10 MS. LEE-CARTY: Thank you very much for
11 your consideration.

12 MR. PATRICK: Thank you.

13 MS. STROUD: I think there are --
14 (Simultaneous speaking).

15 MS. STROUD: Lord Jacobs, I think,
16 wants to be heard and then the witness that Ms.
17 Carty indicated.

18 MR. PATRICK: Jay Patrick.

19 MS. STROUD: We'll hear from those two
20 individuals and then close the record for further
21 testimony.

22 MEMBER GILL: That sounds good.

1 Thanks, Terri.

2 (Simultaneous speaking.)

3 MS. STROUD: Let's do Lord Jacobs first
4 and then the next witness.

5 MR. JACOBS: Hey, good evening. My
6 name is Rayson Jacobs. I'm at 1366 King
7 Northwest in Washington, DC 20010.

8 MS. STROUD: Okay. You have two
9 minutes, Mr. Jacobs.

10 MR. JACOBS: All right. Thank you. So
11 basically at age 3, I was taken from my mother
12 because at the time she was selling marijuana to
13 help ends meet as well with two other jobs. And
14 in that time period, I was placed in CSB custody
15 where I was sexually molested by my foster
16 brother for four years. I never felt safe to
17 tell anyone about it until I was put back in my
18 mother's custody.

19 And at that time, a therapist by the
20 name of Rita Berman, who is a PhD, she took
21 custody of me for four years. And she helped
22 with my mental, so I wouldn't breakdown as I got

1 older. I would not.

2 From there, I went on to high school.
3 In my senior year of high school in Central-Hower
4 High School in Akron, Ohio, I started getting
5 flashbacks as if I was 3, 4 and 5 again getting
6 raped by my foster brother. And, you know, I
7 couldn't complete my classes or nothing like
8 that. So they gave me Xanax and all these other
9 drugs, you know, to help me with these things,
10 and it just made me feel like a zombie.

11 I then was introduced to marijuana my
12 senior year when I transferred to Chicago Falls
13 High School.

14 When I started all those flashbacks
15 and whatnot, they was gone. I wasn't having
16 nightmares or anything about it.

17 I then went to college. I started
18 going to grad school in Manassas, Virginia. I
19 went into a store, bought a box of Swishers, like
20 24 of them, in a box. I was leaving. I got
21 pulled over. It just so happened there was an
22 officer behind me when I purchased these cigars.

1 I got pulled over. He found the weed in the car.

2 He said the reason he pulled me over
3 because the incense that was in my air freshener
4 was in my window sill hanging from the rear view
5 mirror. He arrested me for possession of
6 marijuana. I had 3.5 grams on me.

7 They put me on probation for four
8 years and then also violated me and put me in
9 jail for six months because I had a dirty urine
10 of marijuana. I then was released. I couldn't
11 get financial aid for my grad school in Manassas,
12 Virginia, because of the marijuana charge on my
13 record. However, I got a sponsor who helped me
14 pay for partial of my grad school. I still have
15 a year to go.

16 I'm currently running for City Council
17 the next coming term. Not this November, but the
18 next, to help with these issues. Because if
19 marijuana was legal, I wouldn't have been taken
20 away from my mother. You know, I never would
21 have gotten molested in CSB system. I could have
22 completed my masters four years ago, no, six

1 years ago.

2 You know, I had to transfer my papers
3 just to get off probation within about a year so
4 I wouldn't get violated for marijuana because I
5 didn't want to live with the -- go through the
6 day living through these memories of me getting
7 molested on my day-to-day basis. I thank you for
8 the time. I appreciate you guys. You guys are
9 amazing.

10 MS. STROUD: Thank you, Mr. Jacobs.
11 And now we'll hear from the panel witness party.
12 And if you could tell me the name again, I would
13 appreciate it.

14 MR. PATRICK: Jay Patrick.

15 MS. STROUD: Okay. Thank you. If you
16 could state your name and address, again, for the
17 record, Mr. Patrick, or just your address, that's
18 fine.

19 MR. PATRICK: Oh, 1150 1st Street
20 Northeast, Washington, DC 20002.

21 MS. STROUD: Okay. Thank you. And you
22 have two minutes. Thank you.

1 MR. PATRICK: All right, yes. I just
2 want to speak from my heart. From a person who
3 has been harassed because of cannabis and who
4 have been involved in the cannabis industry in
5 DC, the District is both currently wasting time
6 and resources harassing everyone getting from the
7 economy shops, cannabis users and growers as well
8 as missing out on a huge windfall that the city
9 could benefit from by way of taxes by opening up
10 the cannabis market to all that want to be
11 involved, and I mean all, that means minorities,
12 people that aren't risk corporations, that means
13 people who don't have hundreds of thousands of
14 dollars, that means people who just want to make
15 some cookies to buy some clothes for their kids.

16 I have friends with family also who
17 went into law enforcement. And they believe
18 rough estimates are that most of their time is
19 wasted looking for cannabis and traffic stops.
20 This initiative addresses that. It's a waste of
21 time and resources.

22 This is for departments that are

1 stressed in and frequently pay out overtime.
2 Those resources could be given homeless
3 prevention, mental health services and youth
4 diversion programs, all of which will likely
5 lower the violent crime rate in the District.
6 And we all know we hear about murders and
7 shootings and stuff like that all the time in DC
8 and people wonder why aren't this stuff -- why
9 aren't these issues being addressed?

10 Well, it's not being addressed because
11 if you talk to people in law enforcement, they're
12 wasting time on stuff like cannabis enforcement.
13 And even in their proposed bill there have been -
14 - and proposed recently in the past year or two,
15 it still involves more police and enforcement.

16 We need to do something to bridge the
17 gap between the police that are out there trying
18 to protect us and the way people are viewing
19 them. When combined with pop up vendors -- on
20 the flip side of that, there's 30 and 40 brick
21 and mortar businesses that do everything from
22 cannabis giveaways, promotional gifting to high

1 value gifting in the cannabis world and then
2 approximately \$4 to \$5 million in taxes the City
3 is not taking in right now.

4 (Simultaneous speaking.)

5 MS. STROUD: Okay. Thank you, Mr.
6 Patrick. Your two minutes has concluded. And so
7 we really appreciate your testimony.

8 If there are any individuals who
9 testified today that did not present witness
10 testimony, but would like to you may do so and
11 the Board will accept witness testimony through
12 5:00 p.m. this Friday for the record.

13 So we've heard from the proponents
14 with respect to the measures. Are there any
15 members that are on the line that are opposed to
16 the measure?

17 I did read a section of the Office of
18 the Attorney General's opinion, but if there are
19 any individuals on the line who would like to
20 speak in opposition to the measure, they may do
21 so now. Let me just -- you can raise your hand
22 by pressing star 3. Okay.

1 MR. AHMED: Hello.

2 MS. STROUD: Hello?

3 MR. AHMED: Hey, how are you?

4 MS. STROUD: Sir, what's your name and
5 address, sir? And are you speaking in opposition
6 to the measure?

7 MR. AHMED: Yes, ma'am. My name is --

8 MS. STROUD: Okay. What's your name
9 and address for the record?

10 MR. AHMED: My name is Hani Ahmed. I'm
11 from Southeast Washington, DC. I own a company
12 called Black Egyptian DC as well. I'm LLC. I
13 have been locked up a couple of times being at
14 different events. And all I had was CBD.

15 Also, I have an illness, a couple
16 illnesses. I also have seizures with a couple of
17 times when they have locked me up. I have been
18 on seizures, and they took my medication with the
19 CBD and would not give me my medication.
20 Everybody was looking at me closely.

21 MS. STROUD: So I just want to clarify
22 for the record -- could you spell your name for

1 the record, Mr. Ahmed, your first and last name
2 for the record?

3 MR. AHMED: Sure. My first name is H-
4 A-N-I. My last name is A-H-M-E-D. And I'm also
5 born and raised in Washington, DC. And I have
6 been given the opportunity to do something with
7 my life and I did. I went ahead and I learned
8 about CBD and what it can do for me.

9 And I went with it. I was confident.
10 I didn't have a lot of stuff in my situation.
11 And in the four years of doing CBD, being in the
12 community, teaching other people about CBD, it
13 helped me out a lot and helped a lot of people.

14 How can the sponsors know what we have
15 (audio interference) CBD? They're not educated
16 enough to know what we have so they end up taking
17 it for themselves, and it's CBD. They got a lot
18 of my stuff sitting in the precinct. Every time
19 that I got locked up, in the video that officers
20 walked in the building without permission, and
21 somebody got roughed up. They just walked in.
22 Everybody --

1 MS. STROUD: Thank you, Mr. Ahmed.
2 Thank you for testimony. I just wanted to
3 clarify are you speaking against the measure or
4 for the measure?

5 MR. AHMED: Say that one more time,
6 please.

7 MS. STROUD: Are you against the
8 measure or are you for the measure?

9 MR. AHMED: I'm with the community. I
10 have always been.

11 (Simultaneous speaking.)

12 MS. STROUD: Thank you.

13 (Simultaneous speaking.)

14 MS. STROUD: Again, I'm asking if there
15 are any opponents that would like to be heard
16 before we leave the testimony? If you could
17 raise your hand by pressing star 3. Okay. Thank
18 you. Board Member Gill, if you are -- or Mr. --

19 (Simultaneous speaking.)

20 MEMBER GILL: Yes. So, Terri, thanks.
21 I think before we end the testimony, why don't I
22 ask Karyn for a motion to go into executive

1 session.

2 Before we do that, I think I want to
3 give folks who are at the hearing an idea of the
4 time frame here. So we're going to go into
5 executive session to discuss all the matters that
6 were presented earlier in the day as well as this
7 referendum petition.

8 It's our expectation that we'll come
9 back on the record around 3:45 today, and we'll
10 vote on the record of the individual matters that
11 happened before.

12 Now, Terri, you mentioned that the
13 referendum petition record is open until 5:00
14 p.m. so we'll need to talk about whether we can
15 vote if the record is still open. But for now,
16 let me ask Karyn for a motion to go into
17 executive session.

18 MS. STROUD: Before we do that, Mr.
19 Gill --

20 MR. JORDAN: Excuse me, Mr. Chairman.

21 MS. STROUD: -- the Office of General
22 Counsel has prepared --

1 MR. JORDAN: Excuse me, Mr. Chairman.
2 Mr. Chairman.

3 MS. STROUD: Mr. Gill, the Office of
4 General Counsel is prepared to give you our
5 recommendation with respect to whether the
6 proposed measure presents a proper subject
7 initiative before the Board goes into -- votes to
8 go into executive session.

9 MEMBER GILL: Oh, I'm sorry, Terri. I
10 didn't hear that before when you did Karl
11 Racine's, and I was wondering why. But, yes,
12 please go ahead.

13 MS. STROUD: Okay.

14 MEMBER GILL: So, Terri, if you're
15 talking, we can't hear you.

16 MS. STROUD: Okay. Ms. Jennings will
17 now present the Office of the General Counsel,
18 the recommendations with respect to the
19 initiative.

20 MS. JENNINGS: Good afternoon. This is
21 Terrica Jennings for the Office of General
22 Counsel. This initiative is not a proper subject

1 initiative. Under the terms of Title IV of the
2 District of Columbia Home Rule Act, a measure is
3 improper if it isn't consistent with the
4 Constitution, the Home Rule Act for any
5 nationally applicable federal law because the
6 initiative power is no broader than the Council's
7 own authority.

8 Due to Congressional interference, the
9 District of Columbia cannot enact any regulatory
10 framework for the sale or taxation of marijuana.
11 So for now, marijuana cannot be sold or taxed.
12 Subsequently, the Council cannot enact
13 legislation that exceeds its own authority. So
14 in plain language because the sale of marijuana
15 is currently illegal federally, the District of
16 Columbia cannot enforce legislation that allows
17 it to be sold in the District.

18 Furthermore, this initiative seeks to
19 appropriate funds and --

20 (Simultaneous speaking)

21 MS JENNINGS: -- Is improper. More
22 specifically, this initiative is improper because

1 it includes provisions such as any resources
2 currently in use for the purposes of
3 investigating and proposing cannabis and CBD
4 shall instantly be diverted towards violent
5 crimes and murders as well as dogs who were
6 previously trained to detect cannabis will be
7 retrained to detect explosives, weapons of mass
8 destruction and firearms so as to protect our
9 schools, malls, mass gatherings from foreign and
10 domestic terrorism.

11 And finally that every cannabiser will
12 agree to donate or volunteer the equivalent of 4
13 percent of their revenue to the community. The
14 initiative ostensibly intrudes upon the
15 discretion of the Council to allocate District
16 government resources in the budget process.

17 As the DC Council has previously
18 explained in *Hessey v. Board of Elections and*
19 *Ethics*, the power of the purse, which Congress
20 has delegated to the District government remains
21 with the elected officials of the District
22 government and is not subject to control by

1 electorates to initiatives.

2 This matter is not a proper subject
3 matter for initiatives. And I know earlier it
4 was stated that the initiative would allow for
5 the group to raise funds and allocate funds.
6 However, to the extent that the Modern Day
7 Criminal Justice and Cannabis Reform Act of 2020
8 would establish new funds through the sale of
9 cannabis, et cetera, and direct how those funds
10 are disbursed, the proposed initiative is an
11 improper subject initiative even if the measure
12 raises new revenues under current District laws.

13 MS. STROUD: Thank you, Ms. Jennings.
14 So Board members Gill and Greenfield, the Board
15 must form a recommendation with respect to the
16 proposed initiative would be that the Board not
17 accept it as a proper subject for an initiative
18 because it does not present a proper subject
19 because it appropriates funds and also on the
20 basis of the other grounds cited by the --

21 MS. JENNINGS: U.S. Constitution.

22 MS. STROUD: -- U.S. Constitution --

1 MS. JENNINGS: And other federal laws.

2 MS. STROUD: -- and other federal laws.

3 MEMBER GILL: Thank you, Terri. All
4 right. So we will take both general counsel's
5 opinions under advisement as well as the
6 testimony and the witnesses under advisement. We
7 will go to executive session to determine and
8 talk through these issues.

9 (Simultaneous speaking.)

10 PARTICIPANT: Any rebuttal, Mr. Chair?

11 MS. STROUD: So --

12 MR. JORDAN: Mr. Chair --

13 MS. LEE-CARTY: Mr. Chair, I would like
14 to first speak first and foremost with -- you're
15 saying that we are appropriating District
16 government funds. What about the lack of
17 regulations that you are getting in your pocket
18 every day for a licensed dispensary with
19 unregulated product?

20 What makes what we're doing or what
21 we're fighting for any different than you guys
22 are saying that we're against right now? How is

1 it that you can have a licensed dispensary sell
2 unregulated product and then put taxes on it if
3 you want to stop the residents who are
4 cultivators who care about the safety of a
5 patient?

6 You want them to say what we're doing
7 is wrong. But what you are doing, that's not
8 right either. This is medicine. And it's
9 unregulated. So why is it called the Medical
10 Cannabis Program?

11 I think we should reconvene. I think
12 we should step out for two hours. I think we
13 should all sit back and come back to this table
14 with the understanding. Because regardless of
15 the appropriations, we can revamp this writing so
16 it can benefit our community. However, how are
17 you going to ensure the public safety of patients
18 like my child and other patients that need this
19 medicine, and you're selling it unregulated.

20 There are 66 contaminants that are
21 supposed to be tested in a cannabis product. You
22 guys only test for three. Where are the

1 appropriations for that?

2 So I think that it's very unfair that
3 it's okay for you to do things not properly, not
4 in conformance with high medical care with
5 cannabis standard processes, but then you're
6 going to look down on my people, like 680,000
7 people up here in Washington, DC, and say that
8 we're out of the scope of appropriations. It's
9 not fair. So what makes what you're doing fair
10 to sell an unregulated product and call it
11 medical cannabis?

12 MEMBER GILL: Ma'am, I promise you I'm
13 listening. And I'm hearing your -- and I applaud
14 you for the passion you're bringing to this. But
15 I'm afraid that we are not -- it's a Board of
16 Elections people who are addressing your
17 immediate concern about who is selling what in
18 the District. All we can do is look at whether
19 the Petition is a proper subject matter. And
20 that's what we'll reflect on.

21 And your testimony has been very
22 compelling, and we will take that into

1 consideration. But we have very limited, you
2 know, sort of writ in what we can address with
3 this. Your concerns, I think, are compelling.
4 But I'm afraid that we're not the office or the
5 agency that can address them. We can only look
6 at this petition and that. And we will give it
7 its full consideration I promise you.

8 MR. JORDAN: Mr. Chair? Mr. Chair?

9 MEMBER GILL: I'm afraid we really do
10 have to get to -- if we're going to address the
11 issues that were on the agenda today, we have to
12 get to them at some point.

13 MR. JORDAN: Mr. Chair. Mr. Chair.

14 MEMBER GILL: I'm listening.

15 MR. JORDAN: My name is Absalom Jordan.
16 I've been on since 10 o'clock this morning based
17 on the notice that was sent to us. You're saying
18 you are going into executive session now.

19 I'm just trying to clarify the matter
20 because the case of Patricia Carmon and I have
21 not been heard. And if you're going in to debate
22 the issues that are to be presented today, ours

1 is not one of them.

2 MEMBER GILL: Well, so let me pause
3 there. And let's get Terri so she can talk about
4 that.

5 MS. STROUD: Yes. Well, I will say,
6 Mr. Gill, that the matters did not go before the
7 Board because Ms. Armstead withdrew as a
8 candidate and that's why those matters did not go
9 forward despite being on the agenda.

10 MR. JORDAN: Excuse me. Excuse me.
11 There's issues I wanted to raise with the Board
12 whether she has withdrawn or not. And first of
13 all, you haven't given us any indication that she
14 has withdrawn. We don't know of anything in
15 writing or anything where she's withdrawn. So, I
16 mean, something should have come to us and saying
17 that. But there were salient issues that we
18 raised about Mrs. Armstead, and it's in this --

19 MEMBER GILL: Sir, it sounds like --

20 MR. JORDAN: Ms. Jennings --

21 MEMBER GILL: -- that when she withdrew
22 her candidacy, I'm sorry you were not made aware

1 of that. But as the writ of the Board is to
2 judge whether or not her name can go on the
3 ballot, as soon as she withdraws her candidacy,
4 any other actions or information about her is
5 irrelevant to what the Board can act on. So I
6 think that's why Terri --

7 MR. JORDAN: Can we get that in writing
8 then because we have a right to go to Court? And
9 the issue for us is you told us we had a hearing.
10 We haven't been given information about this that
11 she's withdrawn. And the reality is we're being
12 put off because the salient issues that Ms.
13 Jennings raised in her findings to me, there are
14 some in Mrs. Patricia Carmon's that are relevant
15 to the concerns we have. And we have not been
16 given an opportunity to do it because you said
17 because she's withdrawn, it makes the issue moot.
18 And for us the issue is not moot.

19 MEMBER GILL: Well, let's do this. I'm
20 sure that Ms. Jennings and Ms. Stroud can give
21 you a formal declaration that she's withdrawn her
22 candidacy. And we can at least get that to you.

1 MR. JORDAN: Yes, but I'm saying can
2 the Board --

3 MEMBER GILL: But if you've got other
4 issues, I would say --

5 (Simultaneous speaking).

6 MR. JORDAN: Can the Board give us a --
7 can the Board give us an opinion because this
8 will allow us to go into court, Mr. Gill, or
9 whatever your name is, and you know that, Mr.
10 Gill. I'm just saying for them saying it, the
11 Board hasn't taken any action on it, and the
12 action was scheduled by the Board. We need a
13 decision from you.

14 MEMBER GILL: I'm going to jump ahead
15 of Terri, and she can correct me if I'm wrong.
16 But I don't think there is any action we can do
17 on a candidate that's withdrawn. It's no longer
18 before us. Terri, am I correct?

19 MS. STROUD: Yes, that's correct, Mr.
20 Chair. But we can address Mr. Absalom and his
21 concerns. And this action of not having the
22 hearing go forward would not preclude Mr. Jordan

1 from going to court if he chooses to with respect
2 to action that the Board has taken or not taken.
3 So he is not --

4 MEMBER GILL: Okay. Well, Terri, can
5 I ask you --

6 MR. JORDAN: What I'm saying is that
7 the Board needs to take action.

8 MEMBER GILL: -- and Ms. Jennings to
9 take it offline with Mr. Jordan and explain how
10 that works?

11 MS. STROUD: Absolutely, absolutely.

12 MEMBER GILL: That makes sense.

13 MS. STROUD: And so, Mr. Gill, if you
14 and Ms. Greenfield would like to go into
15 executive session to deliberate --

16 MEMBER GILL: Karyn, can I get a
17 motion?

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

20 MEMBER GILL: Second. All in favor,
21 Karyn?

22 MEMBER GREENFIELD: Aye.

1 MEMBER GILL: And aye for me, too.
2 Terri, thanks for letting us -- that means that
3 we have now voted to go into executive session.

4 As I stated, our goal is to be back at
5 3:45. And we'll vote on the record for the
6 matters that were raised earlier today. But I
7 can't guaranty 3:45.

8 But you don't need to be on. All the
9 matters that we vote on when we come back into
10 the public session will have written
11 determinations that will go out to all the
12 parties that are involved. That's correct,
13 Terri, correct?

14 MS. STROUD: That is correct.

15 MEMBER GILL: All right. Well, with
16 that, I thank everyone for their patience, and we
17 will return in just about an hour.

18 (Whereupon, the above-entitled matter
19 went off the record at 2:55 p.m. and resumed at
20 3:50 p.m.)

21 CHAIR BENNETT: All right. We are back
22 online, and Mr. Gill is still in charge. So, Mr.

1 Gill, can you bring us back into session, sir?

2 MEMBER GILL: I make a motion that we
3 leave executive session and come back to the
4 public hearing.

5 CHAIR BENNETT: I second.

6 MEMBER GILL: All in favor, Karyn?

7 MEMBER GREENFIELD: Aye.

8 MEMBER GILL: Michael?

9 CHAIR BENNETT: Okay.

10 MEMBER GILL: And I'm aye. It's
11 unanimous. We are now back in the public
12 hearing.

13 So as we ended before we -- I
14 mentioned that we'd come back at 3:45. And we
15 came darn close to that timeline. I wanted to
16 say at the start though, because I know we have a
17 lot of different folks on the call with different
18 matters, we are keeping the record open on the
19 referendum petition until the end of day Friday.

20 Therefore, we want to take into
21 consideration anything we get (audio
22 interference) record on that. We're going to

1 wait until we get all the record in and then
2 we'll probably be setting a hearing for next week
3 to have a public vote.

4 We are going to have public votes on
5 the matters, ballot access matters. And with
6 that, I'll turn it over to Michael, and he'll
7 take us through the various ballot access
8 matters.

9 CHAIR BENNETT: Great. Thank you, Mr.
10 Gill, and thanks for managing all that. And we
11 are looking forward to additional matters on the
12 record for the new Modern Day Criminal Justice
13 Cannabis Reform Act Initiative of 2020.

14 All right. We're going to go through
15 the challenges for petitions for ballot access,
16 and I'm going to go one by one. And I'm going to
17 ask for a motion on each one. We've got the
18 record. We've also received recommendations from
19 the general counsel.

20 And so I'm going to start with Number
21 1, Cheryl Moore v. Anthony Muhammad. Could I get
22 a motion, Mr. Gill?

1 MEMBER GILL: I make a motion that we
2 accept the general counsel's recommendation.

3 CHAIR BENNETT: And move forward with
4 ballot access, right?

5 MEMBER GILL: And move forward with
6 ballot access.

7 CHAIR BENNETT: Okay. Ms. Greenfield?

8 MEMBER GREENFIELD: I second.

9 CHAIR BENNETT: It was properly moved
10 and seconded. Voice vote on ballot access for
11 Anthony Muhammad, Mr. Gill?

12 MEMBER GILL: Aye.

13 CHAIR BENNETT: Ms. Greenfield?

14 MEMBER GREENFIELD: Aye.

15 CHAIR BENNETT: And aye as well. So
16 it's unanimous.

17 Cheryl Moore v. Bruce Jones. Can I
18 get a motion, Mr. Gill, with regard to the
19 general counsel's recommendation for ballot
20 access?

21 MEMBER GILL: I make a motion that we
22 accept the general counsel's recommendation for

1 ballot access.

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

4 MEMBER GREENFIELD: I second.

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

7 MEMBER GILL: Aye.

8 CHAIR BENNETT: Ms. Greenfield?

9 MEMBER GREENFIELD: Aye.

10 CHAIR BENNETT: Aye for me as well.

11 It's unanimous. Ballot access is granted for
12 Bruce Jones.

13 The next matter, Michael Eichler v.
14 Mary Sutherland. Can I get a recommendation for
15 a motion from Ms. Greenfield relative to ballot
16 access?

17 MEMBER GREENFIELD: I move that we
18 grant the general counsel's recommendation and
19 deny ballot access.

20 CHAIR BENNETT: Mr. Gill?

21 MEMBER GILL: I second.

22 CHAIR BENNETT: It was properly moved

1 and seconded that ballot access be denied. I
2 need a voice vote. Mr. Gill?

3 MEMBER GILL: Aye.

4 CHAIR BENNETT: Ms. Greenfield?

5 MEMBER GREENFIELD: Aye.

6 CHAIR BENNETT: And aye for me as well.
7 It's unanimous. Ballot access denied.

8 The next one is Kathy Henderson vs.
9 Sebrena Rhodes. Can I get a motion from Ms.
10 Greenfield relative to general counsel's
11 recommendation for ballot access?

12 MEMBER GREENFIELD: I move that we
13 grant the general counsel's recommendation and
14 grant ballot access.

15 CHAIR BENNETT: Can I get a second, Mr.
16 Gill?

17 MEMBER GILL: Second.

18 CHAIR BENNETT: It was properly moved
19 and seconded. Now it's time for the voice vote.
20 Mr. Gill?

21 MEMBER GILL: Aye.

22 CHAIR BENNETT: Ms. Greenfield?

1 MEMBER GREENFIELD: Aye.

2 CHAIR BENNETT: Aye for me as well.

3 It's unanimous. Sebrena Rhodes is granted ballot
4 access.

5 Kathy Henderson vs. Bernice Blacknell,
6 can I get a motion relative to the general
7 counsel's recommendation, Mr. Gill?

8 MEMBER GILL: I recommend we accept the
9 general counsel's recommendation to grant ballot
10 access.

11 CHAIR BENNETT: Okay. Can I get a
12 second, Ms. Greenfield?

13 MEMBER GREENFIELD: I second.

14 CHAIR BENNETT: Okay. It's been
15 properly moved and seconded. And can I get a
16 voice vote, Mr. Gill?

17 MEMBER GILL: Aye.

18 CHAIR BENNETT: Ms. Greenfield?

19 MEMBER GREENFIELD: Aye.

20 CHAIR BENNETT: It's aye for me as
21 well. It's unanimous. Ms. Blacknell is granted
22 ballot access.

1 Ms. Greenfield, can I get a motion
2 with regard to the general counsel's
3 recommendation for John George in ballot access?

4 MEMBER GREENFIELD: Yes. I move that
5 we grant the general counsel's recommendation and
6 grant John George ballot access.

7 CHAIR BENNETT: Mr. Gill, can I get a
8 second?

9 MEMBER GILL: Second.

10 CHAIR BENNETT: It was properly moved
11 and seconded. Voice vote, Ms. Greenfield?

12 MEMBER GREENFIELD: Aye.

13 CHAIR BENNETT: Mr. Gill?

14 MEMBER GILL: Aye.

15 CHAIR BENNETT: Aye for me as well.
16 It's unanimous. Ballot access is granted to John
17 George.

18 The next matter is Matt Buechner v.
19 Lisa Cox. Can I get a motion, Ms. Greenfield,
20 relative to the general counsel's recommendation?

21 MEMBER GREENFIELD: Yes. I move that
22 we accept the general counsel's recommendation

1 and deny ballot access.

2 CHAIR BENNETT: Second, Mr. Gill?

3 MEMBER GILL: Second.

4 CHAIR BENNETT: It has been properly
5 moved and seconded. Time for the voice vote.
6 Mr. Gill?

7 MEMBER GILL: Aye.

8 CHAIR BENNETT: Ms. Greenfield?

9 MEMBER GREENFIELD: Aye.

10 CHAIR BENNETT: Aye for me as well.
11 It's unanimous. Ballot access is denied to Lisa
12 Cox.

13 Detrick Campbell v. Jamaal Burton, can
14 I get a motion relative to the general counsel's
15 recommendation, Ms. Greenfield?

16 MEMBER GREENFIELD: Yes. I move that
17 we accept the general counsel's recommendation
18 and deny ballot access.

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

21 MEMBER GILL: Second.

22 CHAIR BENNETT: It was properly moved

1 and seconded. Voice vote, Mr. Gill?

2 MEMBER GILL: Aye.

3 CHAIR BENNETT: Ms. Greenfield?

4 MEMBER GREENFIELD: Aye.

5 CHAIR BENNETT: Aye for me as well.

6 It's unanimous. Ballot access is denied to
7 Jamaal Burton.

8 Victoria Clark v. Rhonda Edwards-
9 Hines. Can I get a motion, Ms. Greenfield,
10 relative to the general counsel's recommendation?

11 MEMBER GREENFIELD: Yes. I move that
12 we accept the general counsel's recommendation
13 and deny ballot access.

14 CHAIR BENNETT: Mr. Gill, can I get a
15 second?

16 MEMBER GILL: Second.

17 CHAIR BENNETT: It has been properly
18 moved and seconded. Voice vote, Mr. Gill?

19 MEMBER GILL: Aye.

20 CHAIR BENNETT: Ms. Greenfield?

21 MEMBER GREENFIELD: Aye.

22 CHAIR BENNETT: Aye for me as well.

1 It's unanimous. Ms. Edwards-Hines is denied
2 ballot access.

3 Barbara J. Clark v. Ira Lovelace, can
4 I get a motion, Ms. Greenfield, for the general
5 counsel's recommendation?

6 MEMBER GREENFIELD: Yes. I move that
7 we accept the general counsel's recommendation
8 and deny ballot access.

9 CHAIR BENNETT: Mr. Gill, can I get a
10 second?

11 MEMBER GILL: Second.

12 CHAIR BENNETT: It has been properly
13 moved and seconded. Time for the voice vote.
14 Mr. Gill?

15 MEMBER GILL: Aye.

16 CHAIR BENNETT: Ms. Greenfield?

17 MEMBER GREENFIELD: Aye.

18 CHAIR BENNETT: Aye for me as well.

19 It's unanimous. Ira Lovelace is denied ballot
20 access denied.

21 Robin Hammond Marlin v. Nicole Smith-
22 McDermott. Can I get a motion from Ms.

1 Greenfield relative to the general counsel's
2 recommendation?

3 MEMBER GREENFIELD: Yes. I move that
4 we accept the general counsel's recommendation
5 and deny ballot access.

6 CHAIR BENNETT: Okay. Mr. Gill? We
7 need a second.

8 MEMBER GILL: Second.

9 CHAIR BENNETT: It has been properly
10 moved and seconded. Now it's time for the voice
11 vote. Ms. Greenfield?

12 MEMBER GREENFIELD: Aye.

13 CHAIR BENNETT: Mr. Gill?

14 MR. GILL: Aye.

15 CHAIR BENNETT: Aye for me as well.
16 It's unanimous. Ms. Nicole Smith-McDermott is
17 denied ballot access.

18 Robin McKinney v. Isaac Smith, Ms.
19 Greenfield, can I get a motion with regard to the
20 general counsel's recommendation?

21 MEMBER GREENFIELD: Yes. I move that
22 we accept the general counsel's recommendation

1 and grant ballot access.

2 CHAIR BENNETT: Mr. Gill, can I get a
3 second? Mr. Gill, we don't have you.

4 MEMBER GILL: So I'm back, but I lost
5 Karyn. What was the -- just so it's proper, what
6 was her motion?

7 (Simultaneous speaking.)

8 MEMBER GREENFIELD: Do you want me to
9 do it again?

10 CHAIR BENNETT: Yes, please.

11 MEMBER GILL: Please.

12 MEMBER GREENFIELD: I move that we
13 accept the general counsel's recommendation and
14 grant ballot access.

15 MEMBER GILL: I second.

16 CHAIR BENNETT: It was properly moved
17 and seconded. Time for the voice vote. Mr.
18 Gill?

19 MEMBER GILL: Aye.

20 CHAIR BENNETT: Ms. Greenfield?

21 MEMBER GREENFIELD: Aye.

22 CHAIR BENNETT: Aye for me as well.

1 Isaac Smith is granted ballot access.

2 Latoya Moore v. James Butler, can I
3 get a motion, Ms. Greenfield, relative to the
4 general counsel's recommendation?

5 MEMBER GREENFIELD: Yes. I move that
6 we accept the general counsel's recommendation
7 and grant ballot access.

8 CHAIR BENNETT: Mr. Gill?

9 MEMBER GILL: That was to grant ballot
10 access?

11 CHAIR BENNETT: Yes.

12 MEMBER GILL: I second the motion.

13 CHAIR BENNETT: Okay. It has been
14 properly moved and seconded. Can I get a voice
15 vote, Mr. Gill?

16 MEMBER GILL: Aye.

17 CHAIR BENNETT: Ms. Greenfield?

18 MEMBER GREENFIELD: Aye.

19 CHAIR BENNETT: And aye for me as well.
20 It's unanimous. James Butler is granted ballot
21 access.

22 Carlene Reid v. Ryan Washington, can

1 I get a motion, Ms. Greenfield, with regard to
2 the general counsel's recommendation?

3 MEMBER GREENFIELD: Yes. I move that
4 we accept general counsel's recommendation and
5 grant ballot access.

6 CHAIR BENNETT: Mr. Gill?

7 MEMBER GILL: Second.

8 CHAIR BENNETT: It has been properly
9 moved and seconded. Voice vote, Mr. Gill?

10 MEMBER GILL: Aye.

11 CHAIR BENNETT: Ms. Greenfield?

12 MEMBER GREENFIELD: Aye.

13 CHAIR BENNETT: And aye for me as well.

14 It's unanimous. Mr., I'm sorry, Ryan Washington
15 is granted ballot access.

16 Jeannina Williams v. Stephen
17 Slaughter, Ms. Greenfield, can you give me a
18 motion with regards to the general counsel's
19 recommendation?

20 MEMBER GREENFIELD: Yes. I move that
21 we accept general counsel's recommendation and
22 grant ballot access.

1 CHAIR BENNETT: Mr. Gill?

2 MEMBER GILL: Second.

3 CHAIR BENNETT: It has been properly
4 moved and seconded. Voice vote, Ms. Greenfield?

5 MEMBER GREENFIELD: Aye.

6 CHAIR BENNETT: Mr. Gill?

7 MEMBER GILL: Aye.

8 CHAIR BENNETT: And aye for me as well.

9 It's unanimous. Stephen Slaughter is granted
10 ballot access.

11 Jillian Wolons v. Brandon Rye --

12 MEMBER GREENFIELD: Frye.

13 CHAIR BENNETT: Frye, I'm sorry. I
14 missed a letter, Frye. Can I get a motion from
15 Ms. Greenfield relative to the general counsel's
16 recommendation?

17 MEMBER GREENFIELD: Yes. I move that
18 we accept general counsel's recommendation to
19 deny ballot access.

20 CHAIR BENNETT: Mr. --

21 MEMBER GILL: Second.

22 CHAIR BENNETT: -- Gill, second. Okay.

1 It has been properly moved and seconded. Voice
2 vote, Mr. Gill?

3 MEMBER GILL: Aye.

4 CHAIR BENNETT: Ms. Greenfield?

5 MEMBER GREENFIELD: Aye.

6 CHAIR BENNETT: Aye for me as well. It
7 is unanimous. Brandon Frye is denied ballot
8 access.

9 We have no more items for the Board to
10 consider relative to nominating petitions for
11 ballot access. We have paneled the matters for
12 the meeting addressed for today.

13 It's been a relatively long and
14 arduous meeting. Can I get a motion to adjourn
15 from Mr. Gill?

16 MEMBER GILL: I make a motion that we
17 adjourn the public hearing.

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

20 MEMBER GREENFIELD: I 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 for me as well.

5 It's unanimous. The meeting is hereby adjourned.

6 Thank you so much.

7 MEMBER GREENFIELD: Thank you.

8 CHAIR BENNETT: Bye-bye.

9 (Whereupon, the above-entitled matter
10 went off the record at 4:02 p.m.)

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A		
A-H-M-E-D 224:4	28:12 184:10	AE02 53:18 59:9
A-N-I 224:4	activity 73:12 76:17,19	affairs 184:20
a.m 1:12 3:2	77:6	affidavit 92:10 103:13
able 24:14 26:17 81:6	acts 111:18	104:12 106:19 110:14
95:15,15 98:22 99:1	actual 12:7 13:3 20:14	110:18 163:5,10
114:15 129:13 130:10	104:11 130:3	168:2 177:3 182:16
130:15 199:14,15	ADA 46:19	affidavits 116:11 163:8
200:6 203:7 204:2	Adam 19:1 43:11	affirm 106:1
209:18,20,22 210:3,6	add 22:18 47:22 97:2	afraid 233:15 234:4,9
211:11 214:10	122:16,18 131:9	afternoon 14:13,22
above-entitled 179:2	139:17 142:22 146:7	15:7 109:17 152:5
239:18 256:9	163:2	158:12 186:13 227:20
abruptly 119:11	added 86:20	age 216:11
Absalom 234:15 237:20	addict 211:13	agencies 184:11
absence 120:10	addictions 200:17	agency 184:10 234:5
absentee 27:10 33:9	adding 88:2,4 211:22	agenda 3:15,18,19 4:4
34:2	addition 18:8 19:15	4:6,8,21 5:14 24:2
absolutely 74:18 106:4	78:7	30:7,10 33:5 101:5
157:4 192:10 238:11	additional 10:12 18:11	123:9 139:16 146:21
238:11	25:12 26:15 51:17	147:12 161:20 171:3
abundance 160:13	88:11 93:8 154:2	175:7 195:2 198:10
abuse 211:10	163:6 168:9,14 215:7	208:13 214:13 234:11
abuser 211:11	241:11	235:9
accept 32:20 34:15,20	additionally 126:16	Agenda/Approval 2:4
35:7 201:2 222:11	137:2 175:3 182:21	aggressor 211:12
230:17 242:2,22	184:22	ago 144:6 218:22 219:1
245:8 246:22 247:17	addressed 104:16	agree 103:6 158:1
248:12 249:7 250:4	111:11 144:15 221:9	173:16 229:12
250:22 251:13 252:6	221:10 255:12	agreed 105:4 106:22
253:4,21 254:18	addresses 100:13	115:13,18,18
accepted 168:21	130:22 220:20	agreement 115:20
accepting 211:19	addressing 233:16	AGs 189:2
accessible 197:1	adequate 155:17	ahead 43:5 67:17 76:10
accompanied 182:15	160:16,17	87:18 92:20,21 93:2
accord 129:21	ADHD 206:14,21	160:2 162:14 163:1
accountable 17:5 19:1	adjourn 2:15 3:21	185:19 224:7 227:12
49:4 190:1	255:14,17	237:14
accounted 111:8	adjourned 256:5	Ahmed 223:1,3,7,10,10
accurate 85:1	administration 34:7	224:1,3 225:1,5,9
accusing 87:21 106:14	administrative 78:18	aid 218:11
106:18	admission 112:21	ailments 208:8
acknowledged 38:14	158:5	air 218:3
act 2:13 7:2,14 32:3	admits 110:20	Akron 217:4
34:1 178:5 179:8	admitted 188:18	Alabama 54:1,4
180:6,17 181:6,8	adoption 2:4 3:15	albeit 49:14
192:5,22 193:4 228:2	advertised 40:5,7	ALICE 1:17
228:4 230:7 236:5	advertising 40:9	allegation 19:4 20:2,8
241:13	advisement 145:15	20:15 21:2,9
action 11:3 12:1 14:9	146:3,8 231:5,6	alleged 32:12 85:7
14:19 16:3 73:3	Advisory 53:17 55:10	alleges 126:16 137:2
191:18 237:11,12,16	59:8 62:3 79:17 82:3	alleging 31:15 117:4
237:21 238:2,7	90:10 99:21 100:6	Allen 38:14
actions 110:3,7,10	107:10,18 109:18	Alliance 32:7
236:4	125:8 132:19 133:6	allocate 229:15 230:5
active 69:6,11,18 70:4	138:7,14 144:22	allocated 8:14 189:16
71:13 72:2 73:6	146:22 151:6,14	allocating 184:9,11
activities 10:8 16:7	169:18 173:21	allow 27:6 28:4,13 34:9
	advocate 198:1	123:18 160:15 189:6
		194:14 212:20 230:4
		237:8
		allowed 27:17 188:1,3
		allowing 193:5
		allows 41:1 228:16
		amazing 28:18 219:9
		amend 3:19 33:7,20
		37:21 38:8 180:16
		amended 4:6,9 10:10
		37:17
		Amendment 32:3 34:1
		amount 38:16 193:15
		amounts 8:8
		analysis 15:8 18:9 19:8
		180:10
		analyze 206:5
		ANC 31:8 46:4,5 58:8
		60:6 63:9 82:13 91:8
		102:3 108:17 110:2,3
		111:12 112:5,17
		113:10 118:8,8
		121:13 124:5 126:1
		136:9 141:8 149:11
		152:16 172:10
		ancestors 197:11
		ANCs 29:10
		and/or 127:6
		Ann's 105:21
		answer 38:11 40:13
		73:13
		Anthony 21:1 52:5,6
		53:6,16 54:3 55:7
		61:15 94:12 241:21
		242:11
		anxiety 203:21 205:20
		209:18
		anybody 45:15 51:2,10
		51:13,18 206:10
		anybody's 96:16 97:10
		anyway 4:2 5:11
		apartment 62:9 65:10
		65:11 66:1,18 67:1,2
		67:10 70:10 90:19
		108:5,9 152:6 157:5
		157:10 160:12
		apologies 51:18 53:11
		81:4
		apologize 5:12 36:5
		199:6
		appalled 106:18
		apparently 155:22
		appeal 5:8
		appealed 30:21 31:7
		Appeals 30:22 31:6
		158:1 181:10
		appear 55:8 60:4 63:7
		67:4 80:13 82:11 91:6
		93:15,16 102:1

103:10 108:15 115:12
 115:22 119:18 120:5
 121:11 125:21 132:18
 136:7 141:6 149:9
 152:14 166:13 170:15
 170:16 172:8 174:18
 175:19
appearance 94:10,10
appeared 46:3 84:16
 114:13 115:14 164:19
 164:22
appearing 118:2
appears 86:20 117:1
 118:17 158:17 175:11
applaud 233:13
Appleton 110:12
 112:12,22 113:4
 115:12,19
applicable 116:2
 181:10 228:5
application 78:11,22
applications 25:19
 27:21 28:1,3
applied 66:10 70:15
apply 94:19
appointment 128:22
 129:2 132:3
appreciate 44:22 49:1
 71:3 97:10 98:2
 179:21 198:7 219:8
 219:13 222:7
appreciated 46:21
appreciative 29:4
approaching 24:8
appropriate 181:9
 228:19
appropriately 104:16
appropriates 230:19
appropriating 184:8
 231:15
appropriations 186:20
 232:15 233:1,8
approval 3:16
approve 4:5,8,9
approved 4:22
approximately 222:2
April 16:11 30:20
arduous 255:14
area 41:21 52:9 67:11
 103:14,19 212:19
 213:2
Arena 26:12
argue 72:21
arguments 157:22
arising 144:11
Armstead 235:7,18
arrested 194:1 199:18
 206:12 218:5

arrests 193:18,19
arriving 26:6
ascertain 3:5
Ascertainment 2:3
asked 27:22 28:2 89:3
 103:10 119:13 214:4
 214:7
asking 46:16 154:17,18
 157:11,12 160:5,14
 194:18 225:14
assault 211:17
assert 86:8
asserted 112:11
assist 210:9
associated 177:21
assume 42:7 67:8
assuming 87:2
assumption 87:3
assure 114:10
assured 207:1
at-large 6:16,17 7:7,8
 7:17 13:15,18 32:5
attach 116:10
attack 104:20
attain 161:12
attempt 46:5
attempting 139:14
attend 7:21 8:4 112:8
 142:22
attention 193:15
attest 117:13
attorney 1:18 20:1
 31:22 33:1 115:3
 182:11 183:15,19,21
 184:1,5,6 185:3,5
 187:3,5,6 188:21
 190:6,6 222:18
attributed 20:18
audio 4:3 23:9 24:10,16
 24:20 25:20,21 26:6
 26:11,13 27:2,7 29:2
 29:3,4,10,11 31:17
 34:17 36:14 37:4
 56:22 57:7,16 62:13
 62:16 77:15,19 78:1
 80:2,17 86:2,11 95:11
 95:19 104:3 118:18
 124:21 125:5 182:8
 182:19 185:20 207:16
 207:19,20 211:8
 224:15 240:21
audit 15:8,9,12,13,15
 15:19 16:9,18,20 17:1
 17:7,7 18:10 19:8,9,9
 19:15
audits 15:13,16 16:1
August 2:5 3:17 4:6
 6:10 8:6 9:8,20,21

10:1,2,4,5,6,9,19,21
 11:19,19 12:9,15 13:8
 13:11,16,18,19,21
 14:1,3,6 15:3,9,11,15
 16:17,20 18:1,7,15,18
 19:10,12 20:10,11
 21:14,16 28:2 32:13
 32:18 37:8,12 55:19
 60:13 63:16 64:14
 65:16,17 69:12 70:7
 82:20 91:15 102:10
 109:1 110:19 121:9
 121:20 125:20 126:8
 128:4 131:11,13
 136:16 139:18 141:4
 141:15 149:18 153:1
 154:21 155:21 158:16
 166:11 167:1 168:20
 170:22 171:1 172:7
 172:17 175:2,17
 176:7
authority 228:7,13
authorize 181:4
authorized 9:9
avail 66:15 189:2
available 15:6 16:21
 22:14 24:12 27:5,9,11
 72:13,13 131:10
Avenue 54:1,4 62:8
 108:4,8 125:6 152:6
avenues 210:8
average 25:19
awaiting 30:22 31:10
award 38:5
awarded 37:8,12,13
 38:7 39:1
aware 22:15 39:18
 46:17 186:17 214:17
 235:22
aye 4:17,19,20 35:15,17
 35:18 120:22 121:2
 135:17,19,20 140:16
 140:18,19 148:20
 149:1,2 166:1,3,4
 171:20,22 172:1
 178:16,17,18 238:22
 239:1 240:7,10
 242:12,14,15 243:7,9
 243:10 244:3,5,6,21
 245:1,2,17,19,20
 246:12,14,15 247:7,9
 247:10 248:2,4,5,19
 248:21,22 249:15,17
 249:18 250:12,14,15
 251:19,21,22 252:16
 252:18,19 253:10,12
 253:13 254:5,7,8
 255:3,5,6 256:1,3,4

B

baby 199:21 200:10
back 19:11 28:3 42:21
 43:14 48:1 66:19 73:5
 81:4 94:13 111:2
 113:20 115:17 119:15
 119:15,16 124:13
 146:16 156:11 178:21
 179:5 194:9,10 199:8
 199:8,11,18 209:2
 216:17 226:9 232:13
 232:13 239:4,9,21
 240:1,3,11,14 251:4
background 52:17
Bain 38:5,6,22
Bain's 38:8
balance 8:13
ballots 24:14 25:5,8
 26:4 27:9,11,21 33:9
 34:2
bank 194:15
banking 194:13
bar 104:19
Barbara 133:5 136:17
 249:3
barely 37:9
base 8:7 9:10
based 10:12 19:14 39:1
 94:20,20 99:17 107:6
 145:19 197:10 234:16
baseless 61:17
basically 8:20 207:21
 216:11
basis 22:6 84:22 123:17
 219:7 230:20
beaten 199:9
bed 199:22 200:11
bedrock 112:15
began 144:5 187:19
beginning 70:6 84:6
 100:14 185:9 192:11
behalf 72:15
believe 26:16 36:11
 37:8 41:10 43:6 47:1
 71:14 72:3 93:7 94:8
 103:22 116:6 118:8
 129:22 131:6 136:3
 157:11,20,21 160:11
 160:15 183:17 212:20
 213:16 220:17
benefit 187:2 189:19
 220:9 232:16
benefits 181:13 210:1
Berman 216:20
Bernice 90:9,18 91:5
 245:5
Berrigan 13:14,15
best 27:11 38:22

197:20
better 44:11 143:13
 188:14 208:5
Beuchner 117:2
bidding 38:4,5
biennial 77:9
big 39:17 189:21
bill 196:15 221:13
bit 22:19,20 25:2 123:4
 143:6,9 209:17
black 48:2 200:5 223:12
Blacknell 90:9,11,13,18
 90:19,22 91:5,17
 92:15,16 95:20 96:5,8
 96:12,17,19,21 97:2,3
 97:14,15,16,17,19
 98:3,6,10 99:8,11,19
 100:8 245:5,21
Blacknell's 93:4 94:4
 98:18
Board's 10:20 56:4
 60:21 64:2 78:17 79:2
 83:5 92:1 94:14,20
 102:17 109:8 116:17
 122:5 126:15 131:8
 137:1 142:1 150:3
 153:9 167:8 173:2
 176:14
bodies 41:2,2
body 113:2
BOE 25:9 29:6 72:6,14
 128:10,13 129:21
 132:6 158:17,21
 213:21
boldly 131:12
bond 206:16
Booth 26:22
born 224:5
bottle 188:11
bottom 103:12
bought 217:19
box 217:19,20
boxes 24:11,15,16,17
 24:19 39:11
branch 17:7
brand 112:6
Brandon 174:7 175:18
 254:11 255:7
Brandy 202:7,7,10
 205:9,15,16 207:7,8
break 128:7 146:13
 178:5,6,7,10,20
breakdown 216:22
breaking 200:9
breathing 188:16
Brennan 201:17 202:2
 202:13,18
brick 221:20

bridge 221:16
brief 123:2,8,9 191:14
briefly 98:16 119:21
 158:13 159:19 207:16
bring 36:3 41:4 84:2
 85:11,11 196:14
 240:1
bringing 40:17 41:18
 42:8 88:11 193:14
 233:14
Brisbon 65:6,19 69:2
 76:14 78:6
Brizill 36:12,14,18,19
 37:9,21 38:10,18 39:3
 39:9,15,20,21 40:6,9
 40:13,19 41:6,12,20
 42:4,7,10,17,18,22
 43:2
broader 228:6
Brooke 21:8
Brooks 1:18 144:15
 155:20,21 156:11
 158:5,14
Brooks' 131:10
brother 216:16 217:6
brought 182:12
Brown 84:14,19 86:3
 89:4
Bruce 59:7,18 60:3
 242:17 243:12
budget 229:16
budgetary 181:8
Buechner 107:17,19,21
 107:21,22 108:1,3,4
 109:2,3,14,16 113:13
 117:6,8 246:18
building 65:10 67:1
 127:5 224:20
burden 104:7 110:5
 111:22 113:8
buried 197:12
Burton 118:6,14,15,15
 119:1,5,11,17 121:10
 123:13,14,16,18
 247:13 248:7
business 198:3
businesses 221:21
Butler 151:14 152:4,5,6
 152:13 154:6,13,14
 158:10,11,20 159:1,4
 159:11,14,18,21
 160:2,5,7,9,20,22
 161:4,9,10,19 163:3,7
 252:2,20
Butler's 158:19
butler1@hotmail.com
 155:9
butoxide 188:12,14

buy 220:15
Bye-bye 256:8

C

C 4:3
call 3:4 47:7 51:7 105:6
 124:10 208:18 233:10
 240:17
called 2:2 3:14 114:7
 128:3,4,13,21,22
 129:3 223:12 232:9
calling 202:16 203:4
 212:19
calls 132:2
cameras 34:4
campaign 1:20 2:7 5:15
 6:21 7:3 11:2,22
 12:17 13:13 14:18
 17:19 19:18 20:1,2,7
 21:1 22:2,22 23:5
 24:4 43:12 49:13
 61:18 183:6
Campbell 118:6,9,11
 119:2 121:21,22
 122:21,22 123:3,6,15
 247:13
candidate 126:18
 137:5 139:21 155:1,5
 158:19 235:22 236:3
 236:22
candidate 8:2 14:8
 20:17,19 30:15 46:5
 47:20 53:17 55:9,15
 59:7 60:4,10 62:2
 63:8,13 64:17 82:3,12
 82:17 89:20 90:9 91:6
 91:11 100:5 102:1,6
 107:17 108:16,20
 118:7 120:11 121:11
 121:16 122:9 124:4
 125:8,13,22 126:5,17
 132:19 133:5 136:7
 136:12 137:3,16
 138:6,14 139:15,18
 141:6,11 142:19
 144:8,22 146:22
 147:11 149:9,15
 152:15,20 154:19
 157:14 166:13,19
 167:20 168:21 169:18
 172:9,14 174:8
 175:19 176:3 177:5
 235:8 237:17
candidate's 56:12 61:2
 64:9,20 83:18 92:11
 102:21 109:11 122:11
 127:8 137:18 142:7
 150:19 153:18 154:7

168:3,15 169:2 173:8
 177:7
candidates 6:7,18,20
 7:10,11,15,19,20 8:3
 8:9,16,19,20 9:1,2,3,5
 9:6,18 10:14 11:10
 13:12 14:7 15:2,5,17
 22:8,10 31:17 32:15
 42:3,5 111:14 146:9
candidates' 9:10
canines 184:16
cannabis 2:13 178:4
 179:8 180:6 184:13
 184:13 186:15 187:1
 187:9 188:2,6,11
 192:5,10,22 193:13
 193:20 194:13,17
 196:10,17 199:13
 205:18 207:21 208:3
 208:8 220:3,4,7,10,19
 221:12,22 222:1
 229:3,6 230:7,9
 232:10,21 233:5,11
 241:13
cannabiser 229:11
canvass 77:9
capability 25:7
capital 26:12 49:15
 196:21
car 218:1
card 206:22 207:2
cards 77:10
care 199:20 203:7
 232:4 233:4
cared 199:21
career 196:12
carelessly 94:6
Carl 86:19
Carlene 161:21 163:20
 164:16 167:2 252:22
Carmon 234:20
Carmon's 236:14
carry 66:9
Carty 183:20 185:10,13
 185:16,21 186:10
 190:8 194:20 195:15
 213:13 215:17
case 7:6 16:14 19:10,22
 32:1,7 67:11 73:1
 117:1 130:21 211:14
 234:20
cast 30:13,17
cause 21:17 194:1
causing 186:7
caution 160:13
CBD 187:19,21 188:9
 188:12 205:22 223:14
 223:19 224:8,11,12

224:15,17 229:3
Cecilia 209:1 210:17,20
 211:3
Cecily 1:21 5:15
cell 186:6
center 26:20,20
centers 26:10,14,16,19
Central 82:1 89:4
Central-Hower 217:3
cents 209:14 210:14
centuries 197:2
certain 77:4 184:12
certainly 53:12 70:19
 139:12 155:14 163:16
 179:21
certification 10:15
certifications 9:16
certified 6:19 7:11,12
 7:15,18 8:9,19 9:1,6
 9:18,21 10:1,2,3,5
 13:7
cetera 230:9
chairing 212:10
Chairman 17:17 19:1
 50:11 160:3 162:17
 178:11 226:20 227:1
 227:2
challenge 2:11 3:20,22
 26:7,8 51:21 52:4
 56:2 58:13 60:18
 67:15 83:2 84:3,5,6
 84:21 85:6 86:8,18
 91:20 93:4,5,16
 102:15 109:6 122:3,8
 126:13 130:8 136:21
 141:20 144:5 147:20
 150:1 153:6,10 154:3
 155:7 158:20 160:16
 164:15 167:6 168:10
 172:22 176:11 194:12
challenged 31:21 46:18
 55:19 56:3 60:13,20
 63:16,21,22 82:20
 83:1,4 91:15,22
 102:10,16 103:20
 109:1,7 121:20 122:4
 126:8,14 128:4
 136:16,22 141:15,22
 149:18 150:2 153:1,7
 154:20,21 155:13
 156:6 157:15 167:1,7
 172:17 173:1 176:7
 176:13
challenger 100:14,17
 100:19 119:16 126:16
 126:19 137:2 147:10
 159:9
challengers 144:3

194:15
challenges 55:22 56:6
 56:7 60:16,22 61:1
 63:19 64:3,5 83:6,7
 91:18 92:2,3 102:13
 102:18,19 109:4,9,10
 122:1,6,7 126:11,21
 126:22 131:14 136:19
 137:6,7,8 141:18
 142:2,3,4 144:2
 149:21 150:4,5,6
 153:4,11 167:4,9,10
 172:20 173:3,4,5
 176:10,15,16 177:22
 241:15
challenging 26:1 29:9
 110:5
chance 132:8 162:6
change 64:12,14,16
 66:11 85:5 130:10
 157:10 160:12 168:19
 194:21
changed 157:5,10
 199:19 200:12
Chapter 33:8,14,16
chapters 33:20,21
charge 211:16 218:12
 239:22
charges 41:10 211:22
Charter 180:18
chat 36:4
cheating 104:19
check 74:7 88:9 99:2
checked 78:4 159:6
checking 74:8
cherry 189:21 207:10
 207:10,12,15,19
Cheryl 52:4,6 53:16,22
 55:20 59:7 60:14
 61:16 241:21 242:17
Chicago 217:12
child 232:18
children 188:1 199:22
 200:10,19
choose 73:2
chooses 238:1
chose 72:11
Christopher 13:20
chronic 188:2
Chuck 20:21
cigars 217:22
Circle 46:4
circulate 104:2
circulated 94:6 106:16
 106:20 117:14 157:18
 159:8
circulating 94:18
 157:17

circulation 127:18
circulator 92:8 103:19
 104:1 105:6,7,9
 110:14,15 111:15,19
 111:20 117:13 163:5
 163:8,10 167:22
 177:1
circulator's 92:10
 103:12 168:1 177:3
circulators 112:16
circumstance 130:15
circumstances 16:16
 26:1 29:8 118:20
 134:1 139:10 147:7
 164:10 170:17 174:18
 194:3
cited 230:20
citizens 193:22 194:11
city 7:18 13:15 110:4
 218:16 220:8 222:2
citywide 6:14 7:4,5,6,10
civic 29:12
clarify 34:4 101:6 214:3
 223:21 225:3 234:19
Clark 124:4,6,8,11,12
 124:13,17,18,21,21
 126:9,10 131:4,5,6
 133:5,7,10 134:8
 136:17,18 248:8
 249:3
Class 156:14
classes 217:7
Claudia 13:14,14
clean 190:1,2
clear 69:8 86:17 131:12
 154:16
clearly 46:4
clerical 181:20 182:4
client 187:2
close 186:6 215:20
 240:15
closed 146:11
closely 223:20
clothes 220:15
Club 16:4
co-authored 189:2
code 52:9 90:20 212:19
 213:3
Coll 40:2
collect 18:17 130:10
college 199:15 217:17
COLLIER-MONTGO...
 1:21 5:18,22 21:22
 23:12
color 193:20 194:22
 197:5,13 198:4
Columbia 1:2,11 47:18
 48:17 55:21 60:15

63:18 82:22 91:17
 102:12 109:3 116:4
 121:22 126:10 136:18
 141:17 149:14,20
 153:3 167:3 172:19
 176:9 228:2,9,16
combined 221:19
come 81:4 118:19
 119:14,15,16 124:13
 128:18 132:3 133:21
 146:16 164:10 210:1
 226:8 232:13 235:16
 239:9 240:3,14
comes 73:5 74:19 75:4
comfort 178:7,10
comfortable 179:6
coming 23:2 33:2
 218:17
comment 22:21 51:3,10
 105:1
comments 50:1,22
 51:16,17,19 71:6 81:2
 98:18 99:13 162:9,19
 163:12 164:8 170:13
 183:10
Commission 109:18
commissioner 53:17
 55:11 59:8 62:3 79:18
 82:4 90:10 99:21
 100:6 107:11,18
 110:2 112:18 124:5
 125:9 132:20 133:6
 138:7,14 145:1 147:1
 151:7,14 169:19
 173:22
commissioners 112:5
committee 10:3 12:1
 13:14,16,22 14:18,19
 14:20,20 15:21 16:7
 17:4 18:22 19:4,6
 20:7,16 21:2 105:5
 181:2
committees 10:12 11:3
 11:3,13,22 12:12,17
 13:7,12 14:7,8,9,10
 14:21 15:5 16:3
committing 45:10
communication 213:21
Communications 16:3
communities 197:13
community 29:11,13
 192:7 203:13 210:15
 224:12 225:9 229:13
 232:16
company 223:11
compared 103:14
comparison 103:18
compelling 233:22

- 234:3
competition 47:17
 49:18 50:14,15
complaint 17:3,10 19:2
 19:14,20 20:5,12,21
 21:7 30:12,16 31:14
 32:12 86:13
complete 92:9 167:22
 177:2 212:10 217:7
completed 15:3 20:3,9
 21:4,11 39:11,14,16
 103:13 218:22
completely 40:14 61:17
completes 17:12
completing 65:22
compliance 17:1 110:1
compliant 112:2 113:8
comply 114:19
concern 72:3 78:16
 187:8,10,11 233:17
concerned 49:20 88:10
 119:7
concerning 6:8 119:6
concerns 33:16 39:4
 143:16 158:11 234:3
 236:15 237:21
conclude 4:1 21:18
 200:22
concluded 3:22 20:13
 159:13 162:13 222:6
concludes 33:3
conditions 194:3 210:7
condone 104:19
conduct 6:12 7:3 17:7
 22:3 77:9 180:3
conducted 10:7,8 15:10
 18:13 19:16 21:17
 22:4
conference 15:4 33:2
 71:22 78:5 112:11
 134:5 139:17,19
 143:1 144:14 147:15
 158:15 164:19,22
 171:1
confident 158:1 224:9
confirm 86:5 115:7
 170:20 171:2 174:22
 175:6 177:11
confiscated 194:5
conflict 180:16,19
conformance 233:4
conformity 33:21
confronted 26:2
congratulated 23:7
Congress 229:19
Congressional 228:8
connect 81:7
connected 20:15
- Connecticut** 108:4,8
consider 70:19 100:2
 145:18 181:12 194:18
 255:10
consideration 68:19
 79:10 90:5 99:13
 100:2 107:14 117:22
 124:1 133:1 138:10
 145:3 151:10 161:15
 163:17 169:13 174:3
 177:19 215:11 234:1
 234:7 240:21
considering 36:6
 163:20 180:11,13
consistent 23:9 228:3
consists 181:1
constantly 68:1
constituency 106:17
constituent 16:10,13
constituents 112:3
Constitution 180:20
 228:4 230:21,22
contact 6:8 114:11
 139:14
contacted 147:10,12
contacting 171:2 175:5
contained 55:16 60:10
 60:15 63:13 82:17
 91:12 102:7 108:20
 121:17 126:5 136:13
 141:12 149:15 152:20
 166:19 172:14 176:4
 182:16 188:12
containing 182:16
contaminants 232:20
contents 2:1 116:11
contest 30:18 76:14
 88:17 107:10 123:21
 132:20 138:6 151:6
 169:9 173:21 177:15
contestant 8:1
contested 6:14 7:5,7,9
context 99:20
continue 6:2,3,6 9:4
 23:7 26:3 69:20 70:1
 121:4 129:7,9 212:12
continued 37:14
contract 37:7,12,13,15
 37:16,18,22 38:7,8,15
 39:13 40:16,18,22,22
 41:1,3,4,15
contracting 37:1,3,5
 39:10
contractor 38:2
contracts 38:19 39:15
contribution 181:1
contributions 21:10
 183:4,5
- control** 27:12 229:22
controlled 197:3,15
controversy 157:2
convened 1:11
conversation 71:21
cookies 220:15
Coordinator 46:19
copied 156:13 157:7
copies 43:14 44:4,6,20
 156:22 182:22
Copperheads 48:2,4
copy 46:20 67:8 89:1,3
 116:3 156:9 157:9
 183:3,20
Coral 198:22
corporations 197:4,20
 220:12
correct 34:22 65:11
 74:18 76:21 82:5,6
 87:3 101:2,4 117:6
 125:10 155:22 158:22
 164:21 237:15,18,19
 239:12,13,14
correcting 192:14
corrections 128:17
 191:21
correctly 107:20
corresponded 78:12
correspondence 77:5
 112:12 148:1 159:10
 164:14 170:22 175:2
correspondences 75:7
corresponding 73:21
cost 43:19
Council 6:16 7:8,18
 13:15 15:22 21:2
 181:8 218:16 228:12
 229:15,17
Council's 228:6
counsel 1:19,19,22
 11:9,17 12:6 13:2
 14:5,15 17:2,6,9,13
 17:15,18 18:2,8,12,16
 18:19 19:12,13,17
 20:13 21:18 34:17
 41:22 99:16 107:5
 115:6 117:21 132:12
 144:18 146:2 161:2
 161:15 181:19 226:22
 227:4,17,22 241:19
counsel's 2:10 30:7
 34:20 35:8 231:4
 242:2,19,22 243:18
 244:10,13 245:7,9
 246:2,5,20,22 247:14
 247:17 248:10,12
 249:5,7 250:1,4,20,22
 251:13 252:4,6 253:2
- 253:4,18,21 254:15
 254:18
count 30:17 50:14
counted 113:6 116:9
 129:14 144:1
counterpart 117:10
counterproductive
 50:7
counting 30:13 34:5
country 46:1 192:12
 203:16
counts 197:14
County 206:13 207:4
couple 36:21 42:17
 43:14 46:11,14 87:7
 95:10 112:5 223:13
 223:15,16
course 67:6 156:4
court 30:21 31:6 32:9
 32:19 158:1 160:15
 181:10 206:17 236:8
 237:8 238:1
Court's 31:1,1,11
courts 49:8
COVID 113:17 194:4
 203:6 208:1
COVID-19 27:2 111:7
Cox 107:17 108:2,6,7,8
 108:14 110:18,19,21
 111:2,5,20 112:11
 113:7,13,14 114:21
 114:22 115:1,17
 117:19 118:4 246:19
 247:12
Cox's 110:7,10 112:21
 113:6 115:15
crazed 211:13
creates 194:12
creation 184:17
creative 28:20,21
credited 64:17 66:4,14
 70:14 154:6 168:13
 168:22
crime 200:3 221:5
crimes 229:5
criminal 2:12 178:4
 179:8 180:5 192:4,15
 192:15 230:7 241:12
criminalize 197:13
criminalized 197:10
criminalizes 196:22
criteria 39:2 180:15
critical 39:20 50:12
crucial 50:12
crux 71:8
CSB 216:14 218:21
cuffed 199:21 200:10
cultivator 196:13

cultivators 232:4
cumbersome 179:12
curable 155:15 157:13
 163:9
cure 130:16 131:10
 155:18 156:18,19
cured 155:16 156:21
 160:10
curing 130:18
current 8:13 38:8 39:22
 65:15 70:8,12 125:5
 128:19 196:16,19
 230:12
currently 8:16 40:5
 42:3 189:8 191:16
 218:16 220:5 228:15
 229:2
custody 216:14,18,21
cut 114:9
cybernetically 46:18
cycle 8:15

D

D.C. 27:17,20 30:11,21
 31:4,5,6,13 32:8 48:8
 49:21 54:4 59:20
 81:19 82:1 101:12
 108:5,9 152:3,7 187:2
 188:1,4,20 189:6,9,13
 189:14,17,22 194:11
 196:5 197:9 199:1,9
D2 77:2
D4 137:16
daily 110:3
darn 240:15
date 11:20 13:6,8 84:8
 84:9,11,13,15,18
 85:15 86:14,15,19
 87:1,4,6,9 89:21
 147:21 160:6,14
 170:21 171:1 175:2
dated 83:15 88:6 122:8
 150:7 167:18
dates 10:19 11:19
 87:22 88:17,19
 106:21 161:7
daughter 187:14,18
 188:9,16 189:8 190:2
 197:19
Dawn 183:18 186:13
 193:11 197:19 212:17
day 2:12 24:15 25:9,9
 25:19 26:15,16,18
 29:16 34:3 48:1 58:15
 178:4 179:7 180:5
 181:18 186:14,17
 187:16,20 192:4,21
 193:13 196:10 208:1

219:6 226:6 230:6
 231:18 240:19 241:12
day-to- 207:22
day-to-day 219:7
days 24:10 55:17 60:12
 63:15 82:19 91:13
 102:8 108:22 121:18
 126:7 128:17 130:8
 136:14 141:13 147:19
 149:17 152:22 158:21
 164:15 166:21 172:16
 176:5 188:18
DC 10:4 13:17 16:5 19:3
 20:7 21:2 24:12 26:20
 33:11,14 34:11 115:6
 158:17,21 163:6
 180:16 181:5,8,10
 182:11,13 188:17
 193:16 204:22 206:11
 209:10 216:7 219:20
 220:5 221:7 223:11
 223:12 224:5 229:17
 233:7
DC's 186:20 188:10
DCMR 33:8 56:4 60:20
 60:20 64:1 83:5 91:22
 102:17 109:8 120:2
 122:5 126:15 133:18
 135:1 137:1 140:3
 141:22 148:7 150:3
 153:8 167:8 171:8
 173:2 176:14
DCR 33:12,15
DCWatch 36:19
deadline 12:10 28:5
 32:18 33:8 131:11,12
deadlines 6:7 32:13
deal 74:14 119:13
 209:17
dealing 208:2
dealt 209:16
DeAnna 1:19 55:6 76:9
 76:12 82:9 88:15 91:3
 101:20 108:12 121:8
 141:3 152:12 156:3
 166:9 175:15
debate 6:20 7:16
 234:21
debates 6:12,13 7:4
 22:2,12,16,20 23:9
decades 197:2
decide 54:11
decision 31:1,1,11
 38:17 94:14,20 118:2
 145:19 237:13
decisions 54:17 146:15
declaration 126:18
 137:4 155:1,5 158:19

236:21
declaratory 31:14
decrease 189:20
decriminalization
 196:17
Decriminalize 43:13
decriminalized 211:18
decriminalizes 198:4
deemed 64:16 71:9
 78:13,14 89:6 113:5
defeated 9:3,7
defect 160:11
defects 155:15,18
 156:21 157:13 160:11
 163:9
defender 206:20 207:1
defense 15:14 16:19
 19:3,5 90:1
definitely 25:21 104:14
 104:14,15 203:10
 207:21 208:3,10
definitively 104:13
delay 43:17 46:9
delayed 5:10
delays 34:4 81:5
delegated 229:20
deleted 93:19
deliberate 54:12 70:19
 238:15
deliberations 79:11
 90:5 100:3 118:1
 124:2 138:11 145:4
 145:19 151:11 161:16
 169:13 174:4 177:20
democracy 112:15
democratic 47:22 48:12
 48:15 61:19 104:20
demolished 127:6,15
denied 79:7 138:5
 177:14 244:1,7
 247:11 248:6 249:1
 249:19,20 250:17
 255:7
deny 144:21 243:19
 247:1,18 248:13
 249:8 250:5 254:19
departments 220:22
deposit 25:5
deposited 24:14
Deputy 193:12
derivative 188:14
designated 83:16
 150:14
desk 10:7,9,13 15:10
despite 235:9
destruction 229:8
detailed 189:16
details 22:5

detect 229:6,7
determination 38:20
 54:8 55:3 60:1 63:4
 85:21 159:2,13
 180:10
determinations 239:11
determine 77:7 146:9
 180:3 200:6 231:7
determined 64:19 69:2
 154:3,5 159:7 168:10
 168:12 169:1
determines 47:20
Detrick 118:6,9 121:21
 247:13
devastated 200:18
developed 199:12
 200:16
devices 186:9
devised 186:22
different 66:17 130:20
 186:19 187:17 194:19
 206:5 209:20 210:7,8
 210:8 223:14 231:21
 240:17,17
difficult 36:6 114:22
difficulty 81:11
digits 52:8
diligently 192:7
direct 50:2 230:9
directing 50:4
directive 203:4
directly 9:14 105:7
Director 1:17,21 19:6
 24:3,5 26:22,22 36:19
 111:13 186:14 191:17
 193:12 196:10
Director's 2:8
dirty 48:9 218:9
disabled 46:1
disagree 68:10
disagreement 65:5
disbursed 8:7 9:9 112:9
 230:10
disciplines 192:3
discrepancies 154:1
 159:9 168:8
discrepancy 70:9
discretion 161:5 229:15
discriminating 97:9
discrimination 181:5
 211:8
discuss 111:5 226:5
discussed 119:21
 144:13
discussion 88:1 143:20
disempowers 196:21
dismissed 20:12 32:1
 94:18

dismissing 19:13
disparities 193:15
disparity 194:10
dispensary 187:10
 188:20 231:18 232:1
disrupt 212:16
distancing 111:7
distant 111:18
distinguished 17:17
District 1:2,11 32:9
 47:18 48:17 53:18
 55:12,14,21 59:9 60:8
 60:15 62:4 63:11,18
 65:22 66:4,22 67:5
 68:13 70:12 79:18
 82:4,16,22 90:11
 91:10,17 99:22 100:7
 102:5,12 107:11,19
 109:3 112:9 116:3
 121:15,22 123:21
 124:5 125:10 126:3
 126:10 127:1 130:6,7
 132:20 133:7 136:11
 136:18 137:4 138:8
 138:15 141:10,17
 145:1 147:2 149:14
 149:20 151:8,15
 152:18 153:3 166:18
 167:3 169:19 172:12
 172:19 173:22 176:2
 176:9 180:7,17
 182:20 184:14,21
 193:2 197:22 220:5
 221:5 228:2,9,15,17
 229:15,20,21 230:12
 231:15 233:18
District's 31:22 32:9
 33:1
districts 31:9
disturbed 67:20 68:7
diversion 221:4
diverted 229:4
division 8:6 10:7,18
 15:9,10,12 18:4,10
 19:8 28:15 85:17 95:5
 108:11 172:5
docket 52:3
doctor 206:5,22
doctors 205:22
document 129:15
documentation 206:21
documents 158:20
dogs 229:5
doing 28:15 114:4
 192:16 209:13 224:11
 231:20 232:6,7 233:9
dollars 196:21 220:14
domestic 229:10

donate 229:12
donkey 47:21
Dontrell 10:3
Dorothy 36:18
doubt 104:13
Douglas 93:19
Downs 10:1
downtown 196:11
dramatically 191:22
Drive 59:19 205:17
drivers 210:12
drop 24:11,17,19
dropping 25:1
drug 211:13,16
drugs 200:17 217:9
due 11:20 16:15 43:17
 50:10 66:2 71:9
 199:16 228:8
duly 55:14 60:9 63:12
 82:16 91:10 102:5
 108:19 121:15 126:4
 127:19 136:11 141:10
 149:13 152:19 166:18
 172:13 176:2
Dupont 46:4

E

ear 50:6
earlier 38:6 46:15 132:5
 226:6 230:3 239:6
early 26:10,14,18 77:16
 94:13
Eaton 196:11,11
Economic 192:18
economically 203:20
economy 220:7
ecstasy 188:15
Ed 20:6,19
EDT 1:12
Edu 13:20
educated 224:15
Education 6:18 7:9,22
 13:18 14:1 118:7
 161:22 163:21 165:10
 166:16 169:10 174:9
 175:22 177:16
Edward-Hines 124:4
Edwards- 248:8
Edwards-Hines 125:20
 132:16 249:1
effect 114:4
effective 34:12 186:22
effectively 186:4
efficient 49:4
efficiently 179:14
Egyptian 223:12
Eichler 62:2,4,7,8 63:17
 63:18 71:5,6,7 73:14

75:1,3,10,13,16,20
 76:1,4 79:15 243:13
Eidinger 19:1 43:8,11
 43:12 44:3,6,9,13,16
 44:17,21 45:6,12,15
eight 64:10 142:8 150:5
Eighth 62:22 65:9 67:1
 67:9
either 52:18 93:7
 133:15 134:19 156:13
 160:17,18 232:8
Elect 10:3 13:14,17,22
 15:21
elected 32:6 229:21
election 8:11,12,13,15
 8:18 9:2,5,7,19 20:17
 24:9,13,16 25:9,17
 26:15,16,18 27:18
 29:7,14,17 30:14,15
 31:20 32:2 33:18,22
 34:3,6 42:20 43:17
 47:19 55:10 60:5
 61:19 63:9 65:17
 71:17 73:10 76:16
 77:11 82:13 91:7
 102:2 108:17 109:19
 121:12 126:1 136:8
 141:7 149:10 152:16
 166:14 172:10 175:20
elections 1:4,11,13,16
 6:15,19 7:2,10,12,14
 7:19 8:1,5,10,14,17
 9:17 10:7 12:15 13:5
 14:8 15:18 20:9,18
 22:9 24:5,6 30:12
 31:4,5,13,15 32:8
 37:2 41:14,16 42:19
 49:2,3 50:3 73:17,20
 76:15 77:1,14 85:1
 93:13,18 94:21 103:7
 104:21 109:21 110:14
 111:8 115:6 122:10
 155:2 157:8 182:11
 229:18 233:16
electorates 230:1
electronic 111:1
electronically 11:10,18
 12:8,14 13:3,10
 115:16
elephant 47:16 48:7
 49:16
Eleven 9:1
eligible 146:10
email 6:4 20:16 85:13
 88:7 110:19 111:5,13
 112:10 113:20 115:17
 119:2 131:10 144:9
 147:13 155:2,4,8,22

156:8,10 159:6 175:6
emailed 110:21 113:18
emails 156:13
emancipating 48:5
Emancipation 48:6
emergency 32:2 33:10
 33:13,19,22 34:10,15
 35:1,2
emotional 199:7
emphasize 29:15
employed 192:17 203:7
employees 203:10
empowers 196:20
 198:2,3
enact 228:9,12
encapsulate 197:9
encountered 74:16
encourage 50:12
 189:21
ended 69:16 70:15
 199:21 240:13
endorse 46:5
endorsing 20:16
ends 66:12 69:10 70:5
 216:13
enforce 228:16
enforcement 11:9 12:7
 13:2 184:11 191:17
 220:17 221:11,12,15
enforcing 32:13
enjoy 204:2,2
ensure 73:3 112:13
 114:1 232:17
ensured 72:18
entered 78:19
entertain 120:10 135:2
 140:5 148:10 165:6
 171:9
entire 210:4
entities 28:8
entrance 15:4
enumerated 56:1 60:17
 63:20 83:1 85:8 91:19
 102:14 109:5 122:2
 126:12 136:20 141:19
 149:22 153:5 167:5
 172:21 176:10
envelope 25:7
epilepsy 187:15
equity 189:13
equivalent 229:12
error 78:17,18 79:1
 122:10 157:19 161:6
 163:5
errors 94:5 163:8,9,10
especially 25:22 29:18
 48:3 178:19 189:1
essence 69:1

essential 110:1
essentially 156:1
establish 33:8 34:1
 230:8
established 109:20
establishing 27:13
estimate 43:19
estimates 220:18
et 230:9
Etesse/Chris 13:20
Ethics 229:19
Eugene 65:6,19 76:13
evaluation 39:1
Evans 15:14 16:19 17:5
 19:1,4
evening 9:13 216:5
events 223:14
Evers 95:21
everybody 24:21 52:14
 80:15 114:10 198:6
 205:4 223:20 224:22
evidence 94:7
ex 120:5,8,13,15 121:4
 133:20 134:22 135:6
 135:8,21 140:2,7,9,20
 148:8,12,14 149:3
 165:4,8,12 166:5
 171:8,11,14 172:2
exact 78:20 111:11
exactly 96:15 117:6
example 197:18
exceeded 190:10
exceeds 228:13
excessive 21:9
exchange 113:21 114:4
Excuse 69:19 200:16
 212:15,15 226:20
 227:1 235:10,10
execution 184:18
executive 1:17 2:8 24:3
 24:5 36:19 54:12,16
 54:20 79:11 107:14
 111:12 133:2 145:18
 146:14 151:11 177:20
 186:14 191:17 225:22
 226:5,17 227:8 231:7
 234:18 238:15,19
 239:3 240:3
exercise 161:5
exist 131:1
existed 29:8
existence 127:7
existing 130:13
exists 126:20
expand 38:16
expectation 226:8
expected 154:19
expeditiously 200:22

expenditure 12:12
expenditures 10:11,22
 11:2,14,21 12:11,17
 14:17 20:15 181:3
experience 29:19
 206:11 209:22 211:8
experiment 209:20
experts 112:5
explain 238:9
explained 116:11
 206:20 229:18
explanation 129:4
explosives 229:7
exposed 194:4
express 39:4
expunging 192:15
extend 37:22 38:15
extended 37:18 38:8
extends 120:6
extension 11:6 16:13
extensions 12:4,4,21
extent 230:6
extra 134:12 154:18
 157:12 211:22
extremely 104:19 192:8
 192:19

F

F 1:18
face 93:9 193:16
facility 27:7,13
fact 28:18 72:12 84:9
 89:17 94:22 115:14
 115:18 117:16 132:17
 133:16 135:1 140:4
 143:17 144:6 148:6,9
 154:5 156:12 168:12
facts 115:21
FAGAN 118:16 151:17
 151:20 185:18
fail 73:9
failed 11:16 71:19 92:8
 132:12 167:22 177:2
fails 120:4
failure 14:5,15 18:5,7
 18:10 21:9 73:19,20
failures 11:7,7 12:5,22
fair 6:19 7:2,12,13,18
 8:1,5,10,17 9:17 10:6
 12:15 13:5 14:8 20:8
 20:18 22:9 49:3
 109:21 132:7 200:11
 212:2,20 233:9,9
fairly 205:4
fairness 50:10
Falls 217:12
falsely 110:18
family 192:18 203:8

220:16
far 45:17 66:19 68:18
 111:16 118:16 144:2
 181:18 187:3 205:19
 206:10
Fast 199:17
fault 72:10
favor 135:15 178:16
 238:20 240:6
FDA 187:7
February 17:3 19:2
 195:10
federal 27:17,19,22
 28:10 32:9 73:17
 76:22 77:13 228:5
 231:1,2
federally 228:15
feedback 125:12 186:5
 186:8
feel 67:2 68:7,12 71:2
 129:17,20 132:7
 203:13 217:10
fellow 203:10
felt 143:3 216:16
FEP 7:15 23:6
Fern 196:4
field 15:13
fighting 231:21
figure 163:11
file 11:7,7,13,16 12:5
 13:1 14:5,15 18:6,7
 32:14 78:9,20 84:19
 89:8 95:13 104:9
 125:4
filed 11:2,5,10,10,15,18
 11:18 12:2,8,13,14
 13:3,10 15:11 16:2
 17:11 19:20 20:5,21
 21:7 30:16,19 31:6,10
 32:21 55:21 56:2
 60:16,19 63:18,21
 70:7 83:3 91:17,18,21
 102:12,15 109:3,6
 121:22 122:3 126:10
 126:13 130:9 136:18
 136:21 141:18,20
 147:20 149:20 150:1
 153:4,6 164:15 167:3
 167:6 172:19,22
 176:9,12 180:21
 181:3 182:7 183:5,21
 185:10
filers 11:4,15 12:2,3,3,7
 12:13,19,20,20 13:3,9
filing 10:19 11:19,20
 12:9,10,16 13:6 15:18
 181:21
fill 40:10 42:14 85:14

89:21
filled 84:10,16 87:4
 110:22
final 15:14 19:9 21:6
 24:8 32:7 33:6 34:10
 35:3,4 145:15
finally 94:3 229:11
finance 1:20 2:7 5:15
 6:21 7:3 13:13 17:19
 19:18 22:2,22 23:6
 24:4 183:6
financial 6:5 17:8
 184:20 194:14 218:11
find 42:14 68:16 73:1
 95:15,15 164:3 184:1
 202:15
finding 68:6,15
findings 19:14 54:9
 55:7 76:7 91:4 94:21
 103:7 108:14 125:17
 166:10 173:17 175:16
 236:13
finds 185:6
fine 58:19 61:7 68:14
 89:22 219:18
finer 18:14,16,17
finish 178:22
finished 123:2 160:22
firearms 229:8
Firefighters 16:7
firm 37:3,6
first 6:1 9:20 15:13
 30:10,11 33:6 52:2,8
 53:15,19,21 56:18
 76:6,9 127:14 128:12
 156:14 158:2 206:16
 211:7 216:3 224:1,3
 231:14,14 235:12
fiscal 8:8 66:12 69:10
 70:5
fit 200:3
fitting 25:7
five 9:17 11:15,15,17
 12:21,22 13:12 18:20
 58:2 92:3 137:7
 141:18 142:3 176:22
 178:21 188:7
five-minute 178:5,6,7
 178:10,20
flagged 159:9
flashbacks 217:5,14
flip 221:20
flock 48:3
focused 46:12 48:16
folk 48:3
folks 40:18 50:2 53:11
 226:3 240:17
follow 99:1,7 109:20

112:15,20 113:2
114:18
followed 108:2 119:17
following 18:21 46:2
68:11 156:20 180:15
forbid 184:10
forced 188:5
foreign 229:9
foremost 231:14
forge 96:16
forged 112:14 114:3,8
forging 97:10
forgot 37:15
form 27:11 64:17 85:5
110:21 122:9 134:16
158:19 168:21 182:15
230:15
formal 139:21 161:6
236:21
format 22:4 76:1 81:12
former 48:3 112:5
forms 64:13,15 130:10
132:4 155:3 210:8
forth 110:13 113:3
forward 133:21 134:18
199:17 212:11 235:9
237:22 241:11 242:3
242:5
foster 216:15 217:6
found 20:14 24:19 31:8
117:11 159:3 170:10
218:1
four 8:3 9:5 12:5 14:8
14:19 71:15,16 73:11
86:7 102:19 127:9
176:19 186:19 188:6
188:7,9 216:16,21
218:7,22 224:11
four-year 71:14
fourth 20:20 66:10
74:20
frame 37:15 226:4
framework 196:16
228:10
Franklin 191:1,3,4,8,11
191:13,14,15 194:20
fraud 94:1,11 106:14,18
fraudulent 94:15,16
free 50:8 187:21 188:8
188:8
freedom 50:8
frequently 221:1
freshener 218:3
Friday 222:12 240:19
friends 15:18 112:3
220:16
frisks 192:9
front 43:1

frontal 187:15
frowned 211:20
fruitless 107:2
frustrating 53:12
Frye 174:7,10,15 175:6
175:18 177:14 254:12
254:13,14 255:7
fulfill 111:22
full 15:13 84:18 182:22
200:8 234:7
full-blown 46:3
fully 22:15
function 40:3
fund 8:14 15:14 16:19
17:8
fundamental 50:10
funding 189:16
funds 20:3,9,18,19
181:9 184:8,15
228:19 230:5,5,8,9,19
231:16
further 109:22 111:2
116:1 159:6 215:20
furtherance 84:3
Furthermore 228:18
future 27:3 110:4

G

gained 50:13
Gaithersburg 205:17
Gallaudet 26:12
gap 221:17
Garcia 155:10 158:7
gatherings 229:9
General's 183:19 184:5
187:4 222:18
generals 187:6
George 100:5,11,12,15
100:17 101:13,14,15
101:22 103:4,6
104:22,22 105:3
107:9 246:3,6,17
George's 103:11
getting 5:10,13 46:9
50:6 97:7 125:12
186:5 195:20 206:22
207:2 211:20,21
217:4,5 219:6 220:6
231:17
gifting 221:22 222:1
Girard 36:20
give 3:6,9 36:12,22 45:4
47:3 54:7 98:14 106:2
156:12 179:19 186:10
195:10 214:11 223:19
226:3 227:4 234:6
236:20 237:6,7
253:17

giveaways 221:22
given 28:18 115:20
120:9 127:16 129:3
134:2 135:2 140:4
147:8 148:7,9 162:6
165:5 194:9,10 221:2
224:6 235:13 236:10
236:16
giving 71:1 127:16
198:7
goal 239:4
goodness 199:4
gosh 35:22
gotten 47:5 218:21
Gottfried 111:13
gouging 197:16
government 1:1 16:4
21:3 184:14 189:17
229:16,20,22 231:16
grad 217:18 218:11,14
gradually 81:4
grams 218:6
grant 161:7 169:8
243:18 244:13,14
245:9 246:5,6 251:1
251:14 252:7,9 253:5
253:22

granted 11:6 12:4,22
16:14 30:20 58:18
61:10 89:16 99:20
107:9 132:16 151:5
173:20 243:11 245:3
245:21 246:16 252:1
252:20 253:15 254:9
gratitude 53:13
greatly 46:20
Green 21:1
grew 200:7
grounds 188:4 230:20
group 199:10 230:5
groups 29:13
grow 189:6
growers 220:7
growing 199:18 200:4
guaranty 239:7
guess 36:3 73:14 75:3
115:10 146:7
guidance 111:12
guide 127:18
guidelines 110:13

H

H- 224:3
Hall 93:18,19,22 95:1,1
95:13,14,21,22 96:10
Hammond 31:4 138:13
138:18,21 141:16,17
142:20,21 143:7,10

143:14 145:6,8,10,13
145:22 146:4,6,17
249:21
hand 36:1 59:12 62:15
79:22 124:9 133:10
133:15 138:17 139:4
162:4 204:8 209:3
215:1 222:21 225:17
handful 72:17
handle 185:22
handled 31:21 32:22
handling 27:2
hands 43:4 198:5
handwriting 65:13
66:20 78:10 79:1
103:16,18
hanging 218:4
Hani 223:10
happen 28:7 29:18
117:16 206:19
happened 89:21 113:16
114:15 217:21 226:11
happens 200:13
harassed 220:3
harassing 220:6
hard 23:1 29:17 46:20
76:2
harm 187:12
he'll 241:6
head 49:11
health 221:3
healthy 208:4
hear 5:19 24:21 34:19
36:15 37:10 45:18
49:15 50:19,20 51:7
52:22 53:1 54:16
56:21 57:6 69:21 76:3
76:5,11 81:13 85:20
88:14 90:13,22 93:1
95:4 101:14,16
105:15 108:11 115:7
115:8 121:5 122:18
123:5 131:22 138:18
142:15 143:11 146:14
152:9 154:11 162:10
166:7 170:6,7 172:4
185:8,14,15,18 186:4
186:10 190:11 191:4
191:8 193:8,10
198:18 202:22 203:1
204:17 205:10 207:12
209:7 212:18 213:5
213:22 214:1,2 215:3
215:8,19 219:11
221:6 227:10,15
heard 47:12 69:2 79:4
89:18 90:3 115:11
133:1 156:2 213:17

215:16 222:13 225:15
234:21
hearing 2:12 4:2 35:21
38:14 46:3 68:2,5,20
85:12 87:20 88:3
118:21 119:3,6,10,17
119:20,22 120:4,6,15
127:15 128:7,17
132:6 134:15 139:11
139:14 143:15,22
144:14 146:8,12
147:8,17,22 154:16
155:11 156:19 164:12
164:14 170:21 171:1
171:4 174:20 175:1
179:7 180:3 200:22
212:10 226:3 233:13
236:9 237:22 240:4
240:12 241:2 255:17
hearings 2:11 3:20 4:1
18:13 51:21 52:4
178:3
heart 220:2
heavy 213:20
held 32:8 94:9 139:18
158:15 164:20 165:1
194:2 208:10
hell 200:16
hello 52:22 67:13 92:22
105:11 121:7 131:20
139:5 145:10,10
174:21 185:17 191:8
195:6 198:16 204:17
209:5 210:18 223:1,2
help 28:13 116:14
186:9 209:21 210:6
216:13 217:9 218:18
helped 203:10,20
207:21 216:21 218:13
224:13,13
helpful 45:5
helping 28:8
helps 206:4,8
hemp 210:4,8,15
Henderson 79:16,19
80:10,12 81:1,3,10,11
81:14,15,18,18 82:21
82:22 83:22 84:2
85:18 86:5,7,12,16
87:20 88:22 89:5,12
89:14 90:6,9 91:16,18
92:17,18,21,21,22
93:2,3 95:4,7 97:12
97:20,22 98:7,11,13
98:16 99:9 244:8
245:5
herbal 197:15
hereon 110:17

Hessey 229:18
hey 48:22 72:6 214:21
216:5 223:3
Hi 4:7 43:11 77:22
88:15 108:7 113:14
147:9 152:11 166:9
198:17
high 205:21 217:2,3,4
217:13 221:22 233:4
highlighted 197:18
Hill 186:2 193:7,8,9,11
195:2
Hines 125:1,4,8,11,14
125:15 127:12,14
129:7,9,12,17 130:1,3
131:18,20,21 132:1
132:11 248:9
historical 197:12
Hitler 50:13
hold 17:4 18:22 98:21
195:12 208:15
holistic 208:6
home 48:17,17 112:6
180:17 196:13 228:2
228:4
homelands 197:9
homeless 221:2
hopefully 28:6 42:9
hospital 188:8,18
Hotel 196:11
hour 239:17
hours 24:15 156:20,21
232:12
house 39:13
housing 112:4
Howard 112:8
huge 220:8
Human 181:5
hundreds 220:13
Hunt 30:11,15,21
husband 95:21
husband's 106:16

I

I-71 196:18
i.e 182:15
ICU 188:18
idea 181:12 226:3
identified 26:11 27:19
72:17 86:6
identify 36:12 45:21
52:10 53:19 202:17
illegal 49:9 207:4
211:19 228:15
illness 223:15
illnesses 188:2 223:16
immediate 233:17
immediately 119:3

184:15
impact 110:3 196:11
imperative 112:19
192:6
impermissible 184:7
impermissibly 181:9
184:8,19
implementing 197:20
important 43:18 109:19
191:18 192:1,8,19
200:12 203:9,19
impose 18:16
imposed 18:14
improper 228:3,21,22
230:11
improve 191:21 192:7
improving 192:8,14,19
193:1
inactive 64:8,16 66:7
66:16 69:3 70:9 71:10
71:11,13,16,20 72:2
73:6,7,18,18 76:8
77:13,17 78:13,14
83:17 150:15
inactivity 76:13 77:5,15
inadvertent 122:10
inappropriate 20:2,8
21:3 68:8,16 98:20
incense 218:3
incident 188:22
include 83:12 137:14
150:8,9 167:14
included 18:5,20 19:5
116:2 147:20
includes 25:14 229:1
including 26:18 52:9
incomplete 84:9,15
86:13,20
incorrect 65:12 67:2,10
75:6,19 86:10 158:18
increased 37:18 38:9
independent 12:11
32:14
index 99:4,6
Indian 197:7
indicate 25:18 60:22
64:3 73:9 83:6 92:2
102:18 109:9 122:6
126:21 137:6 150:4
164:10 167:9 173:3
176:15 195:4 198:12
202:16
indicated 19:6 24:18
27:1 57:10,15 96:1
99:3 126:18 128:15
137:4 139:19 158:7
183:16 184:7 185:11
215:17

indicates 40:2 56:6
116:20 117:12 127:2
142:2 153:10 185:5
indicating 153:22 168:8
indication 235:13
indigenous 197:6
individual 56:1 63:21
83:2 91:20 102:14
109:5 122:2 126:12
131:14 136:20 141:20
149:22 153:6 167:5
172:21 176:11 215:8
226:10
individuals 29:1 41:10
130:5,11 157:2
185:11 213:14 214:4
214:13 215:20 222:8
222:19
industry 197:17 220:4
ineligible 113:5
infection 27:12
inform 147:11
informal 18:13
information 10:12,17
18:4,11 22:13 23:4
39:22 43:18 85:3
88:11 92:9 93:8 99:18
107:7 127:1 138:4
140:1 142:13 143:4
144:20 151:4 153:22
161:4 168:1,7 169:7
171:6 173:19 177:2
177:13 208:9 236:4
236:10
informed 132:5 213:20
214:8
ingested 188:11
ingesting 188:19
initial 44:1 155:19
159:1
initially 64:18 86:9
154:4 158:17 168:11
169:1
initiated 15:20,22 16:5
16:6,8
initiative 11:12 14:19
28:9 44:7 180:4,7,14
182:14 184:3 185:7
186:18,21 187:4
189:5 193:14 196:13
196:16 205:1 209:15
220:20 227:7,19,22
228:1,6,18,22 229:14
230:4,10,11,16,17
241:13
initiatives 193:16 230:1
230:3
injunctive 31:14

injustice 197:12
ins 129:2
inside 127:17
inspection 55:17 60:11
 63:14 82:19 91:13
 102:8 108:22 121:18
 126:6 136:14 141:13
 149:16 152:21 166:21
 172:16 176:5
instance 61:10 117:17
 130:11 160:18
instances 34:13 130:19
instantly 229:4
institutions 194:14
instructions 6:8 111:20
insufficient 110:8
insult 189:7
integrity 84:4 98:17
 104:21
intended 139:20
interests 189:22
interfere 34:6 184:19
interference 4:3 23:10
 24:11,17,20 25:20,21
 26:7,11,13 27:3,8
 29:2,3,4,10,11 31:17
 34:17 37:5 56:22 57:7
 57:16 62:13,16 77:15
 77:19 78:2 80:2,17
 86:2,11 95:11,19
 104:3 118:19 124:22
 125:5 182:8,19
 185:20 207:16,19,20
 211:9 224:15 228:8
 240:22
interferes 184:9
interpretive 21:15
interrupt 200:21 212:12
interrupted 160:21
interrupting 70:2
introduced 188:10
 217:11
intrudes 229:14
invalid 64:19 69:7 71:9
 72:17 73:2 154:6
 168:12 169:1
invalidate 90:1
invalidated 116:19
 117:18
invest 189:18
investigating 229:3
investigation 19:16
 20:3,9,14,20 21:4,6
 21:10
investigations 18:20
 184:12
investigative 17:7 19:9
 19:15

invited 6:22 7:21 8:4
 22:12
involved 28:12 220:4
 220:11 239:12
involves 32:10 221:15
involving 184:13
iPhone 81:12
Ira 133:5 136:6 249:3
 249:19
irrelevant 236:5
irrespective 49:20
Isaac 146:22 147:4,11
 149:8 250:18 252:1
Island 62:8
issue 72:2 84:15 88:17
 94:1 111:11 112:13
 119:14 143:2,20
 199:5,12 236:9,17,18
issued 10:11,13 15:15
 16:19,20,22 18:13
 19:10,13 20:11 21:13
issues 38:1 85:10
 163:13 218:18 221:9
 231:8 234:11,22
 235:11,17 236:12
 237:4
item 5:14 24:2 30:10
 33:5,19 52:2 53:15
 79:12,13,14
items 255:9
IV 180:16 228:1

J

J 63:6 64:13,17 133:5
 249:3
J1 108:5
Jack 15:14 16:19 17:4
 18:22 19:4
Jacobs 201:22 202:1
 215:1,15 216:3,5,6,9
 216:10 219:10
jail 26:19,20,22 218:9
jails 194:2
Jamaal 118:6,15 121:10
 247:13 248:7
Jamaal's 118:13
James 151:13 152:5,13
 252:2,20
January 15:18 16:2
Jay 213:9,11,12 215:18
 219:14
Jeannina 169:17
 172:18 253:16
Jemilat 207:10
Jennie 19:21 20:6
Jennings 46:19 47:7
 66:18 73:22 76:7
 77:17,22 78:1,3,4

79:3 93:7 118:22,22
 120:2 133:21,21
 134:3,4,7,21 164:13
 164:21 181:22 182:1
 182:5,6,9,10 183:8
 227:16,20,21 228:21
 230:13,21 231:1
 235:20 236:13,20
 238:8
Jillian 174:7 176:8
 254:11
job 203:6
jobs 216:13
John 100:5,11 101:15
 101:22 104:22 246:3
 246:6,16
Johnson 86:19
joint 206:1
Jones 59:7,9,11,14,16
 59:18,18 60:3 61:10
 61:13,15,22 242:17
 243:12
Jordan 226:20 227:1
 231:12 234:8,13,15
 234:15 235:10,20
 236:7 237:1,6,22
 238:6,9
jp 155:9
jqbutler1@hotmail.c...
 155:4
judge 199:20 236:2
judges 191:20
July 10:21 11:1,13
 14:16 18:6 55:7 60:2
 63:5 82:10 91:4
 101:21 108:14 111:13
 127:16 136:5 149:7
 152:13 182:12,13
 183:6 187:7 190:9
jump 237:14
June 8:11,11 9:6 21:7
 33:12,15 38:2,13
jurisdiction 47:18
 130:20
Justice 2:12 178:4
 179:8 180:5 186:15
 192:5,22 193:13
 230:7 241:12

K

Kaleen 195:9
Karen 1:18 131:10
 155:20
Karl 19:22 187:6 227:10
Karla 155:10 158:6,14
Karyn 1:15 225:22
 226:16 238:16,21
 240:6 251:5

Kate 1:18 115:3,8 128:5
 147:9 158:13 170:19
 174:21
Kathy 79:16 81:10,18
 82:21 90:8 91:16
 97:11 244:8 245:5
keep 47:15 49:4 62:10
 98:15 123:1,8 203:16
 203:17
keeping 197:1 240:18
keeps 144:11
Kenneth 89:4
kept 113:20 162:20
 200:4,5 203:6,6
kids 220:15
kindness 46:19
King 216:6
knocked 106:22
knowing 206:10
known 48:1 156:9
 180:17 188:15
knows 155:15
Kyla 185:22 186:2,5
 193:7

L

L 81:19
La 31:13
lack 44:11 73:20 110:10
 213:21 231:16
laid 181:16
Lampton 105:11,12,13
 105:15,20,20 106:4,6
 106:8,9,13 107:8
Landry 5:9
Lane 105:21
Langston 97:5
language 49:5 116:6
 228:14
large 40:15 48:8 197:4
late 12:2,20
Latoya 151:13 152:2
 153:2 162:7 252:2
Laughter 178:12
Laura 21:7
law 27:15,16 30:19
 55:18 60:12 63:15
 82:19 91:14 102:9
 108:22 112:8,20
 113:22 121:19 126:7
 130:3 136:15 141:14
 149:17 152:22 163:6
 166:22 172:16 176:6
 184:8,10 187:22
 191:17 194:14 200:9
 220:17 221:11 228:5
laws 199:19 200:12
 230:12 231:1,2

Lazere 20:7,19
leads 77:1,14
learn 210:4
learned 224:7
leave 117:18 119:11
 179:22 225:16 240:3
leaves 56:12 61:2 64:9
 64:20 83:18 92:11
 102:21 109:11 122:11
 127:8 137:18 142:7
 150:19 153:18 154:7
 168:3,15 169:2 173:8
 177:7
leaving 217:20
led 73:18
Lee-Carty 183:18
 185:10,14,17 186:2
 186:12,14 190:9,13
 190:15,17,20 191:2,6
 191:10 193:12 195:19
 198:14 201:9,20
 202:10,13,18 208:15
 208:18 212:15,17
 213:2,6,19 214:2
 215:10 231:13
Lee-Carty's 197:19
left 70:11
leg 24:8
legacy 196:22
legal 15:14 16:19 19:3,5
 197:3 218:19
legalization 196:17
legalized 207:5
legally 112:2 113:8
legible 83:14 150:11
legislation 228:13,16
let's 154:11 216:3 235:3
 236:19
letter 26:21 68:18
 109:21 112:20 186:16
 187:7 189:1 254:14
letters 25:5 72:6
letting 139:16 199:5
 239:2
level 72:20 105:4
 203:13 205:21 208:6
levels 203:21
Lewis 198:10,11,13,14
 198:16,17,18,21,22
 199:4 200:20 201:5
Libertarian 16:5
licensed 188:2,20
 231:18 232:1
lies 110:6
lieu 143:17
life 50:9 199:14 200:18
 207:22 208:2,5 224:7
life-saving 197:14

lifetime 187:18
light 34:3 69:5 89:17
 117:16 120:8 132:13
 132:17 133:16,18,20
 134:21 135:1 138:3
 140:1,3 142:12
 144:19 148:6,9 151:3
 161:3,7 165:2,4 169:7
 171:6 173:19 177:12
 196:14
limit 179:16 181:7
limitations 196:14,15
limited 234:1
line 45:15 50:9 56:1
 59:10,13 60:18 62:5
 62:12 63:20 71:6 74:1
 80:13 83:2 88:21 89:4
 90:12 91:19 93:5 95:9
 96:13 100:11 102:14
 103:17,18 109:5
 110:12 118:10,15
 122:2 126:12 133:8
 133:11 136:20 138:16
 138:17 139:3 141:19
 147:5,5 149:22
 151:16,19 153:5
 162:1,17 163:22
 164:10 167:5 169:20
 169:21 170:15 172:21
 175:9,11 176:11
 177:12 198:11 201:7
 201:18,19,21 202:15
 204:7,8,11,12 205:8
 208:14,17 210:17,21
 222:15,19
lines 89:2 95:10
Lisa 107:17 108:7,14
 246:19 247:11
list 65:20 67:7 77:13
 89:1 190:21 193:7
 195:15 213:13,14,15
 214:5,8,15 215:8
listed 9:11 14:11 15:6
 56:9 64:6 65:9,19
 66:2 78:9,21 83:9
 92:5 103:17 111:10
 113:9 127:3 128:2
 137:9 142:5 153:14
 167:12 173:6 176:18
listen 189:3
listening 71:1 143:22
 233:13 234:14
literally 178:21 199:14
litigation 2:10 30:10
 33:4
little 22:19,20 25:2 46:9
 123:4 143:6,9 199:6
 209:17 210:14

live 90:19 111:6 131:1
 190:3 194:21 207:3
 219:5
lived 65:14 66:21 72:5
 130:22
lives 110:3
living 114:20 219:6
LLC 223:12
lobe 187:15
local 50:2 109:19
location 27:7
locations 34:5
locked 24:15 206:11,15
 223:13,17 224:19
logging 198:14 208:20
long 34:6 42:13 181:18
 194:13 255:13
long- 112:6
longer 40:2 126:20
 127:7 130:22 189:8
 237:17
look 103:10,12,15,17
 233:6,18 234:5
looking 43:4 66:8 70:10
 133:10 163:20 195:13
 201:9 220:19 223:20
 241:11
Lord 215:15 216:3
Lorenzo 21:1
Lorraine 202:7,7,9,10
 204:6,11 205:8,15
losing 200:19
lost 45:7 188:16 251:4
lot 23:4 28:19 38:1
 44:17 45:3 52:16
 123:8 179:11 186:5
 194:8 199:7 203:14
 224:10,13,13,17
 240:17
lots 5:10
lottery 26:8
Lovelace 133:5,12
 134:3,7,9,10,17 136:6
 138:5 249:3,19
low 104:19
lower 32:17 221:5
lowered 32:3 33:17
luck 61:15,16

M

M 93:18
M-U-N-O-Z 128:6
ma'am 5:17 39:7 57:5
 57:22 59:2,11 62:18
 95:18 96:21 98:14
 106:12 107:3 198:21
 211:7 223:7 233:12
mail 24:11,17 27:21
 39:13 77:10 156:14
mailed 26:5 27:20
 111:2
mailing 36:20
main 210:11,12
maintain 27:12 84:4
 109:21 131:13
maintained 18:19
maintains 27:17
major 187:8,10 190:22
 191:2,15 194:20
majority 94:15
majority-owned 197:4
making 35:6 44:19 88:2
 180:8,9 192:12,13
Malloy 19:21 20:6
malls 229:9
man 68:12 96:13
management 10:18
 18:4 184:20
managing 241:10
Manassas 217:18
 218:11
mandatory 7:14 10:9
MAR 127:5
March 15:20,21,22 16:5
 16:6,8 30:20
Margaret 93:5,10
marijuana 193:22 206:3
 211:9,11,13,15
 216:12 217:11 218:6
 218:10,12,19 219:4
 228:10,11,14
mark 116:10
market 26:12 196:19,22
 197:3 200:5 220:10
marks 116:7,7
Marlin 31:5 138:13,15
 138:18,20,21 141:16
 141:18 142:16,21
 143:6,7,10,14 144:16
 145:6,8,10,13,22
 146:4,6,17 249:21
Martin 9:20
Mary 62:2,12,21 63:6
 64:13,17 74:4 243:14
Maryland 152:6 191:16
 197:8 205:17
masking 46:4
mass 229:7,9
master 99:4 127:2
masters 48:4 218:22
match 84:19 85:13 88:7
 88:8 93:14 103:14,20
 104:12
matches 89:7,8 103:16
 104:9,11
matching 8:8 9:10

- math** 57:17
Matt 107:16,21,22
 108:3 109:2 113:14
 113:21 114:7 246:18
matter 2:12 4:2 19:7
 20:22 30:11,12 31:2
 31:10,11,21 32:8,22
 36:8 51:11 54:6 57:1
 58:12,18 59:4,6 61:21
 62:1 70:20 71:8 73:15
 90:7 100:3,4 101:18
 101:21 107:14,16
 115:4 118:3,5 124:2,3
 124:13 125:18 129:18
 133:3,4 135:5,8
 138:11,12 140:3,7,9
 145:5,7 146:19,21
 147:20 148:12,14
 151:11 158:16 161:17
 161:18 162:13,19
 164:16 165:9,12
 169:14,16 171:12,14
 172:2 174:5,6 178:3
 179:2,7 230:2,3
 233:19 234:19 239:18
 243:13 246:18 256:9
matters 2:6,9,10,14
 3:19 5:1,4 31:3,5,12
 35:21 46:15 54:17
 94:22 115:11 119:12
 146:15 177:21 226:5
 226:10 235:6,8 239:6
 239:9 240:18 241:5,5
 241:8,11 255:11
Mayo 95:14
mayor 30:16
mayoral 30:18
McDermott 139:4,7,19
 143:1 144:5,22
 249:22
McDonald's 199:11
McKinney 146:21 147:2
 147:10 148:4 149:19
 149:20 250:18
mean 87:6 94:1,13,14
 145:16,16 185:2
 220:11 235:16
means 8:20,21 29:1
 127:5 145:17,21
 199:5 220:11,12,14
 239:2
meant 94:15
measure 180:4,11,13
 180:15,19,21 181:1,4
 181:7,9,12,14,14,20
 182:3,7,12 183:1,2
 184:2,7,19 185:6,9
 222:16,20 223:6
 225:3,4,8,8 227:6
 228:2 230:11
measures 186:19
 222:14
medical 27:4 187:9
 188:2,6,10 196:18
 199:13 206:22 207:2
 232:9 233:4,11
medicate 188:3
medicates 189:9
medicating 187:17,19
medication 194:5 212:3
 212:4 223:18,19
medicine 188:9 190:1,3
 197:1,15,21 198:5
 199:16 200:7 205:2
 205:19 208:7 232:8
 232:19
Medina- 195:22
Medina-Tayac 195:3,3
 195:7,16 196:3,4,8
meet 112:22 113:7
 132:17 134:9,13
 216:13
meeting 1:6 2:2,5,5 3:4
 3:14,16,17,21 4:10,22
 10:20 24:18 46:3 47:6
 47:9,12 49:17,17,21
 56:18 68:3 115:13
 119:11 147:21 170:17
 175:4 180:2 186:18
 212:9 214:9,12,19
 255:12,14 256:5
meetings 49:5
meets 112:12 181:15
Mehrotra 13:21,22
members 1:13 3:13
 9:14 16:22 17:17
 192:3 193:2 214:10
 222:15 230:14
memories 219:6
men 199:10
mental 216:22 221:3
mention 87:21 197:18
mentioned 88:18,19,19
 99:14 192:4 226:12
 240:14
mentioning 49:16
merely 50:13
merits 180:11 181:13
met 8:21 10:16 61:11
 79:7 117:5 123:19
 181:20 182:3
Metro 199:11
mic 36:2
Michael 1:12,14 4:7
 34:18 43:6 45:22
 48:22 62:2,7 63:17
 74:6,17,22 204:11
 212:8 240:8 241:6
 243:13
microphone 143:9
midst 27:1
Mike 1:15 4:8 49:1
 135:9 204:20 214:21
 214:22
Miller 1:17 24:4,6,7,22
 25:4 36:21 37:7,9,11
 37:20 39:8 40:4,8,11
 68:22 69:5,15,17,20
 70:1 71:5 76:20 79:3
 85:20 86:4,12 87:11
 87:14,18
million 222:2
millions 196:20
mind 27:18 74:5 104:17
 160:1
mine 112:3
minimum 55:12 60:6
 61:11 63:10 82:14
 91:8 102:3 108:18
 121:13 126:2 136:9
 141:8 149:11 152:17
 166:16 172:11 175:22
minorities 193:21
 220:11
minus 156:16
minute-and-a-half
 188:17
minutes 2:4 3:16 4:6,9
 4:21 50:22 178:21
 179:17 185:12 191:13
 203:2 205:11 207:14
 209:12 211:6 212:21
 213:7 215:6 216:9
 219:22 222:6
mirror 218:5
miscommunication
 129:18
mislabeling 187:8,12
missed 51:17 78:6
 254:14
missing 84:10 220:8
mission 189:17
misstate 101:5
mistake 66:21 106:21
MLK 125:6
model 198:2
Modern 2:12 178:4
 179:7 180:5 186:14
 192:4,21 193:12
 196:9 230:6 241:12
modified 6:2
molested 216:15
 218:21 219:7
moment 44:15 117:10
 164:13 204:14 208:15
 215:3
Monday 64:13 156:20
 168:20
money 186:21 187:1
 189:18,21 194:6,10
monopolies 49:9
monopoly 49:8
Montgomery 5:16
 21:20 22:18 23:11,19
 24:1 206:13 207:4
month 9:20 10:6 13:11
 14:3 15:3,9,11 18:1
 18:15,18 21:14,16
 28:16 29:3 42:10
 43:22
months 42:11,11,11,17
 188:6,7,9,22 190:3
 199:20 218:9
Moore 52:4,6,18,21,22
 53:2,2,16,21,22,22
 55:20,21 56:15,17,21
 57:3,6,8,12,16,18,21
 58:1,3,5,6,11,14,19
 59:7 60:14,16 61:5,7
 61:18 151:13,15,22
 152:2,2 153:2,3,22
 154:21 156:7,8 159:7
 159:9 161:7 162:5,7
 162:10,12,15,16
 163:1,2,15,18 241:21
 242:17 252:2
moot 143:19 236:17,18
morning 17:16,20 30:9
 55:5 78:3 81:10 134:4
 182:9 234:16
mortar 221:21
mother 216:11 218:20
mother's 216:18
motion 4:5 34:15,20
 35:5,6 54:15 120:10
 120:13 135:3,4 140:5
 140:7 148:10,11
 165:4,6,7,12 171:9,10
 178:6,8,9 225:22
 226:16 238:17 240:2
 241:17,22 242:1,18
 242:21 243:15 244:9
 245:6 246:1,19
 247:14 248:9 249:4
 249:22 250:19 251:6
 252:3,12 253:1,18
 254:14 255:14,16
move 4:8,9 35:7 51:20
 51:22 54:11 66:2 73:3
 85:16 97:7 120:14
 134:18 135:7 140:8
 145:5 148:13 165:11

165:12 169:13 171:13
 178:2 179:20 201:3
 201:17 202:6 209:1
 238:18 242:3,5
 243:17 244:12 246:4
 246:21 247:16 248:11
 249:6 250:3,21
 251:12 252:5 253:3
 253:20 254:17
moved 4:15 35:13
 66:16 73:6 120:20
 130:6 135:15 140:14
 148:19 165:18,20
 171:18 242:9 243:5
 243:22 244:18 245:15
 246:10 247:5,22
 248:18 249:13 250:10
 251:16 252:14 253:9
 254:4 255:1,22
movement 73:7 210:13
moving 4:3 97:7
Muhammad 52:5,7,18
 53:5,6,6,16 54:2,3,3
 55:8 58:17,22 59:2,5
 241:21 242:11
multiple 72:18 76:2
multitude 155:18
Municipal 116:4
Munoz 1:18 115:3,4,5
 115:10 116:16 139:4
 139:5,8,12 140:1
 143:3 144:9 147:6,9,9
 147:18 158:10,12,13
 159:16 164:9 170:15
 170:19,19 171:6
 174:17,21,22
Munoz's 165:3
murders 221:6 229:5
mushroom 44:11
mute 5:17 52:13,17
muted 87:11

N

name 17:18 36:18
 40:22 53:20 55:5
 59:16,18 62:5,7,20
 81:16,21 82:8 83:13
 85:15 90:16,18 95:14
 96:3,16 100:16 101:6
 101:10,14,20 105:19
 107:20 108:1,3,7,12
 110:22 113:9 121:7
 124:19 125:2 128:6
 141:2 150:10 151:22
 152:11 166:9 175:15
 182:10,17 185:22
 186:13 191:15 194:17
 195:8,9 196:1,3

198:20,21 204:16
 205:13,15 207:17
 209:4,7,9 211:2 213:8
 213:10 216:6,20
 219:12,16 223:4,7,8
 223:10,22 224:1,3,4
 234:15 236:2 237:9
names 9:11 14:10,21
 15:5 88:10 89:2 95:12
 100:13
Nation 197:7
nation's 49:14
national 191:19 192:2
 193:3
nationally 228:5
Nats 26:12
natural 208:4
nature 43:13 208:9
navigate 29:7
NE 81:19 90:19 93:11
 93:12 152:3,6 199:1
near 189:9
necessarily 208:7
necessary 192:10,13
 192:22 193:1 199:16
need 3:4 23:7 40:15
 47:16 48:7 52:8 68:19
 110:6 115:21 158:2
 190:2,11 201:3 204:2
 205:3 221:16 226:14
 232:18 237:12 239:8
 244:2 250:7
needed 158:6
needs 238:7
negate 181:7
neglected 22:1
neighborhood 53:17
 55:11 59:8 62:3 79:17
 82:3 90:10 99:21
 100:6 107:10,18
 109:18 112:8 125:9
 132:19 133:6 138:7
 138:14 144:22 147:1
 151:7,14 169:18
 173:21
neighbors 106:17
 110:4
Neill 190:22 191:2,15
neither 111:21 133:17
 177:11
never 29:8 66:16,21
 70:11 74:16 158:4
 160:17 186:16 200:13
 216:16 218:20
new 2:12 13:12 22:22
 25:14 29:7 111:6
 112:6,7 134:10 178:4
 179:7 180:5 184:15

184:18 230:8,12
 241:12
nice 58:15
nicely 23:2
Nicole 138:13 141:5
 143:15 144:21 249:21
 250:16
night 24:14,16 57:2,4
 57:11,13
nightmares 217:16
nine 64:21 117:19
 122:12 137:19 154:8
 159:14 163:4 167:10
 199:20
noise 52:17
nominating 2:11 3:20
 32:14 51:20 52:3 55:8
 56:12 58:13 60:3 61:2
 63:7 64:9,20 82:11
 83:18 85:6 91:5 92:11
 101:22 102:21 108:15
 109:11 110:9,12
 113:2 121:10 122:11
 125:21 127:8 136:6
 137:18 142:7 149:8
 150:19 152:14 153:18
 154:8 155:8,12
 157:15,17 166:12
 168:3,15 169:2 172:8
 173:8 175:18 177:7
 177:21 255:10
nomination 3:22
 127:17 137:17 141:5
 167:20 177:6
non-compliant 113:5
nonpartisan 46:6
nonprofit 194:16
noon 32:21
normal 29:8 154:19
normally 43:20
Northeast 209:10
 219:20
Northwest 207:20
 216:7
note 5:8 47:4,8 89:19
noted 46:14 111:14
 155:10
notice 1:12 6:11 33:9
 33:12 73:16 76:22,22
 77:2,3 78:15 118:20
 119:2,19 120:8 134:1
 134:8,15,16 135:1
 139:11,13 140:4
 147:8,15,16,19 148:7
 148:9 155:1,6,12,17
 157:12 158:3,3,7
 160:16,17 164:11,14
 165:5 170:17,21

174:19,22 234:17
notices 22:7,10 72:6
 78:8 133:22
notifications 75:7
notified 155:22
notify 130:17
November 6:15 8:12,18
 9:19 24:9,13 29:7,14
 30:14 37:2 42:20 55:9
 60:5 63:8 82:12 91:7
 102:2 108:16 111:11
 113:10 121:12 125:22
 136:8 141:7 149:10
 152:15 166:14 172:9
 175:20 206:17 218:17
number 6:4 11:4 13:8
 18:22 28:11,13 32:20
 43:1 51:15 52:9 56:1
 56:13 58:4 60:18 61:3
 61:11 63:20 64:11,22
 65:11 66:18 67:2,4,10
 70:10 79:20 83:2,20
 84:6,8,14,20 86:17,17
 86:19 89:2 91:20
 92:13 100:7 102:14
 102:22 103:17,18
 107:19 109:5,12
 110:8 118:12 122:2
 122:13 124:5,7
 126:12 127:10 136:20
 137:20 138:15,20
 141:20 142:9 143:18
 149:22 150:21 151:15
 153:5,19 154:9 156:2
 161:11 167:5 168:5
 168:16 169:4,19
 172:21 173:10 176:11
 177:8 182:17 202:16
 213:3 241:20
numerous 132:2
NW 36:20 62:8,22
 101:11,15 108:5,8
 196:5

O

O 1:22
o'clock 234:16
OAG 186:17
objections 39:4
obligated 66:13
obstinate 47:21
obtain 55:12 60:7 63:10
 82:14 91:9 102:4
 108:18 121:14 126:2
 136:10 141:9 149:12
 152:17 166:16 172:11
 175:22
obviously 61:17

occur 32:17 111:16
occurred 158:17
 211:15
OCF 5:8 15:3 17:6
OCTO 40:16,18,21 41:4
 41:7,9
October 3:17 24:12
 25:13 26:4 28:5,16,16
offer 196:9
officer 40:1,1 217:22
officers 224:19
offices 8:22 31:19 32:6
officials 229:21
offline 238:9
oftentimes 194:5
Ohio 217:4
oil 184:13 187:19
 188:12,14
older 217:1
onboard 42:8
once 34:12 66:2 77:7
 85:20 177:11 200:11
one-party 49:7,19
one-time 210:3
ones 39:18
ongoing 15:13,17 16:10
online 6:6 239:22
open 18:20 21:6 213:3
 226:13,15 240:18
opening 220:9
operate 6:2 26:10 27:5
 27:8
operations 17:8
opinion 46:7 183:14,15
 183:19,20 184:2,5
 222:18 237:7
opinions 21:15 214:11
 231:5
opponent 104:18
opponents 225:15
opportunity 55:4 67:12
 71:1 129:13 132:6
 157:13 224:6 236:16
opposed 222:15
opposition 189:11
 222:20 223:5
oppositions 186:16
option 111:19
optional 13:6
Orange 9:22
order 2:2 3:4,14 5:9,9
 5:11,13 19:13,17 20:4
 20:10 21:4,11 46:7,8
 46:10 111:16 186:21
 187:5
orders 18:14 21:12 31:7
organization 181:2
 191:20 192:2 193:3

194:16
organizations 29:12
original 86:18
originally 75:5
ostensibly 229:14
ought 47:21
ounces 206:13
outbreak 208:1
outlet 208:3
outline 162:20
outlined 111:19
outlining 85:7
outreach 28:11,15,17
 28:22
outstanding 39:16
over-the-counter 208:7
overtime 221:1
overwhelming 94:10
owners 112:6 198:3

P

P 1:17
P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 24:13,16 179:3,4
 222:12 226:14 239:19
 239:20 256:10
PAC 16:4
package 127:16,17
page 56:1,2 60:18,19
 63:20,22 83:2,3 84:6
 86:5,17 88:21 91:20
 91:21 93:5,15 95:9,9
 96:13 102:14,15
 103:11,11,15,15,19
 103:22 109:5,6 122:2
 122:3 126:12,13
 136:20,21 141:19,21
 149:22 150:1 153:5,7
 167:5,6 172:21,22
 176:11,12
paid 20:17
pain 206:4
pains 206:1,8
pandemic 111:7
panel 219:11
paneled 255:11
papers 31:9 219:2
paperwork 129:14
paralegal 119:5
part 72:12 78:17 79:2
 104:12 128:11,13
 144:14 184:4 185:4
 204:4
parte 120:5,8,13,15
 121:4 133:20 134:22
 135:6,8,21 140:2,7,9
 140:20 148:8,12,14

149:4 165:4,8,12
 166:5 171:8,11,14
 172:2
partial 84:10 87:4
 218:14
PARTICIPANT 48:11,14
 77:20,21 80:3 86:1,3
 96:18 103:2 104:5
 142:17 170:11 231:10
participate 6:20,22 7:16
 8:10 9:4,18 22:8,12
 105:5
participated 28:17
participating 7:11 8:2
 8:20 9:2,6
particular 7:6,13 41:1
 73:16 77:2,8,11 85:5
 139:15 155:6
parties 29:12 53:19
 54:9 55:3 79:4,12
 81:7 90:4 99:18 107:7
 112:1 115:13,18
 118:1 119:1 122:19
 132:15 133:2 134:15
 139:10,13 145:4
 148:1 154:12 156:22
 157:9 161:16 164:11
 164:16 165:18 170:18
 174:4,19 175:1
 177:11,22 239:12
partisan 49:5
Partnership 191:18
parts 160:9
party 16:5 32:7 48:1,5,5
 50:2,5 86:14 110:5
 120:3 133:15,17
 134:19 179:20 219:11
passage 32:1
passed 32:18 193:17
 203:14 204:1 209:15
passing 58:9
passion 233:14
pasted 114:9
Patel 100:5,12,21 101:2
 101:3,4,7,10,11
 102:11,12 103:4,8,9
 104:4,6,10 105:3
 106:14
path 39:20
patience 36:7 44:22
 53:13 81:5 239:16
patient 45:6 189:19
 232:5
patients 188:3 197:21
 232:17,18
Patricia 234:20 236:14
Patrick 210:19 213:5,9
 213:9,11,11,12

214:17 215:12,18,18
 219:14,14,17,19
 220:1 222:6
paul 155:9
pause 235:2
pay 194:6 218:14 221:1
paying 41:11
payment 38:16
payments 8:8 9:10,15
peaceful 203:17
pending 20:4 21:5,11
 21:12
people 27:10 52:12
 74:7,11 76:2 77:10
 87:7,8 94:6,8 130:21
 190:1 192:13,16
 193:20 194:1,14,21
 194:22 196:20,22
 197:5,5,6,16 198:4,6
 204:1 205:1 211:18
 211:20 212:2 220:12
 220:13,14 221:8,11
 221:18 224:12,13
 233:6,7,16
percent 94:3 187:20
 193:19 229:13
perform 73:3
performance 38:1,12
period 16:9 26:7,8 38:9
 38:22 41:5 47:6 66:5
 66:11 214:14 216:14
periodic 15:16 16:1
permission 224:20
Perry 13:16,17
person 68:8,17 71:13
 73:6,9 75:20 87:6
 93:17,21 95:11 97:11
 98:19 103:13,16
 114:1,2,6,16 116:7
 117:15 120:3 150:17
 214:8 215:7,8 220:2
person's 71:12
personal 72:16 97:12
 99:13 206:14 207:22
 208:11
personally 39:6 67:3
 106:16,19,20 110:16
 110:20 113:15 116:21
 117:14,14 203:5
 206:8 209:16
personnel 42:14 129:19
 129:20,21 132:7
persons 41:19 43:4
 93:21 116:9
perspective 45:3
pertains 110:11
petitioner 99:5
petitions 32:14 43:15

44:7 74:11 84:17
 103:11 104:15 128:15
 157:17,17,19 241:15
 255:10
pharmaceutical 188:8
 197:17
pharmaceuticals
 187:17
PhD 216:20
Philip 31:3
phone 36:9 79:19
 119:19 124:7 186:6
phonetic 119:4
physically 111:3,15
 112:16
pick 127:15 128:18
 132:3
picked 128:14 189:21
piece 192:1
pin 46:12
Pinto 21:8
Pipeline 41:1
piperyonyl 188:12,13
Piscataway 197:7
place 27:8 33:21 37:14
 82:1 89:4 155:7 196:5
placed 24:11 154:22
 216:14
plain 49:9 228:14
plaintiffs 32:19
plan 186:19
plant 188:9 197:14
 205:5 210:5
plants 199:18 200:4,14
please 28:2 48:20 52:19
 59:22 67:12 69:10
 90:17 98:14 105:2
 106:12 107:15 118:3
 133:3 138:11 159:20
 161:17 174:5,10
 175:10 180:1 191:7
 195:21 198:19 212:12
 212:20 213:6 225:6
 227:12 251:10,11
plenty 72:13
plus 73:20
pocket 231:17
point 7:1 45:1 49:3
 67:20 70:17,18 156:5
 157:1,16 234:12
police 191:16,20
 197:13 211:10 221:15
 221:17
policed 197:10
policing 189:14
policy 110:2 112:4
 191:22 192:2,7
political 11:3 12:1 14:9

14:19 16:2,7 51:7
 112:17
poll 25:11,14,15,20
 26:3 28:14 29:1
polling 27:7,8,14
poor 38:13
pop 221:19
popular 24:19
Porrata 209:1,2 210:17
 210:18,20,22 211:3,3
 211:7 212:5,6,7,14
position 40:4 119:8
 131:7,8 187:4
positions 40:6 41:13
 42:15
positive 29:18
possession 211:17
 218:5
possibility 25:6
possible 5:12 29:15
 71:17 87:8 123:2
Postal 34:4
postcards 77:8,12
posted 6:11 19:17
 55:16 60:11 63:14
 65:16 82:18 91:13
 102:8 108:21 121:18
 126:6 136:14 141:13
 149:16 152:21 166:20
 172:15 176:4
potential 187:12,13
power 50:13 198:5
 228:6 229:19
powerful 49:10
PR 38:6
practice 94:18
practices 197:21
pre- 142:22 144:13
 170:22
pre-conference 143:15
pre-dated 102:20
 176:22
pre-dating 157:19
pre-hearing 67:19
 71:21 78:5 86:9 88:18
 88:20 93:6 112:11
 114:13 115:12 134:5
 139:17 147:15,21
 158:15 164:19,22
 175:4
precinct 224:18
preclude 32:12 237:22
predated 153:12
pregnant 199:20
preliminary 54:7 55:2
 60:1 63:3 85:12 87:20
 154:15 155:11,20
 159:1,3,8,12

Preparation 33:22
preparations 24:9 32:2
prepared 226:22 227:4
presence 195:4
present 1:13,16,20 3:7
 3:8,10,11,12,13 7:17
 17:14 52:7 79:19 85:4
 120:4 121:8 124:6,9
 125:17 133:7,13,17
 141:3 143:16 147:2,3
 148:4,5 149:6 170:3
 174:9 175:16 185:13
 195:3,17 198:11,13
 201:2,7,8 202:8,8,11
 207:11 222:9 227:17
 230:18
presentation 15:4 19:7
presented 99:18 123:17
 132:14 138:4 144:20
 151:4 161:4 173:19
 226:6 234:22
presenting 166:10
presents 180:6,14
 227:6
president 31:18,19 32:4
 32:11,16 112:18
presiding 1:12
press 40:1 138:16
 164:6 174:10 175:10
 198:12 202:14
pressing 62:15 124:10
 162:5,20 195:4 209:3
 222:22 225:17
Presson 93:6,9 95:1
Presson's 93:10,12
 95:8
pretty 178:22
prevention 221:3
previous 76:21 84:13
 87:1
previously 26:21 94:9
 133:19 229:6,17
price 84:21 197:16
primary 8:11 9:2 38:2
 38:13 47:19 71:18
principal 11:2,22 12:17
 14:18 20:1,7 21:1
printed 95:11 103:14,19
 104:11
printing 43:17
printout 127:22 128:2
 128:10
prior 73:21
prisoners 27:17
prisons 27:19,22 28:10
probable 87:9 194:1
probably 22:5 46:10
 95:11 96:2 241:2

probation 218:7 219:3
problem 44:2 65:14
 74:12,16 81:8 128:11
proceed 54:6 106:8,10
 120:5,8,10,13,15
 121:4 133:20 134:22
 135:5,8,21 136:2
 140:2,7,8,20 148:8,12
 148:13 149:3 165:4,8
 166:5 171:8,11,14
 172:2 179:9 180:1
 181:16 196:7 199:3
 200:21 201:13 203:2
proceeded 119:16
proceedings 21:17
process 6:9 12:7 23:8
 25:22 27:10,16 28:10
 29:9 34:7 38:4,5
 40:17 50:10 72:15
 84:4 98:17,18 99:7
 104:20 131:10 134:11
 184:9 229:16
processed 25:13 28:5
processes 109:20
 113:3 233:5
Proclamation 48:6
Procurement 37:16
 38:20
produce 190:1
product 188:19 210:9
 231:19 232:2,21
 233:10
product's 187:11
products 187:9 189:9
professional 196:12
program 6:19,21 7:12
 7:16,19,20 8:2,3,5,10
 8:17 9:17 10:15 12:15
 12:18,18 13:5,13
 16:13 22:9,11,22 23:6
 188:6,11 189:19
 232:10
Program's 10:7
programs 16:11 28:18
 184:16 221:4
progression 189:12,14
progressive 198:2
prohibited 194:13
prohibition 193:21
prominently 155:3
promise 233:12 234:7
promotes 208:4
promotional 221:22
pronounce 128:6
pronouncing 107:20
proof 104:7,8 110:6
 113:21
proper 2:12 4:2 129:14

155:17 178:3 179:7
 180:6,9,14 181:15
 182:15 184:2 185:6
 227:6,22 230:2,17,18
 233:19 251:5
properly 4:15 35:13
 96:1 120:20 135:14
 140:13 148:18 165:18
 165:20 171:18 180:21
 233:3 242:9 243:5,22
 244:18 245:15 246:10
 247:4,22 248:17
 249:12 250:9 251:16
 252:14 253:8 254:3
 255:1,21
property 126:19 184:17
 194:9
proponent 181:19
 182:2 183:17 185:10
proponents 183:10,13
 185:9 222:13
proposal 38:22 189:5
proposals 38:21
proposed 33:10,13
 34:10 35:2 180:4,11
 181:19 182:3 193:17
 213:14 221:13,14
 227:6 230:10,16
proposer 182:21
proposer's 182:16
proposing 229:3
prosecuted 194:2
prosecutors 191:20
prosperity 208:5
protect 221:18 229:8
prove 104:13 156:18
provide 22:5,13 27:22
 28:22 29:6 41:3 85:2
 139:9 147:7 158:22
 170:16 174:18 183:19
 197:21 208:8 213:15
provided 6:3 22:10
 31:16 118:20 119:2
 128:10 130:4 139:13
 140:1 142:13 147:16
 147:19 159:11 164:11
 164:14 169:7 170:18
 170:20 171:7 174:19
 174:22 177:13 185:12
 190:11,22 195:16
 208:3
provides 40:16 99:4
 120:3
provision 31:15 130:18
provisions 229:1
PTSD 199:12 205:20
public 2:14 3:19 9:14
 10:17 16:22 18:3

22:15 35:20 37:3,5
 39:22 48:9 51:10,19
 55:17 60:11 63:14
 82:18 91:13 102:8
 108:21 121:18 126:6
 136:14 141:13 147:22
 149:16 152:21 154:22
 166:21 172:15 175:1
 176:5 189:20 191:21
 191:22 192:1,8,14,20
 193:1 206:19 207:1
 213:4,22 214:9,10
 232:17 239:10 240:4
 240:11 241:3,4
 255:17

published 9:13 14:12
 14:22 33:11,14 34:12
 182:13

pulled 217:21 218:1,2
punishment 200:3
puppy 112:6
purchase 41:2
purchased 217:22
purport 114:3
purporting 93:10
purports 150:18
purposes 31:20 184:12
 184:15 229:2

purse 229:19
pursuant 1:11 56:3
 60:20 64:1 83:4 91:22
 102:16 109:7 116:20
 122:4 126:14 134:22
 136:22 140:3 141:22
 148:7 150:2 153:8
 167:7 171:8 173:1
 176:13

put 3:19 23:1 50:9
 65:12 66:11 69:12
 74:20 84:18 130:17
 133:18,22 144:8
 146:10 180:8 197:11
 209:14 210:13 216:17
 218:7,8 232:2 236:12
puts 193:21,21 198:4
putting 87:22

Q

qualified 182:19
qualities 210:1
quality 187:13
quarantine 113:17
Queen 105:21
question 37:4 38:11,12
 39:22 40:14 41:20
 43:9 49:10 58:7 65:7
 65:8 71:10 72:1 73:5
 73:14 75:10,13 76:9

94:17 104:14 114:7
 114:14 116:1 128:8
 144:3 145:14 160:4
questionable 104:15
questioned 158:6
questioning 106:15
questions 23:15,16,19
 23:21 29:20,21 30:1,3
 36:22 46:2 116:14
quick 98:14 180:8
 196:9
quickly 105:10 178:22
 179:21 207:20
quite 24:19 34:19
quorum 2:3 3:5,14
quote 110:16

R

R 66:1
RA 206:2
race 7:18 8:1 109:18
 155:6
racers 6:14 7:4,5,6,13
 112:17
Rachel 40:2
Racine 19:22 187:6
Racine's 227:11
raise 36:1 59:12 62:14
 79:21 116:17 124:9
 133:9,14 138:17
 139:3 143:2,21 162:4
 204:8 209:3 222:21
 225:17 230:5 235:11
raised 38:1 43:4 143:16
 144:3 158:11 215:1
 224:5 235:18 236:13
 239:6
raises 230:12
random 15:16 16:1,9
Randy 10:1 35:22
raped 217:6
rare 25:6
Rashad 201:22
rate 221:5
Ravi 13:16,17
Rayson 216:6
reached 188:21
read 9:12 14:9 55:2,6
 59:22 63:3 82:9 98:22
 99:6,6 108:13 116:5
 136:4 156:3 184:3
 222:17
reading 91:4
ready 97:7
real 71:10 72:1 73:5
reality 72:9 236:11
realize 192:11
rear 218:4

reason 73:19 74:8,9,12
 94:17 103:9 211:11
 218:2
reasonable 45:2 47:6
 163:8
reasons 189:4
reassert 84:5 85:6 93:3
 93:5,16 94:2
reassertion 86:18
rebuttal 131:17 231:10
recall 48:6 50:13
recapping 158:13
receipt 33:9
receipts 10:10,22 11:1
 11:14,21 12:11,16
 14:16 181:3
receive 43:16 57:12
 67:7 75:12 119:19
 185:1
received 6:6 15:19 17:3
 18:2,9 19:2 20:19
 26:21 34:2 43:19
 64:12 75:6 115:15
 127:21 134:8,19
 139:10,20 148:2
 153:22 156:22 157:9
 158:4,7 159:21
 160:17 168:7,19
 183:18 186:16 200:3
 213:17 241:18
receives 157:14
receiving 25:19 72:5
recognize 163:15
recognized 197:8
recommend 79:6 89:13
 99:19 107:9 116:19
 117:17 120:7 123:18
 132:15 133:19 134:21
 138:5 140:2 144:20
 148:8 151:5 161:5
 165:3 169:8 171:7
 173:19 245:8
recommendation 34:21
 54:10 58:17 61:9
 79:10 89:11 99:16
 100:2 107:13 116:18
 124:1 132:11,22
 138:1,10 142:13
 144:17 145:3 151:2
 160:20 161:2,14
 169:12 174:3 177:13
 177:19 227:5 230:15
 242:2,19,22 243:14
 243:18 244:11,13
 245:7,9 246:3,5,20,22
 247:15,17 248:10,12
 249:5,7 250:2,4,20,22
 251:13 252:4,6 253:2

253:4,19,21 254:16
254:18
recommendations 35:8
107:4 110:2 117:21
146:2 151:10 227:18
241:18
recommends 111:17
reconvene 232:11
record 7:2 9:12 14:10
22:1 47:2 53:20 59:17
61:14 62:6,20 63:4
71:12,22 81:2,17,21
89:20 90:16 95:9
98:21 100:14,16
105:19 108:2 116:3
119:1 120:2 124:19
124:20 125:3,4 127:4
130:17 133:19,22
134:4 135:22 139:11
144:8,14 145:20
146:16 147:7 152:1
156:3 162:9 164:8
170:13,16 174:18
179:3 180:8 183:12
183:14,17,22 184:3
185:1,4 195:8 196:2
198:20 201:3 204:16
205:14 207:18 209:8
211:2 215:20 218:13
219:17 222:12 223:9
223:22 224:1,2 226:9
226:10,13,15 239:5
239:19 240:18,22
241:1,12,18 256:10
records 10:17 15:19
16:15 18:4 73:8 93:14
93:18 127:20 159:7
192:15,16
recreationally 205:2
reduction 27:13 111:9
reelect 58:9,10
referendum 14:20
226:7,13 240:19
referendums 11:12
referrals 12:6 13:1 14:4
14:14,17 18:2,3,5,6,9
referred 11:8,16 17:1
19:7,11 77:2
refined 73:16
reflect 84:12 233:20
reflected 93:13
Reform 2:13 178:4
179:8 180:6 186:15
192:5,22 193:13
196:10 230:7 241:13
reforming 191:22
reforms 192:12
regard 35:1 84:14,20

95:7 99:14 160:8
242:18 246:2 250:19
253:1
regarding 30:13 38:1
76:8 84:8 89:19 95:1
130:3 134:14 139:9
147:16 178:3
regardless 232:14
regards 37:1,3 39:10
65:6 157:2 253:18
Register 33:11,15
34:11 182:13
registered 8:17 12:18
13:12,15,18,21 14:1
29:13 55:14,20 56:8
56:11 60:9,14 63:12
63:17 64:6 65:20 72:4
72:7,9 82:16,21 83:8
83:11 85:2,3 91:11,16
92:4,7 93:19,21 94:7
94:8 95:13,16 96:1
102:6,11 108:19
109:2 121:16,21
126:4,9 127:19,22
130:5,12,14,19
136:12,17 137:9,12
137:15 141:11,16
142:5 149:13,19
150:12 152:19 153:2
153:13,16,17 157:6
166:18 167:2,11,16
167:19 172:13,18
173:6 176:2,8,17,20
177:4 182:19
registrar 1:18 54:7,22
55:2,7 59:22 63:2
64:12 69:3 76:6,12
82:10 85:21 88:14,16
89:6 91:1,3 95:5 98:5
101:17,21 107:7
121:6,9 125:17 136:1
136:3 141:1,4 149:5
152:9,12 153:21
154:3 155:20 156:10
158:14 159:10,12
166:8,11 168:6,10,18
169:14 175:17
registrar's 54:9 94:21
108:13 123:7 151:4
154:1 159:2 168:9
175:13
registrars 123:1
registration 6:9 28:1,6
75:5 78:11,21 83:16
127:4 128:20 132:4
150:14 157:8
registrations 28:22
128:19

regs 64:2 142:1
Regular 1:6 2:4,5
regulation 117:11
regulations 56:5 60:21
69:8 83:5 92:1 102:17
109:8 116:4,17 122:5
126:15 137:1 150:3
153:9 167:8 173:2
176:14 231:17
regulatory 228:9
Reid 161:21 162:1
163:20,22 164:5,16
165:9,13 167:2,3
252:22
reimburse 41:7,9
reiterate 49:2
reiterating 131:8
related 31:3 67:14
111:6 115:11 158:16
relates 183:4
relations 37:3,5 192:7
relative 192:9 243:15
244:10 245:6 246:20
247:14 248:10 250:1
252:3 254:15 255:10
relatively 255:13
relax 204:3 205:3
released 218:10
relevant 116:6 236:14
relief 31:14
remain 27:2
remains 229:20
remarks 116:13
remedied 163:6
remedies 163:3
remedying 163:11
Remember 50:7
reminder 72:6
remotely 6:4
removal 77:1,14
renovation 97:4
renters 112:6
repeat 22:18 86:16
181:11
repeatedly 50:11
reply 97:22 156:15
160:18
report 2:7,8,10 5:14 6:1
6:10 9:11 10:18,20,21
11:1,14,18,21 12:14
12:16 13:4 14:6,11,12
14:16 15:6,15 16:12
17:10,12,14 18:6,7
19:9 21:9,19 24:3
30:7 36:22 54:8 55:3
57:1,11,12 60:1 63:4
82:9 121:9 136:4
140:22 141:3 149:6

154:2 155:19,21
159:3,8 168:9 175:13
181:2
reported 26:21
reports 6:5 10:10,14
11:11 12:8,10 13:10
15:8,10 16:2 18:9
19:8
Repository 127:2
representative 13:19
55:1 63:3 85:17 193:3
representing 88:16
91:3 101:20 152:12
Republican 48:8 49:11
Republicans 48:4
49:12
request 11:5 16:16
30:16 34:19 44:1,19
45:7 114:17
requested 12:3,22 17:6
43:13 44:1 68:3
134:17 163:7 182:22
requesting 44:4 68:2
requests 10:11 18:11
21:15 34:1 213:17
require 7:14 64:11
184:14
required 6:7 7:3 11:4
11:13,15 12:1,12,19
22:8 30:18 55:17
56:14 58:5 60:12 61:3
61:11 63:15 64:22
82:19 83:20 91:14
92:9,13 102:9 103:1
108:22 109:12 111:9
111:22 113:6 120:7
121:19 122:13 126:7
127:10 136:15 137:20
141:14 142:9 143:18
149:17 150:21 152:22
153:19 154:9 163:4
166:21 168:1,5,16
169:4 172:16 173:10
176:5 177:2,9 182:18
requirement 10:16 32:4
32:17 55:12 60:7
63:10 82:14 91:8
102:3 108:18 117:4
121:13 126:2 134:13
136:9 141:8 149:11
152:17 160:6,14
166:16 172:11 175:22
requirements 8:22
32:11 33:17 79:8
110:16 113:1 123:20
132:18 134:10 181:15
181:20 182:4
requires 110:15

requisite 32:20 79:8
 156:1 161:11
research 72:22 76:8
 210:4
resent 106:14
reside 59:19 101:11
 126:17 137:3 144:7
residence 182:17
residency 144:3
resident 204:21
residential 127:3
residents 27:5,12,20
 97:6 102:5 112:7
 232:3
resolution 17:2 31:7
resolve 114:6,9
resource 21:3
resources 220:6,21
 221:2 229:1,16
respect 9:16 10:21
 15:12 16:12,18 33:10
 33:13 44:18 101:17
 116:18 117:5 125:18
 130:18 161:6 181:21
 213:17 222:14 227:5
 227:18 230:15 238:1
respects 184:18
respond 18:10 54:9
 55:4 65:5 76:13 85:19
 89:14,15 98:8,12
 131:19 154:14 157:13
 158:4 159:18 160:16
 163:15
responded 75:8 154:15
respondent 19:3,22
 20:6,22 21:8
response 43:7 51:12
 56:16 65:3 74:2 76:22
 77:3,12 80:1,11 84:1
 85:22 98:14 103:5
 109:15 127:13 134:19
 156:6 162:2 164:2,7
 169:22 173:15 174:12
 174:14,16 182:2
 201:14 202:4 204:9
responses 76:17
responsibility 200:8
rest 50:8 67:11 68:9
 95:2 190:11
restore 28:9
restored 27:16
restricted 197:16
resubmitted 157:7
result 32:1 211:15
resumed 179:3 239:19
retain 123:20
retired 127:4 191:15
retrained 229:7

retraining 184:16
retrieved 25:8
return 54:18 184:17
 239:17
revamp 232:15
revenue 184:9 229:13
revenues 184:11
 230:12
review 16:21 56:6 60:22
 64:3 83:6 92:2 102:18
 109:9 122:6 126:21
 137:6 142:2 150:4
 153:10 154:2 167:9
 168:9 173:3 176:15
reviewed 38:21
reviews 10:8,9,13 15:10
revised 159:12
Rhode 62:8
Rhode's 84:5
Rhodes 79:17 80:3,5,6
 80:8,18,19,21 81:5,8
 81:20,22,22 82:2,6,11
 84:10,16,21 85:4,9,10
 86:10,14,21 87:3,10
 87:12,13,16,19 89:16
 90:6 244:9 245:3
Rhonda 124:4 125:20
 132:15 248:8
Rights 181:6
risk 27:13 193:22
 220:12
risks 189:20
Rita 216:20
Riva 31:13
road 200:15
robbed 199:9
Robert 15:19 31:4
Robin 138:12 141:16
 146:21 149:19 249:21
 250:18
Rogers 15:21
roll 67:6,7
rolls 67:5 150:15
room 47:17 48:7 49:16
rough 220:18
roughed 224:21
roughly 157:20
rule 85:1 114:19 180:17
 228:2,4
ruled 49:8
rulemaking 2:11 33:6,6
 33:7,10,11,13,14,16
 33:19,20 34:10,11,16
 34:16 35:1
rules 84:3 99:2,6
 109:20,22 110:7,13
 112:14 113:3 116:2
 181:10

ruling 113:7
run 74:10,14,15 104:18
 194:15
runaround 50:6
running 161:21 218:16
rushed 188:17
Ruth 93:18 95:14 96:10
Ryan 161:21 163:20
 164:16 166:11 168:19
 169:8 252:22 253:14
Rye 254:11

S

Sabrina 79:17
sad 49:19
safe 27:12 197:21
 216:16
safely 205:1
safer 204:1
safety 187:11 189:20
 191:22 192:9,14,20
 193:1 232:4,17
safole 188:14
sale 228:10,14 230:8
salient 235:17 236:12
SanFord 1:22 17:9,13
 17:16,18,21,22
Sarah 13:21,22 110:11
 113:4,15,16 114:4,12
Satiya 84:21
save 31:18
saved 199:14
saw 74:8 106:20
saying 57:13,14 58:10
 68:10,18 70:3 72:6
 129:19,20 179:18
 231:15,22 234:17
 235:16 237:1,10,10
 238:6
says 77:3 93:11 103:12
 116:7 185:22
scanned 111:1 113:19
scenario 86:22
schedule 68:8,17
scheduled 10:19 26:5,9
 175:4 237:12
school 188:4 217:2,3,4
 217:13,18 218:11,14
school-age 188:1
schools 229:9
science 188:13
scope 233:8
script 206:6
SE 54:1 59:19 125:5
seamless 29:14
search 175:13
seat 58:8
Sebastian 195:2,16,19
 195:22 196:4
Sebrena 80:3 81:22
 82:10 244:9 245:3
second 4:12,13 9:22
 19:20 26:4 35:10,11
 89:1 120:16,18
 135:10,11,13 140:11
 140:12 146:20 148:16
 148:17 157:1 165:15
 165:16 171:16,17
 178:13,15 191:7
 195:21 215:2 238:20
 240:5 242:8 243:3,4
 243:21 244:15,17
 245:12,13 246:8,9
 247:2,3,20,21 248:15
 248:16 249:10,11
 250:7,8 251:3,15
 252:12 253:7 254:2
 254:21,22 255:19,20
seconded 4:15 35:13
 120:20 135:15 140:14
 148:19 165:18,20
 171:19 242:10 243:6
 244:1,19 245:15
 246:11 247:5 248:1
 248:18 249:13 250:10
 251:17 252:14 253:9
 254:4 255:1,22
secret 197:2
section 41:13 56:4 64:1
 83:5 109:8 126:15
 137:1 141:22 153:8
 167:8 214:9 222:17
seeds 197:11
seeing 66:20 204:10
seek 32:19 180:16
seeking 9:1 10:14
 144:7
seeks 32:12 137:16
 167:20 177:5 228:18
seized 184:17
seizure 187:21
seizures 187:16,20
 223:16,18
sell 232:1 233:10
selling 216:12 232:19
 233:17
send 46:20 77:8,8,11
 158:20
senior 1:18 217:3,12
sense 238:12
sent 22:7 57:1,3,11
 68:18 78:15 89:5
 113:20 134:14 147:14
 155:6,9 156:8,10,14
 156:15 159:12 175:2
 206:4 213:13 234:17

sentenced 199:19
sentiments 49:1
September 1:9 6:13
 22:3 26:9 28:3 32:22
 66:12 68:2 69:11,12
 70:5 147:22 171:3
 175:1,5 187:22
serve 26:13,14,19,20
served 46:1
service 16:10,13 34:4
services 6:3 40:17
 41:18 85:17 95:5
 108:11 172:5 221:3
serving 25:20
session 54:12,16,20
 79:12 107:14 133:2
 145:18 146:14 151:11
 177:20 226:1,5,17
 227:8 231:7 234:18
 238:15,19 239:3,10
 240:1,3
set 104:19 110:13 113:3
 131:11
sets 34:9
setting 241:2
setup 36:14
seven 12:6 13:1,9,9
 14:7 86:8
severe 199:12
sexually 216:15
shackled 199:22
 200:11
share 144:9 193:14
shared 194:19,20,20
sheet 116:22
sheets 56:2 60:18
 63:21 83:3 91:20
 102:15 109:6 122:3
 126:13 136:21 141:20
 150:1 153:6 167:6
 172:22 176:12
shootings 221:7
shops 220:7
short 98:15 183:2
shorter 45:11
shortly 42:9,10
show 21:17 110:6
showed 119:21 123:13
side 221:20
sign 25:21 29:1 74:11
 87:6 104:8 106:20
 111:4 113:16,18
 117:15
signatories 116:12
signature 32:4,10,16
 33:17 64:18,21 69:7
 71:8 72:11,21 78:5
 79:8 83:13,15 84:18

86:13 88:20 89:7,7,8
 90:2 93:10,22 94:14
 95:8 96:14 102:20
 103:21 104:9,11
 106:15 110:11,17,21
 111:1,15 112:17,22
 113:1,4 114:14
 116:19,22 117:5,12
 117:18 122:12 123:19
 128:20 132:18 134:12
 150:6,10,17,18 154:4
 154:7,9 156:16 157:3
 167:17 168:22 169:3
 176:22
signed 56:10 64:7 69:7
 69:15 83:10,17 87:8
 88:5,6 92:6 96:3,14
 97:6 106:19 110:18
 110:19 113:19 114:11
 115:16 127:21 137:10
 137:12,17 139:21
 142:6 150:13,16
 153:15 157:6 167:13
 167:17,21 173:7
 176:19,21 177:6
signer 56:8 64:5,8,15
 67:4 83:13 86:18
 111:18 127:19 130:19
 137:11 150:8,10,12
 167:11,15,18 173:5
 176:17 177:4
signer's 83:16 150:14
signers 56:11 83:8,11
 85:7,8 87:1 92:4,7
 128:1,9,19 129:13
 132:4 137:8,14,15
 142:4 153:13,17
 167:15 176:20
significant 144:11
 185:4
signing 110:17 114:2,6
 116:8,21
signs 104:1
sill 218:4
similar 32:10 193:16
Simon 111:13,14
simple 49:9 94:5
simply 38:8 73:15,19
 157:5,10,12 160:12
 194:16
simultaneous 44:8
 48:19 50:17 51:5
 52:11,15,20 57:9
 75:15 96:11 97:21
 100:10 122:20 129:6
 191:5 205:12 208:21
 213:1 214:6,18
 215:14 216:2 222:4

225:11,13,19 228:20
 231:9 237:5 251:7
Sindram 43:5,6 45:18
 45:22,22 46:14,17
 47:1,7,10,13,15 48:13
 48:16 49:6,22 50:4,16
 50:18,20
single 31:8 53:18 55:11
 59:8 62:3 65:21 66:3
 66:22 67:5 68:13
 70:12 79:18 82:4
 90:10 99:21 100:6
 103:21 107:11,18
 112:9 123:20 124:5
 125:9 128:1 130:5,6
 132:20 133:6 137:3
 138:7,15 145:1 147:1
 151:7,15 157:14
 169:19 173:22
sir 45:2 47:15 48:17
 96:22 97:3,3 98:4,10
 105:2 123:11 198:9
 223:4,5 235:19 240:1
sit 232:13
site 27:14,14
sitting 224:18
situation 224:10
six 10:13 42:11 52:8
 127:9 144:1 153:12
 153:15 188:18,22
 190:3 218:9,22
Slaughter 51:3,6
 169:17 170:1,3,5,8,20
 172:3,7 173:12,13,16
 173:20 253:17 254:9
slave 48:3
slim 25:5
slot 25:5,8
small 109:19 198:3
SMD 55:15 60:9 63:12
 82:13,17 91:8,11
 102:3,6 108:17,20
 121:13,16 126:1,4
 128:1 131:1 136:9,12
 137:16 141:8,11
 144:7 149:11,14
 152:16,19 167:19
 172:10,13 177:5
SMD6E01 63:9
SMD8E02 60:6
Smith 1:19 10:3 55:5,6
 60:2 63:5 76:11,12
 82:8,9 88:15,15 91:2
 91:3 93:7 95:7,22
 96:6,10 101:19,20
 108:12,13 121:7,8
 122:14 125:19 136:5
 141:2,3 146:22 147:4

147:4,11 148:5 149:7
 149:8 151:5 152:11
 152:12 156:3 166:9
 166:10 172:6 175:15
 175:16 250:18 252:1
Smith- 139:18 144:21
 249:21
Smith-McDermott
 138:13 139:2,15
 141:5 250:16
smoking 206:3
social 111:7 189:12
Sohaer 13:19
soil 197:11
sold 187:9 188:19
 228:11,17
somebody 36:10 45:16
 179:18 186:8 224:21
son 206:12
soon 5:12 236:3
sooner 5:13
sorry 3:17 4:1 5:17 24:4
 35:5 37:11 38:11
 45:21 46:11 47:11
 57:16 59:14 69:22
 70:2 75:20,22 80:16
 89:7 91:18 96:22
 97:13 100:18 101:8
 104:6 106:9 123:4
 129:8 143:7 146:5
 153:17 160:21 162:22
 163:14 179:16 181:17
 190:20 200:19,20
 205:6 212:11,16
 227:9 235:22 253:14
 254:13
sort 44:5 67:20 234:2
sounds 45:12 215:22
 235:19
Southeast 54:4 223:11
space 198:7
speak 36:2,4 41:2 75:21
 76:7 77:18 87:10,16
 87:17 92:19 119:5
 123:4 134:6 143:5,8
 162:6,17 193:5 198:7
 198:15 199:5 207:15
 215:6 220:2 222:20
 231:14
speaking 42:2,4 44:8
 48:19 50:17 51:5
 52:11,15,20,21 57:9
 74:5 75:15 76:2 96:11
 97:21 100:11 122:20
 129:6 191:5 205:12
 208:21 212:16 213:1
 214:6,18 215:14
 216:2 222:4 223:5

225:3,11,13,19
 228:20 231:9 237:5
 251:7
special 8:12 9:7 38:14
 74:13
specific 122:3
specifically 119:5
 228:22
specified 158:18
speech 51:7
spell 223:22
spend 184:14
spending 215:5
spirit 109:22 112:13
 113:22 114:18,20
spirt 112:20
spoke 57:14 119:4
 123:14 128:5 144:10
 158:14 163:13 175:3
 214:13
sponsor 218:13
sponsors 224:14
Spruce 152:2
stability 192:19
Stacey 198:10,22
Stadium 26:13
staff 1:16,20 25:9 79:5
 99:19 115:3 132:14
 138:4 158:22
stairs 190:4
stakeholders 88:11
stamped 65:16
stand 37:1,2 39:9 41:22
 189:3
standard 233:5
standpoint 189:11
star 62:15 124:10
 133:11,15 138:16
 139:3 147:3,5 151:17
 151:18 162:3,5,20
 164:6 169:20 174:10
 175:10 185:12 195:5
 198:12 201:7,18
 202:8,14 204:7
 208:16 209:3 222:22
 225:17
star-3 36:10
start 186:5 199:8
 240:16 241:20
started 76:14 144:1
 162:14 199:13 217:4
 217:14,17
state 6:18 7:8,22 13:17
 13:22 22:1 52:6 59:16
 62:5,19 65:18 81:16
 81:21 90:16 100:13
 100:16 105:18 108:1
 118:7 119:8,14

124:19 125:2 130:3
 151:22 161:22 163:21
 165:9 166:15 169:9
 174:8 175:21 177:15
 183:11,13 191:16
 195:8 196:1 197:8
 198:19 204:16 207:17
 209:7 211:1 219:16
stated 66:15 67:3 74:6
 121:7 127:18 128:9
 131:7 132:1,5 155:3
 214:14 230:4 239:4
statement 76:21 105:9
 106:12 165:3 173:14
 180:22 181:2 182:18
 183:1,3,5 185:2
statements 79:4 85:22
states 34:3 48:11,14
 49:20 112:19 192:11
stating 53:20
stats 9:12 15:1
status 6:2 10:13 27:4
 30:10 33:2,4 46:6
 71:10 76:8 99:2 127:4
 127:5 213:18
statute 31:16,20 69:8
 120:7
statutory 117:10
 181:20 182:3
stay 28:7
stay-in-place 27:4
staying 48:16
step 208:19 232:12
Stephen 169:17 172:7
 253:16 254:9
stepped 29:6 124:12
stipulate 115:14
stop 189:12,13 192:9
 194:21 232:3
stopped 188:16
stops 220:19
store 217:19
straighten 132:8
strangers 112:4
street 36:20 62:22 65:9
 66:1 67:1,9 81:19
 90:19 93:11,12
 101:11,15 152:3
 198:22 200:5 209:10
 211:4 219:19
stress 203:13,20
 205:21 209:17
stressed 204:3 221:1
stricken 98:20
strictly 188:8 189:15
strong 187:13
strongest 157:21,22
structure 196:19

struggles 208:2
students 25:11 112:7
stuff 45:3 88:2 203:15
 203:17 221:7,8,12
 224:10,18
subject 2:12 4:2 178:3
 179:7 180:7,9,14
 181:15 184:2 185:6
 227:6,22 229:22
 230:2,11,17,18
 233:19
submerge 188:5
submit 34:9 72:14
submitted 16:16 43:15
 44:7 55:8,22 60:3,17
 63:6,20 72:16 75:4
 82:11 91:5,19 101:22
 102:13 108:14 109:4
 121:10 122:1 125:21
 126:11 136:6,19
 141:5,19 149:8,21
 152:14 153:5 163:3
 166:12 167:4 172:7
 172:20 175:18 176:10
 182:14,21 183:16,22
 185:3 195:14
submitting 73:4
subsequent 73:17
 159:11
subsequently 171:2
 228:12
succinct 179:15
Sue 90:8
suffers 187:15
sufficiently 83:14
 150:11
suggest 111:17 189:5
suggestion 126:19
sum 8:7 9:8
summary 183:1
supervising 41:19
supervision 41:15
supervisor 41:13
support 23:8 28:9 29:6
 40:14,16 41:3,4,18
 192:18 193:4,14
 196:9 204:22 205:17
supporting 192:4
supposed 232:21
surrounding 133:22
 134:1
survive 199:16
Susan 105:20
Sutherland 62:2,10,11
 62:12,15,17,18,21,22
 63:6 64:13,17 65:2,4
 67:15,16,18 69:1,9,16
 69:19,20,21 70:3,17

70:21 71:4 72:11,21
 74:3,4 75:2,9,12,18
 75:22 78:16 79:6
 243:14
swear 106:1,6
Swishers 217:19
switch 73:7 81:12
Syed 13:19
system 218:21

T

T 209:10
table 232:13
TaeAndrha 201:6,10,11
 201:12,15,16
tainted 188:11
taken 110:3 174:3
 199:22 200:10 216:11
 218:19 237:11 238:2
 238:2
takes 42:13 203:18
talk 48:20 88:4 105:7
 128:14 143:9 182:7
 221:11 226:14 231:8
 235:3
talking 44:15 112:3
 215:5 227:15
Tamon 208:13 209:2,4
 209:4,6,9
Tanisha 119:4,20
target 45:1 193:21
targeting 42:16 194:22
tasked 112:14
taxation 228:10
taxed 228:11
taxes 220:9 222:2 232:2
taxpaying 187:1
Tayac 196:1
teaching 224:12
Team 175:21
Tech 13:20
technical 81:11 157:19
technically 66:9 111:3
Ted 84:14 86:3
telephone 6:4 52:9
 182:17
tell 68:14 216:17 219:12
ten 109:4,4,10,12
 111:10,22 112:2
 113:6,8 121:14,17,18
 122:1,1,7 126:3,7
 136:10,14 141:9,12
 141:13,18 143:19
 156:2,3 159:4 163:4
 166:21 167:21 172:12
 172:14,16 176:5
 179:16
tension 203:15

term 37:18 44:11 112:7
218:17
terms 13:8 211:9 228:1
Terri 1:19 30:8 115:6
214:21,22 215:4,4
216:1 225:20 226:12
227:9,14 231:3 235:3
236:6 237:15,18
238:4 239:2,13
terrible 36:15
Terrica 78:4 118:22
134:4 182:10 227:21
terrorism 229:10
test 232:22
tested 232:21
testified 115:15 222:9
testify 114:14 115:20
118:19
testimonial 212:18
testimony 54:19 79:5
89:18 90:4 106:1
107:8,13 123:17
132:14 133:1 139:9
145:20 156:12 161:14
163:16 174:2 179:16
185:12 186:11 195:10
196:9 201:1 204:6
208:11 212:12 213:16
215:21 222:7,10,11
225:2,16,21 231:6
233:21
text 182:22
thanks 23:2,10,22
46:15 81:5 97:19
113:14 117:20 118:1
133:2 145:4 161:16
169:14 174:2,4 179:1
179:22 212:11 216:1
225:20 239:2 241:10
therapist 216:19
therapy 187:21
thereof 110:10
Thies 20:21
things 5:10 37:1,2 39:9
39:10 44:4 46:13 88:2
88:4 194:19 199:15
208:6,9 209:20
210:11 217:9 233:3
third 20:5 157:16
third-party 32:15
Thirty-eight 11:5
Thirty-four 18:3
Thomas 208:13,13,17
208:19 209:2,4,9,12
209:13 210:17
thought 114:8 211:12
thoughts 61:6 214:11
thousands 192:3

220:13
threats 187:13
three 3:13 12:2,3,12,13
14:6 15:16 42:11
50:22 61:1 66:9 68:3
68:7 85:7 86:7 87:8
137:14 147:19 150:5
158:21 164:15 232:22
three-day 43:20
threshold 8:21 10:16
72:19
threw 94:11
Thursday 33:3
timeframe 73:22 77:4
155:16
timeline 240:15
timely 11:5,10,17 12:2
12:13,20 13:9 14:5,15
18:5 153:21 155:11
168:6,18 181:3
times 68:4,7 114:22
194:8,8 203:8 204:4
223:13,17
title 33:7,20 64:1 83:4
91:22 102:16 109:7
120:2 122:4 126:14
136:22 141:22 150:2
153:8 167:7 173:1
176:13 180:16 183:2
228:1
titled 180:5
Tobias 59:19
today 19:19 47:9 85:11
88:12 89:19 103:10
109:17 115:19 118:2
119:19 134:15 156:12
175:7 189:3,4 193:5,8
194:18 198:8 200:22
222:9 226:9 234:11
234:22 239:6 255:12
today's 139:11 147:8
147:16 164:12 174:20
told 43:16 65:12 66:6
68:1,4,6 206:2,3
213:3 236:9
tomorrow 33:3
tools 72:13,22 74:7
top 28:7
total 8:6 9:8 11:4 18:2
18:19 42:19 43:1
totally 106:13
touched 113:22
town 49:8,19
traditional 6:21 7:20
8:3 13:13 14:7 22:11
traffic 220:19
trained 25:10,12 229:6
training 25:13

transfer 219:2
transferred 217:12
transmittal 16:14
transmitted 20:16
115:17
treasurer 43:12
treasurers 15:2
treated 205:4
tribe 197:7
tried 114:6,9 200:18
triggered 77:15
triggers 77:4
trouble 207:3 211:21,22
true 49:19 208:10
Trupti 100:5 101:7,11
102:11
trusting 212:4
truth 106:2,2,3
try 29:6 45:10 49:4
98:15 203:16 209:20
trying 28:21 46:12 52:7
80:22 81:6 163:10
164:3 179:13,13
221:17 234:19
Tucker 195:6,9,9,18
Tuesday 32:21
tumultuous 208:2
turn 186:8 212:8 241:6
turnaround 28:4 43:21
turned 84:11,17 87:4
112:4
twenty-five 111:10
twice 25:9 66:19
two 10:18 12:20 18:9
39:17 41:21 42:10
45:2,4,10 56:7,10
64:4,10,12,14 71:20
73:17 74:15,16 77:13
83:7,10 92:6,7 103:15
115:10 137:13 142:3
142:3,8 143:2,16
144:6,12 156:21
157:19 158:2 160:10
167:13,15 168:4,11
168:14 173:9 176:16
177:3 179:16 185:12
191:13 203:2 205:11
206:13 207:14 209:11
209:14 210:14 211:5
212:20 213:7 215:5
215:19 216:8,13
219:22 221:14 222:6
232:12
two- 43:20
type 36:3 76:17 78:18
97:11
typewritten 155:3
182:22

U

U.S 13:19 180:20
230:21,22
UDC 26:13
ultimately 30:22
unable 190:4
unanimous 4:21 35:19
121:3 135:21 140:20
149:3 166:5 172:2
240:11 242:16 243:11
244:7 245:3,21
246:16 247:11 248:6
249:1,19 250:16
252:20 253:14 254:9
255:7 256:5
unconstitutional 31:16
understand 35:6 40:19
48:2,8 70:8,17 71:12
146:7 200:8 209:22
210:6
understanding 99:1
110:1 117:3 129:1
146:11 232:14
unexpected 16:15
unfair 194:2 233:2
unfortunate 186:15
Union 26:11
Unit 82:1
United 34:3 112:19
unlawful 19:5
unlivable 194:3
unmute 36:2 45:16
52:13 80:14
unmuted 43:6 51:14,15
77:21
unregulated 188:19
189:10 231:19 232:2
232:9,19 233:10
unresolved 94:22
upbringing 209:19
upcoming 15:17 41:5
updated 10:20 130:7
upholding 31:7
urine 218:9
use 19:5 20:2,8 21:3
72:11 186:20,22
210:9 211:11,16
212:2,3 229:2
users 220:7
uses 206:20

V

v 30:11,11 31:4,5,13
32:8 52:4 53:16 59:7
62:2 79:16 90:9 100:5
107:17 118:6 124:4
133:5 138:13 146:22
151:13 161:21 163:20

165:9,13 169:17
 172:3 174:7 229:18
 241:21 242:17 243:13
 246:18 247:13 248:8
 249:3,21 250:18
 252:2,22 253:16
 254:11
vacancies 31:8 40:10
 40:12 41:21 42:18,20
valid 56:7,8,10 61:1,3
 64:4,5,8,15 73:1,4,8
 83:7,8,10,12,14,15
 92:3,4,6,8 94:1,4,5
 102:19,20 109:10
 111:16 113:1,3 116:9
 122:7,8 126:22 127:1
 134:13 137:7,8,11,13
 137:15 142:3,4 150:5
 150:6,7,9,11,13,16
 153:11,12,13,16
 154:5 157:3 159:4,14
 167:10,11,13,15,17
 167:18,21 168:13
 173:4,5 176:16,17,19
 176:21 177:1,3
validate 72:14 157:20
validating 64:14
validation 72:15
validity 94:17 116:4
value 37:19,22 38:9
 222:1
various 29:11 38:21
 210:7 241:7
Veda 15:20
vendetta 98:19
vendors 221:19
venture 196:21
verified 180:22 183:3,4
verify 76:18,18
Verizon 16:3
version 159:3,13
veteran 25:15 46:1
veterans 50:9
victim 211:10
Victoria 124:4,21 126:9
 248:8
Vidal 204:11,12,13,15
 204:17,20,21 205:8
video 224:19
Videoconference 1:11
videoconferencing
 111:17
view 9:14 189:12 218:4
viewing 221:18
vigorously 49:13
Vincent 9:22
violate 110:7,13
violated 218:8 219:4

violation 181:5
violent 221:5 229:4
Virginia 204:21 217:18
 218:12
virtual 22:4 28:19
 112:12 179:11
virtually 36:7
visible 49:11,13
voice 4:15 35:13 120:20
 140:14 148:19,21
 165:21,21 166:2
 171:19 242:10 243:6
 244:2,19 245:16
 246:11 247:5 248:1
 248:18 249:13 250:10
 251:17 252:14 253:9
 254:4 255:1,22
volunteer 229:12
vote 4:16 26:10,14,16
 26:17,18,19,20 27:16
 27:18 28:10 35:14
 50:12,14 54:15 56:9
 64:6 71:15,19 73:10
 73:20 76:15,16 83:9
 92:5 120:21 121:3
 137:9 140:15 142:5
 148:19,22 149:3
 153:14 165:21,22
 166:2 167:12 171:19
 173:6 176:18 226:10
 226:15 239:5,9 241:3
 242:10 243:6 244:2
 244:19 245:16 246:11
 247:5 248:1,18
 249:13 250:11 251:17
 252:15 253:9 254:4
 255:2,22
voted 71:18 77:11 78:7
 239:3
voter 54:7 55:20 60:14
 63:17 64:9 67:4 71:10
 71:11,12,22 72:2 75:5
 76:9 77:14 78:10,21
 82:21 83:16 85:5,17
 91:16 95:4,14,16
 102:11 108:11 109:2
 121:21 126:9 127:3
 127:20 128:18,20
 132:3 136:17 137:16
 141:17 149:19 150:14
 150:15 153:3 157:6
 167:2,19 172:5,18
 176:8 177:4
voters 1:18 29:14,19
 55:1,2,14 59:22 60:8
 63:3,11 64:12 65:20
 69:3 82:16 88:16 89:6
 91:1,3,10 95:6 99:3,4

101:17,21 107:8
 108:19 112:8 121:6,9
 121:15 125:17 126:4
 127:22 136:11 141:1
 141:4,10 149:6,13
 152:9,13,19 153:21
 154:3 166:8,11,18
 168:6,10,18 172:12
 175:17 176:2
voters' 85:21
votes 30:13,17 50:14
 227:7 241:4
voting 29:18 34:5 66:6
 72:1 73:12,15,16
 76:19 77:6 84:4 98:17
vs 244:8 245:5

W

wait 208:20 241:1
waiting 74:3,5 101:6
 162:18 170:10
waive 160:5 161:6
 215:7
waived 160:15
waives 120:3
walk 190:4
walk- 129:1
walked 224:20,21
walking 53:13 199:10
wanted 22:21 87:14
 88:7,8,22 89:1 104:16
 113:18 119:13 122:15
 123:9 128:18 129:12
 130:16 134:11 144:8
 162:21 163:2 177:10
 183:13 196:8,14
 209:14 210:13 213:15
 225:2 235:11 240:15
wants 215:16
Ward 9:21 10:2,4 13:20
 13:22 15:20 16:12
 21:2 162:1 163:21
 166:15,19 167:19
 169:10 174:9 176:3
 177:5,16 196:5
wardens 27:22 28:8
Warren 5:9
Washington 10:4 54:4
 59:19 62:22 81:19
 82:1 101:12 108:5,9
 152:3,7 161:21
 163:21 164:1,6,17
 165:9,13 166:12
 168:7,13,20,22 169:8
 186:20 187:2,22
 188:3,10,20 189:6,9
 189:13,14,17,22
 194:11 196:5 197:9

199:1,9 209:10 216:7
 219:20 223:11 224:5
 233:7 252:22 253:14
wasn't 37:13 69:6
 114:15 147:16 156:13
 209:18,19,21 210:2
 214:17 217:15
waste 220:20
wasted 220:19
wasting 88:3,12 220:5
 221:12
waver 134:14
way 65:15 96:14,15
 112:18 186:22 194:21
 199:11 204:1 211:16
 220:9 221:18
ways 28:20 210:7
weapons 229:7
WebEx 185:22
website 6:6,12 9:13
 14:12,22 15:7 16:21
 19:18 23:5
Wednesday 1:8 156:4
weed 206:15 212:1
 218:1
week 6:13 21:13 22:3
 241:2
weekly 22:5
weeks 43:14 45:2,4,10
 46:11,14
weigh 39:3,5,7
welcome 23:13
went 22:19 66:18 71:13
 113:16 179:3 187:19
 200:6 205:22 217:2
 217:17,19 220:17
 224:7,9 239:19
 256:10
weren't 95:14
whatnot 217:15
whatsoever 155:12
 158:8
Wheelwright 205:16
Whisleman 201:7,8,13
 201:15
white 15:19 197:5
wife 95:21
William 1:22 17:18
 30:11
Williams 169:17,20
 170:9,10,14,21 172:3
 172:18,19 253:16
Williams' 94:12
willing 25:16 114:11
Wilson-Smith 82:7
windfall 220:8
window 71:14 218:4
withdraw 139:20

withdrawal 134:16
139:21
withdrawing 119:8
withdrawn 235:12,14
235:15 236:11,17,21
237:17
withdraws 236:3
withdrew 235:7,21
witness 110:16,20
111:4 113:15 116:21
190:17,22 193:7
195:2,13 198:10
201:4,17 202:6
207:10 212:18 213:13
213:15 215:16 216:4
219:11 222:9,11
witness' 213:10
witnessed 116:12
117:15
witnesses 179:11,15,17
190:12 195:14 202:1
213:22 231:6
witnessing 114:1,5
116:10 117:4
Wolfe 21:7
Wolons 174:7,9,13
175:3,8,11,14 176:8,9
254:11
won 74:15
wonder 221:8
wondering 44:2 227:11
Woodson 201:18,18,19
201:20 202:3,13,18
202:21,22 203:3
204:6
word 48:9 187:13
194:16
words 183:2
work 25:16 26:4 28:7
29:10,17 38:6 41:6
47:16 123:1,7 192:6
204:22
workers 25:11,14,15,20
26:3 28:14 29:2
working 23:1 27:15
191:21
works 41:11 205:19
238:10
Workshop 196:11
world 111:6 203:21
222:1
world's 49:14
worried 189:15
worry 68:9 128:16
156:5
wouldn't 216:22 218:19
219:4
writ 234:2 236:1

write 58:7
write-in 30:13,15,17
writing 147:19 232:15
235:15 236:7
written 46:10 78:9,17
78:22 93:17,20 116:2
119:2 131:12 201:1
239:10
wrong 72:8,10 84:22
87:2,6,8 232:7 237:15
wrote 86:14 96:2 187:6
189:1

X

Xanax 217:8

Y

year 8:8 30:21 42:11
66:10,12 69:10,13,13
70:4,5,6,6,13,15
74:19,21 144:5 199:8
217:3,12 218:15
219:3 221:14
years 66:9 71:15,16,20
73:11 74:15,16 78:12
144:6 188:7 199:17
216:16,21 218:8,22
219:1 224:11
yesterday 25:10 85:12
87:19 88:1,5 89:1,5
114:13 115:13 119:10
119:22 128:7 147:13
175:4
yesterday's 88:18,20
112:10
yielding 110:7
young 199:10
youth 221:3

Z

zero 61:1 109:10
Zip 90:20
Zoe 187:18,19,22 190:5
zombie 217:10

0

08C06 125:10

1

1-01.08(b)(3) 117:11
1(a) 127:19
1,000 206:15
1,327 25:10
1:38 179:3
1:45 179:4
10 7:18 9:3 11:14 55:13
55:17 60:8,10,12,17
61:3 63:11,13,15,19

63:19 71:9 72:12,22
73:4 82:15,19 91:9,13
96:13 102:4,8 108:18
108:20,22 128:16
130:8 149:12,17
152:18,22 153:19
234:16

10-day 155:16

10:00 1:12 201:10

10:03 3:2

100 183:2

103 66:1 90:20

107 27:19

10th 10:9 11:20 12:9,15

14:2,6 18:7 30:20

11 137:7 167:17

1122 125:5

114 15:10

1150 219:19

11th 26:9 73:1

12 18:13 55:22 56:7

92:12 150:20 172:20

173:4,9

12-year-old 187:14

12:14 128:5

12th 21:7

13 7:19 83:19 89:18

136:19 137:7 153:11

172:20

1327 36:20

1366 216:6

13th 28:5 183:6

14 10:11 14:4,17 18:6

56:18 57:14,20 91:18

92:3 126:22,22

14th 20:10 63:17

182:12

15 11:6,7 56:13,18,19

57:1,19,21 60:3 83:1

126:11,22 141:16

144:2 157:21

1520 62:22

15th 34:2

16 8:11,18 26:10 33:14

33:16 55:7 66:8 83:7

102:22

1600 152:6

1602.3 116:17,20

1607 116:4

1607.1 56:4 60:20 64:1

83:5 91:22 102:17

109:8 122:5 126:15

137:1 142:1 150:3

153:8 167:8 173:2

176:14

1607.1(i) 116:5

16th 9:7 15:20

17 55:20 66:8 102:11,13

102:19 121:21 126:9
136:17 149:19 152:13
153:2 177:8 187:17

1703 152:2

1705 65:8

1715 65:14,21 66:16,22

67:9

178 2:12

17th 60:14 82:21 91:16

109:2 154:21 167:2

172:18 176:8

18 66:8

1802 55:12

1807 59:19 81:18

1854 81:22

1882 53:22

18th 128:4,22

19 18:13 55:22 66:8

1908 211:3

19925 205:16

19th 19:21 20:6

1st 13:16 16:11 175:5

219:19

2

2 1:9 9:21 10:2 13:20,22

63:19 82:1 84:6 86:5

86:17 88:21 92:12

93:15,15 95:10,10

103:11,22 174:9

177:16

2,000 25:15

2,400 27:20

2,500 25:11

2:55 239:19

20 14:17 15:2 18:5

55:16 60:15 82:17

83:1 91:4,12,19 102:7

102:13 108:14 110:19

126:5,11 136:6,13,19

144:1 175:2

200 25:19

2000 94:13 199:8,8

20001 63:1

20002 81:19 82:1 90:20

152:3,7 219:20

20008 108:5,9

20010 216:7

20037 101:12

2014 66:19

2015 54:3 187:18

2016 66:7 71:17,18

73:10 76:15,16 78:7

195:11

2018 20:1 30:14 65:19

67:6,8 72:1

2019 5:9 8:9 30:20

187:7,22 193:18

202-355 51:15
202-671-0547 6:5
204 65:10,12
20th 28:2,4 170:22
21 163:9 209:10
2114 90:19
213 2:14
21st 93:11,12
22 28:17 150:20
24 2:8 24:15 64:14
 156:20,21 217:20
240 108:9
240-346-1706 202:19
24th 65:16,17 67:19
 69:13 70:7 84:17
25 153:11 176:21 187:6
 189:2
250 32:5
2538 105:20
256 2:15
25th 16:17 101:11
26 33:12 155:21
2632 125:6
26th 9:21 10:1,2,4,5
 101:15 128:21 129:3
27 82:10
27th 6:11 156:7,8,15,17
28 20:22 131:11 149:7
 149:21 150:5
28th 6:13 8:6 20:11
 139:18 171:1
29 101:21
29th 111:13
2A03 100:7 102:3
2A06 107:11
2C02 118:8 121:13
 123:21
2nd 8:11 15:21,22 16:5
 16:6,8 68:2 127:16
 147:22 171:3 175:1

3

3 2:2,3 33:7,20 55:9
 60:5,16,20 62:15 63:8
 64:1 82:12 83:4,19
 84:7,8 86:17,19 88:21
 89:2 91:7,22 102:2,17
 108:16 109:8 120:2
 121:12 122:5 124:10
 125:22 126:15 133:11
 133:15,18 134:22
 136:8 137:1 138:16
 139:3 140:3 141:7,22
 147:3,5 148:7 149:10
 150:3 151:17,18
 152:15 153:8 162:4,5
 162:20 164:6 167:8
 169:20 171:8 173:2

174:10 175:10 176:13
 185:12 195:5 198:12
 201:7,18 202:8,15
 204:7 208:16 209:3
 216:11 217:5 222:22
 225:17
3,000 25:12
3,283,278 8:7
3.5 218:6
3:15 119:22
3:30 119:15,15,16
3:45 226:9 239:5,7
 240:14
3:50 239:20
30 2:10 63:6 149:15,21
 221:20
30th 66:13 69:11
31 8:16 131:13 153:4,11
31st 10:21 11:1,13 13:8
 14:16 15:18 16:2 18:6
 19:12 158:16 168:20
 182:14

32 8:9
33 2:11 177:8
34 9:9
35 152:20 153:4 167:10
36 12:19 18:2
3701 108:4,8
38 13:2 176:10,16,16
39 10:8
3F07 107:19 108:17
 113:10
3rd 6:15 8:12,18 9:19
 13:18 15:15 16:20
 17:4 19:2,10 24:13
 113:10 166:14 172:9
 175:20

4

4 2:4 16:12 56:7 84:7,14
 89:4 93:5 95:9 102:19
 196:5 217:5 222:2
 229:12
4:02 256:10
40 221:20
403.3 133:18
403.4 120:2 135:1 140:3
 148:7 171:8
43 94:3
45 12:19
46 167:4,10
48 168:4
4921 198:22
4th 13:20 166:11

5

5 2:6,7 32:13 33:15,21
 56:13 110:12 121:9

125:20 141:4 217:5
 222:2
5,2020 2:5
5:00 24:16 222:12
 226:13
50 166:17 168:16 176:1
503 56:4
507 152:6
51 2:11 169:3
530 124:21
531 196:4
54 11:4
55 24:11 176:4,10
584,593.65 9:9
5D01 79:18 82:4,14
5D03 151:15 152:16
5D04 90:11 91:8 99:22
5th 3:17 4:6 13:21
 24:12 32:18 172:7
 175:17

6

6 102:22
65 24:10 187:16,20
66 232:20
67 33:12,15
680,000 233:6
694 193:20
6977-6978 33:15
6E01 62:4 67:5
6th 30:14

7

7 15:20 21:2 33:8,21
 83:7 84:7,20 103:17
 103:18
71 12:2 196:13,16
74 12:7 26:16
757 212:19
78 12:1
790,435.13 8:15
7922 33:12
7B 31:8
7B04 31:9 133:7 138:15
 141:8
7B05 31:9 145:1

8

8 10:4 162:1 163:21
 166:15 169:10
8:00 24:13
803 66:1,4
804 213:2
806 62:8
807 93:11
809 93:12
81 44:7
83 166:20 167:4 193:19

9

9 67:4 71:8 92:3
915 101:15
950 101:11
9th 211:3

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This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DCBOE

Date: 09-02-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

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