

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

AUGUST 5, 2020

+ + + + +

The District of Columbia Board of
Elections convened via Video Teleconference,
pursuant to notice at 10:38 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

TERRI D. STROUD, General Counsel

SYLVIA GOLDSBERRY--ADAMS, Operations
Manager

KAREN F. BROOKS, Registrar of Voters

CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance

LINDA JOHNSON, Assistant to the Executive
Director

WILLIAM SANFORD, General Counsel, Office
of Campaign Finance

CONTENTS

1) Call to Order	4
2) Ascertainment of Quorum	4
3) Adoption of Agenda/Approval of Minutes.	6
Regular Board Meeting --	
Wednesday, July 8, 2020	
4) Board Matters	7
5) Campaign Finance Report --.	8
Cecily Collier-Montgomery	
6) Executive Director's Report --.30
Alice P. Miller	
A. Proposed Certification of	
Petition Signatures for Initiative	
Measure No. 81 -- "Entheogenic	
Plant and Fungus Policy Act of 2020"	
B. General Matters	
7) General Counsel's Report --50
Terri D. Stroud	
A. Litigation Status	
1. William v. Hunt v. D.C.	
Board of Elections	
2. Graham v. D.C. Board of	
Elections	
3. Hammond v. D.C. Board of	
Elections	
4. Marlin v. D.C. Board of	
Elections	
B. Public Hearing, "Aaron Landry and	
Daniel Warwick v. D.C. Office of	
Campaign Finance	
8) Public Matters.	108
9) Adjournment	120

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

(10:38 a.m.)

1) CALL TO ORDER

CHAIR BENNETT: Let me call the meeting to order. This is the August meeting for the DC Board of Elections. We've got quite a few matters today. And, as we all know, we're still doing this virtually.

2) ASCERTAINMENT OF QUORUM

CHAIR BENNETT: I'm need to ascertain a quorum, so can I have board member Gill please acknowledge your presence.

MEMBER GILL: Hi. This is Mike Gill. And I'm on the call.

CHAIR BENNETT: Okay, Mike. What's your phone number, so we can identify you?

MEMBER GILL: It's 202-997 of the 33 numbers. Hopefully, that's good enough.

CHAIR BENNETT: Got it. Yes, I've got it.

Board Member Greenfield -- in fact if you'd leave Mr. Gill's line open. Board Member

1 Greenfield, can you identify yourself and
2 acknowledge your presence on the call.

3 MEMBER GREENFIELD: Yes. This is
4 Karen Greenfield. I'm on the call.

5 CHAIR BENNETT: Okay. So, and your
6 phone number Ms. Greenfield --

7 (Telephonic interference.)

8 MEMBER GREENFIELD: There's a lot of
9 disturbance on the line. I can't hear you,
10 Chairman.

11 CHAIR BENNETT: We need your first
12 four numbers.

13 MEMBER GREENFIELD: Oh. 703-795.

14 CHAIR BENNETT: Okay. We've got it.
15 Okay. And we're going to mute everybody else.

16 And if indeed as we get through this,
17 I think if you press star-3, that will let us
18 know that you'd like to speak. And that will be
19 important in the, particularly in the public
20 matters. Okay, so the meeting has been called to
21 order.

22 3) ADOPTION OF AGENDA/APPROVAL OF MINUTES

1 CHAIR BENNETT: I need to adopt the
2 minutes for today, and also the -- and also the
3 minutes -- sorry, the minutes from last week and
4 also the agenda for today, for the last meeting.

5 I also want to modify the agenda to --
6 so that we are going to take a vote after public
7 matters to go into executive session to discuss
8 the matter associated with Aaron Landry and David
9 Warwick -- I'm sorry, Daniel Warwick, sorry,
10 versus DC Office of Campaign Finance.

11 So, can I get a motion from Ms.
12 Greenfield to approve the agenda for today as
13 well as the minutes from last meeting?

14 MEMBER GREENFIELD: Yes. I move that
15 we approve the minutes from the last meeting and
16 the agenda for today.

17 CHAIR BENNETT: Mr. Gill, can we get
18 a second?

19 (No response.)

20 CHAIR BENNETT: Mr. Gill, can we get
21 a second?

22 MEMBER GILL: Yes. This is Mike Gill.

1 I second that.

2 CHAIR BENNETT: Okay. It's been
3 properly moved and seconded. And I vote yes.
4 And the Board vote's unanimous. We'll move on.
5 And we have adopted the agenda and -- as
6 modified, and the minutes of the last meeting.

7 4) BOARD MATTERS

8 CHAIR BENNETT: Any board matters, Ms.
9 Greenfield?

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

12 CHAIR BENNETT: Mr. Gill, any board
13 matters?

14 MEMBER GILL: No board matters. But
15 can Alice Miller in her report talk about the
16 council's actions or things that have been
17 happening in terms of briefings and such.

18 CHAIR BENNETT: Yes, she will.

19 MEMBER GILL: Okay. Then no, no board
20 matters.

21 CHAIR BENNETT: Okay. And for me, I
22 don't have any board matters as well. So, we

1 would like to have the report from the Office of
2 Campaign Finance, Ms. Collier-Montgomery.

3 We need to know your number. Ms.
4 Montgomery?

5 MS. COLLIER-MONTGOMERY: Yes. Can you
6 hear me?

7 CHAIR BENNETT: What are your first
8 four numbers, Ms. Montgomery?

9 MS. COLLIER-MONTGOMERY: Hello?

10 CHAIR BENNETT: What are your first
11 four numbers?

12 Can everybody else mute themselves?
13 We had to unmute everybody.

14 Four four one nine, if we have it.
15 Okay, we've got it. Ms. Montgomery, it's your
16 line.

17 MS. COLLIER-MONTGOMERY: Okay. Are
18 you ready?

19 CHAIR BENNETT: Yes.

20 5) CAMPAIGN FINANCE REPORT --

21 CECILY COLLIER-MONTGOMERY

22 MS. COLLIER-MONTGOMERY: Okay. The

1 first thing I would again like to indicate on the
2 record for members of the public is that the
3 Office of Campaign Finance continues to operate
4 under a modified status. All of our services are
5 being provided remotely by email and telephone at
6 202-671-0547.

7 All candidates' and committee reports
8 are being received online at our website, on the
9 required deadline. Candidates may contact the
10 office for instructions concerning the
11 registration process.

12 Before I provide the production report
13 for the Fair Elections Program, I would also like
14 to note for members of the public and for the
15 Board that the Office of Campaign Finance, under
16 the Fair Elections Act, has the responsibility to
17 conduct at least one debate in each contested
18 citywide race. And the debate process requires
19 that all participating candidates who have been
20 certified in the Fair Elections Program
21 participate in the debate.

22 Also, any candidate in the traditional

1 programs who have qualified for ballot access may
2 also participate in the debate. At this point we
3 currently have two citywide elections with the
4 potential for debate.

5 The first one is with the citywide
6 race for members of the council elected at large.
7 We have eight certified candidates in the Fair
8 Elections Program who will be required to
9 participate in the debate. And we have 13
10 candidates who have registered in the traditional
11 program. And, of course, we've also assumed that
12 these candidates will qualify for ballot access.

13 We also have the potential for a
14 debate in the race for the at-large member of the
15 State Board of Education. We currently have two
16 Fair Elections Program candidates who are seeking
17 certification. And we have four candidates who
18 are registered in the traditional program. What
19 we would intend to do is to schedule the debate
20 before the beginning of the in-person early
21 voting period.

22 Last, I would note that with respect

1 to the debate process we are currently in the
2 process of trying to solicit a public relations
3 firm to assist us with the development of the
4 campaign -- of the debate process as well as with
5 the publicity campaign that we would launch to
6 make sure that members of the public are informed
7 as to the date on which we would be holding the
8 debates. More than likely, also, the debates
9 would be held in a virtual format.

10 Now I will continue with the stats
11 from the Fair Elections Program Division for the
12 month of July. In the Fair Elections Program as
13 of this date, as of July -- as of July 31st,
14 2020, the Office of Campaign Finance has
15 authorized for the disbursement of the total sum
16 of \$2,864,679.35 in base amount and matching
17 payments to the 27 candidates who are certified
18 in the program who participated in the June 2nd,
19 2020 primary election; the June 16th, 2020
20 Special Election; and the November 3rd, 2020
21 General Election.

22 That figure represents the total

1 amount of public funds that have been disbursed
2 so far since the implementation of the Fair
3 Elections Program. There are currently 29
4 candidates who are registered in the program for
5 the November the 3rd, 2020 general election, and
6 11 of these candidates have been certified as
7 participating candidates.

8 Twelve candidates were certified --
9 and this is just background information for you -
10 - 12 candidates were certified as participating
11 candidates in the June primary election. And 10
12 of the 11 candidates who achieved ballot access
13 were defeated and will not continue to
14 participate in the general election.

15 The four candidates who were certified
16 as participating candidates in the June Special
17 Election were defeated.

18 During the month of July 2020, the
19 total sum of \$298,755.35 was distributed in base
20 and matching amounts to the following FEP
21 participating candidates:

22 First, on July the 1st to Chander for

1 Council, \$375 in matching payments was
2 distributed or authorized for disbursement.

3 On July the 1st to the Committee to
4 Elect Jeanne Lewis, who was certified in the
5 program, the base amount of \$20,000 was
6 authorized, and \$65,303 was authorized in
7 matching funds.

8 On July the 7th, to Franklin Garcia
9 for DC 2020, the base amount of \$20,000 was
10 authorized, and \$67,785 was authorized for
11 disbursement in matching funds.

12 On July the 7th, to Monica Palacio for
13 City Council, the amount of \$20,000 was
14 authorized for disbursement in the base amount,
15 and the amount of \$66,205 and \$4,250 was
16 authorized in matching funds disbursement.

17 On July the 17th, to the Friends of
18 Christina Henderson, the amount of \$16,810.35 was
19 authorized in matching fund payments.

20 On July the 17th, to Chander
21 Jayaraman, \$500 was authorized in disbursement
22 for matching payments.

1 On July the 28th, to Fraser for Ward
2 4, the amount of \$6,700 was authorized in
3 matching payments.

4 And on July the 28th, to the Elect
5 Karen for 7 State Board of Education 2020, the
6 amount of \$5,800 was authorized in matching
7 payments. And the amount of \$5,000 was
8 authorized in a base amount payment.

9 During the month of July, five
10 candidates were certified as participating
11 candidates in the program. And these candidates
12 were certified to participate in the November the
13 3rd, 2020 General Election. And they are:

14 Jeanne L. Lewis, Committee to Elect
15 Jeanne Lewis for City Council, on July the 1st;
16 Franklin Garcia, Franklin for DC 2020, on July
17 the 7th; Monica Palacio, Monica Palacio for City
18 Council, on July the 7th; Frazier Lewis O'Leary,
19 Frazier for Ward 4, on July the 28th; and Karen
20 L. Williams, Karen for 7 State Board of Education
21 2020, on July the 28th, 2020.

22 And I would also mention on the record

1 for the members of the public that today, which
2 is August the 5th, is the deadline date for
3 meeting the professional requirements for
4 participation in the Fair Elections Program for
5 the November the 3rd, 2020, General Election.

6 Also, the other activity in the Fair
7 Elections Division during the month of July, the
8 Division conducted 31 desk reviews of the
9 financial reports which were filed during the
10 month. The Division issued 15 requests for
11 additional information as a result of those desk
12 reviews. The Division also issued ten status
13 reports for candidates who are seeking
14 certification in the program but have not yet met
15 the threshold requirements.

16 On July the 5th, 2020, the Fair
17 Election Program Division issued notification of
18 post-election cycle audit to the following
19 principal campaign committees, and these were
20 campaign committees who organized in support of
21 candidates in the June 16th, 2020 Special
22 Election:

1 Fanning for Ward 2 Special Election;
2 Jordan Grossman for Ward 2 Special Election;
3 Patrick Kennedy for Ward 2 Special Election; and
4 Christian for Ward 2 Special Election 2020.

5 In the Public Information and Records
6 Management Division of the Office of Campaign
7 Finance during the month of July -- and, of
8 course, as you know, the Public Information and
9 Records Management Division is the first contact
10 that the public has with the agency, and receives
11 the registrations as well as the online filing of
12 reports. So, during the month of July, the
13 following reports of receipts and expenditures
14 were filed:

15 In our Constituent Service Program,
16 July the 1st was the deadline for the filing of
17 the report of receipts and expenditures in this
18 program. We had nine required filings, all nine
19 timely filed. And, also, they electronically
20 filed their reports.

21 There were two requests for extension
22 which were received, and also granted.

1 In our Senator Representative
2 Statehood Funds, July 1st again was the filing
3 date for the filing of the report of receipts and
4 expenditures. We have three required filers.
5 All three timely filed, and also electronically
6 filed their report.

7 In the Fair Elections Program
8 Division, July the 10th was an optional date for
9 the filing of reports of receipts and
10 expenditures. Nine timely filed their reports,
11 and they also electronically filed the report.

12 July the 31st was the filing date for
13 the filing of the report of receipts and
14 expenditures by principal campaign committees as
15 well as by political action committees. We have
16 52 required filers. Twenty-six timely filed, and
17 all of the 26 who timely filed also
18 electronically filed their reports. And we're in
19 the process of determining the number of filers
20 who will be referred to the Office of the General
21 Counsel due to the failure to file the report
22 that was due.

1 July the 31st was also the deadline
2 for the filing of the report of receipts and
3 expenditures by the legal defense committees that
4 are registered with the office. We have one
5 required filer who timely filed, and also they
6 electronically filed their report.

7 July 31st is also the deadline date
8 for the filing of reports by independent
9 expenditure committees. We have seven required
10 filers; three timely filed. We again are in the
11 process of determining who will be referred to
12 the Office of the General Counsel for the failure
13 to file, timely file the report. And all of the
14 three, the three timely filers electronically
15 filed their report.

16 With our Initiative Referendum
17 Committees, again July the 31st was the deadline
18 for filing of the report of receipts and
19 expenditures. They have nine required filers;
20 five timely filed. And also, they electronically
21 filed their reports and we're still, again, in
22 the process of determining the number of filers

1 who will be referred to the Office of the General
2 Counsel based on the failure to file.

3 During the month of July, we also have
4 14 new candidates and committees who registered
5 with the Agency. We had four who registered in
6 the traditional Campaign Finance Program. And
7 they are:

8 A'Shia Howard for At-Large City
9 Council, on July the 10th; Kathy Henderson,
10 Committee to Elect Kathy Henderson At-Large City
11 Council on July the 24th -- I'm sorry, 21st; Fria
12 Moore for Ward 8 City Council on July the 22nd;
13 Chris Martin, Chris Martin for State Board of
14 Education --

15 (Dog barking.)

16 MS. COLLIER-MONTGOMERY: Excuse me.
17 That's my pet -- at-Large State Board of
18 Education on July the 24th, 2020.

19 We also had eight candidates who
20 registered in the Fair Elections Program. And
21 they are:

22 Keith Silver, Keith Silver for DC At--

1 Large City Council on July 7th; Patricia Stamper,
2 Friends of Patricia Stamper, Ward 7, State Board
3 of Education she registered on July the 8th, but
4 she withdrew on July the 27th; Dontrell Smith,
5 Committee to Elect Dontrell Smith, Ward 7, State
6 Board of Education on July 9th; Ryan Washington,
7 Washington for Ward 8 DC, Ward 8 State Board of
8 Education, on July 9th; Mysiki Valentine, the
9 Committee to Elect Mysiki Valentine, At-Large
10 State Board of Education, July the 13th; Eboni
11 Rose Thompson, Committee to Elect Eboni Rose
12 Thompson for DC State Board of Education, Ward 7,
13 on July the 17th; Randy Downs, Randy Downs for
14 Ward 2, Ward 2 City Council, July the 21st;
15 Alister Chang, Friends of Alister Chang, Ward 2
16 State Board of Education, on July 31st.

17 We had two Initiative Committees who
18 registered. The first one was Modern Day
19 Cannabis Justice Reform. They registered on July
20 the 8th, and then they terminated on July the
21 14th; The New Day Modern Day Cannabis Justice
22 Reform Act of 2020 registered on July the 31st.

1 We also had 19 candidates and
2 treasurers who were newly registered who
3 completed the OCF conference, entrance conference
4 presentation online during the month of July. I
5 will not read their names into the record, but we
6 will post all of our stats today at our website.

7 In the Reports Analysis and Audit
8 Division, during the month of July the Audit
9 Division conducted 46 desk reviews of the reports
10 of receipts and expenditures that have been filed
11 with the Agency. And also, issued ten requests
12 for additional information as a result of the
13 desk reviews of those reports.

14 We also have ongoing audits. And
15 during the month of July the first one is a full
16 scale audit, and that is of the Jack Evans Legal
17 Defense Fund. The final audit report has been
18 completed for that particular investigation --
19 investigative audit.

20 We have, also, ongoing periodic random
21 audits. And these are basically random audits of
22 the candidates in the upcoming 2020 election of a

1 January 31st filing. The Friends of Robert
2 White, the audit records were received on March
3 the 16th, data for Ward 7. The audit was
4 initiated on March 2nd, and the Committee to
5 Elect Rogers for Council was initiated on March
6 the 2nd.

7 We also had a periodic random audit
8 (telephone interference) committee, their January
9 31st filing; the Verizon Communications, Inc.
10 Good Government Club PAC, which was initiated on
11 March the 2nd; the DC Libertarian Party which was
12 initiated on March 2nd; and the Firefighters
13 Committee on Political Activity which was also
14 initiated on March the 2nd.

15 With the Constituent Service Program
16 of the April the 1st, 2020 report we have one
17 periodic random audit which is ongoing, and that
18 is of the Ward 4 Constituent Service Program. An
19 extension was granted until July the 3rd, 2020.
20 And that's basically for the submission of the
21 records. An additional request for records was
22 issued on July 19th, 2020.

1 There were two more requests during
2 the month of July. The first was the Our Ward 5
3 Constituent Service Program, which was issued on
4 July the 29th. And Mayor Bowser Constituent
5 Service Program report, which was issued on June
6 the 30th, 2020. The final audit report, which
7 has been issued, has been posted at our website.
8 And that would conclude this portion of our
9 report,

10 And I would now ask that William
11 Sanford provide the report for the General
12 Counsel of the Office of Campaign Finance.

13 CHAIR BENNETT: Mr. Sanford, can you
14 push Star-3 so we know which, what the number is.
15 I think he's actually -- Mr. Sanford? Mr.
16 Sanford, you may be on mute. I think we have
17 you. Maybe not.

18 MR. SANFORD: Okay. Good morning.

19 CHAIR BENNETT: Yes, we can hear you.
20 We got it.

21 MR. SANFORD: Okay. Good morning, Mr.
22 Chairman, distinguished board members. My name

1 is William Sanford, General Counsel for the
2 Office of Campaign Finance.

3 During the month of July 2020, the
4 Office of the General Counsel did not receive any
5 referrals. We completed six informal hearings,
6 and issued six orders, which included the
7 following:

8 One order was issued that imposed a
9 fine of \$150.

10 Five orders were issued that did not
11 impose fines.

12 In addition, we also (telephonic
13 interference) Fair Elections Program in the June
14 2nd, 2020 primary election; and four orders
15 requiring principal campaign committees of formal
16 fair election candidates in the June 16th, 2020,
17 Ward 2 Special Election, to remit all remaining
18 fair election funds and to have made equipment
19 purchased for the committees valued at \$50 or
20 more to a non-profit organization in accordance
21 with DC Official Code Subsection 1-
22 1163.32(h)(a)(1) and (2) (telephonic

1 interference) initiative funds and donation of
2 equipment.

3 Mike for Ward 8, Michael Austin,
4 candidate; Kelvin Brown for DC Council Ward 7;
5 Evans 2020, Jack Evans, candidate; John Fanning
6 for Ward 2; Green for Ward 7, Anthony Lorenzo
7 Green, candidate; Jordan Grossman for Ward 2;
8 Patrick Kennedy for Ward 2; Kishan for DC 2020,
9 Kishan Putta, candidate; and William John for
10 Ward 2.

11 The following Fair Elections
12 Committees in the June 16th 2020 special
13 elections received (telephonic interference)
14 purchase of equipment:

15 Patrick Kennedy for Ward 2 Special,
16 June 16th, 2020; Jordan Grossman for Ward 2,
17 Special Election; Kishan Putta for Ward 2,
18 Special Election; and John Fanning for Ward 2,
19 Special Election.

20 During the month of July 2020, the
21 Office of the General Counsel imposed a fine of
22 \$150 against the Committee to Elect Perry Redd.

1 During the month of July 2020, the
2 Office of the General Counsel maintained the five
3 following open investigations: (telephonic
4 interference) filed a complaint on February 3rd,
5 2020. The respondent was the DC legal Defense
6 Committee for Jack Evans. The allegation: the
7 use or the unlawful use of the Defense Committee.
8 It was referred to the Reports Analysis and Audit
9 Division. And as the director indicated, during
10 her presentation that order has been completed
11 and will be issued.

12 Complaint No. 2, filed by Complainant
13 Jennie Malloy, received on the 19th of May, 2020,
14 was filed against the Carla (telephonic
15 interference) investigation is pending.

16 Complaint No. 3, also filed by Jennie
17 Malloy on May 19th, 2020, was against the Ed
18 Lazere for DC Principal Campaign Committee. The
19 allegation was inappropriate use of Fair
20 Elections funds. That investigation is pending.

21 Complaint No. 4, filed by Chuck Base
22 on May 28th against the Anthony Lorenzo Green

1 Principal Campaign Committee. The allegation was
2 the inappropriate use of a government use
3 resource. And that investigation is pending.

4 June the 12th by Laura Wolf against
5 candidate Brooke Pinto. And the allegation is
6 failure to report extensive contribution. And
7 that investigation is also pending.

8 During the month of July 2020, there
9 were no requests for -- and there were no show
10 cause proceedings conducted.

11 And that should complete my report.

12 CHAIR BENNETT: Thank you, Mr.
13 Sanford. Ms. Montgomery, any other matters from
14 you?

15 MS. COLLIER-MONTGOMERY: That
16 concludes my report.

17 CHAIR BENNETT: Okay. Mr. Gill, any
18 questions for Ms. Montgomery?

19 MEMBER GILL: Are you asking me,
20 Michael?

21 CHAIR BENNETT: Yes.

22 MEMBER GILL: No, I have no questions.

1 CHAIR BENNETT: Okay. Ms. Greenfield,
2 any questions for Ms. Montgomery?

3 MEMBER GREENFIELD: No, I don't have
4 any questions.

5 CHAIR BENNETT: Okay. I just have
6 one. It's not a question actually, it's a
7 request.

8 And that is, since the program on the
9 debates is so new, and I think we probably want
10 to make sure people get as much information as
11 possible, prior to our next meeting, maybe mid to
12 late August, third, fourth week of August, if you
13 could put something on the website to give the
14 public status of where we are with regard to the
15 debates.

16 And the only reason, you know, to get
17 information out is, one, there's going to be a
18 whole lot more activity around debates for a
19 number of positions. And I think probably the
20 one that is most prominent is the at-large
21 council race. But I think some of the School
22 Board seats may also have debates. But at any

1 rate, because it's such a new program I want to
2 make sure people have information. So, if you
3 could put something, just a status on the website
4 at some point between now and the next meeting,
5 that would be great.

6 MS. COLLIER-MONTGOMERY: I sure will
7 do that. And I'd like to point out, too, that we
8 will be in a better position to do that prior to
9 the next board meeting because, as I indicated,
10 August the 5th is the deadline date for anyone to
11 qualify in the Fair Elections Program. And I
12 believe it also is the deadline date for the
13 filing of the nominating petitions.

14 So, thereafter we would know who has
15 in fact achieved valid access in both the
16 traditional program as well as in the Fair
17 Elections Program. And that would narrow the
18 number of persons who would be eligible to
19 participate in the debate. But, again, we do at
20 this point expect to have two potential debates:
21 one for the at-large seat on the Council; and the
22 other for the at-large seat on the State Board of

1 Education.

2 CHAIR BENNETT: Great.

3 MS. COLLIER-MONTGOMERY: Okay.

4 CHAIR BENNETT: And I understand, it
5 wasn't a question of doing a report today, I just
6 want to make sure we do give the people in the
7 public as much information as possible as that
8 information is available. So, thank you for
9 that.

10 The next item on the agenda is the
11 report of the executive director on the Board of
12 Elections. Ms. Miller.

13 6) EXECUTIVE DIRECTOR'S REPORT --

14 ALICE P. MILLER

15 MS. MILLER: Thank you, Mr. Chairman.

16 The first matter on the agenda for me
17 is proposed certification of petition signatures
18 for Initiative Measure No. 81, Entheogenic Plant
19 and Fungus Policy Act of 2020. I will go through
20 the report, highlighting what we've done to
21 review the initiative signatures as they were
22 submitted and the results of that review.

1 The Board staff, pursuant to DCMR
2 1009.11 of the Regulations, reviewed the petition
3 signatures as they were submitted. They had a
4 standard process for verifying registered voter
5 signatures that were contained in the initiative.
6 And they worked on some of those in the Office of
7 Planning and State -- Office of Planning State
8 Data Center.

9 And based on their conduction of that
10 review of Office of State Planning and Data
11 Center, it has determined that it does meet the
12 statutory requirements for certification of the
13 ballot pursuant to the regulations.

14 I will briefly give an overview of the
15 verification process that the staff undertook,
16 and indicate what Wards were verified as meeting
17 the random sample process.

18 The first thing that staff did was to
19 verify that the circulator was a resident of the
20 District of Columbia or resident of another
21 jurisdiction who is properly registered as a
22 petition circulator. Then they had to verify the

1 address of each petition signer. And that was
2 checked against our voter registration system to
3 determine that the petitioner was a registered
4 voter and fell into the verified signature
5 groupings to be checked.

6 Second -- third, I'm sorry, third, the
7 totals of the verified signatures are compiled by
8 the registration system to determine whether the
9 petition contains a sufficient number of
10 registered voters to proceed to the signature
11 verification stage in which the actual signatures
12 are examined. And then the total number of
13 verified signatures determine to have met the
14 minimum signature requirement are placed in a
15 random sample, and those names are then run for
16 comparison on our original voter registration
17 file. That random sample comes from the Office
18 of Planning.

19 In summary, what we found was that the
20 signature requirements were met in Wards 1, 2, 4,
21 5, and 6. With respect to Ward 3, it was
22 rejected. Ward 5, there was no decision. And

1 Ward 8 there was no decision. The total number
2 of signatures needed to qualify the measure for
3 ballot access, 25,477 -- I'm sorry, 24,835. The
4 number that were submitted that were verified is
5 25,477. So, they were about 642 signatures over
6 what they needed in terms of the number of
7 signatures requirement.

8 So, I would say based upon the review
9 of the staff and that of the Office of Planning
10 with respect to sample, the petition for
11 Initiative Measure No. 81, Entheogenic Plant and
12 Fungus Policy Act of 2020, is determined to have
13 met the signature requirements for certification
14 to the ballot for the November 3rd General
15 Election. And I would ask for a motion from the
16 Board to accept the report and to certify the
17 Initiative Measure No. 81 for ballot access for
18 the November 3rd General Election.

19 CHAIR BENNETT: Great. Can I get a
20 motion from Mr. Gill to use her report from Ms.
21 Miller with regard to the certification of the
22 petition for Measure No. 81. I won't go through

1 the full name. But if I can get a motion from
2 Mr. Gill for the certification. And I'll get a
3 second from Ms. Greenfield.

4 MEMBER GILL: Mr. Chairman, I make a
5 motion to accept the Executive Director's Report
6 on certification.

7 CHAIR BENNETT: Of Measure No. 81?

8 MEMBER GILL: I'm sorry. On the
9 Executive Director's Report on Measure 81 for
10 certification.

11 CHAIR BENNETT: Thank you.

12 Ms. Greenfield, can I get a second?

13 MEMBER GREENFIELD: Yes. I second it.

14 CHAIR BENNETT: Okay. It's been
15 properly moved and seconded. Can we take a roll
16 call vote. Mr. Gill? We're voting. You can say
17 yes or no.

18 MEMBER GILL: Sorry about that. Got
19 myself on mute there.

20 Yes.

21 CHAIR BENNETT: Okay. Ms. Greenfield?

22 MEMBER GREENFIELD: Yes.

1 CHAIR BENNETT: Yes for me as well.

2 So, it's unanimous. Measure 81,
3 Entheogenic Plant and Fungus Policy Act of 2020
4 is certified for ballot access.

5 MS. MILLER: Thank you. I just want
6 to recognize and thank the staff for all the time
7 and effort that they put into compiling
8 information and verifying the signatures. As you
9 know, it's a short window within which we had to
10 do this. And under the circumstances, with
11 reduced force and not having everyone in the
12 office at the moment, it was indeed a pretty
13 heavy lift and challenging.

14 But, as to be expected, they did it.
15 And it was done within the time frame that was
16 required without need for an extension. So, we
17 are grateful to the staff for doing it. And I
18 just want to recognize and thank them for that.

19 CHAIR BENNETT: Great. Thank you.
20 And congratulations to those persons that put
21 forth that initiative. Okay.

22 6. B.) GENERAL MATTERS

1 MS. MILLER: With respect to general
2 matters, we've been working to finalize a number
3 of names for the November election, including
4 procurement of a mailhouse for ballot delivery
5 for all the by-mail ballots for the General
6 Election. The procurement was finalized on
7 Monday. And the mailhouse that has been awarded
8 the contract is K&H Election Services. They will
9 perform the full-scale duty of mail-in ballots,
10 of their process, also provide the mail status of
11 both outbound and inbound ballots, allowing
12 voters to track the ballot delivery and return to
13 the Board's office.

14 Our ballots are scheduled to begin
15 arriving to voters the first week in October.
16 This date is backed up to include both the
17 challenge period that would begin on Saturday,
18 and our ballot lottery, which is scheduled for
19 the middle of September. From that we will then
20 be able to develop the ballot and have the ballot
21 provided to the mailhouse for delivery to voters.

22 Also, I want to put on the record that

1 a postcard is scheduled to be sent to all active
2 registered voters, that's 450,000 voters. The
3 postcard will be mailed beginning on Friday, this
4 Friday, to all registered voters. It provides
5 information to voters that they will receive a
6 ballot by mail and requests that they update any
7 information, if necessary, on their voter
8 registration status. If nothing needs to be
9 done, it says there's nothing more information
10 to let them know that a ballot will be sent to
11 them without the need to request.

12 If a voter would like to have their
13 ballot sent somewhere other than the address that
14 we have on file, the card will also reflect that
15 the voter provide that address and mail it back
16 immediately. That is only if they want the
17 ballot sent to an address other than the address
18 that we have on file for them to receive a
19 ballot.

20 We're also working to procure about 40
21 or 50 mail dropboxes that will be placed in
22 locations throughout the District of Columbia.

1 The mail dropboxes will allow voters to deposit
2 their ballots any time between the date they
3 receive the ballot and 8:00 p.m. on election
4 night. It's something that's quite popular and
5 found to be successful in jurisdictions that have
6 full-blown mail elections that have that in place
7 in the period of time, as Washington State,
8 Denver, and the State of Colorado generally,
9 Oregon, and California.

10 The boxes are extremely large and hard
11 to move. They are containers that provide a slim
12 slot for the voters to deposit their ballots.

13 Poll worker training began yesterday.
14 We currently have about 2,500 new applicants that
15 are being scheduled for training. These are
16 individuals who have recently indicated, at least
17 since I think the end of May maybe through the
18 beginning of June if they were interested in
19 working the November election. That still leaves
20 us about 2,000 workers short from what we need,
21 what we are trying to recruit to have workers for
22 the November election.

1 This does not include, however, any of
2 our veteran workers who are very important to
3 this process because they will know the ins and
4 outs and we're relying on their participation.
5 It's our hope that a significant number of our
6 experienced workers will be working to work this
7 election. But, of course, we're happy to have
8 all of our volunteers. The training will go
9 through the first week in October.

10 Also in the process of finalizing our
11 polling locations. More recently passage by the
12 Council requires the Board to operate 80 polling
13 places on election day. And that was a minimum.
14 In fact, we will have more than 80. We will also
15 operate 16 early vote centers. And, as always,
16 it will be two per ward.

17 And then an additional 74 on election
18 day, which will include two at the jail, which is
19 also in the law there's one at DOC and one at
20 SCPS, provided the health emergency allows us to
21 get there.

22 We have had interest from members of

1 the public with respect to polling locations, and
2 incorporated those suggestions. We intend to use
3 those polling places where it's possible to do
4 so. On that note, I will indicate that we are
5 trying to identify large sports venues that will
6 be able to accommodate large number of voters and
7 process them on Election Day with additional
8 equipment and workers, more so than our smaller
9 and confined venues.

10 We know that all of the social
11 distancing guidelines will still be effective in
12 October and November. Therefore, we have to
13 operate with the 6-foot space restrictions in
14 place. That pertains to both our workers and
15 voters alike.

16 We know that Monumental Capital Sports
17 Arena has offered their space to us for the full
18 eight days, which includes early voting and
19 Election Day. And we're excited about that
20 partnership, and think that it will be of great
21 assistance to both individuals going to cast
22 their ballots in person, and our workers as well.

1 Hopefully, anyone who is electing to vote in
2 person will do so before Election Day to avoid
3 what may be a very, very long line on Election
4 Day.

5 Outreach. Our outreach in voter
6 education division has been extremely busy during
7 the month of July. They've hosted a number of
8 events throughout the city. And I don't want to
9 get into all of them. But there were
10 approximately 10 or 11 events that they have
11 hosted, beginning the first week through July and
12 to July 30th.

13 All of those, all of those events are
14 posted on our website for anyone who's
15 interested.

16 I will also note that on Friday -- on
17 Saturday, this Saturday, August 8th, the division
18 will host a drive-through, voter registration
19 drive at St. Thomas Moore Catholic Academy in
20 Southeast DC. The event will feature music from
21 DJ Little Bacon Bear from WKYS. Encouraging all
22 2020 graduates from high schools and colleges,

1 universities, all of our citizens and seniors, or
2 anyone who needs to register or update their
3 registration to drive through to register to
4 vote.

5 We do have other events planned that
6 include a virtual poll worker open house to take
7 place in August. I believe it's August 12th from
8 11:00 to 1:00. Additional virtual open houses
9 for poll workers will also be scheduled through
10 the end of August and also the month of
11 September.

12 And with respect to the other things
13 that were made a part of the legislation that was
14 going on last week, well, the mail ballot was
15 part of that also. We will provide voter guides
16 to households this time.

17 And we'll have a process, which we had
18 in place for a while, to track wait times in
19 order to make that just a little bit more
20 visible, wait times via a link on the website.
21 And we'll also indicate that information in the
22 voter guide. That's for early voting only. That

1 is not for Election Day. But the wait times at
2 early voting centers can be tracked. And we do
3 that and we will continue to do that, make it
4 known for voters so they'll have an idea of what
5 the wait time is at the early voting centers.

6 And our deadline, as Ms. Montgomery
7 indicated, for the direct access candidates in
8 our ANCs is today at 5:00 p.m. So, anyone who is
9 filing a nominating petition has until 5:00 p.m.
10 today to do that.

11 And, also, I do want to just thank
12 everyone who has stepped up to provide support
13 and assistance to the Board. As we navigate this
14 November General Election under our "unusual
15 circumstances" as they exist, it's been a
16 challenging process. But we are indeed thankful
17 to everyone who has continued to work with us in
18 a constructive and productive manner.

19 We are looking forward to continue to
20 work with all of you, with the ANCs, the party
21 members, the other civic organizations, and many
22 groups, and voters, to make the November election

1 as seamless as possible.

2 I want to emphasize that at the end of
3 the day I think we all know that we all want the
4 same thing, and we're working hard to make that
5 happen. And that's essentially what -- we want
6 to have a positive voting experience for all our
7 voters, just as they want for themselves.

8 And that concludes my report.

9 CHAIR BENNETT: Great. Thanks, Ms.
10 Miller.

11 Any questions for Ms. Miller from Ms.
12 Greenfield?

13 MEMBER GREENFIELD: No. I don't have
14 any questions.

15 CHAIR BENNETT: Okay. Any questions
16 from Mr. Gill?

17 MEMBER GILL: I have just a few really
18 quickly.

19 Just the procurement contract for the
20 mailhouse, is that publicly available? And if
21 so, is that DC Board of Elections website or is
22 that, like, the DC Procurement Office where you'd

1 find that information?

2 MS. COLLIER-MONTGOMERY: Right. It
3 would be at the Office of Contracts and
4 Procurement.

5 MEMBER GILL: Okay. The 2,000 that
6 we're under right now, is that based on the 40
7 precincts that we were planning or is that based
8 on the 80 precincts that were decreed by the
9 Council?

10 MS. COLLIER-MONTGOMERY: We were
11 always trying to recruit 4,000 poll workers. So,
12 it's just a matter of distribution as in how we
13 will do it differently now. So, yes, I mean,
14 4,000 is the minimum. That's how we'll mail them
15 out, the more we get, the more we can use. Our
16 goal was to have not less than 4,000.

17 MEMBER GILL: Okay. But we're 2,000
18 short as of now?

19 MS. COLLIER-MONTGOMERY: Well, I would
20 say we have poll workers in our database, we're
21 just not certain of their willingness to work
22 this election. The 2,500 that we are now in the

1 process of scheduling for training, are
2 individuals that they have positively indicated
3 that they will be available for the November
4 election.

5 MEMBER GILL: All right. Thank you.

6 Oh, and I guess the last thing is I
7 want to give kudos to the staff. I know it's a
8 big, a big chore for the proponents of 81 to get
9 the signatures in light of the social distancing,
10 but for us to turn it around in a timely manner
11 and make sure it gets on the ballot accordingly,
12 just I want to echo your comments of cheers to
13 our staff for doing that in trying circumstances,
14 with everything else we've got going on.

15 MS. COLLIER-MONTGOMERY: Thank you.

16 MEMBER GILL: That's it, Michael.

17 CHAIR BENNETT: Okay. The other thing
18 I have, I have two things.

19 One, to your comment about the number
20 of persons we're trying to recruit, the reality
21 is that we don't know what's going to happen when
22 it comes to the pandemic come October and

1 November time frame. And so as many people as we
2 can get we want to try to bring on, because the
3 reality is, you know, there will be some people
4 that will drop off.

5 And so, and I just put this out there
6 for the public in general for us to, you know,
7 keep sending people to us because we really need
8 to bring on in excess of 4,000 just to cover
9 those persons that at the last minute will decide
10 that they're not going to participate. So,
11 that's the first thing.

12 The other thing is, is we will be --
13 we're at a place right now where I think we're at
14 the final draft, I'll call it, of the locations
15 of the -- the polling locations for the 80, and
16 also the early voting centers. And so, we would
17 -- we want to provide that final draft to council
18 members that are in the various wards, really all
19 the council members just to get final input. And
20 they'll also be listed on the website.

21 So, if indeed there are comments, or
22 concerns, or whatever, please tell us now

1 relative to the locations of these polling places
2 so that we can adjust. One thing that we don't
3 want to happen is we don't want to come to
4 October and then have a -- and then have disputes
5 over the locations.

6 So, and we're flexible, but we have to
7 be flexible now versus a couple days before
8 casting ballots.

9 The last thing that relates to Ms.
10 Miller's report -- I want to get this out -- is
11 the fact that, one, sending out ballots early,
12 sending out ballots to every voter is really
13 designed to try and make sure that there are as
14 few persons that have to vote in person as
15 possible.

16 There is a, also a realism in that we
17 recognize that there will be some percentage of
18 persons that will not get ballots. And so, after
19 a particular date, probably just a few days after
20 we determine that the Postal Service should have
21 a ballot to you, if you don't have a ballot then
22 that means the person will be an in-person voter.

1 And we also would be encouraging
2 people to vote early because if you don't vote
3 early then there will be lines. And so, we're
4 going to have lots of media focus on that and to
5 make sure that ensuring people are using their
6 ballots they receive in the mail. And if they do
7 not receive one in the mail, for whatever reason,
8 then they should vote early to ensure that the
9 process goes smoothly.

10 So, that's a message that we're going
11 to be putting out long and hard and to the point
12 of an annoyance. I saw a news report the other
13 day on Channel 9 where the reporter indicated
14 that if you decide to vote on the last day, then
15 bring your lunch, so, or something to eat and
16 drink.

17 But, at any rate, we are really
18 pushing the use of the ballot you receive by
19 mail, but making sure we have polling places
20 available for in-person voting if the mail-in
21 ballot doesn't work for any particular person.

22 Anyway, that's the gist of my comments

1 on that.

2 The next item on the agenda is the
3 General Counsel Report. And the way we're going
4 to do this is Ms. Stroud is going to give her
5 report, and then at the end we're going to go to
6 have the hearing on Aaron Landry and Daniel
7 Warwick v. Office of Campaign Finance matter.
8 And then we're going to take public matters.

9 And then after public matters, which
10 I'm going to try to hold to 3 minutes each, after
11 public matters we're going to go into executive
12 session and deliberate with regard to that
13 hearing. And then we're going to come back and
14 come out of executive session and, hopefully, be
15 in a position to take a vote on the matter
16 associated with Aaron Landry and Daniel Warwick.

17 Okay. Ms. Stroud.

18 7) GENERAL COUNSEL'S REPORT --

19 TERRI D. STROUD

20 MS. STROUD: Yes. Good morning,
21 everyone.

22 The first item on my agenda is the

1 litigation status.

2 The first case is William V. Hunt v.
3 The Board. This matter was filed in the United
4 States District Court for DC in October of 2018,
5 and it was a complaint regarding counting of
6 write-in votes cast in the 2018 General Election.

7 Mr. Hunt filed a complaint to request
8 that the Board count write-in votes cast in the
9 mayoral contest, but the Board did not do so and
10 was not obligated to do so because the number of
11 write-in votes cast in that contest was not
12 sufficient to elect a write-in candidate.

13 The Board filed a Motion to Dismiss on
14 Wednesday, April 24th, 2019. And that motion was
15 granted on March 10th of this year. Mr. Hunt
16 appealed to the DC Court of Appeals but he did so
17 outside of the 30-day period for doing so, and
18 the court gave Mr. Hunt ultimately until July 1st
19 to show cause why the case should not be
20 dismissed.

21 Mr. Hunt filed a brief on June 25th,
22 but did not address the question of why the

1 appeal should not be dismissed. We are awaiting
2 the court's decision on this matter.

3 Grant v. Board of Elections is the
4 second case. This matter involved the Board's
5 appeal of a permanent injunction entered by the
6 Superior Court in December of 2018 that
7 prohibited the Board from taking any action on a
8 referendum, on the Referendum 8 petition.

9 On yesterday, the Board's appeal in
10 this matter was dismissed.

11 The third and fourth cases are Phillip
12 Hammond v. -- Phillip Hammond v. The Board of
13 Elections, and Robert Marlin v. The Board of
14 Elections. These matters were filed in the DC
15 Court of Appeals. And they were appealed from
16 Board order upholding the resolutions of ANC 7B
17 that found no vacancy in single member District
18 7B04 and 7B05 on the basis that the candidates --
19 the elected officials holding those offices did
20 not meet the residency requirements necessary to
21 serve as ANC commissioners for those single
22 member districts.

1 These cases were consolidated in
2 September 2019. And all papers in this matter
3 have been filed, and we are expected the court to
4 decide the cases on their merits.

5 I neglected to include on this agenda
6 a new case, La Riva v. The Board of Elections.
7 This matter was filed in the Federal District
8 Court for DC on July 17th. And it is a complaint
9 for declaratory judgment and permanent injunctive
10 relief, alleging that the elections statute or
11 certain provisions in the elections statute are
12 unconstitutional because they provide ballot
13 access for candidates for all offices, save for
14 the office of president.

15 Specifically, the requirement for
16 ballot access would warrant to 250 signatures for
17 all at-large offices, and less than that for
18 single-member district offices, while the
19 requirement for president remained at 1 percent
20 of District voters for the Office of President.

21 This case is being handled by the
22 Office of the Attorney General because it is a

1 challenge to the elections statute. And there is
2 actually currently legislation pending that would
3 lower the signature requirement for the Office of
4 President to 250, which is the same for at-large
5 elected offices.

6 So, those are -- that's the litigation
7 status. And now we will conduct the public
8 hearing.

9 CHAIR BENNETT: Okay. So, I think I
10 need to determine if the parties are here. So,
11 if you are here for this hearing, if you could
12 press Star-3 so we can identify you and get your
13 mic on.

14 Unmute yourself if you would. As we
15 cut your mic on, if you could identify yourself,
16 that would be great.

17 MR. WARWICK: Hi. This is Daniel
18 Warwick, one of the Respondents in the case.

19 CHAIR BENNETT: Thank you, Mr.
20 Warwick.

21 MS. STROUD: He's actually the
22 Petitioner.

1 CHAIR BENNETT: Okay. Next person, if
2 you could press star-3 we can unmute you.

3 Okay, if you could make -- if you
4 could identify yourself? We have unmuted
5 everybody, so press star-3.

6 MR. HANLON: Good morning. This is
7 Edward Hanlon.

8 CHAIR BENNETT: Who is it? Did you
9 say Edward -- ?

10 MR. HANLON: Edward Hanlon. Mr.
11 Hanlon.

12 CHAIR BENNETT: Hanlon?

13 MR. HANLON: Yes.

14 MS. STROUD: Mr. Hanlon, so you're a
15 witness and not a party to the matter. Correct?

16 CHAIR BENNETT: Mr. Hanlon, you're a
17 witness. Right?

18 MR. HANLON: Yes. Yes.

19 CHAIR BENNETT: Okay. Next person?
20 Do we have other persons?

21 MS. STROUD: Mr. Landry, are you on
22 the line?

1 CHAIR BENNETT: If you could unmute
2 yourself, that would be great. We've unmuted
3 you, so if you could unmute yourself.

4 MS. BEDARD: Okay, thank you. I'm
5 sorry. Kerry Bedard.

6 MS. STROUD: Okay. Ms. Bedard, you
7 are a witness as well?

8 MS. BEDARD: That's correct.

9 MS. STROUD: Yes.

10 MR. SACCO: This is Peter Sacco. I am
11 also a witness.

12 MS. STROUD: Okay, thank you.

13 And, Mr. Landry, are you on the line?

14 CHAIR BENNETT: If you could unmute
15 yourself, we didn't hear you, Mr. Landry, if
16 you're there.

17 MR. LANDRY: Hi.

18 CHAIR BENNETT: Is that you, Mr.
19 Landry?

20 MR. WARWICK: This is Daniel Warwick.
21 Mr. Landry says that he has pressed star-3 but
22 he's not unmuted yet.

1 CHAIR BENNETT: Okay. Can you give me
2 his number, at least four digits?

3 MR. WARWICK: Yes. 612-747.

4 CHAIR BENNETT: Okay.

5 MR. LANDRY: This is Aaron Landry.

6 Can you hear me?

7 CHAIR BENNETT: Mr. Landry, yes.

8 MR. LANDRY: Yes. This is Aaron

9 Landry. Let me know if I'm unmuted.

10 CHAIR BENNETT: You are.

11 MR. LANDRY: All right, thank you very
12 much.

13 CHAIR BENNETT: Anybody else?

14 Ms. Stroud, anybody else taking part?

15 MS. STROUD: I think that Gottlieb
16 Simon, and Randy Downs, and Natasha Alexander are
17 the other witnesses.

18 CHAIR BENNETT: So, can those -- Go
19 ahead, please.

20 Ms. Stroud it looks like we have
21 unmuted everybody. Maybe other persons are
22 unmuted.

1 MS. STROUD: Is Mr. Downs on the line?

2 MR. WARWICK: This is Daniel Warwick,
3 Petitioner. We removed Mr. Downs as a witness
4 last week.

5 MS. STROUD: Mr. Simon?

6 MR. MUHAMMAD: Hello. This is Leonard
7 Muhammad, assistant to -- assistant counsel to
8 Mr. Sanford.

9 MS. STROUD: Oh. Hi, Mr. Muhammad.

10 Is Mr. Gottlieb Simon on the line?
11 And Ms. Alexander from the Office of Campaign
12 Finance?

13 MR. SANFORD: Hello. This is William
14 Sanford.

15 MS. STROUD: Hi, Mr. Sanford.

16 MR. SANFORD: Yes, good morning. Ms.
17 Alexander will not, will not appear. We will
18 just offer a proffer on her behalf, then she will
19 explain the information she provided in her
20 written submittal.

21 CHAIR BENNETT: Okay. What I'm going
22 to do now is I'm going to get started. And then

1 I'm going to ask those, when Ms. Stroud conducts
2 the hearing, and persons prior to speaking if you
3 could identify yourself for the record. That
4 would be good for this hearing process but I
5 think we can try to get through as people speak.

6 7. B.) PUBLIC HEARING, "AARON LANDRY AND
7 DANIEL WARWICK V. D.C. OFFICE
8 OF CAMPAIGN FINANCE"

9 CHAIR BENNETT: Okay. At this time we
10 will conduct the hearing on the appeal by Aaron
11 Landry and Daniel Warwick from OCF Order No.
12 2019-001.

13 It was found that the Petitioner had
14 violated D.C. Official Code 1-1163.36(a) and 3
15 DCMR 3301.1(a) when the ANC 2B Twitter account
16 retweeted a tweet from ANC 2B Commissioner Aaron
17 Landry's personal Twitter account that:

18 A) Contained a statement that read, "I
19 love the 17th Street Festival," and a photograph
20 that showed activity taking place during the 17th
21 Street Festival to include Patrick Kennedy's
22 campaign, and;

1 B) Since Patrick Kennedy sets up the
2 tags if it were clicked going to Patrick
3 Kennedy's Twitter page which indicated that he
4 was running for Ward 2 City Council in 2020.

5 DC Official Code 1-1163.36(a) states
6 in pertinent part that "no resources of the
7 District of Columbia government, including the
8 expenditure of funds, the personal services of
9 employees during their hours of work, and
10 nonpersonal services, including supplies,
11 materials, equipment, office space, facilities,
12 and telephones and other utilities, shall be used
13 to support or oppose any candidate for (elected)
14 office, whether partisan or nonpartisan, or to
15 support or oppose any initiative, referendum, or
16 recall measure, including a charter amendment
17 referendum conducted in accordance with Section
18 1-203.03."

19 3 DCMR 3301.1(a) provided that "No
20 District of Columbia government resources shall
21 be used to support or oppose...a candidate for
22 elected office, whether partisan or

1 nonpartisan..."

2 And I can ascertain that the parties
3 are here. And so, thank you for that.

4 At this time I will lay out the format
5 for the proceeding.

6 First, the General Counsel will
7 provide the procedural history for this matter
8 for the record.

9 Then we will hear from the Petitioners
10 who have the burden of proof in this matter.

11 Next we will have the response from
12 the Office of Campaign Finance.

13 Finally, we will hear again from the
14 Petitioners who may rebut to what they have heard
15 from the Office of Campaign Finance.

16 After that, we will proceed with such
17 questions as Board members might have.

18 At such point, as we have received as
19 much information both -- from both parties, both
20 sides, as we deem necessary we will withdraw and
21 deliberate the Board's resolution of this matter.
22 Once we have reached a resolution, a written

1 order will be issued.

2 And what I've indicated that we're
3 going to try to do is once we get through public
4 matters we will -- I'm going to ask for a vote to
5 go into executive session to deliberate and then,
6 hopefully, be able to come out with a verbal
7 decision today. If not, then the order will be
8 issued in a timely manner.

9 So, Ms. Stroud.

10 MS. STROUD: Thank you. So, what will
11 also happen is that we will give the Petitioners
12 10 minutes to make their statement, the statement
13 of their case; and then the response from Office
14 of Campaign Finance will be allotted 10 minutes;
15 and then the Petitioners Landry and Warwick will
16 have 5 minutes to respond to the Office of
17 Campaign Finance.

18 So, on September 2nd, 2019, Mr. Edward
19 Hanlon filed a complaint against ANC 2B alleging
20 that it violated DC Official Code 1-1163.36(a)
21 and 3 DCMR 3301.1(a) when it retweeted the tweet
22 that was described by the chair.

1 On September 6th, 2019, OCF informed
2 the affected ANC -- oh, and the complaint is
3 Exhibit 1.

4 On September 6th, 2019, OCF informed
5 the affected ANC 2B commissioners that an
6 investigation into the complaint had been begun
7 and indicated that they could provide the
8 responses they deemed appropriate. This response
9 from the OCF, or this email from OCF is also an
10 exhibit, and it's No. 3 in the record.

11 On September 6th, 2020, Mr. Warwick
12 contacted the DC Board of Ethics and Government
13 Accountability, Office of Government Ethics
14 Attorney Sonya King regarding the ANC 2B
15 postings.

16 On September 9th, Ms. King informed
17 Mr. Warwick that the OGE would not take action
18 regarding the postings, but provided OGE's
19 advisory opinion regarding social media and the
20 District's Code of Conduct and suggested that Mr.
21 Warwick share the opinion of anyone with access
22 to the ANC 2B Twitter account.

1 That correspondence and the opinion
2 are Exhibit No. 4 in the record.

3 On September 11th, Mr. Warwick filed
4 a response to the complaint. And the response
5 indicated that the postings conformed with the
6 Beta OGE opinion. It noted that sharing
7 information about the neighborhood is a legal
8 practice that are common across District
9 government-run accounts. The statement indicated
10 that the retweet was done with the sole intent of
11 sharing the same sentiment about the 17th Street
12 Festival, as the ANC 2B commissioners formally
13 supported the 17th Street Festival numerous times
14 over the years.

15 It indicated that anyone who retweets
16 comments that is clearly about the 17th Street
17 Festival, then it automatically would find
18 endorsement or the election of anyone
19 specifically contained in the Tweet.

20 On October 4, 2019, Mr. Landry
21 responded. The response stated that the ANC 2B
22 Twitter account was not used to support or oppose

1 a candidate for elected office, that the tweet in
2 the complaint was about the 17th Street Festival
3 and contained content tweeted about that
4 festival.

5 It stated that an end user who've used
6 the postings is required to engage in a series of
7 manual, intentional decisions action before its
8 access to obtain related content, which is
9 completely unrelated and not directly connected
10 to the government resource.

11 Those responses and guidance of Mr.
12 Warwick and Mr. Landry are Exhibits 5 and 7 in the
13 record.

14 On November 24, 2019, OCF conducted an
15 interview of Aaron Landry with regard to the
16 complaint.

17 On December 17, 2019, OCF issued its
18 order No. 2019-001. The order sustained the
19 allegation that ANC 2B allowed a Twitter page to
20 be used for campaign-related activity. It
21 concluded that the inclusion of the Patrick
22 Kennedy tag, which when clicked led to Patrick

1 Kennedy's Twitter page which indicated that he
2 was, "running for Ward 2B DC Council in 2020,"
3 rendered the retweet offensive as a violation of
4 the pertinent provisions.

5 The order cited the following language
6 in the BEGA OGE opinion in support of a finding
7 that the retweet constituted prohibited political
8 activity.

9 That language reads:

10 "...linking to a partisan political
11 group's social media account in a post is
12 political activity because it demonstrates
13 support for the group as does posting the picture
14 of a partisan political candidate or a political
15 cartoon. And the same is true for linking to or
16 sharing a link to a partisan political group's
17 website or an article advocating for or against a
18 partisan political candidate."

19 The order noted that it did not matter
20 that there was no intent to promote Kennedy's
21 campaign because the prohibition on the use of
22 government resources for political purposes does

1 not require the intent to violate that provision
2 of the statute. And it imposed a fine of \$4,000
3 against the named commissioners, which would be
4 reduced to \$1,000 if the Petitioners attended
5 ethics training at BEGA within 60 days of the
6 issuance of the order.

7 On December 22, 2019, Commissioners
8 Landry and Warwick each filed a motion for
9 reconsideration of the OCF order.

10 On March 2, 2020, OCF denied the
11 motions for reconsideration.

12 On March 17, Commissioners Landry and
13 Warwick filed a request for a hearing de novo
14 with the Board, timely filed request. Over the
15 course of two sessions on April 22nd and May
16 11th, the Board's Office of the General Counsel
17 held a prehearing conference in this matter.

18 During the prehearing conference, or
19 as an outcome of the prehearing conference, the
20 commissioners conceded that ANC 2B's Twitter
21 account for (telephonic interference)
22 commissioners were absolved pursuant to the

1 representations made by Commissioners Landry and
2 Warwick.

3 The Petitioners also maintained the
4 request that OCF vacate the order, and rescind
5 the fine, and provide guidance regarding
6 prohibited social media activity on government
7 social media platforms.

8 On April 23, OCF sent a message to all
9 named 2B commissioners, managers, informing them
10 that they were absolved of the prohibited
11 activities cited in the order pursuant to
12 representations made by Commissioners Landry and
13 Warwick.

14 Does anyone have any questions for the
15 parties specifically? Mr. Sanford and the Office
16 of Campaign Finance, and Commissioners Landry and
17 Warwick have any questions at this time about the
18 procedural history as it was laid out?

19 MR. SANFORD: This is William Sandford.
20 The counsel has no questions.

21 MR. LANDRY: Yes, this is Aaron
22 Landry. I want to point out for clarification

1 that the orders were against six commissioners,
2 not just Warwick and Landry. Even though that
3 it's implied, I just want to make sure it's clear
4 that the initial order was against six
5 commissioners.

6 MS. STROUD: Yes, that is correct.
7 The initial order was against other additional,
8 four additional ANC 2B commissioners. But,
9 because of representations made by Commissioners
10 Landry and Warwick, they were absolved by the
11 Office of Campaign Finance.

12 MR. WARWICK: And this is Daniel
13 Warwick.

14 A question about Chair Bennett's
15 introduction where it was stated that Petitioners
16 have the burden of proof. I was of the
17 understanding that in contested case hearings, in
18 all cases involving violations of the Campaign
19 Finance Reform and Conflict of Interest Act, the
20 Office of Campaign Finance has the burden of
21 proof.

22 Apologies if I misread that part of

1 the regulation.

2 MS. STROUD: This is an appeal from
3 the order of Campaign Finance, and so, as you're
4 appealing, the demonstration has to be that the
5 Campaign Finance order was incorrect.

6 MR. WARWICK: Understood. Thank you.

7 MS. STROUD: And so, we will first
8 hear from Petitioners. And you will have 10
9 minutes to present your case, including any
10 testimony from your witnesses.

11 MR. WARWICK: Great. Thank you.

12 Again, this is Daniel Warwick,
13 Petitioner for the case. I really appreciate the
14 Board's time here in this hearing de novo. Aaron
15 Landry and I are representing ourselves pro se.

16 ANC 2B used to have a Twitter account.
17 We used it to interact with members of the public
18 regarding commission business and the
19 neighborhood. It's one of hundreds of official
20 DC Government Twitter accounts. Unfortunately,
21 as a result of this order we have had to delete
22 that Twitter account.

1 We believe this order is incorrect,
2 and we would like to go back interacting with
3 members of the public and our constituents in the
4 way that pretty much every other DC Government
5 agency interacts with them.

6 In addition to this order being
7 incorrect, there is no case law or precedent that
8 suggests the retweet or tweet are in violation,
9 and no guidance provided by the District of
10 Columbia that suggests the retweet or tweet would
11 be impermissible.

12 On Question 1, regarding the retweet,
13 the closest guidance regarding retweets is in the
14 2017 social media guidance letter from BEGA,
15 which on page 9 states, and I quote, "The social
16 media recommendation or endorsements usually take
17 the form of a 'like,' 'thumbs up,' or a phrase
18 'Employee endorses skill.' Social media
19 recommendations or endorsements, however, usually
20 do not include narratives. Accordingly, there
21 would be no violation of the Code of Conduct
22 during most social media recommendations or

1 endorsements."

2 This guidance explicitly carves out
3 likes or recommendations without narratives, such
4 as retweets. By itself, retweeting a tweet about
5 the 17th Street Festival is not a violation.

6 Additionally, even if was construed
7 that the retweeted materials were actually from
8 ANC 2B instead of from Mr. Landry's personal
9 account, the narrative is still clearly about the
10 17th Street Festival, a beloved neighborhood
11 event.

12 Regarding Question 2, the tweet in the
13 initial complaint, at no point did OCF's order
14 refer to that tweet in the complaint. At no
15 point did a statement from OCF indicate that that
16 was investigated. We are of the understanding
17 that that tweet was permissible.

18 Next I would like to call Peter Sacco,
19 Executive Director of ANC 2B.

20 Mr. Sacco, are you on the line?

21 MR. SACCO: I am.

22 MR. WARWICK: Great.

1 What is your role with Advisory
2 Neighborhood Commission 2B, and how long have you
3 been in this role?

4 MR. SACCO: I have served as the
5 Executive Director of ANC 2B since the fall of
6 2015.

7 MR. WARWICK: And what was your
8 relationship with the ANC 2B twitter account?

9 MR. SACCO: I was the person who
10 handled all of the postings, as well as any
11 retweets from the account.

12 MR. WARWICK: Since you became
13 executive director, through the time of the 17th
14 Street Festival, how was the Twitter account
15 operated?

16 MR. SACCO: I was the sole operator of
17 the account. We traditionally posted any
18 important meeting notices, such as the meeting
19 agendas for the ANC's regular meetings, any
20 special meetings, any press releases or any
21 newsworthy items that were sent out, as well as
22 just any newsworthy items about the neighborhood

1 in general, and all that is great about Dupont.

2 I always tried to avoid anything that
3 was controversial and would focus instead of
4 things that were centered on commonly agreed-upon
5 traits of the commission, and that's the
6 neighborhood, similar to how the DC Council
7 operates their Twitter account.

8 MR. WARWICK: Did you operate the
9 Twitter account during the 17th Street Festival
10 on August 24th last year?

11 MR. SACCO: Yes. I was the only
12 person operating the account.

13 MR. WARWICK: And what did you tweet
14 and retweet that day?

15 MR. SACCO: I tweeted and retweeted
16 several tweets that were supportive of the 17th
17 Street Festival, including tweets that included
18 commissioners, then Council Member Jack Evans, a
19 representative from the Mayor's Office, and
20 others.

21 MR. WARWICK: Great.

22 And did you retweet the tweet from

1 Aaron Landry which states, "I love the 17th
2 Street Festival"?

3 MR. SACCO: Yes, I did.

4 MR. WARWICK: Did anyone at the Office
5 of Campaign Finance reach out to you regarding
6 the complaint?

7 MR. SACCO: No.

8 MR. WARWICK: Were you mentioned in
9 the order?

10 MR. SACCO: Not to my knowledge.

11 MR. WARWICK: Okay. Thank you.

12 Is Gottlieb Simon on the line?

13 MR. SIMON: Yes, I am.

14 MR. WARWICK: Great. Can you describe
15 your role as Executive Director of the Office of
16 Advisory Neighborhood Commissions?

17 MR. SIMON: Well, I oversee the
18 operations of our office, which is to provide
19 technical, administrative, and financial
20 reporting assistance and oversight to the
21 Advisory Neighborhood Commissions.

22 MS. STROUD: I'm sorry to disrupt.

1 I'm going to go back to Mr. Sacco.

2 If you could state your name and
3 address for the record and, Mr. Gottlieb, if you
4 could do the same?

5 MR. SIMON: Certainly.

6 MS. STROUD: Mr. Sacco, if you could
7 do so first and then Mr. Simon.

8 MR. SACCO: Yes. My name is Peter
9 Sacco, S-A-C-C-O. And I am the Executive
10 Director of ANC 2B.

11 And, I'm sorry, was there something
12 else I needed to state?

13 MS. STROUD: Do you swear or affirm
14 that the testimony that you're providing is the
15 truth, the whole truth, and nothing but the
16 truth?

17 MR. SACCO: I do.

18 MS. STROUD: Mr. Simon, could you
19 state your name and address for the record?

20 MR. SIMON: Gottlieb Simon, Executive
21 Director of the Office of Advisory Neighborhood
22 Commissions.

1 MS. STROUD: And if you could swear or
2 affirm that the testimony that you are providing
3 today is the truth, the whole truth, and nothing
4 but the truth.

5 MR. SIMON: I do so affirm.

6 MS. STROUD: Thank you. You can
7 continue with your testimony.

8 MR. WARWICK: As part of your duties
9 as Executive Director of the Office of Advisory
10 Neighborhood Commissions, do you provide training
11 to advisory neighborhood commissioners?

12 MR. SIMON: I'm sorry, Mr. Warwick, I
13 didn't have a good reception. Could you repeat
14 the question for me?

15 MR. WARWICK: As part of your duties
16 do you provide training to advisory neighborhood
17 commissioners?

18 MR. SIMON: Yes, we do provide
19 training, and we serve as the primary source of
20 advice regarding pursuant to the ANC statute.

21 MR. WARWICK: Are you aware of the
22 complaint to OCF that we are talking about and

1 the resulting orders?

2 MR. SIMON: I am.

3 MR. WARWICK: And are you aware of DC
4 Official Code 1-1163.36(a) and 3 DCMR 3301.1(a)?

5 MR. SIMON: Yes, I am.

6 MR. WARWICK: And if this order is
7 upheld, what would you advise advisory
8 neighborhood commissions regarding use of
9 Twitter?

10 MR. SIMON: Well, it will -- well, if
11 the order is upheld as it states, I have come to
12 the conclusion that it will be necessary for me
13 to advise commissioners to delete accounts if
14 they have them and to refrain from establishing
15 new accounts that they have, as there would be
16 considerable liability in their continued
17 operation.

18 MR. WARWICK: Thanks. And are you
19 aware of commissioners already deleting their
20 social media accounts because of this order?

21 MR. SIMON: Yes. I'm aware that three
22 commissions have so done.

1 MR. WARWICK: Thank you. End of my
2 questions for you.

3 Commissioner Landry, do you have
4 anything to add?

5 MR. LANDRY: Yes. I just want to talk
6 about a little bit in plain English.

7 So, if the Office of Campaign Finance
8 used the method that they used in this case with
9 other examples that were provided to them in this
10 process, or examined the wider body of District
11 Twitter and social media accounts, it would have
12 shown that a significant portion of DC
13 Government, including Office of Campaign Finance
14 and the Board of Elections' own social media
15 accounts are also in "violation" when they're
16 actually in compliance.

17 And there's dozens of examples of
18 usage with provisos in this process, and to the
19 Board as exhibits. So, I'm just going to give
20 four quick examples.

21 On October 15th, 2019, the Office of
22 Planning retweeted a tweet from Patrick Kennedy

1 sharing that his amendment to the Comprehensive
2 Plan he offered was being recommended for
3 adoption.

4 On October 18th, 2019, the State Board
5 of Elections -- or Education retweeted from
6 Markus Batchelor showing photos of a rally he
7 attended at Anacostia Senior High School.

8 On May 28th, 2020, the Board of
9 Elections retweeted a tweet from my personal
10 account showing a photo of my Special Election
11 ballot.

12 And just this last this last Sunday,
13 on August 2, the Board of Elections retweeted a
14 tweet from Pete R. Hasmentori, a tweet about
15 registering seniors to vote.

16 So, now this is -- these four examples
17 are normal and legal engagement on Twitter.
18 However, reading off of the Campaign Finance's
19 methodology, if you took the steps on those
20 tweets to reach, for example, Patrick Kennedy's
21 personal Twitter account, you'd find at the time
22 that he was running for office. If you took

1 steps to examine Markus Batchelor's account you'd
2 find that he's running for office.

3 If you dug into my tweets, you'd find
4 candidates for the District that I supported.

5 If you dug into Pete Hasmentori's
6 (telephonic interference) tweet from last
7 Sunday, you would see a link to his website
8 which has campaign literature and a donation
9 link.

10 So, in these four examples were the
11 Office of Planning, State Board of Education, and
12 the Board of Elections using Twitter accounts to
13 support or oppose any candidates for elected
14 office? No. Those tweets were clearly about the
15 Comprehensive Plan, a rally at a school,
16 promoting mail-in voting, and registering seniors
17 to vote.

18 And that's what these tweets are
19 about. And because of the contents of these
20 tweets that are not political, and because they
21 are supportive and aligned with the government,
22 that's arguably why the government agencies

1 retweeted them using a government resource.

2 And that's how Twitter as a
3 communications platform functions, it functions
4 within the law.

5 So, August 24th, 2019, when the ANC 2B
6 retweeted my tweet about the 17th Street
7 Festival, was it to support or oppose any
8 candidate for elected office? No. It was
9 abundantly clear that the tweet was completely
10 about the 17th Street Festival.

11 MS. STROUD: Mr. Landry, your time has
12 concluded, but you will have the opportunity to
13 speak again after the Office of Campaign Finance
14 presents its case.

15 MR. LANDRY: All right. Thank you
16 very much.

17 MS. MILLER: Now we will hear from the
18 Office of Campaign Finance.

19 MR. SANFORD: Thank you. Good
20 morning.

21 This is William Sanford from the
22 Office of Campaign Finance.

1 Just a few brief responses, and then
2 was there someone else speaking? Just a few
3 brief responses.

4 I think the issue here is not whether
5 or not the commissioners from ANC 2B are allowed
6 to retweet any tweet. This was not a casual
7 tweet about the 17th Street Day Festival. If one
8 examines the tweet, there's a very small image of
9 Commissioner Landry in the upper lefthand corner
10 (telephonic interference) tweet is a photograph
11 of Candidate Patrick Kennedy.

12 Beneath the photograph on the tagline
13 it indicates Patrick -- it indicates 17th, Dupont
14 Circle Main Street and Patrick Kennedy. The
15 (telephonic interference) and link to Mr.
16 Kennedy's Twitter page which identified him as a
17 candidate for Ward 2 City Council.

18 Why that is significant, because
19 Patrick Kennedy is standing in front of his
20 campaign booth during that (telephonic
21 interference) and campaign literature. If the
22 Commission was only concerned about celebrating

1 the 17th Street Day Festival, why aren't there
2 other candidates in the photograph?

3 Of all the eight candidates that ran
4 for that particular seat, only Patrick Kennedy is
5 prominently featured; only his Twitter page was
6 linked to the ANC 2B Twitter account. And that
7 is because Mr. Landry, and Warwick, and others,
8 were supporting Mr. Kennedy's campaign virtually.

9 They have every right to do that. But
10 what they do not have a right to do is to use
11 government resources to facilitate the candidate
12 or candidates of their choices.

13 At this point I would like to hear
14 from Commissioner Edward Hanlon, who is also a
15 member of Advisory Neighborhood Commissioner --
16 Commission 2B.

17 Commissioner Hanlon, are you there?

18 MR. HANLON: Yes, I am. Can you hear
19 me okay?

20 MR. SANFORD: Yeah, I hear you fine.

21 MS. STROUD: And I'm going to have you
22 state your name and address for the record, and

1 then I will swear you in.

2 MR. HANLON: Okay, thank you.

3 My name is Edward Hanlon. I live at
4 1523 Swann Street, Northwest, Washington, DC
5 20009. And I am ANC Commissioner for ANC 2B09.

6 MS. STROUD: 2B09. Okay, thank you.

7 And if you, do you swear or affirm to
8 tell the whole truth, to tell the truth, the
9 whole truth, and nothing but the truth?

10 MR. HANLON: Yes.

11 MS. STROUD: Okay. Continue, Mr.
12 Sanford.

13 MR. SANFORD: Thank you.

14 Mr. Hanlon, do you acknowledge that
15 you filed the complaint or several complaints
16 with the Office of General Counsel against ANC
17 2B?

18 MR. HANLON: Yes. I filed the
19 original complaint on September 2. And I also
20 followed up with several letters to the -- to
21 your office after that.

22 MR. SANFORD: And why did you file the

1 complaint?

2 MR. HANLON: Because I was very
3 concerned about the misuse of government
4 property. The ANC Twitter account is a
5 government resource that belongs to ANC 2B. And
6 the Policy and Procedures Manual makes clear that
7 it's supposed to be used for commission business
8 only.

9 And there was concern that it was in
10 fact being used to promote the candidacy of
11 Patrick Kennedy. And I didn't think it was
12 right. And I think it's a horrible precedent.
13 And so, I filed the complaint concerning the
14 posting on the ANC 2B official Twitter of this
15 photo.

16 The photo is a picture of Patrick
17 Kennedy campaigning in front of his campaign
18 election booth during the 17th Street Festival
19 and you can see his campaign sign behind him,
20 "Patrick Kennedy for Ward 2."

21 When I first saw the photo on the ANC
22 Twitter account I just happened by accident to

1 move my cursor over the photo. And as I moved
2 the cursor over the photo, not even clicking on
3 it, immediately came a drop-down screen that
4 said, "Patrick Kennedy running for Ward 2." So,
5 I didn't even have to click anything, I just had
6 to move my cursor on top of the photo.

7 And when I clicked on his name under
8 the photo it turned out to be an embedded link
9 and it led directly to his campaign Twitter
10 account where his campaign literature was and
11 where you can donate money to him.

12 And I thought that this was just wrong
13 to use this government resource in this way. The
14 only, the only camp -- the only person
15 campaigning for election whose name appears under
16 the photo is Patrick Kennedy. And it's not just
17 his name that's under the photo, it's an embedded
18 link under the photo that takes you directly to
19 his campaign Twitter account.

20 And I was concerned that this is just
21 wrong, that government resources should not be
22 used in this way. This is not about ANC 2B being

1 able to post tweets or retweets. They can post
2 tweets and retweets, just not advocating
3 candidates for election.

4 And I would point out that Mr. Landry,
5 and Mr. Warwick, and Mr. Sacco were all very
6 active in the Patrick Kennedy campaign. They
7 endorsed Patrick Kennedy. They had a fundraiser
8 for Patrick Kennedy. They set up meet and greets
9 of Patrick Kennedy. They were all on Patrick
10 Kennedy's election campaign website. They are
11 holding up signs for Patrick Kennedy.

12 So, this is not a mistake. This was
13 deliberate. And I was shocked when after I filed
14 the complaint they refused to take it down. On
15 September 5 -- on September 4 there was a meeting
16 (telephonic interference) I'm sorry?

17 MS. STROUD: Mr. Hanlon, if you could
18 mute yourself so that we can hear him. Thank
19 you.

20 MR. HANLON: Are you able to --
21 there's a lot of background. Are you able to
22 hear me now?)

1 MS. STROUD: If you could mute
2 yourself if you are not Mr. Hanlon.

3 Continue, Mr. Hanlon.

4 MR. HANLON: Thank you.

5 On September 4 there was a meeting of
6 the ANC's Transportation Committee, and 7 of 9
7 commissioners were there, including Mr. Warwick,
8 and Mr. Landry.

9 And I remember at the end of that
10 meeting Ms. Bedard stood up from the audience,
11 and she was upset, and she was very loud about
12 it. And she wanted to know why this posting was
13 on the ANC Twitter page. And she wanted them to
14 take it off the Twitter page because she said it
15 was not right to be there, putting this candidate
16 on the ANC's Twitter page.

17 And I remember Aaron Landry telling
18 her that it was not wrong to do.

19 And I remember Aaron Landry directly
20 across the table as he was getting up because he
21 was trying to adjourn the meeting, but everyone
22 was still in the room, and I said, Aaron, she's

1 right. This is -- She is right. This needs to
2 be deleted from the ANC Twitter account; it's not
3 legal.

4 And he said, yes, it is.

5 And so I was just, I was just shocked.

6 And I did a follow-up letter on September 5, the
7 next day, to the Office of Campaign Finance
8 recounting this.

9 On September 11, Mr. Landry posted --
10 on September 11, Mr. Landry posted on the Dupont
11 Forum, which is a listserv that goes out to over
12 15,000 people in the Dupont Circle area, that
13 this complaint was "completely frivolous."

14 I should have noted that the original
15 tweet on the ANC's Twitter page went out to over
16 1,500 people in the Dupont Circle area. Mr.
17 Landry's post described that it went out to
18 15,000 people. And the next day the City Paper
19 did an article in which Mr. Landry was quoted in
20 which he said, "they had done nothing wrong" with
21 respect to his post.

22 MS. STROUD: You have one minute left

1 in your presentation?

2 MR. HANLON: One more time?

3 MR. SANFORD: Hello?

4 MS. STROUD: One minute left.

5 MR. HANLON: Okay.

6 MR. SANFORD: Commissioner Hanlon.

7 Hello, Commissioner Hanlon?

8 MR. HANLON: Yes.

9 MR. SANFORD: I think right now I'd
10 like to hear from Ms. Bedard if she is still
11 available.

12 MR. HANLON: Okay.

13 MR. SANFORD: Ms. Bedard.

14 MS. BEDARD: Yes. I have to unmute.
15 I'm sorry.

16 I'd like thank you all to begin with
17 for not just having this hearing, but for doing
18 such a spectacular job with the Board of
19 Elections, all of the things that you do, all the
20 elections that you run, and doing such a
21 wonderful job.

22 I'd like to explain that I had raised

1 my hand during the meeting and Mr. Warwick had
2 refused to acknowledge me. I raised my hand
3 several times. The meeting was getting ready to
4 adjourn. Mr. Warwick still refused to
5 acknowledge me.

6 And I stood up and started speaking
7 anyway because I've been to many of the ANC
8 meetings and I find that Mr. Warwick does not
9 want to hear from the community at large about
10 anything that he does not agree with. And there
11 are many things that he has done that I find
12 offensive, and many in the neighborhood find
13 offensive.

14 But let's just talk about this matter.
15 I had brought up the fact that I thought it was -
16 -

17 MS. STROUD: One second.

18 MS. BEDARD: Okay. I thought it as
19 wrong. I thought that if they were going to
20 promote one candidate, they needed to promote all
21 candidates, or take down Mr. Kennedy's posting or
22 the posting they had put on on behalf of Mr.

1 Kennedy. It was erroneous, it was wrong. And
2 they refused to acknowledge me.

3 They continued to adjourn the meeting
4 without hearing what I had to say other than my
5 speaking up. And I'm offended by both Mr. Landry
6 and Mr. Warwick's continued response to the
7 neighborhood.

8 If there's any questions, happy to
9 answer them.

10 MS. STROUD: Okay, thank you.

11 MR. SANFORD: Thank you.

12 MS. STROUD: At this point the
13 Petitioners may respond. And they will have 5
14 minutes to do so.

15 MR. LANDRY: Hi. This is Aaron
16 Landry. I will lead on response to this.

17 I just want to be really clear that
18 this tweet specifically was very closely if not
19 exactly like the other examples that I gave and
20 the other examples that I provided the Office of
21 Campaign Finance.

22 The tweet is clearly not advocating

1 for Patrick Kennedy. And what I'd like to
2 clarify, too, is that neither Daniel, that Daniel
3 Warwick or I conducted the tweet, that
4 (telephonic interference). And then the question
5 was brought up about the placement of the photo.
6 And this is something I said under oath to Mr.
7 Sanford, is that the reason that the photo is
8 what it is, is because I was working at the ANC
9 booth. If you take a few steps in front of the
10 booth and take a photo, that's what was done. It
11 wasn't about promoting --

12 MS. BEDARD: How are you?

13 MR. LANDRY: Excuse me?

14 MS. STROUD: If everyone can mute that
15 is not speaking. Thank you.

16 MS. BEDARD: I'm muting my cell
17 because on this web with the D.C. Board of
18 Elections.

19 (Simultaneous speaking.)

20 MS. STROUD: Go ahead, Mr. Landry.
21 Mr. Landry, if you could proceed.

22 MS. BEDARD: Okay, that sounds fine.

1 And then, and then send me the information for
2 this woman I need to have a con --

3 MS. STROUD: Mr. Landry, if you could
4 proceed, I've assigned you the extra time that
5 was taken. Mr. Landry?

6 MR. LANDRY: Hi. This is --

7 MS. STROUD: Mr. Landry?

8 MR. WARWICK: This is Daniel Warwick.
9 He might still be muted.

10 MS. STROUD: Okay.

11 MR. LANDRY: This is Aaron Landry. Am
12 I on speaker now?

13 MS. STROUD: Okay. You may proceed.

14 MR. LANDRY: All right. So, I forget
15 where I was cut off but I will make sure I go
16 through that.

17 All of the examples made today, we
18 listed dozens of examples that also are in
19 compliance and aligned with the guidance that we
20 received.

21 The other thing if you analyze this
22 (telephonic interference) you will see that we

1 actually included Jack Evans as well, who at the
2 time was also running for election. And he was
3 not that -- Jack Evans' (telephonic interference)
4 booth that was targeted. And I don't believe,
5 and (telephonic interference) Office of Campaign
6 Finance booth to (telephonic interference) the
7 second tweet that we're talking about was never
8 in the order. So, I mean, we're not really
9 talking about that other tweet in this
10 conversation. So (telephonic interference).

11 So, I wanted to make the point that I
12 just want to reiterate that we've done everything
13 that we possibly can to follow the law and not be
14 pushed off by somebody who has a political
15 interest that would attack me. And so that's why
16 we wanted clear guidance from as many people as
17 we could and to offer the Office of Campaign
18 Finance to (telephonic interference) to provide
19 us guidance. And it's our understanding the
20 tweet is still in compliance, always has been in
21 compliance.

22 And I am open to take your questions

1 or clarify anything further.

2 MS. STROUD: Mr. Warwick, do you have
3 anything further?

4 MR. WARWICK: Yes. This is Daniel
5 Warwick.

6 Just want to reiterate, appreciate
7 taking the time. You know, Commissioner Landry
8 and I, we're volunteer neighborhood elected
9 officials. We do this because we love our Dupont
10 Circle neighborhood, and that's why we do it.

11 But the photo that Mr. Landry took on
12 his personal account is from immediately outside
13 of the ANC's booth looking at the crowd.
14 Actually, if you'll look at the photo and really
15 examine it, you'll see another candidate for Ward
16 2 at the time; Daniel Hernandez was in the photo.
17 But I understand from Mr. Landry that he wasn't
18 following Daniel Hernandez at the time, so didn't
19 tag him on that.

20 When the ANC -- a retweet is really
21 different than a tweet. A retweet is just
22 pressing a button and having it show up,

1 elevating the discourse about the 17th Street
2 Festival.

3 The 17th Street Festival is something
4 that the ANC financially supports. 17th Street
5 Festival is something we support closing the
6 street for. And I would have loved to go this
7 year, but it's canceled due to the public health
8 emergency

9 I just want to reiterate, you know,
10 this is something that really is a bit broader
11 than just what is in front of you. It's about
12 whether the District Government can even maintain
13 Twitter and social media accounts.

14 When social media is about
15 interaction, interaction in the digital era, and
16 links and hyperlinks, something that links to
17 something else, you can't hold a government
18 agency responsible for what is on someone else's
19 page. That's just not something that is
20 practical in the internet era.

21 So, again, we'd really like to thank
22 the Board for their time. This has been a long

1 process, almost a year for us. And I really hope
2 that the order is vacated. Thank you so much for
3 your time. And, again, we're open to questions
4 if the Board has any.

5 MS. STROUD: Thank you, Mr. Warwick.

6 MS. BEDARD: This is Kerry Bedard
7 again. May I speak for a moment?

8 MS. STROUD: No. The time for the
9 presentation of the cases for both sides.

10 MS. BEDARD: Okay. I'd just like to
11 (telephonic interference).

12 MS. STROUD: Say your name and
13 address.

14 MS. BEDARD: Kerry Bedard, 2023 N
15 Street, Northwest.

16 MS. STROUD: Okay, thank you.

17 CHAIR BENNETT: This is Michael
18 Bennett, Chair of the Board. What we're going to
19 do now is we are not going to deal with this in
20 executive session because I know we have a large
21 docket with one of the boards at 1:00 o'clock.

22 So, what I am going to do is ask

1 Member Greenfield if she has any questions for
2 anybody on the matter.

3 MEMBER GREENFIELD: Sorry. I was on
4 mute.

5 No, I don't have any questions. I've
6 heard the testimony, I've read all the documents.

7 CHAIR BENNETT: Okay, great.

8 Mr. Gill.

9 MEMBER GILL: Okay. So, I just saw a
10 tweet that said the quote for 2020 is "You're on
11 mute."

12 (Laughter.)

13 MEMBER GILL: Bill Sanford, real
14 quickly.

15 MR. SANFORD: Sure.

16 MEMBER GILL: So, if BEGA chooses not
17 to pursue a case that doesn't mean -- is that an
18 absolution, is that a there's nothing wrong? Or
19 did it just not pursue a case?

20 MR. SANFORD: Oh, absolutely not.
21 Thank you for asking that question.

22 Actually, BEGA did not have

1 jurisdiction. If someone comes to the Office of
2 Campaign Finance and asks us about filing
3 (telephonic interference) jurisdiction over
4 filing a financial disclosure statement, and so
5 we would take no action.

6 And that was the position of BEGA,
7 they did not have jurisdiction, and so they took
8 no action because they did not have the
9 jurisdiction to take action.

10 The commissioners received notice from
11 the Office of Campaign Finance that we were -- we
12 had initiated an investigation. And instead of
13 contacting us, they went to BEGA.

14 That would be like someone receiving
15 a notice from the police department that they're
16 being investigated and going to the fire
17 department to ask, Are you investigating me?
18 They don't have jurisdiction. So, of course the
19 fire department would tell them, no, we will take
20 no action.

21 CHAIR BENNETT: Thank you. Any other
22 questions?

1 MEMBER GILL: Just one more, Bill.

2 On the, you know, in terms of you open
3 investigations when you get complaints. So, the
4 comment about I went to OCF's website, retweeting
5 things and tweeting out stuff, so I think if you
6 haven't done an investigation on those it's
7 because no one has brought it to your attention.
8 Is that the case?

9 MR. SANFORD: Well, we, we never --
10 our choice was not retweet any campaign
11 information that would support any particular
12 candidate. If (telephonic interference) only
13 information (telephonic interference),
14 registration information, filing information as
15 required by statute and regulations.

16 MEMBER GILL: So that, the question
17 here, Michael, this is my last question.

18 So, the question on the other ANC
19 folks who were on the original order, and then
20 they were taken off the complaint based on, I
21 think what I read in the record was testimony
22 from Mr. Warwick and Mr. Landry.

1 And then the executive -- not
2 executive director -- the gentleman who retweeted
3 this, he's not a candidate so he doesn't fall
4 under your jurisdiction. Is that true? Or is
5 not -- what's his relationship in this, to your -
6 - to Bill Sanford?

7 MR. SANFORD: You mean Mr. Sacco, or
8 the ANC? Because the tweet's coming from
9 Commissioner Landry, and that's the reason why
10 Commissioner Landry was the only person who was
11 required to come in and make a statement to us,
12 because it was his, the tweet, he was the
13 originator of the tweet that ended up being
14 posted at the ANC 2B Twitter account.

15 My understanding about Mr. Sacco, I
16 understand he's an employee of the ANC 2B. He's
17 employed as their executive director.

18 But I think for the record if you look
19 at the policy manual, there are three people who
20 have the authority to access the Twitter account,
21 and they are Chairman Warwick, Secretary Landry,
22 and Mr. Sacco. Only those three can post at that

1 particular account according to the policy
2 manual.

3 MEMBER GILL: Okay, thanks, Bill.

4 Michael, I don't have any more
5 questions.

6 CHAIR BENNETT: Okay, thank you.

7 MEMBER GREENFIELD: Michael, I do have
8 a question.

9 CHAIR BENNETT: Ms. Greenfield.

10 MEMBER GREENFIELD: Yes. Mr. Bill.

11 MR. SANFORD: Yes?

12 MEMBER GREENFIELD: So, just for
13 clarity for me, and I thought this, the order
14 that you issued on the complaint is based on not
15 the initial tweet that was done by Landry, but
16 the retweet to the ANC or done on the ANC 2B
17 account. Is that correct?

18 MR. SANFORD: Yes. Yes. Mr. Landry
19 was the originator of the tweet and it was posted
20 to the ANC 2B account.

21 MEMBER GREENFIELD: Okay. And just
22 for clarity, the issue I thought was not just

1 about the picture or not the picture of Patrick
2 Kennedy, but it was the name with the link that
3 when you hovered over it, it took it back to his
4 campaign page? Or just the picture with the
5 name?

6 MR. SANFORD: Yeah. It's the name,
7 the photograph and the name.

8 And I'm glad you asked that question
9 because one can post (telephonic interference)
10 the Twitter account without an embedded link.
11 One could pull up a photograph at a Twitter
12 account and tag William Sanford, but it would not
13 automatically go to any information on whoever
14 does unless there is an embedded link.

15 And that's what happened in this case,
16 there was an embedded link that linked to Patrick
17 Kennedy's Twitter account which identified him as
18 a candidate for Ward 2 City Council. There were
19 seven other candidates; none of them were linked
20 to that ANC 2B Twitter account.

21 MEMBER GREENFIELD: So, Mr. Sanford,
22 I have a question. So, you're distinguishing

1 between a tag and an embedded link?

2 MR. SANFORD: Right, a tag and an
3 embedded link. The name was Patrick -- if you
4 read the, if you look at it, it shows Dupont
5 Circle Main Street (telephonic interference), and
6 Patrick Kennedy.

7 And glossing over it, as Mr. Hanlon
8 indicated, it reveals that embedded link and the
9 name of Patrick Kennedy.

10 MEMBER GREENFIELD: Thank you.

11 MR. SANFORD: There's no embedded link
12 on Dupont Circle Main Street. It does not
13 produce anything if you take the cursor across
14 it.

15 MEMBER GREENFIELD: Okay. Thank you.

16 MR. SANFORD: Sure.

17 CHAIR BENNETT: Okay. Any other
18 questions, Mr. Gill?

19 MEMBER GILL: No more questions,
20 Michael.

21 CHAIR BENNETT: Ms. Greenfield?

22 MEMBER GREENFIELD: No more questions.

1 CHAIR BENNETT: Okay, great.

2 What we are going to do, though, is we
3 are not going to go -- I'm not going to ask for a
4 motion to go into executive session. And we are
5 going to deliberate on the matter.

6 And we will give you an order
7 certainly prior to our next meeting, if not
8 before, as long as we're able to make sure that
9 we are on the record with regard to our vote on
10 the matter.

11 Let me compliment both the Petitioner
12 and the Respondent, both parties rather, on their
13 presentations. They were excellent. And I think
14 I received a lot more data and a better
15 understanding through both of the presentations.

16 MS. STROUD: Mr. Chair, if I could.
17 I just want to note for the record that the Board
18 has the entire record that was before the Office
19 of Campaign Finance. And certainly everything
20 that came after, all of the documents we have,
21 from the complaint, to the motion for
22 reconsideration, to email correspondence that was

1 exchanged, to the interview transcripts.

2 So, the Board has the record. And so
3 it's just done on the basis of the testimony that
4 was presented alone, but the entire record that
5 was before the Office of Campaign Finance.

6 CHAIR BENNETT: Yes.

7 The other thing I just want to note
8 for the record and for the participants, what we
9 like to do on the hearing is to try and give you
10 a response as soon as possible, which is why we
11 are often going into executive session right
12 after the testimony, so we can try to give you a
13 verbal response.

14 But I think that we are probably
15 better off in this situation to go ahead and just
16 deliberate on the matter.

17 So, thank you very much. Well done.
18 And we will move forward.

19 8) PUBLIC MATTERS

20 CHAIR BENNETT: So, with that, no
21 additional input from the parties, what I'd like
22 to do is go to public matters. And we will have

1 3 minutes each per person. And if you can
2 identify yourself with the star-3 and we will
3 unmute you. And if you'll identify yourself with
4 your name, address, and then provide your public
5 statement.

6 Okay. We have one person. What's the
7 number? Can you identify yourself.

8 MS. BRIZILL: This is Dorothy Brizill.

9 CHAIR BENNETT: Okay. Go ahead, Ms.
10 Brizill.

11 MS. BRIZILL: I'd like to see if I can
12 get some information. And I'll try to go as
13 quickly as I can.

14 First, can you tell me why the DC
15 Board of Elections office is still closed, both
16 for the board staff as well as of the campaign
17 finance? And why is it still closed and why are
18 you operating out of the warehouse?

19 CHAIR BENNETT: Can you give your name
20 and address, Ms. Brizill.

21 MS. BRIZILL: My name is Dorothy
22 Brizill, B-R-I-Z-I-L-L. I'm a deputy director of

1 DC Watch. Our mailing address is 4005 Wisconsin
2 Avenue, Northwest.

3 CHAIR BENNETT: Thank you, Ms.
4 Brizill.

5 Ms. Miller, can you respond to Ms.
6 Brizill, please.

7 MS. MILLER: I can respond with
8 respect to the Board of Elections.

9 We are operating pursuant to the
10 mayor's directive that is Phase II. Phase II
11 provides that we can have no more than a certain
12 number of employees in the office at a time. And
13 for us, that's no more than 17. And that's where
14 we are. Our employees are either at the
15 warehouse facility or working remotely.

16 MS. BRIZILL: I'm sorry, I couldn't
17 hear the last part of what you said. They're
18 either at the warehouse or where?

19 MS. MILLER: Working remotely.

20 Ms. Montgomery can answer with respect
21 to Campaign Finance.

22 MS. BRIZILL: What is the situation

1 regarding the Office of Campaign Finance?

2 CHAIR BENNETT: Ms. Montgomery, I
3 think you can unmute yourself.

4 MS. COLLIER-MONTGOMERY: Yes. Yes,
5 yes.

6 With respect to the Office of Campaign
7 Finance, the office, as I indicated earlier, is
8 still operating under a modified status. And the
9 office is operating through teleworking. And,
10 also, all of our services are being provided.

11 We are receiving the financial reports
12 online at our website. We are also registering
13 candidates online. And we also are providing
14 training services online as well. And this is,
15 again, pursuant to the Phase II of the operating
16 status, as indicated by the mayor in terms of --

17 MS. BRIZILL: Okay, Ms. Montgomery, I
18 appreciate that, but you're running my time.

19 Ms. Miller, the mayor's order,
20 according to you the mayor's order would limit
21 the manpower at the Board's headquarters to 17
22 people. Why aren't you and the team senior staff

1 at the Board of Elections at least operating from
2 there as opposed to over at the warehouse?

3 MS. MILLER: Managers are going back
4 and forth between both places, Ms. Brizill.

5 MS. BRIZILL: So, when you're telling
6 people that the office is not open and they have
7 to transmit their information, such as petitions,
8 by email, you do have the reg -- the registrar of
9 voters is operating out of the offices?

10 MS. MILLER: The registrar of voters
11 is here and has been here daily.

12 MS. BRIZILL: Daily you're saying?

13 MS. MILLER: Daily. Every day.

14 MS. BRIZILL: Okay. Okay, I have a
15 couple of other questions regarding the status of
16 preparations for the election in November.

17 Mr. Bennett, can you tell me whether
18 or not the Board has engaged a PR firm or a new
19 PR firm to handle information to the general
20 public and community outreach?

21 CHAIR BENNETT: We haven't concluded
22 with a PR firm for the community outreach. But

1 that action is the decision of the OCP.

2 MS. BRIZILL: Are you retaining the PR
3 firm that managed the June primary?

4 CHAIR BENNETT: OCP is the one that
5 will be making that decision.

6 MS. BRIZILL: I thought at the hearing
7 that Mr. Allen had to review the debacle of the
8 June 2nd primary, that you and Ms. Miller
9 indicated that, or implied at least that you were
10 looking for a new PR firm.

11 CHAIR BENNETT: I'm not sure if I
12 implied that or said that, but my answer is still
13 the same, that's a decision at OCP.

14 MS. BRIZILL: So, why did OCP make a
15 decision for the Board of Elections PR firm when
16 the PR firm would have to work for the Board of
17 Elections? Don't you have some say?

18 CHAIR BENNETT: That's what the rules
19 say, Ms. Brizill.

20 MS. BRIZILL: And they, and you're
21 telling me now that they would make the decision
22 regarding continuation of that contract?

1 CHAIR BENNETT: Yes, ma'am.

2 MS. BRIZILL: Okay. Ms. Miller, you
3 went through it very quickly and I could barely
4 hear you. You indicated that you have engaged a
5 mail order firm to do the absentee ballots. Can
6 you give that name again?

7 MS. MILLER: Sure. The name of the
8 firm is K&H.

9 MS. BRIZILL: K? Can you --

10 MS. MILLER: The last --

11 MS. BRIZILL: K&H?

12 MS. MILLER: Yes.

13 MS. BRIZILL: And what is the amount
14 of the contract?

15 MS. BRIZILL: I think it's about --
16 I'm not even sure -- about \$600,000.

17 CHAIR BENNETT: That's your time, Ms.
18 Brizill. Thank you.

19 Next person? Anybody else, press
20 star-3.

21 All right, mute yourself. Somebody
22 else has pressed star-3. 722, 202-722? Unmute

1 yourself. We unmuted you.

2 MR. SINDRAM: Hello?

3 CHAIR BENNETT: Yes.

4 MR. SINDRAM: Mr. Chair, can you hear
5 me?

6 CHAIR BENNETT: Yes. Yes, I can.

7 MR. SINDRAM: Okay. Am I
8 acknowledged?

9 CHAIR BENNETT: Yes, you are, sir.
10 Please go ahead.

11 MR. SINDRAM: Thank you.

12 CHAIR BENNETT: Please state your name
13 and your address.

14 MR. SINDRAM: Certainly. Michael
15 Sindram, disabled veteran, served our country
16 more than most. Ward 4, 6645 Georgia Avenue,
17 Northwest.

18 I have a question for Ms. Montgomery
19 indicating about the Ward 4 Constituent Fund. It
20 was kind difficult hearing about the documents.

21 It appeared that they had lapsed or
22 expired. So, I wanted to get a update or what --

1 Ward 4, Constituent Fund, the recall I guess.

2 Hello?

3 MS. COLLIER-MONTGOMERY: This is Ms.
4 Montgomery again.

5 What I said, Mr. Sindram, was that we
6 were conducting a periodic random audit of the
7 constituent service program, the Ward 4
8 constituent service program and, specifically, I
9 believe, indicated of the -- Let me just find
10 which report it was. It was of a particular
11 report. And that we were awaiting the receipt of
12 the submission of those, the record from the
13 Constituent Service Fund in order to conduct the
14 audit.

15 MR. SINDRAM: Thank you.

16 And there was under issues, Verizon
17 was made mention. Can you please clarify? I
18 think was a litany of running for office or a
19 Verizon was made mention in your presentation.

20 MS. COLLIER-MONTGOMERY: Yes. Again,
21 in the -- in my report what I indicated is that
22 we have several periodic random audits which are

1 ongoing. And what the office does is basically
2 through our audit branch we provide for periodic
3 random audits of the reports that are filed with
4 us, the financial reports.

5 And the periodic reports are for a
6 specific published period. And they require the
7 committee that has been selected for audit to
8 submit the documents in support of the
9 transactions that are stated on their report,
10 such as finance records, invoices, and other
11 receipts.

12 So, what I indicated was that Verizon
13 Communications, Inc., Good Government Club PAC
14 has been selected for a periodic random audit.
15 It is a political action committee that is
16 registered with the agency. And the report that
17 was selected was their January 31st report of
18 receipts and expenditures.

19 I also indicated that the audit was
20 initiated on March 2nd, 2020.

21 With the Ward 4 Constituent Service
22 Program, the report that's being -- that is under

1 audit is the April 1st, 2020 report.

2 So, when the reports are selected for
3 audit it's typically for the coverage period of
4 those particular reports.

5 MR. SINDRAM: Got you. Thank you for
6 that clarification.

7 Last but not least, I listened
8 carefully, Mr. Chair, and Board members, to the
9 hearing. And it strikes me that it's a veiled
10 masked attempt to use Twitter to endorse a
11 candidate, which ought not be. My understanding
12 is ANC is not partisan. And in this instance,
13 clearly the veiled or masked attempt is to
14 endorse a candidate, which ought not be.

15 And last but not least, there has to
16 be a modicum of respect. And so, throughout the
17 hearing when somebody interrupts, and interjects,
18 and speaks out of turn, as the witnesses and
19 parties indicated, it takes you off your square.
20 It's distracting, can't concentrate.

21 I'm referring to Ms. Brizill that, you
22 know, boldly interrupted, which ought not be.

1 And she did it more than once. She ought to know
2 better. And it's not good because it really is
3 distracting, and it took me, too, off the focus
4 of the gravamen of the witnesses.

5 So, there ought to be, you know, an
6 admonition given. And then if this continues, to
7 say, you know, you just will not be heard.

8 And I wanted to conclude, Mr. Chair,
9 if I may. It is the veteran, it is the veteran,
10 not preacher, who has given us freedom of
11 religion. It is veteran, not reporter, who has
12 given us freedom of the press. It is veteran,
13 not poet, who has given us freedom of speech. It
14 is veteran, not campaign organizer, who has given
15 us freedom to assemble. It is veteran, not
16 lawyer, who has given us right for fair trial.
17 It is veteran, not politician, who has given us
18 right to vote. It is veteran who salutes flag
19 and serves under flag. God bless America and our
20 troops.

21 Thank you so much again, Mr. Chair,
22 disabled veteran. Any questions, I'd be

1 delighted to field them at this time.

2 Mr. Gill, we need an elephant in the
3 room.

4 CHAIR BENNETT: Thank you, Mr.
5 Sindram. That's all the time.

6 Can I get a motion? And thanks,
7 thanks to everyone. We will be moving forward on
8 the matters that we discussed today.

9 Can I get -- and thank you for
10 everyone's patience. I do not like the virtual
11 meetings, but we have to do what we have to do in
12 order to maintain the safety of ourselves and the
13 public.

14 9) ADJOURNMENT

15 CHAIR BENNETT: So, Ms. Greenfield,
16 can we have a motion to adjourn?

17 MEMBER GREENFIELD: I move that we
18 adjourn the meeting.

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

21 MEMBER GILL: I second.

22 CHAIR BENNETT: The adjournment of the

1 meeting has been properly move and seconded.

2 All in favor? Ms. Greenfield?

3 MEMBER GREENFIELD: Aye.

4 CHAIR BENNETT: Mr. Gill?

5 MEMBER GILL: Aye.

6 CHAIR BENNETT: Aye from me as well.

7 It's unanimous. This meeting is

8 hereby adjourned. Thank you so much, all.

9 (Whereupon, at 12:50 p.m., the above-
10 entitled matter was adjourned.)

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A'Shia 19:8	22:21 39:17 40:7 42:8	amount 11:16 12:1 13:5	assist 11:3
a.m 1:13 4:2	69:7,8 108:21	13:9,13,14,15,18 14:2	assistance 40:21 43:13
Aaron 3:18 6:8 50:6,16	Additionally 72:6	14:6,7,8 114:13	75:20
57:5,8 59:6,10,16	address 32:1 37:13,15	amounts 12:20	assistant 2:18 58:7,7
65:15 68:21 70:14	37:17,17 51:22 76:3	Anacostia 80:7	associated 6:8 50:16
75:1 89:17,19,22	76:19 84:22 99:13	Analysis 21:7 26:8	assumed 10:11
93:15 95:11	109:4,20 110:1	analyze 95:21	At-- 19:22
able 36:20 40:6 62:6	115:13	ANC 52:16,21 59:15,16	at-large 10:14 19:8,10
88:1,20,21 107:8	adjourn 89:21 92:4 93:3	62:19 63:2,5,14,22	19:17 20:9 28:20
above- 121:9	120:16,18	64:12,21 65:19 67:20	29:21,22 53:17 54:4
absentee 114:5	adjourned 121:8,10	69:8 70:16 72:8,19	attack 96:15
absolutely 100:20	adjournment 3:22	73:5,8 76:10 77:20	attempt 118:10,13
absolution 100:18	120:14,22	82:5 83:5 84:6 85:5,5	attended 67:4 80:7
absolved 67:22 68:10	adjust 48:2	85:16 86:4,5,14,21	attention 102:7
69:10	administrative 75:19	87:22 89:13 90:2 92:7	Attorney 53:22 63:14
abundantly 82:9	admonition 119:6	94:8 97:20 98:4	audience 89:10
Academy 41:19	adopt 6:1	102:18 103:8,14,16	audit 15:18 21:7,8,16
accept 33:16 34:5	adopted 7:5	104:16,16,20 105:20	21:17,19 22:2,3,7,17
access 10:1,12 12:12	adoption 3:4 5:22 80:3	118:12	23:6 26:8 116:6,14
29:15 33:3,17 35:4	advice 77:20	ANC's 73:19 89:6,16	117:2,7,14,19 118:1,3
43:7 53:13,16 63:21	advise 78:7,13	90:15 97:13	audits 21:14,21,21
65:8 103:20	advisory 63:19 73:1	ANCs 43:8,20	116:22 117:3
accident 86:22	75:16,21 76:21 77:9	annoyance 49:12	August 1:9 4:5 15:2
accommodate 40:6	77:11,16 78:7 84:15	answer 93:9 110:20	28:12,12 29:10 41:17
account 59:15,17 63:22	advocating 66:17 88:2	113:12	42:7,7,10 74:10 80:13
64:22 66:11 67:21	93:22	Anthony 25:6 26:22	82:5
70:16,22 72:9 73:8,11	affirm 76:13 77:2,5 85:7	anybody 57:13,14	Austin 25:3
73:14,17 74:7,9,12	agencies 81:22	100:2 114:19	authority 103:20
80:10,21 81:1 84:6	agency 16:10 19:5	anyway 49:22 92:7	authorized 11:15 13:2,6
86:4,22 87:10,19 90:2	21:11 71:5 98:18	Apologies 69:22	13:6,10,10,14,16,19
97:12 103:14,20	117:16	appeal 52:1,5,9 59:10	13:21 14:2,6,8
104:1,17,20 105:10	agenda 6:4,5,12,16 7:5	70:2	automatically 64:17
105:12,17,20	30:10,16 50:2,22 53:5	appealed 51:16 52:15	105:13
Accountability 63:13	Agenda/Approval 3:4	appealing 70:4	available 30:8 44:20
accounts 64:9 70:20	5:22	Appeals 51:16 52:15	46:3 49:20 91:11
78:13,15,20 79:11,15	agendas 73:19	appear 58:17	Avenue 110:2 115:16
81:12 98:13	agree 92:10	appeared 115:21	avoid 41:2 74:2
achieved 12:12 29:15	agreed-upon 74:4	appears 87:15	awaiting 52:1 116:11
acknowledge 4:12 5:2	ahead 57:19 94:20	applicants 38:14	awarded 36:7
85:14 92:2,5 93:2	108:15 109:9 115:10	appreciate 70:13 97:6	aware 77:21 78:3,19,21
acknowledged 115:8	Alexander 57:16 58:11	111:18	Aye 121:3,5,6
Act 3:11 9:16 20:22	58:17	appropriate 63:8	
30:19 33:12 35:3	Alice 2:11 3:9 7:15	approve 6:12,15	B
69:19	30:14	approximately 41:10	B 3:11,18 35:22 59:6
action 17:15 52:7 63:17	aligned 81:21 95:19	April 22:16 51:14 67:15	60:1
65:7 101:5,8,9,20	alike 40:15	68:8 118:1	B-R-I-Z-I-L-L 109:22
113:1 117:15	Alister 20:15,15	area 90:12,16	back 37:15 50:13 71:2
actions 7:16	allegation 26:6,19 27:1	Arena 40:17	76:1 105:3 112:3
active 37:1 88:6	27:5 65:19	arguably 81:22	backed 36:16
activities 68:11	alleging 53:10 62:19	arriving 36:15	background 12:9 88:21
activity 15:6 22:13	Allen 113:7	article 66:17 90:19	Bacon 41:21
28:18 59:20 65:20	allotted 62:14	ascertain 4:10 61:2	ballot 10:1,12 12:12
66:8,12 68:6	allow 38:1	Ascertainment 3:3 4:9	31:13 33:3,14,17 35:4
actual 32:11	allowed 65:19 83:5	asked 105:8	36:4,12,18,20,20 37:6
add 79:4	allowing 36:11	asking 27:19 100:21	37:10,13,17,19 38:3
addition 24:12 71:6	allows 39:20	asks 101:2	42:14 46:11 48:21,21
additional 15:11 21:12	amendment 60:16 80:1	assemble 119:15	49:18,21 53:12,16
	America 119:19	assigned 95:4	80:11

ballots 36:5,9,11,14
 38:2,12 40:22 48:8,11
 48:12,18 49:6 114:5
barely 114:3
barking 19:15
base 11:16 12:19 13:5,9
 13:14 14:8 26:21
based 19:2 31:9 33:8
 45:6,7 102:20 104:14
basically 21:21 22:20
 117:1
basis 52:18 108:3
Batchelor 80:6
Batchelor's 81:1
Bear 41:21
Bedard 56:4,5,6,8
 89:10 91:10,13,14
 92:18 94:12,16,22
 99:6,6,10,14,14
BEGA 66:6 67:5 71:14
 100:16,22 101:6,13
began 38:13
beginning 10:20 37:3
 38:18 41:11
begun 63:6
behalf 58:18 92:22
believe 29:12 42:7 71:1
 96:4 116:9
belongs 86:5
beloved 72:10
Beneath 83:12
Bennett 1:14,18 4:4,10
 4:15,19 5:5,11,14 6:1
 6:17,20 7:2,8,12,18
 7:21 8:7,10,19 23:13
 23:19 27:12,17,21
 28:1,5 30:2,4 33:19
 34:7,11,14,21 35:1,19
 44:9,15 46:17 54:9,19
 55:1,8,12,16,19 56:1
 56:14,18 57:1,4,7,10
 57:13,18 58:21 59:9
 99:17,18 100:7
 101:21 104:6,9
 106:17,21 107:1
 108:6,20 109:9,19
 110:3 111:2 112:17
 112:21 113:4,11,18
 114:1,17 115:3,6,9,12
 120:4,15,19,22 121:4
 121:6
Bennett's 69:14
Beta 64:6
better 29:8 107:14
 108:15 119:2
big 46:8,8
Bill 100:13 102:1 103:6
 104:3,10

bit 42:19 79:6 98:10
bless 119:19
board 1:4,6,11,16 2:9
 3:4,6,14,15,16,17 4:6
 4:11,21,22 7:4,7,8,12
 7:14,19,22 9:15 10:15
 14:5,20 19:13,17 20:2
 20:6,7,10,12,16 23:22
 28:22 29:9,22 30:11
 31:1 33:16 39:12
 43:13 44:21 51:3,8,9
 51:13 52:3,7,12,13,16
 53:6 61:17 63:12
 67:14 79:14,19 80:4,8
 80:13 81:11,12 91:18
 94:17 98:22 99:4,18
 107:17 108:2 109:15
 109:16 110:8 112:1
 112:18 113:15,16
 118:8
Board's 36:13 52:4,9
 61:21 67:16 70:14
 111:21
boards 99:21
body 79:10
boldly 118:22
booth 83:20 86:18 94:9
 94:10 96:4,6 97:13
Bowser 23:4
boxes 38:10
branch 117:2
brief 51:21 83:1,3
briefings 7:17
briefly 31:14
bring 47:2,8 49:15
Brizill 109:8,8,10,11,20
 109:21,22 110:4,6,16
 110:22 111:17 112:4
 112:5,12,14 113:2,6
 113:14,19,20 114:2,9
 114:11,13,15,18
 118:21
broader 98:10
Brooke 27:5
BROOKS 2:15
brought 92:15 94:5
 102:7
Brown 25:4
burden 61:10 69:16,20
business 70:18 86:7
busy 41:6
button 97:22
by-mail 36:5

C

California 38:9
call 3:2 4:3,4,14 5:2,4
 34:16 47:14 72:18

called 5:20
camp 87:14
campaign 2:17,21 3:7
 3:19 6:10 8:2,20 9:3
 9:15 11:4,5,14 15:19
 15:20 16:6 17:14 19:6
 23:12 24:2,15 26:18
 27:1 50:7 58:11 59:8
 59:22 61:12,15 62:14
 62:17 66:21 68:16
 69:11,18,20 70:3,5
 75:5 79:7,13 80:18
 81:8 82:13,18,22
 83:20,21 84:8 86:17
 86:19 87:9,10,19 88:6
 88:10 90:7 93:21 96:5
 96:17 101:2,11
 102:10 105:4 107:19
 108:5 109:16 110:21
 111:1,6 119:14
campaign-related
 65:20
campaigning 86:17
 87:15
canceled 98:7
candidacy 86:10
candidate 9:22 25:4,5,7
 25:9 27:5 51:12 60:13
 60:21 65:1 66:14,18
 82:8 83:11,17 84:11
 89:15 92:20 97:15
 102:12 103:3 105:18
 118:11,14
candidates 9:9,19 10:7
 10:10,12,16,17 11:17
 12:4,6,7,8,10,11,12
 12:15,16,21 14:10,11
 14:11 15:13,21 19:4
 19:19 21:1,22 24:16
 43:7 52:18 53:13 81:4
 81:13 84:2,3,12 88:3
 92:21 105:19 111:13
candidates' 9:7
Cannabis 20:19,21
Capital 40:16
card 37:14
carefully 118:8
Carla 26:14
cartoon 66:15
carves 72:2
case 51:2,19 52:4 53:6
 53:21 54:18 62:13
 69:17 70:9,13 71:7
 79:8 82:14 100:17,19
 102:8 105:15
cases 52:11 53:1,4
 69:18 99:9
cast 40:21 51:6,8,11

casting 48:8
casual 83:6
Catholic 41:19
cause 27:10 51:19
Cecily 2:16 3:7 8:21
celebrating 83:22
cell 94:16
Center 31:8,11
centered 74:4
centers 39:15 43:2,5
 47:16
certain 45:21 53:11
 110:11
certainly 76:5 107:7,19
 115:14
certification 3:9 10:17
 15:14 30:17 31:12
 33:13,21 34:2,6,10
certified 9:20 10:7
 11:17 12:6,8,10,15
 13:4 14:10,12 35:4
certify 33:16
chair 1:14,18 4:4,10,15
 4:19 5:5,11,14 6:1,17
 6:20 7:2,8,12,18,21
 8:7,10,19 23:13,19
 27:12,17,21 28:1,5
 30:2,4 33:19 34:7,11
 34:14,21 35:1,19 44:9
 44:15 46:17 54:9,19
 55:1,8,12,16,19 56:1
 56:14,18 57:1,4,7,10
 57:13,18 58:21 59:9
 62:22 69:14 99:17,18
 100:7 101:21 104:6,9
 106:17,21 107:1,16
 108:6,20 109:9,19
 110:3 111:2 112:21
 113:4,11,18 114:1,17
 115:3,4,6,9,12 118:8
 119:8,21 120:4,15,19
 120:22 121:4,6
Chairman 5:10 23:22
 30:15 34:4 103:21
challenge 36:17 54:1
challenging 35:13
 43:16
Chander 12:22 13:20
Chang 20:15,15
Channel 49:13
charter 60:16
checked 32:2,5
cheers 46:12
choice 102:10
choices 84:12
chooses 100:16
chose 46:8
Chris 19:13,13

Christian 16:4
Christina 13:18
Chuck 26:21
Circle 83:14 90:12,16
 97:10 106:5,12
circulator 31:19,22
circumstances 35:10
 43:15 46:13
cited 66:5 68:11
citizens 42:1
city 13:13 14:15,17 19:8
 19:10,12 20:1,14 41:8
 60:4 83:17 90:18
 105:18
citywide 9:18 10:3,5
civic 43:21
clarification 68:22
 118:6
clarify 94:2 97:1 116:17
clarity 104:13,22
clear 69:3 82:9 86:6
 93:17 96:16
clearly 64:16 72:9
 81:14 93:22 118:13
click 87:5
clicked 60:2 65:22 87:7
clicking 87:2
closed 109:15,17
closely 93:18
closest 71:13
closing 98:5
Club 22:10 117:13
Code 24:21 59:14 60:5
 62:20 63:20 71:21
 78:4
colleges 41:22
Collier-Montgomery
 2:16 3:7 8:2,5,9,17,21
 8:22 19:16 27:15 29:6
 30:3 45:2,10,19 46:15
 111:4 116:3,20
Colorado 38:8
Columbia 1:2,11 31:20
 37:22 60:7,20 71:10
come 46:22 48:3 50:13
 50:14 62:6 78:11
 103:11
comes 32:17 46:22
 101:1
coming 103:8
comment 46:19 102:4
comments 46:12 47:21
 49:22 64:16
commission 70:18 73:2
 74:5 83:22 84:16 86:7
Commissioner 59:16
 79:3 83:9 84:14,15,17
 85:5 91:6,7 97:7

103:9,10
commissioners 52:21
 63:5 64:12 67:3,7,12
 67:20,22 68:1,9,12,16
 69:1,5,8,9 74:18
 77:11,17 78:13,19
 83:5 89:7 101:10
commissions 75:16,21
 76:22 77:10 78:8,22
committee 9:7 13:3
 14:14 19:10 20:5,9,11
 22:4,8,13 25:22 26:6
 26:7,18 27:1 89:6
 117:7,15
committees 15:19,20
 17:14,15 18:3,9,17
 19:4 20:17 24:15,19
 25:12
common 64:8
commonly 74:4
communications 22:9
 82:3 117:13
community 92:9 112:20
 112:22
comparison 32:16
compiled 32:7
compiling 35:7
Complainant 26:12
complaint 26:4,12,16
 26:21 51:5,7 53:8
 62:19 63:2,6 64:4
 65:2,16 72:13,14 75:6
 77:22 85:15,19 86:1
 86:13 88:14 90:13
 102:20 104:14 107:21
complaints 85:15 102:3
complete 27:11
completed 21:3,18 24:5
 26:10
completely 65:9 82:9
 90:13
compliance 79:16
 95:19 96:20,21
compliment 107:11
Comprehensive 80:1
 81:15
con 95:2
conceded 67:20
concentrate 118:20
concern 86:9
concerned 83:22 86:3
 87:20
concerning 9:10 86:13
concerns 47:22
conclude 23:8 119:8
concluded 65:21 82:12
 112:21
concludes 27:16 44:8

conclusion 78:12
conduct 9:17 54:7
 59:10 63:20 71:21
 116:13
conducted 15:8 21:9
 27:10 60:17 65:14
 94:3
conducting 116:6
conduction 31:9
conducts 59:1
conference 21:3,3
 67:17,18,19
confined 40:9
Conflict 69:19
conformed 64:5
congratulations 35:20
connected 65:9
considerable 78:16
consolidated 53:1
constituent 16:15
 22:15,18 23:3,4
 115:19 116:1,7,8,13
 117:21
constituents 71:3
constituted 66:7
constructive 43:18
construed 72:6
contact 9:9 16:9
contacted 63:12
contacting 101:13
contained 31:5 59:18
 64:19 65:3
containers 38:11
contains 32:9
content 65:3,8
contents 3:1 81:19
contest 51:9,11
contested 9:17 69:17
continuation 113:22
continue 11:10 12:13
 43:3,19 77:7 85:11
 89:3
continued 43:17 78:16
 93:3,6
continues 9:3 119:6
contract 36:8 44:19
 113:22 114:14
Contracts 45:3
contribution 27:6
controversial 74:3
convened 1:12
conversation 96:10
corner 83:9
correct 55:15 56:8 69:6
 104:17
correspondence 64:1
 107:22
council 10:6 13:1,13

14:15,18 19:9,11,12
 20:1,14 22:5 25:4
 28:21 29:21 39:12
 45:9 47:17,19 60:4
 66:2 74:6,18 83:17
 105:18
council's 7:16
counsel 2:12,20 17:21
 18:12 19:2 23:12 24:1
 24:4 25:21 26:2 50:3
 58:7 61:6 67:16 68:20
 85:16
Counsel's 3:12 50:18
count 51:8
counting 51:5
country 115:15
couple 48:7 112:15
course 10:11 16:8 39:7
 67:15 101:18
court 51:4,16,18 52:6
 52:15 53:3,8
court's 52:2
cover 47:8
coverage 118:3
crowd 97:13
currently 10:3,15 11:1
 12:3 38:14 54:2
cursor 87:1,2,6 106:13
cut 54:15 95:15
cycle 15:18

D

D 2:12 3:13 50:19
D.C 3:14,15,16,17,18
 59:7,14 94:17
daily 112:11,12,13
Daniel 3:18 6:9 50:6,16
 54:17 56:20 58:2 59:7
 59:11 69:12 70:12
 94:2,2 95:8 97:4,16
 97:18
data 22:3 31:8,10
 107:14
database 45:20
date 11:7,13 15:2 17:3
 17:8,12 18:7 29:10,12
 36:16 38:2 48:19
David 6:8
day 20:18,21,21 39:13
 39:18 40:7,19 41:2,4
 43:1 44:3 49:13,14
 74:14 83:7 84:1 90:7
 90:18 112:13
days 40:18 48:7,19 67:5
DC 4:6 6:10 13:9 14:16
 19:22 20:7,12 22:11
 24:21 25:4,8 26:5,18
 41:20 44:21,22 51:4

51:16 52:14 53:8 60:5
62:20 63:12 66:2
70:20 71:4 74:6 78:3
79:12 85:4 109:14
110:1
DCMR 31:1 59:15 60:19
62:21 78:4
de 67:13 70:14
deadline 9:9 15:2 16:16
18:1,7,17 29:10,12
43:6
deal 99:19
debacle 113:7
debate 9:17,18,21 10:2
10:4,9,14,19 11:1,4
29:19
debates 11:8,8 28:9,15
28:18,22 29:20
December 52:6 65:17
67:7
decide 47:9 49:14 53:4
decision 32:22 33:1
52:2 62:7 113:1,5,13
113:15,21
decisions 65:7
declaratory 53:9
decreed 45:8
deem 61:20
deemed 63:8
defeated 12:13,17
defense 18:3 21:17
26:5,7
delete 70:21 78:13
deleted 90:2
deleting 78:19
deliberate 50:12 61:21
62:5 88:13 107:5
108:16
delighted 120:1
delivery 36:4,12,21
demonstrates 66:12
demonstration 70:4
denied 67:10
Denver 38:8
department 101:15,17
101:19
deposit 38:1,12
deputy 109:22
describe 75:14
described 62:22 90:17
designed 48:13
desk 15:8,11 21:9,13
determine 32:3,8,13
48:20 54:10
determined 31:11
33:12
determining 17:19
18:11,22

develop 36:20
development 11:3
different 97:21
differently 45:13
difficult 115:20
digital 98:15
digits 57:2
direct 43:7
directive 110:10
directly 65:9 87:9,18
89:19
director 2:11,16,19
26:9 30:11 72:19 73:5
73:13 75:15 76:10,21
77:9 103:2,17 109:22
Director's 3:8 30:13
34:5,9
disabled 115:15 119:22
disbursed 12:1
disbursement 11:15
13:2,11,14,16,21
disclosure 101:4
discourse 98:1
discuss 6:7
discussed 120:8
Dismiss 51:13
dismissed 51:20 52:1
52:10
disputes 48:4
disrupt 75:22
distancing 40:11 46:9
distinguished 23:22
distinguishing 105:22
distracting 118:20
119:3
distributed 12:19 13:2
distribution 45:12
district 1:2,11 31:20
37:22 51:4 52:17 53:7
53:18,20 60:7,20 64:8
71:9 79:10 81:4 98:12
District's 63:20
districts 52:22
disturbance 5:9
division 11:11 15:7,8
15:10,12,17 16:6,9
17:8 21:8,9 26:9 41:6
41:17
DJ 41:21
DOC 39:19
docket 99:21
documents 100:6
107:20 115:20 117:8
Dog 19:15
doing 4:8 30:5 35:17
46:13 51:17 91:17,20
donate 87:11
donation 25:1 81:8

Dontrell 20:4,5
Dorothy 109:8,21
Downs 20:13,13 57:16
58:1,3
dozens 79:17 95:18
draft 47:14,17
drink 49:16
drive 41:19 42:3
drive-through 41:18
drop 47:4
drop-down 87:3
dropboxes 37:21 38:1
due 17:21,22 98:7
dug 81:3,5
Dupont 74:1 83:13
90:10,12,16 97:9
106:4,12
duties 77:8,15
duty 36:9

E

earlier 111:7
early 10:20 39:15 40:18
42:22 43:2,5 47:16
48:11 49:2,3,8
eat 49:15
Eboni 20:10,11
Echo 46:12
Ed 26:17
EDT 1:13
education 10:15 14:5
14:20 19:14,18 20:3,6
20:8,10,12,16 30:1
41:6 80:5 81:11
Edward 55:7,9,10 62:18
84:14 85:3
effective 40:11
effort 35:7
eight 10:7 19:19 40:18
84:3
either 110:14,18
elect 13:4 14:4,14 19:10
20:5,9,11 22:5 25:22
51:12
elected 10:6 52:19 54:5
60:13,22 65:1 81:13
82:8 97:8
electing 41:1
election 11:19,20,21
12:5,11,14,17 14:13
15:5,17,22 16:1,2,3,4
21:22 24:14,16,17,18
25:17,18,19 33:15,18
36:3,6,8 38:3,19,22
39:7,13,17 40:7,19
41:2,3 43:1,14,22
45:22 46:4 51:6 64:18
80:10 86:18 87:15

88:3,10 96:2 112:16
elections 1:4,12,16 2:9
3:14,15,16,17 4:6
9:13,16,20 10:3,8,16
11:11,12 12:3 15:4,7
17:7 19:20 24:13
25:11,13 26:20 29:11
29:17 30:12 38:6
44:21 52:3,13,14 53:6
53:10,11 54:1 80:5,9
80:13 81:12 91:19,20
94:18 109:15 110:8
112:1 113:15,17
Elections' 79:14
electronically 16:19
17:5,11,18 18:6,14,20
elephant 120:2
elevating 98:1
eligible 29:18
else's 98:18
email 9:5 63:9 107:22
112:8
embedded 87:8,17
105:10,14,16 106:1,3
106:8,11
emergency 39:20 98:8
emphasize 44:2
employed 103:17
employee 71:18 103:16
employees 60:9 110:12
110:14
encouraging 41:21
49:1
ended 103:13
endorse 118:10,14
endorsed 88:7
endorsement 64:18
endorsements 71:16
71:19 72:1
endorses 71:18
engage 65:6
engaged 112:18 114:4
engagement 80:17
English 79:6
ensure 49:8
ensuring 49:5
entered 52:5
Entheogenic 3:10
30:18 33:11 35:3
entire 107:18 108:4
entitled 121:10
entrance 21:3
equipment 24:18 25:2
25:14 40:8 60:11
era 98:15,20
erroneous 93:1
essentially 44:5
establishing 78:14

ethics 63:12,13 67:5
Evans 21:16 25:5,5
 26:6 74:18 96:1
Evans' 96:3
event 41:20 72:11
events 41:8,10,13 42:5
everybody 5:15 8:12,13
 55:5 57:21
everyone's 120:10
exactly 93:19
examine 81:1 97:15
examined 32:12 79:10
examines 83:8
example 80:20
examples 79:9,17,20
 80:16 81:10 93:19,20
 95:17,18
excellent 107:13
excess 47:8
exchanged 108:1
excited 40:19
Excuse 19:16 94:13
executive 2:11,18 3:8
 6:7 30:11,13 34:5,9
 50:11,14 62:5 72:19
 73:5,13 75:15 76:9,20
 77:9 99:20 103:1,2,17
 107:4 108:11
exhibit 63:3,10 64:2
exhibits 65:12 79:19
exist 43:15
expect 29:20
expected 35:14 53:3
expenditure 18:9 60:8
expenditures 16:13,17
 17:4,10,14 18:3,19
 21:10 117:18
experience 44:6
experienced 39:6
expired 115:22
explain 58:19 91:22
explicitly 72:2
extension 16:21 22:19
 35:16
extensive 27:6
extra 95:4
extremely 38:10 41:6

F

F 2:15
facilitate 84:11
facilities 60:11
facility 110:15
fact 4:21 29:15 39:14
 48:11 86:10 92:15
failure 17:21 18:12 19:2
 27:6
fair 9:13,16,20 10:7,16

11:11,12 12:2 15:4,6
 15:16 17:7 19:20
 24:13,16,18 25:11
 26:19 29:11,16
 119:16
fall 73:5 103:3
Fanning 16:1 25:5,18
far 12:2
favor 121:2
feature 41:20
featured 84:5
February 26:4
Federal 53:7
fell 32:4
FEP 12:20
festival 59:19,21 64:12
 64:13,17 65:2,4 72:5
 72:10 73:14 74:9,17
 75:2 82:7,10 83:7
 84:1 86:18 98:2,3,5
field 120:1
figure 11:22
file 17:21 18:13,13 19:2
 32:17 37:14,18 85:22
filed 15:9 16:14,19,20
 17:5,6,10,11,16,17,18
 18:5,6,10,15,20,21
 21:10 26:4,12,14,16
 26:21 51:3,7,13,21
 52:14 53:3,7 62:19
 64:3 67:8,13,14 85:15
 85:18 86:13 88:13
 117:3
filer 18:5
filers 17:4,16,19 18:10
 18:14,19,22
filing 16:11,16 17:2,3,9
 17:12,13 18:2,8,18
 22:1,9 29:13 43:9
 101:2,4 102:14
filings 16:18
final 21:17 23:6 47:14
 47:17,19
finalize 36:2
finalized 36:6
finalizing 39:10
Finally 61:13
finance 2:17,21 3:7,19
 6:10 8:2,20 9:3,15
 11:14 16:7 19:6 23:12
 24:2 50:7 58:12 59:8
 61:12,15 62:14,17
 68:16 69:11,19,20
 70:3,5 75:5 79:7,13
 82:13,18,22 90:7
 93:21 96:6,18 101:2
 101:11 107:19 108:5
 109:17 110:21 111:1

111:7 117:10
Finance's 80:18
financial 15:9 75:19
 101:4 111:11 117:4
financially 98:4
find 45:1 64:17 80:21
 81:2,3 92:8,11,12
 116:9
finding 66:6
fine 24:9 25:21 67:2
 68:5 84:20 94:22
finances 24:11
fire 101:16,19
Firefighters 22:12
firm 11:3 112:18,19,22
 113:3,10,15,16 114:5
 114:8
first 5:11 8:7,10 9:1
 10:5 12:22 16:9 20:18
 21:15 30:16 31:18
 36:15 39:9 41:11
 47:11 50:22 51:2 61:6
 70:7 76:7 86:21
 109:14
fist 23:2
five 14:9 18:20 24:10
 26:2
flag 119:18,19
flexible 48:6,7
focus 49:4 74:3 119:3
folks 102:19
follow 96:13
follow-up 90:6
followed 85:20
following 12:20 15:18
 16:13 24:7 25:11 26:3
 66:5 97:18
force 35:11
forget 95:14
form 71:17
formal 24:15
formally 64:12
format 11:9 61:4
forth 35:21 112:4
Forum 90:11
forward 43:19 108:18
 120:7
found 32:19 38:5 52:17
 59:13
four 5:12 8:8,11,14,14
 10:17 12:15 19:5
 24:14 57:2 69:8 79:20
 80:16 81:10
fourth 28:12 52:11
frame 35:15 47:1
Franklin 13:8 14:16,16
Fraser 14:1
Frazier 14:18,19

freedom 119:10,12,13
 119:15
Fria 19:11
Friday 37:3,4 41:16
Friends 13:17 20:2,15
 22:1
frivolous 90:13
front 83:19 86:17 94:9
 98:11
full 21:15 34:1 40:17
full-blown 38:6
full-scale 36:9
functions 82:3,3
fund 13:19 21:17
 115:19 116:1,13
fundraiser 88:7
funds 12:1 13:7,11,16
 17:2 24:18 25:1 26:20
 60:8
Fungus 3:11 30:19
 33:12 35:3
further 97:1,3

G

Garcia 13:8 14:16
general 2:12,20 3:11,12
 11:21 12:5,14 14:13
 15:5 17:20 18:12 19:1
 23:11 24:1,4 25:21
 26:2 33:14,18 35:22
 36:1,5 43:14 47:6
 50:3,18 51:6 53:22
 61:6 67:16 74:1 85:16
 112:19
generally 38:8
gentleman 103:2
Georgia 115:16
getting 89:20 92:3
Gill 1:19 4:11,13,13,17
 6:17,20,22,22 7:12,14
 7:19 27:17,19,22
 33:20 34:2,4,8,16,18
 44:16,17 45:5,17 46:5
 46:16 100:8,9,13,16
 102:1,16 104:3
 106:18,19 120:2,19
 120:21 121:4,5
Gill's 4:22
gist 49:22
give 28:13 30:6 31:14
 46:7 50:4 57:1 62:11
 79:19 107:6 108:9,12
 109:19 114:6
given 119:6,10,12,13
 119:14,16,17
glad 105:8
glossing 106:7
goal 45:16

God 119:19
GOLDSBERRY--ADA...
 2:13
Gottlieb 57:15 58:10
 75:12 76:3,20
government 1:1 22:10
 27:2 60:7,20 63:12,13
 65:10 66:22 68:6
 70:20 71:4 79:13
 81:21,22 82:1 84:11
 86:3,5 87:13,21 98:12
 98:17 117:13
government-run 64:9
graduates 41:22
Graham 3:15
Grant 52:3
granted 16:22 22:19
 51:15
grateful 35:17
gravamen 119:4
Green 25:6,7 26:22
Greenfield 1:20 4:21
 5:1,3,4,6,8,13 6:12,14
 7:9,10 28:1,3 34:3,12
 34:13,21,22 44:12,13
 100:1,3 104:7,9,10,12
 104:21 105:21 106:10
 106:15,21,22 120:15
 120:17 121:2,3
greetings 88:8
Grossman 16:2 25:7,16
group 66:13
group's 66:11,16
groupings 32:5
groups 43:22
guess 46:6 116:1
guidance 65:11 68:5
 71:9,13,14 72:2 95:19
 96:16,19
guide 42:22
guidelines 40:11
guides 42:15

H

Hammond 3:16 52:12
 52:12
hand 92:1,2
handle 112:19
handled 53:21 73:10
Hanlon 55:6,7,10,10,11
 55:12,13,14,16,18
 62:19 84:14,17,18
 85:2,3,10,14,18 86:2
 88:17,20 89:2,3,4
 91:2,5,6,7,8,12 106:7
happen 44:5 46:21 48:3
 62:11
happened 86:22 105:15

happening 7:17
happy 39:7 93:8
hard 38:10 44:4 49:11
Hasmentori 80:14
Hasmentori's 81:5
headquarters 111:21
health 39:20 98:7
hear 5:9 8:6 23:19
 56:15 57:6 61:9,13
 70:8 82:17 84:13,18
 84:20 88:18,22 91:10
 92:9 110:17 114:4
 115:4
heard 61:14 100:6
 119:7
hearing 3:18 50:6,13
 54:8,11 59:2,4,6,10
 67:13 70:14 91:17
 93:4 108:9 113:6
 115:20 118:9,17
hearings 24:5 69:17
heavy 35:13
held 11:9 67:17
Hello 8:9 58:6,13 91:3,7
 115:2 116:2

Henderson 13:18 19:9
 19:10
Hernandez 97:16,18
Hi 4:13 54:17 56:17
 58:9,15 93:15 95:6
high 41:22 80:7
highlighting 30:20
history 61:7 68:18
hold 50:10 98:17
holding 11:7 52:19
 88:11
hope 39:5 99:1
hopefully 4:18 41:1
 50:14 62:6
horrible 86:12
host 41:18
hosted 41:7,11
hours 60:9
house 42:6
households 42:16
houses 42:8
hovered 105:3
Howard 19:8
hundreds 70:19
Hunt 3:14 51:2,7,15,18
 51:21
hyperlinks 98:16

I

idea 43:4
identified 83:16 105:17
identify 4:16 5:1 40:5
 54:12,15 55:4 59:3

109:2,3,7
Il 110:10,10 111:15
image 83:8
immediately 37:16 87:3
 97:12
impermissible 71:11
implementation 12:2
implied 69:3 113:9,12
important 5:19 39:2
 73:18
impose 24:11
imposed 24:8 25:21
 67:2
in-person 10:20 48:22
 49:20
inappropriate 26:19
 27:2
inbound 36:11
include 36:16 39:1,18
 42:6 53:5 59:21 71:20
included 24:6 74:17
 96:1
includes 40:18
including 36:3 60:7,10
 60:16 70:9 74:17
 79:13 89:7
inclusion 65:21
incorporated 40:2
incorrect 70:5 71:1,7
independent 18:8
indicate 9:1 31:16 40:4
 42:21 72:15
indicated 26:9 29:9
 38:16 43:7 46:2 49:13
 60:3 62:2 63:7 64:5,9
 64:15 66:1 106:8
 111:7,16 113:9 114:4
 116:9,21 117:12,19
 118:19
indicates 83:13,13
indicating 115:19
individuals 38:16 40:21
 46:2
informal 24:5
information 12:9 15:11
 16:5,8 21:12 28:10,17
 29:2 30:7,8 35:8 37:5
 37:7,9 42:21 45:1
 58:19 61:19 64:7 95:1
 102:11,13,14,14
 105:13 109:12 112:7
 112:19
informed 11:6 63:1,4
 63:16
informing 68:9
initial 69:4,7 72:13
 104:15
initiated 22:4,5,10,12

22:14 101:12 117:20
initiative 3:10 18:16
 20:17 25:1 30:18,21
 31:5 33:11,17 35:21
 60:15
injunction 52:5
injunctive 53:9
input 47:19 108:21
ins 39:3
instance 118:12
instructions 9:10
intend 10:19 40:2
intent 64:10 66:20 67:1
intentional 65:7
interact 70:17
interacting 71:2
interaction 98:15,15
interacts 71:5
interest 39:22 69:19
 96:15
interested 38:18 41:15
interference 5:7 22:8
 24:13 25:1,13 26:4,15
 67:21 81:6 83:10,15
 83:21 88:16 94:4
 95:22 96:3,5,6,10,18
 99:11 101:3 102:12
 102:13 105:9 106:5
interjects 118:17
internet 98:20
interrupted 118:22
interrupts 118:17
interview 65:15 108:1
introduction 69:15
investigated 72:16
 101:16
investigating 101:17
investigation 21:18
 26:15,20 27:3,7 63:6
 101:12 102:6
investigations 26:3
 102:3
investigative 21:19
invoices 117:10
involved 52:4
involving 69:18
issuance 67:6
issue 83:4 104:22
issued 15:10,12,17
 21:11 22:22 23:3,5,7
 24:6,8,10 26:11 62:1
 62:8 65:17 104:14
issues 116:16
item 30:10 50:2,22
items 73:21,22

J

Jack 21:16 25:5 26:6

74:18 96:1,3
jail 39:18
January 22:1,8 117:17
Jayaraman 13:21
Jeanne 13:4 14:14,15
Jennie 26:13,16
job 91:18,21
John 25:5,9,18
JOHNSON 2:18
Jordan 16:2 25:7,16
judgment 53:9
July 3:5 11:12,13,13
 12:18,22 13:3,8,12,17
 13:20 14:1,4,9,15,16
 14:18,19,21 15:7,16
 16:7,12,16 17:2,8,12
 18:1,7,17 19:3,9,11
 19:12,18 20:1,3,4,6,8
 20:10,13,14,16,19,20
 20:22 21:4,8,15 22:19
 22:22 23:2,4 24:3
 25:20 26:1 27:8 41:7
 41:11,12 51:18 53:8
June 11:18,19 12:11,16
 15:21 23:5 24:13,16
 25:12,16 27:4 38:18
 51:21 113:3,8
jurisdiction 31:21
 101:1,3,7,9,18 103:4
jurisdictions 38:5
Justice 20:19,21

K

K 114:9
K&H 36:8 114:8,11
Karen 2:15 5:4 14:5,19
 14:20
KARYN 1:20
Kathy 19:9,10
keep 47:7
Keith 19:22,22
Kelvin 25:4
Kennedy 16:3 25:8,15
 60:1 65:22 79:22
 83:11,14,19 84:4
 86:11,17,20 87:4,16
 88:6,7,8,9,11 93:1
 94:1 105:2 106:6,9
Kennedy's 59:21 60:3
 66:1,20 80:20 83:16
 84:8 88:10 92:21
 105:17
Kerry 56:5 99:6,14
King 63:14,16
Kishan 25:8,9,17
knowledge 75:10
known 43:4
kudos 46:7

L

L 14:14,20
La 53:6
laid 68:18
Landry 3:18 6:8 50:6,16
 55:21 56:13,15,17,19
 56:21 57:5,5,7,8,9,11
 59:6,11 62:15 64:20
 65:12,15 67:8,12 68:1
 68:12,16,21,22 69:2
 69:10 70:15 75:1 79:3
 79:5 82:11,15 83:9
 84:7 88:4 89:8,17,19
 90:9,10,19 93:5,15,16
 94:13,20,21 95:3,5,6
 95:7,11,11,14 97:7,11
 97:17 102:22 103:9
 103:10,21 104:15,18
Landry's 59:17 72:8
 90:17
language 66:5,9
lapsed 115:21
large 10:6 20:1 38:10
 40:5,6 92:9 99:20
late 28:12
Laughter 100:12
launch 11:5
Laura 27:4
law 39:19 71:7 82:4
 96:13
lawyer 119:16
lay 61:4
Lazere 26:18
lead 93:16
leave 4:22
leaves 38:19
led 65:22 87:9
left 90:22 91:4
lefthand 83:9
legal 18:3 21:16 26:5
 64:7 80:17 90:3
legislation 42:13 54:2
Leonard 58:6
let's 92:14
letter 71:14 90:6
letters 85:20
Lewis 13:4 14:14,15,18
liability 78:16
Libertarian 22:11
lift 35:13
light 46:9
like, 71:17
likes 72:3
limit 111:20
LINDA 2:18
line 4:22 5:9 8:16 41:3
 55:22 56:13 58:1,10
 72:20 75:12

lines 49:3
link 42:20 66:16 81:7,9
 83:15 87:8,18 105:2
 105:10,14,16 106:1,3
 106:8,11
linked 84:6 105:16,19
linking 66:10,15
links 98:16,16
listed 47:20 95:18
listened 118:7
listserv 90:11
litany 116:18
literature 81:8 83:21
 87:10
litigation 3:13 51:1 54:6
little 41:21 42:19 79:6
live 85:3
locations 37:22 39:11
 40:1 47:14,15 48:1,5
long 41:3 49:11 73:2
 98:22 107:8
look 97:14 103:18
 106:4
looking 43:19 97:13
 113:10
looks 57:20
Lorenzo 25:6 26:22
lot 5:8 28:18 88:21
 107:14
lots 49:4
lottery 36:18
loud 89:11
love 59:19 75:1 97:9
loved 98:6
lower 54:3
lunch 49:15

M

ma'am 114:1
mail 36:10 37:6,15,21
 38:1,6 42:14 45:14
 49:6,7,19 114:5
mail-in 36:9 49:20
 81:16
mailed 37:3
mailhouse 36:4,7,21
 44:20
mailing 110:1
Main 83:14 106:5,12
maintain 98:12 120:12
maintained 26:2 68:3
making 49:19 113:5
Malloy 26:13,17
managed 113:3
Management 16:6,9
Manager 2:14
managers 68:9 112:3
manner 43:18 46:10
 62:8
manpower 111:21
manual 65:7 86:6
 103:19 104:2
March 22:2,4,5,11,12
 22:14 51:15 67:10,12
 117:20
Markus 80:6 81:1
Marlin 3:17 52:13
Martin 19:13,13
masked 118:10,13
matching 11:16 12:20
 13:1,7,11,16,19,22
 14:3,6
materials 60:11 72:7
matter 6:8 30:16 45:12
 50:7,15 51:3 52:2,4
 52:10 53:2,7 55:15
 61:7,10,21 66:19
 67:17 92:14 100:2
 107:5,10 108:16
 121:10
matters 3:6,11,20 4:7
 5:20 6:7 7:7,8,13,14
 7:20,22 27:13 35:22
 36:2 50:8,9,11 52:14
 62:4 108:19,22 120:8
mayor 23:4 111:16
mayor's 74:19 110:10
 111:19,20
mayoral 51:9
mean 45:13 96:8
 100:17 103:7
means 48:22
measure 3:10 30:18
 33:2,11,17,22 34:7,9
 35:2 60:16
media 49:4 63:19 66:11
 68:6,7 71:14,16,18,22
 78:20 79:11,14 98:13
 98:14
meet 31:11 52:20 88:8
meeting 1:6 3:4 4:5,5
 5:20 6:4,13,15 7:6
 15:3 28:11 29:4,9
 31:16 73:18,18 88:15
 89:5,10,21 92:1,3
 93:3 107:7 120:18
 121:1,7
meetings 73:19,20 92:8
 120:11
member 1:19,20 4:11
 4:13,17,21,22 5:3,8
 5:13 6:14,22 7:10,14
 7:19 10:14 27:19,22
 28:3 34:4,8,13,18,22
 44:13,17 45:5,17 46:5
 46:16 52:17,22 74:18

84:15 100:1,3,9,13,16
 102:1,16 104:3,7,10
 104:12,21 105:21
 106:10,15,19,22
 120:17,21 121:3,5
members 1:16 9:2,14
 10:6 11:6 15:1 23:22
 39:22 43:21 47:18,19
 61:17 70:17 71:3
 118:8
mention 14:22 116:17
 116:19
mentioned 75:8
merits 53:4
message 49:10 68:8
met 15:14 32:13,20
 33:13
method 79:8
methodology 80:19
mic 54:13,15
Michael 1:13,18 25:3
 27:20 46:16 99:17
 102:17 104:4,7
 106:20 115:14
mid 28:11
middle 36:19
Mike 1:19 4:13,15 6:22
 25:3
Miller 2:11 3:9 7:15
 30:12,14,15 33:21
 35:5 36:1 44:10,11
 82:17 110:5,7,19
 111:19 112:3,10,13
 113:8 114:2,7,10,12
Miller's 48:10
minimum 32:14 39:13
 45:14
minute 47:9 90:22 91:4
minutes 3:4 5:22 6:2,3
 6:3,13,15 7:6 50:10
 62:12,14,16 70:9
 93:14 109:1
misread 69:22
mistake 88:12
misuse 86:3
Modern 20:18,21
modicum 118:16
modified 7:6 9:4 111:8
modify 6:5
moment 35:12 99:7
Monday 36:7
money 87:11
Monica 13:12 14:17,17
Montgomery 8:4,8,15
 27:13,18 28:2 43:6
 110:20 111:2,17
 115:18 116:4
month 11:12 12:18 14:9

15:7,10 16:7,12 19:3
 21:4,8,15 23:2 24:3
 25:20 26:1 27:8 41:7
 42:10
Monumental 40:16
Moore 19:12 41:19
morning 23:18,21
 50:20 55:6 58:16
 82:20
motion 6:11 33:15,20
 34:1,5 51:13,14 67:8
 107:4,21 120:6,16
motions 67:11
move 6:14 7:4 38:11
 87:1,6 108:18 120:17
 121:1
moved 7:3 34:15 87:1
moving 120:7
Muhammad 58:6,7,9
music 41:20
mute 5:15 8:12 23:16
 34:19 88:18 89:1
 94:14 100:4,11
 114:21
muted 95:9
muting 94:16
Mysiki 20:8,9

N

N 99:14
name 23:22 34:1 76:2,8
 76:19 84:22 85:3 87:7
 87:15,17 99:12 105:2
 105:5,6,7 106:3,9
 109:4,19,21 114:6,7
 115:12
named 67:3 68:9
names 21:5 32:15 36:3
narrative 72:9
narratives 71:20 72:3
narrow 29:17
Natasha 57:16
navigate 43:13
necessary 37:7 52:20
 61:20 78:12
need 4:10 5:11 6:1 8:3
 35:16 37:11 38:20
 47:7 54:10 95:2 120:2
needed 33:2,6 76:12
 92:20
needs 37:8 42:2 90:1
neglected 53:5
neighborhood 64:7
 70:19 72:10 73:2,22
 74:6 75:16,21 76:21
 77:10,11,16 78:8
 84:15 92:12 93:7 97:8
 97:10

neither 94:2
never 96:7 102:9
new 19:4 20:21 28:9
 29:1 38:14 53:6 78:15
 112:18 113:10
newly 21:2
news 49:12
newsworthy 73:21,22
night 38:4
nine 8:14 16:18,18
 17:10 18:19
nominating 29:13 43:9
non-profit 24:20
nonpartisan 60:14 61:1
nonpersonal 60:10
normal 80:17
Northwest 85:4 99:15
 110:2 115:17
note 9:14 10:22 40:4
 41:16 107:17 108:7
noted 64:6 66:19 90:14
notice 1:13 101:10,15
notices 73:18
notification 15:17
November 11:20 12:5
 14:12 15:5 33:14,18
 36:3 38:19,22 40:12
 43:14,22 46:3 47:1
 65:14 112:16

novo 67:13 70:14
number 4:16 5:6 8:3
 17:19 18:22 23:14
 28:19 29:18 32:9,12
 33:1,4,6 36:2 39:5
 40:6 41:7 46:19 51:10
 57:2 109:7 110:12
numbers 4:18 5:12 8:8
 8:11
numerous 64:13

O

o'clock 99:21
O'Leary 14:18
oath 94:6
obligated 51:10
obtain 65:8
OCF 21:3 59:11 63:1,4
 63:9,9 65:14,17 67:9
 67:10 68:4,8 72:15
 77:22
OCF's 72:13 102:4
OCP 113:1,4,13,14
October 36:15 39:9
 40:12 46:22 48:4 51:4
 64:20 79:21 80:4
offended 93:5
offensive 66:3 92:12,13
offer 58:18 96:17

offered 40:17 80:2
office 2:17,20 3:18 6:10
 8:1 9:3,10,15 11:14
 16:6 17:20 18:4,12
 19:1 23:12 24:2,4
 25:21 26:2 31:6,7,10
 32:17 33:9 35:12
 36:13 44:22 45:3 50:7
 53:14,20,22 54:3
 58:11 59:7 60:11,14
 60:22 61:12,15 62:13
 62:16 63:13 65:1
 67:16 68:15 69:11,20
 74:19 75:4,15,18
 76:21 77:9 79:7,13,21
 80:22 81:2,11,14 82:8
 82:13,18,22 85:16,21
 90:7 93:20 96:5,17
 101:1,11 107:18
 108:5 109:15 110:12
 111:1,6,7,9 112:6
 116:18 117:1
offices 52:19 53:13,17
 53:18 54:5 112:9
official 24:21 59:14
 60:5 62:20 70:19 78:4
 86:14
officials 52:19 97:9
OGE 63:17 64:6 66:6
OGE's 63:18
once 61:22 62:3 119:1
ongoing 21:14,20 22:17
 117:1
online 9:8 16:11 21:4
 111:12,13,14
open 4:22 26:3 42:6,8
 96:22 99:3 102:2
 112:6
operate 9:3 39:12,15
 40:13 74:8
operated 73:15
operates 74:7
operating 74:12 109:18
 110:9 111:8,9,15
 112:1,9
operation 78:17
operations 2:13 75:18
operator 73:16
opinion 63:19,21 64:1,6
 66:6
opportunity 82:12
oppose 60:13,15,21
 64:22 81:13 82:7
opposed 112:2
optional 17:8
order 3:2 4:3,5 5:21
 24:8 26:10 42:19
 52:16 59:11 62:1,7

65:18,18 66:5,19 67:6
67:9 68:4,11 69:4,7
70:3,5,21 71:1,6
72:13 75:9 78:6,11,20
96:8 99:2 102:19
104:13 107:6 111:19
111:20 114:5 116:13
120:12
orders 24:6,10,14 69:1
78:1
Oregon 38:9
organization 24:20
organizations 43:21
organized 15:20
organizer 119:14
original 32:16 85:19
90:14 102:19
originator 103:13
104:19
ought 118:11,14,22
119:1,5
outbound 36:11
outcome 67:19
outreach 41:5,5 112:20
112:22
outs 39:4
outside 51:17 97:12
oversee 75:17
oversight 75:20
overview 31:14

P

P 2:11 3:9 30:14
P-R-O-C-E-E-D-I-N-G-S
4:1
p.m 38:3 43:8,9 121:9
PAC 22:10 117:13
page 60:3 65:19 66:1
71:15 83:16 84:5
89:13,14,16 90:15
98:19 105:4
Palacio 13:12 14:17,17
pandemic 46:22
Paper 90:18
papers 53:2
part 42:13,15 57:14
60:6 69:22 77:8,15
110:17
participants 108:8
participate 9:21 10:2,9
12:14 14:12 29:19
47:10
participated 11:18
participating 9:19 12:7
12:10,16,21 14:10
participation 15:4 39:4
particular 21:18 48:19
49:21 84:4 102:11

104:1 116:10 118:4
particularly 5:19
parties 54:10 61:2,19
68:15 107:12 108:21
118:19
partisan 60:14,22 66:10
66:14,16,18 118:12
partnership 40:20
party 22:11 43:20 55:15
passage 39:11
patience 120:10
Patricia 20:1,2
Patrick 16:3 25:8,15
59:21 60:1,2 65:21,22
79:22 80:20 83:11,13
83:14,19 84:4 86:11
86:16,20 87:4,16 88:6
88:7,8,9,9,11 94:1
105:1,16 106:3,6,9
payment 14:8
payments 11:17 13:1
13:19,22 14:3,7
pending 26:15,20 27:3
27:7 54:2
people 28:10 29:2 30:6
47:1,3,7 49:2,5 59:5
90:12,16,18 96:16
103:19 111:22 112:6
percent 53:19
percentage 48:17
perform 36:9
period 10:21 36:17 38:7
51:17 117:6 118:3
periodic 21:20 22:7,17
116:6,22 117:2,5,14
permanent 52:5 53:9
permissible 72:17
Perry 25:22
person 40:22 41:2
48:14,22 49:21 55:1
55:19 73:9 74:12
87:14 103:10 109:1,6
114:19
personal 59:17 60:8
72:8 80:9,21 97:12
persons 29:18 35:20
46:20 47:9 48:14,18
55:20 57:21 59:2
pertains 40:14
pertinent 60:6 66:4
pet 19:17
Pete 80:14 81:5
Peter 56:10 72:18 76:8
petition 3:10 30:17 31:2
31:22 32:1,9 33:10,22
43:9 52:8
petitioner 32:3 54:22
58:3 59:13 70:13

107:11
Petitioners 61:9,14
62:11,15 67:4 68:3
69:15 70:8 93:13
petitions 29:13 112:7
Phase 110:10,10
111:15
Phillip 52:11,12
phone 4:16 5:6
photo 80:10 86:15,16
86:21 87:1,2,6,8,16
87:17,18 94:5,7,10
97:11,14,16
photograph 59:19
83:10,12 84:2 105:7
105:11
photos 80:6
phrase 71:17
picture 66:13 86:16
105:1,1,4
Pinto 27:5
place 38:6 40:14 42:7
42:18 47:13 59:20
placed 32:14 37:21
placement 94:5
places 39:13 40:3 48:1
49:19 112:4
plain 79:6
Plan 80:2 81:15
planned 42:5
planning 31:7,7,10
32:18 33:9 45:7 79:22
81:11
Plant 3:11 30:18 33:11
35:3
platform 82:3
platforms 68:7
please 4:11 47:22 57:19
110:6 115:10,12
116:17
poet 119:13
point 10:2 29:4,7,20
49:11 61:18 68:22
72:13,15 84:13 88:4
93:12 96:11
police 101:15
policy 3:11 30:19 33:12
35:3 86:6 103:19
104:1
political 17:15 22:13
66:7,10,12,14,14,16
66:18,22 81:20 96:14
117:15
politician 119:17
poll 38:13 42:6,9 45:11
45:20
polling 39:11,12 40:1,3
47:15 48:1 49:19

popular 38:4
portion 23:8 79:12
position 29:8 50:15
101:6
positions 28:19
positive 44:6
positively 46:2
possible 28:11 30:7
40:3 44:1 48:15
108:10
possibly 96:13
post 21:6 66:11 88:1,1
90:17,21 103:22
105:9
post-election 15:18
Postal 48:20
postcard 37:1,3
posted 23:7 41:14
73:17 90:9,10 103:14
104:19
posting 66:13 86:14
89:12 92:21,22
postings 63:15,18 64:5
65:6 73:10
potential 10:4,13 29:20
PR 112:18,19,22 113:2
113:10,15,16
practical 98:20
practice 64:8
preacher 119:10
precedent 71:7 86:12
precincts 45:7,8
prehearing 67:17,18,19
preparations 112:16
presence 4:12 5:2
present 1:16 2:9 70:9
presentation 21:4
26:10 91:1 99:9
116:19
presentations 107:13
107:15
presented 108:4
presents 82:14
president 53:14,19,20
54:4
presiding 1:14
press 5:17 54:12 55:2,5
73:20 114:19 119:12
pressed 56:21 114:22
pressing 97:22
pretty 35:12 71:4
primary 11:19 12:11
24:14 77:19 113:3,8
principal 15:19 17:14
24:15 26:18 27:1
prior 28:11 29:8 59:2
107:7
pro 70:15

probably 28:9,19 48:19
 108:14
procedural 61:7 68:18
Procedures 86:6
proceed 32:10 61:16
 94:21 95:4,13
proceeding 61:5
proceedings 27:10
process 9:11,18 11:1,2
 11:4 17:19 18:11,22
 31:4,15,17 36:10 39:3
 39:10 40:7 42:17
 43:16 46:1 49:9 59:4
 79:10,18 99:1
procure 37:20
procurement 36:4,6
 44:19,22 45:4
produce 106:13
production 9:12
productive 43:18
professional 15:3
proffer 58:18
program 9:13,20 10:8
 10:11,16,18 11:11,12
 11:18 12:3,4 13:5
 14:11 15:4,14,17
 16:15,18 17:7 19:6,20
 22:15,18 23:3,5 24:13
 28:8 29:1,11,16,17
 116:7,8 117:22
programs 10:1
prohibited 52:7 66:7
 68:6,10
prohibition 66:21
prominent 28:20
prominently 84:5
promote 66:20 86:10
 92:20,20
promoting 81:16 94:11
proof 61:10 69:16,21
properly 7:3 31:21
 34:15 121:1
property 86:4
proponents 46:8
proposed 3:9 30:17
provide 9:12 23:11
 36:10 37:15 38:11
 42:15 43:12 47:17
 53:12 61:7 63:7 68:5
 75:18 77:10,16,18
 96:18 109:4 117:2
provided 9:5 36:21
 39:20 58:19 60:19
 63:18 71:9 79:9 93:20
 111:10
provides 37:4 110:11
providing 76:14 77:2
 111:13

provision 67:1
provisions 53:11 66:4
provisos 79:18
public 3:18,20 5:19 6:6
 9:2,14 11:2,6 12:1
 15:1 16:5,8,10 28:14
 30:7 40:1 47:6 50:8,9
 50:11 54:7 59:6 62:3
 70:17 71:3 98:7
 108:19,22 109:4
 112:20 120:13
publicity 11:5
publicly 44:20
published 117:6
pull 105:11
purchase 25:14
purchased 24:19
purposes 66:22
pursuant 1:13 31:1,13
 67:22 68:11 77:20
 110:9 111:15
pursue 100:17,19
push 23:14
pushed 96:14
pushing 49:18
put 28:13 29:3 35:7,20
 36:22 47:5 92:22
Putta 25:9,17
putting 49:11 89:15

Q

qualified 10:1
qualify 10:12 29:11
 33:2
question 28:6 30:5
 51:22 69:14 71:12
 72:12 77:14 94:4
 100:21 102:16,17,18
 104:8 105:8,22
 115:18
questions 27:18,22
 28:2,4 44:11,14,15
 61:17 68:14,17,20
 79:2 93:8 96:22 99:3
 100:1,5 101:22 104:5
 106:18,19,22 112:15
 119:22
quick 79:20
quickly 44:18 100:14
 109:13 114:3
quite 4:6 38:4
quorum 3:3 4:9,11
quote 71:15 100:10
quoted 90:19

R

R 80:14
race 9:18 10:6,14 28:21

raised 91:22 92:2
rally 80:6 81:15
ran 84:3
random 21:20,21 22:7
 22:17 31:17 32:15,17
 116:6,22 117:3,14
Randy 20:13,13 57:16
rate 29:1 49:17
reach 75:5 80:20
reached 61:22
read 21:5 59:18 100:6
 102:21 106:4
reading 80:18
reads 66:9
ready 8:18 92:3
real 100:13
realism 48:16
reality 46:20 47:3
reason 28:16 49:7 94:7
 103:9
rebut 61:14
recall 60:16 116:1
receipt 116:11
receipts 16:13,17 17:3
 17:9,13 18:2,18 21:10
 117:11,18
receive 24:4 37:5,18
 38:3 49:6,7,18
received 9:8 16:22 22:2
 25:13 26:13 61:18
 95:20 101:10 107:14
receives 16:10
receiving 101:14
 111:11
reception 77:13
recognize 35:6,18
 48:17
recommendation 71:16
recommendations
 71:19,22 72:3
recommended 80:2
reconsideration 67:9
 67:11 107:22
record 9:2 14:22 21:5
 36:22 59:3 61:8 63:10
 64:2 65:13 76:3,19
 84:22 102:21 103:18
 107:9,17,18 108:2,4,8
 116:12
records 16:5,9 22:2,21
 22:21 117:10
recounting 90:8
recruit 38:21 45:11
 46:20
Redd 25:22
reduced 35:11 67:4
refer 72:14
referendum 18:16 52:8

52:8 60:15,17
referrals 24:5
referred 17:20 18:11
 19:1 26:8
referring 118:21
reflect 37:14
Reform 20:19,22 69:19
refrain 78:14
refused 88:14 92:2,4
 93:2
reg 112:8
regard 28:14 33:21
regarding 51:5 63:14
 63:18,19 68:5 70:18
 71:12,13 72:12 75:5
 77:20 78:8 111:1
 112:15 113:22
register 42:2,3
registered 10:10,18
 12:4 18:4 19:4,5,20
 20:3,18,19,22 21:2
 31:4,21 32:3,10 37:2
 37:4 117:16
registering 80:15 81:16
 111:12
registrar 2:15 112:8,10
registration 9:11 32:2,8
 32:16 37:8 41:18 42:3
 102:14
registrations 16:11
regular 1:6 3:4 73:19
regulation 70:1
regulations 31:2,13
 102:15
reiterate 96:12 97:6
 98:9
rejected 32:22
related 65:8
relates 48:9
relations 11:2
relationship 73:8 103:5
relative 48:1
releases 73:20
relief 53:10
religion 119:11
relying 39:4
remained 53:19
remaining 24:17
remember 89:9,17,19
remit 24:17
remotely 9:5 110:15,19
removed 58:3
rendered 66:3
repeat 77:13
report 3:7,8,12 7:15 8:1
 8:20 9:12 16:17 17:3
 17:6,11,13,21 18:2,6

18:13,15,18 21:17
 22:16 23:5,6,9,11
 27:6,11,16 30:5,11,13
 30:20 33:16,20 34:5,9
 44:8 48:10 49:12 50:3
 50:5,18 116:10,11,21
 117:9,16,17,22 118:1
reporter 49:13 119:11
reporting 75:20
reports 9:7 15:9,13
 16:12,13,20 17:9,10
 17:18 18:8,21 21:7,9
 21:13 26:8 111:11
 117:3,4,5 118:2,4
representations 68:1
 68:12 69:9
representative 17:1
 74:19
representing 70:15
represents 11:22
request 22:21 28:7
 37:11 51:7 67:13,14
 68:4
requests 15:10 16:21
 21:11 23:1 27:9 37:6
require 67:1 117:6
required 9:9 10:8 16:18
 17:4,16 18:5,9,19
 35:16 65:6 102:15
 103:11
requirement 32:14 33:7
 53:15,19 54:3
requirements 15:3,15
 31:12 32:20 33:13
 52:20
requires 9:18 39:12
requiring 24:15
rescind 68:4
residency 52:20
resident 31:19,20
resolution 61:21,22
resolutions 52:16
resource 27:3 65:10
 82:1 86:5 87:13
resources 60:6,20
 66:22 84:11 87:21
respect 10:22 32:21
 33:10 36:1 40:1 42:12
 90:21 110:8,20 111:6
 118:16
respond 62:16 93:13
 110:5,7
responded 64:21
respondent 26:5
 107:12
Respondents 54:18
response 6:19 61:11
 62:13 63:8 64:4,4,21

93:6,16 108:10,13
responses 63:8 65:11
 83:1,3
responsibility 9:16
responsible 98:18
restrictions 40:13
result 15:11 21:12
 70:21
resulting 78:1
results 30:22
retaining 113:2
return 36:12
retweet 64:10 66:3,7
 71:8,10,12 74:14,22
 83:6 97:20,21 102:10
 104:16
retweeted 59:16 62:21
 72:7 74:15 79:22 80:5
 80:9,13 82:1,6 103:2
retweeting 72:4 102:4
retweets 64:15 71:13
 72:4 73:11 88:1,2
reveals 106:8
review 30:21,22 31:10
 33:8 113:7
reviewed 31:2
reviews 15:8,12 21:9,13
 Riva 53:6
Robert 22:1 52:13
Rogers 22:5
role 73:1,3 75:15
roll 34:15
room 89:22 120:3
Rose 20:11,11
rules 113:18
run 32:15 91:20
running 60:4 66:2
 80:22 81:2 87:4 96:2
 111:18 116:18
Ryan 20:6

S

S-A-C-C-O 76:9
Sacco 56:10,10 72:18
 72:20,21 73:4,9,16
 74:11,15 75:3,7,10
 76:1,6,8,9,17 88:5
 103:7,15,22
safety 120:12
salutes 119:18
sample 31:17 32:15,17
 33:10
Sandford 68:19
Sanford 2:20 23:11,13
 23:15,16,18,21 24:1
 27:13 58:8,13,14,15
 58:16 68:15,19 82:19
 82:21 84:20 85:12,13
 85:22 91:3,6,9,13
 93:11 94:7 100:13,15
 100:20 102:9 103:6,7
 104:11,18 105:6,12
 105:21 106:2,11,16
Saturday 36:17 41:17
 41:17
save 53:13
saw 49:12 86:21 100:9
saying 112:12
says 37:9 56:21
scale 21:16
schedule 10:19
scheduled 36:14,18
 37:1 38:15 42:9
scheduling 46:1
school 28:21 80:7
 81:15
schools 41:22
SCPS 39:20
screen 87:3
se 70:15
seamless 44:1
seat 29:21,22 84:4
seats 28:22
second 6:18,21 7:1
 32:6 34:3,12,13 52:4
 92:17 96:7 120:20,21
seconded 7:3 34:15
 121:1
Secretary 103:21
Section 60:17
seeking 10:16 15:13
selected 117:7,14,17
 118:2
Senator 17:1
send 95:1
sending 47:7 48:11,12
senior 80:7 111:22
seniors 42:1 80:15
 81:16
sent 37:1,10,13,17 68:8
 73:21
sentiment 64:11
September 36:19 42:11
 53:2 62:18 63:1,4,11
 63:16 64:3 85:19
 88:15,15 89:5 90:6,9
 90:10
series 65:6
serve 52:21 77:19
served 73:4 115:15
serves 119:19
service 16:15 22:15,18
 23:3,5 48:20 116:7,8
 116:13 117:21
services 9:4 36:8 60:8
 60:10 111:10,14

session 6:7 50:12,14
 62:5 99:20 107:4
 108:11
sessions 67:15
set 88:8
sets 60:1
seven 18:9 105:19
share 63:21
sharing 64:6,11 66:16
 80:1
shocked 88:13 90:5
short 35:9 38:20 45:18
show 27:9 51:19 97:22
showed 59:20
showing 80:6,10
shown 79:12
shows 106:4
sides 61:20 99:9
sign 86:19
signature 32:4,10,14,20
 33:13 54:3
signatures 3:10 30:17
 30:21 31:3,5 32:7,11
 32:13 33:2,5,7 35:8
 46:9 53:16
signer 32:1
significant 39:5 79:12
 83:18
signs 88:11
Silver 19:22,22
similar 74:6
Simon 57:16 58:5,10
 75:12,13,17 76:5,7,18
 76:20,20 77:5,12,18
 78:2,5,10,21
Simultaneous 94:19
Sindram 115:2,4,7,11
 115:14,15 116:5,15
 118:5 120:5
single 52:17,21
single-member 53:18
sir 115:9
situation 108:15 110:22
six 24:5,6 69:1,4
skill. 71:18
slim 38:11
slot 38:12
small 83:8
smaller 40:8
Smith 20:4,5
smoothly 49:9
social 40:10 46:9 63:19
 66:11 68:6,7 71:14,15
 71:18,22 78:20 79:11
 79:14 98:13,14
sole 64:10 73:16
solicit 11:2
somebody 96:14

114:21 118:17
Sonya 63:14
soon 108:10
sorry 6:3,9,9 19:11 32:6
 33:3 34:8,18 56:5
 75:22 76:11 77:12
 88:16 91:15 100:3
 110:16
sounds 94:22
source 77:19
Southeast 41:20
space 40:13,17 60:11
speak 5:18 59:5 82:13
 99:7
speaker 95:12
speaking 59:2 83:2
 92:6 93:5 94:15,19
speaks 118:18
special 11:20 12:16
 15:21 16:1,2,3,4
 24:17 25:12,15,17,18
 25:19 73:20 80:10
specific 117:6
specifically 53:15
 64:19 68:15 93:18
 116:8
spectacular 91:18
speech 119:13
sports 40:5,16
square 118:19
St 41:19
staff 2:9 31:1,15,18
 33:9 35:6,17 46:7,13
 109:16 111:22
stage 32:11
Stamper 20:1,2
standard 31:4
standing 83:19
star-3 5:17 23:14 54:12
 55:2,5 56:21 109:2
 114:20,22
started 58:22 92:6
state 10:15 14:5,20
 19:13,17 20:2,5,7,10
 20:12,16 29:22 31:7,7
 31:10 38:7,8 76:2,12
 76:19 80:4 81:11
 84:22 115:12
stated 64:21 65:5 69:15
 117:9
Statehood 17:2
statement 59:18 62:12
 62:12 64:9 72:15
 101:4 103:11 109:5
states 51:4 60:5 71:15
 75:1 78:11
stats 11:10 21:6
status 3:13 9:4 15:12

28:14 29:3 36:10 37:8
 51:1 54:7 111:8,16
 112:15
statute 53:10,11 54:1
 67:2 77:20 102:15
statutory 31:12
stepped 43:12
steps 80:19 81:1 94:9
stood 89:10 92:6
street 59:19,21 64:11
 64:13,16 65:2 72:5,10
 73:14 74:9,17 75:2
 82:6,10 83:7,14 84:1
 85:4 86:18 98:1,3,4,6
 99:15 106:5,12
strikes 118:9
Stroud 2:12 3:13 50:4
 50:17,19,20 54:21
 55:14,21 56:6,9,12
 57:14,15,20 58:1,5,9
 58:15 59:1 62:9,10
 69:6 70:2,7 75:22
 76:6,13,18 77:1,6
 82:11 84:21 85:6,11
 88:17 89:1 90:22 91:4
 92:17 93:10,12 94:14
 94:20 95:3,7,10,13
 97:2 99:5,8,12,16
 107:16
stuff 102:5
submission 22:20
 116:12
submit 117:8
submittal 58:20
submitted 30:22 31:3
 33:4
Subsection 24:21
successful 38:5
sufficient 32:9 51:12
suggested 63:20
suggestions 40:2
suggests 71:8,10
sum 11:15 12:19
summary 32:19
Sunday 80:12 81:7
Superior 52:6
supplies 60:10
support 15:20 43:12
 60:13,15,21 64:22
 66:6,13 81:13 82:7
 98:5 102:11 117:8
supported 64:13 81:4
supporting 84:8
supportive 74:16 81:21
supports 98:4
supposed 86:7
sustained 65:18
Swann 85:4

swear 76:13 77:1 85:1,7
SYLVIA 2:13
system 32:2,8

T

table 89:20
tag 65:22 97:19 105:12
 106:1,2
tagline 83:12
tags 60:2
taken 95:5 102:20
takes 87:18 118:19
talk 7:15 79:5 92:14
talking 77:22 96:7,9
targeted 96:4
team 111:22
technical 75:19
Teleconference 1:12
telephone 9:5 22:8
telephones 60:12
telephonic 5:7 24:12,22
 25:13 26:3,14 67:21
 81:6 83:10,15,20
 88:16 94:4 95:22 96:3
 96:5,6,10,18 99:11
 101:3 102:12,13
 105:9 106:5
teleworking 111:9
tell 47:22 85:8,8 101:19
 109:14 112:17
telling 89:17 112:5
 113:21
ten 15:12 21:11
terminated 20:20
terms 7:17 33:6 102:2
 111:16
Terri 2:12 3:13 50:19
testimony 70:10 76:14
 77:2,7 100:6 102:21
 108:3,12
thank 27:12 30:8,15
 34:11 35:5,6,18,19
 43:11 46:5,15 54:19
 56:4,12 57:11 61:3
 62:10 70:6,11 75:11
 77:6 79:1 82:15,19
 85:2,6,13 88:18 89:4
 91:16 93:10,11 94:15
 98:21 99:2,5,16
 100:21 101:21 104:6
 106:10,15 108:17
 110:3 114:18 115:11
 116:15 118:5 119:21
 120:4,9 121:8
thankful 43:16
thanks 44:9 78:18
 104:3 120:6,7
things 7:16 42:12 46:18

74:4 91:19 92:11
 102:5
third 28:12 32:6,6 52:11
Thomas 41:19
Thompson 20:11,12
thought 87:12 92:15,18
 92:19 104:13,22
 113:6
three 17:4,5 18:10,14
 18:14 78:21 103:19
 103:22
threshold 15:15
thumbs 71:17
timely 16:19 17:5,10,16
 17:17 18:5,10,13,14
 18:20 46:10 62:8
 67:14
times 42:18,20 43:1
 64:13 92:3
today 4:7 6:2,4,12,16
 7:11 15:1 21:6 30:5
 43:8,10 62:7 77:3
 95:17 120:8
top 87:6
total 11:15,22 12:19
 32:12 33:1
totals 32:7
track 36:12 42:18
tracked 43:2
traditional 9:22 10:10
 10:18 19:6 29:16
traditionally 73:17
training 38:13,15 39:8
 46:1 67:5 77:10,16,19
 111:14
traits 74:5
transactions 117:9
transcripts 108:1
transmit 112:7
Transportation 89:6
treasurers 21:2
trial 119:16
tried 74:2
troops 119:20
true 66:15 103:4
truth 76:15,15,16 77:3,3
 77:4 85:8,8,9,9
try 47:2 48:13 50:10
 59:5 62:3 108:9,12
 109:12
trying 11:2 38:21 40:5
 45:11 46:13,20 89:21
turn 46:10 118:18
turned 87:8
tweet 59:16 62:21 64:19
 65:1 71:8,10 72:4,12
 72:14,17 74:13,22
 79:22 80:9,14,14 81:6

82:6,9 83:6,7,8,10
 90:15 93:18,22 94:3
 96:7,9,20 97:21
 100:10 103:12,13
 104:15,19
tweet's 103:8
tweeted 65:3 74:15
tweeting 102:5
tweets 74:16,17 80:20
 81:3,14,18,20 88:1,2
Twelve 12:8
Twenty-six 17:16
twitter 59:15,17 60:3
 63:22 64:22 65:19
 66:1 67:20 70:16,20
 70:22 73:8,14 74:7,9
 78:9 79:11 80:17,21
 81:12 82:2 83:16 84:5
 84:6 86:4,14,22 87:9
 87:19 89:13,14,16
 90:2,15 98:13 103:14
 103:20 105:10,11,17
 105:20 118:10
two 10:3,15 16:21 20:17
 23:1 29:20 39:16,18
 46:18 67:15
typically 118:3

U

ultimately 51:18
unanimous 7:4 35:2
 121:7
unconstitutional 53:12
understand 30:4 97:17
 103:16
understanding 69:17
 72:16 96:19 103:15
 107:15 118:11
Understood 70:6
undertook 31:15
Unfortunately 70:20
United 51:3
universities 42:1
unlawful 26:7
unmute 8:13 54:14 55:2
 56:1,3,14 91:14 109:3
 111:3 114:22
unmuted 55:4 56:2,22
 57:9,21,22 115:1
unrelated 65:9
unusual 43:14
up,' 71:17
upcoming 21:22
update 37:6 42:2
 115:22
upheld 78:7,11
upholding 52:16
upper 83:9

upset 89:11
usage 79:18
use 26:7,7,19 27:2,2
 33:20 40:2 45:15
 49:18 66:21 78:8
 84:10 87:13 118:10
user 65:5
usually 71:16,19
utilities 60:12

V

v 3:14,14,15,16,17,18
 50:7 51:2,2 52:3,12
 52:12,13 53:6 59:7
vacancy 52:17
vacate 68:4
vacated 99:2
Valentine 20:8,9
valid 29:15
valued 24:19
various 47:18
veiled 118:9,13
venues 40:5,9
verbal 62:6 108:13
verification 31:15 32:11
verified 31:16 32:4,7,13
 33:4
verify 31:19,22
verifying 31:4 35:8
Verizon 22:9 116:16,19
 117:12
versus 6:10 48:7
veteran 39:2 115:15
 119:9,9,11,12,14,15
 119:17,18,22
Video 1:12
violate 67:1
violated 59:14 62:20
violation 66:3 71:8,21
 72:5 79:15
violations 69:18
virtual 11:9 42:6,8
 120:10
virtually 4:8 84:8
visible 42:20
volunteer 97:8
volunteers 39:8
vote 6:6 7:3 34:16
 39:15 41:1 42:4 48:14
 49:2,2,8,14 50:15
 62:4 80:15 81:17
 107:9 119:18
vote's 7:4
voter 31:4 32:2,4,16
 37:7,12,15 41:5,18
 42:15,22 48:12,22
voters 2:15 32:10 36:12
 36:15,21 37:2,2,4,5

38:1,12 40:6,15 43:4
 43:22 44:7 53:20
 112:9,10
votes 51:6,8,11
voting 10:21 34:16
 40:18 42:22 43:2,5
 44:6 47:16 49:20
 81:16

W

wait 42:18,20 43:1,5
wanted 89:12,13 96:11
 96:16 115:22 119:8
ward 14:1,19 16:1,2,3,4
 19:12 20:2,5,7,7,12
 20:14,14,15 22:3,18
 23:2 24:17 25:3,4,6,6
 25:7,8,10,15,16,17,18
 32:21,22 33:1 39:16
 60:4 66:2 83:17 86:20
 87:4 97:15 105:18
 115:16,19 116:1,7
 117:21
wards 31:16 32:20
 47:18
warehouse 109:18
 110:15,18 112:2
warrant 53:16
Warwick 3:18 6:9,9
 50:7,16 54:17,18,20
 56:20,20 57:3 58:2,2
 59:7,11 62:15 63:11
 63:17,21 64:3 65:12
 67:8,13 68:2,13,17
 69:2,10,12,13 70:6,11
 70:12 72:22 73:7,12
 74:8,13,21 75:4,8,11
 75:14 77:8,12,15,21
 78:3,6,18 79:1 84:7
 88:5 89:7 92:1,4,8
 94:3 95:8,8 97:2,4,5
 99:5 102:22 103:21
Warwick's 93:6
Washington 20:6,7
 38:7 85:4
wasn't 30:5 94:11 97:17
Watch 110:1
way 50:3 71:4 87:13,22
web 94:17
website 9:8 21:6 23:7
 28:13 29:3 41:14
 42:20 44:21 47:20
 66:17 81:7 88:10
 102:4 111:12
Wednesday 1:8 3:5
 51:14
week 6:3 28:12 36:15
 39:9 41:11 42:14 58:4

went 90:15,17 101:13
 102:4 114:3
White 22:2
who've 65:5
wider 79:10
William 2:20 3:14 23:10
 24:1 25:9 51:2 58:13
 68:19 82:21 105:12
Williams 14:20
willingness 45:21
window 35:9
Wisconsin 110:1
withdraw 61:20
withdrew 20:4
witness 55:15,17 56:7
 56:11 58:3
witnesses 57:17 70:10
 118:18 119:4
WKYS 41:21
Wolf 27:4
woman 95:2
wonderful 91:21
work 39:6 43:17,20
 45:21 49:21 60:9
 113:16
worked 31:6
worker 38:13 42:6
workers 38:20,21 39:2
 39:6 40:8,14,22 42:9
 45:11,20
working 36:2 37:20
 38:19 39:6 44:4 94:8
 110:15,19
write-in 51:6,8,11,12
written 58:20 61:22
wrong 87:12,21 89:18
 90:20 92:19 93:1
 100:18

X

Y

year 51:15 74:10 98:7
 99:1
years 64:14
yesterday 38:13 52:9

Z

0

1

1- 24:21
1-1163.36(a) 59:14 60:5
 62:20 78:4
1-203.03 60:18
1,000 67:4
1,500 90:16

1:00 42:8 99:21
10 12:11 41:10 62:12,14
 70:8
10:38 1:13 4:2
1009.11 31:2
108 3:20
10th 17:8 19:9 51:15
11 12:6,12 41:10 90:9
 90:10
11:00 42:8
1163.32(h)(a)(1) 24:22
11th 64:3 67:16
12 12:10
12:50 121:9
120 3:22
12th 27:4 42:7
13 10:9
13th 20:10
14 19:4
14th 20:21
15 15:10
15,000 90:12,18
150 24:9 25:22
1523 85:4
15th 79:21
16 39:15
16,810.35 13:18
16th 11:19 15:21 22:3
 24:16 25:12,16
17 65:17 67:12 110:13
 111:21
17th 13:17,20 20:13
 53:8 59:19,20 64:11
 64:13,16 65:2 72:5,10
 73:13 74:9,16 75:1
 82:6,10 83:7,13 84:1
 86:18 98:1,3,4
18th 80:4
19 21:1
19th 22:22 26:13,17
1st 12:22 13:3 14:15
 16:16 17:2 22:16
 51:18 118:1

2

2 3:3,15 4:9 16:1,2,3,4
 20:14,14,15 24:17,22
 25:6,7,8,10,15,16,17
 25:18 26:12 32:20
 60:4 67:10 72:12
 80:13 83:17 85:19
 86:20 87:4 97:16
 105:18
2,000 38:20 45:5,17
2,500 38:14 45:22
2,864,679.35 11:16
20,000 13:5,9,13
20009 85:5

2015 73:6
2017 71:14
2018 51:4,6 52:6
2019 51:14 53:2 62:18
 63:1,4 64:20 65:14,17
 67:7 79:21 80:4 82:5
2019-001 59:12 65:18
202-671-0547 9:6
202-722 114:22
202-997 4:17
2020 1:9 3:5,11 11:14
 11:19,19,20 12:5,18
 13:9 14:5,13,16,21,21
 15:5,16,21 16:4 19:18
 20:22 21:22 22:16,19
 22:22 23:6 24:3,14,16
 25:5,8,12,16,20 26:1
 26:5,13,17 27:8 30:19
 33:12 35:3 41:22 60:4
 63:11 66:2 67:10 80:8
 100:10 117:20 118:1

2023 99:14

21st 19:11 20:14

22 67:7

22nd 19:12 67:15

23 68:8

24 65:14

24,835 33:3

24th 19:11,18 51:14

74:10 82:5

25,477 33:3,5

250 53:16 54:4

25th 51:21

26 17:17

27 11:17

27th 20:4

28th 14:1,4,19,21 26:22

80:8

29 12:3

298,755.35 12:19

29th 23:4

2B 59:15,16 62:19 63:5

63:14,22 64:12,21

65:19 66:2 68:9 69:8

70:16 72:8,19 73:2,5

73:8 76:10 82:5 83:5

84:6,16 85:17 86:5,14

87:22 103:14,16

104:16,20 105:20

2B's 67:20

2B09 85:5,6

2nd 11:18 22:4,6,11,12

22:14 24:14 62:18

113:8 117:20

3

3 3:4,16 5:22 26:16
 32:21 50:10 59:14

60:19 62:21 63:10
 78:4 109:1
30 3:8
30-day 51:17
30th 23:6 41:12
31 15:8
31st 11:13 17:12 18:1,7
 18:17 20:16,22 22:1,9
 117:17
33 4:17
3301.1(a) 59:15 60:19
 62:21 78:4
375 13:1
3rd 11:20 12:5 14:13
 15:5 22:19 26:4 33:14
 33:18

4

4 3:2,3,6,17 7:7 14:2,19
 22:18 26:21 32:20
 64:2,20 88:15 89:5
 115:16,19 116:1,7
 117:21
4,000 45:11,14,16 47:8
 67:2
4,250 13:15
40 37:20 45:6
4005 110:1
450,000 37:2
46 21:9

5

5 1:9 3:7 8:20 23:2
 32:21,22 62:16 65:12
 88:15 90:6 93:13
5,000 14:7
5,800 14:6
5:00 43:8,9
50 3:12 24:19 37:21
500 13:21
52 17:16
5th 15:2,16 29:10

6

6 3:4,8 30:13 32:21
 35:22
6-foot 40:13
6,700 14:2
60 67:5
600,000 114:16
612-747 57:3
642 33:5
65,303 13:6
66,205 13:15
6645 115:16
67,785 13:10
6th 63:1,4,11

7

7 3:6,12 14:5,20 20:2,5
 20:12 22:3 25:4,6
 50:18 59:6 89:6
703-795 5:13
722 114:22
74 39:17
7B 52:16
7B04 52:18
7B05 52:18
7in 65:12
7th 13:8,12 14:17,18
 20:1

8

8 3:5,7,20 19:12 20:7,7
 25:3 33:1 52:8 108:19
8:00 38:3
80 39:12,14 45:8 47:15
81 3:10 30:18 33:11,17
 33:22 34:7,9 35:2
 46:8
8th 20:3,20 41:17

9

9 3:22 49:13 71:15 89:6
 120:14
9th 20:6,8 63:16

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This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DCBOE

Date: 08-05-20

Place: teleconference

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Court Reporter

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