

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE REGULATION  
ADMINISTRATION BOARD

IN THE MATTER OF:

Four Kicks, LLC t/a                      Roll Call Hearing  
Lunchbox  
5335 Wisconsin Avenue,  
N.W.  
License #ABRA-095410  
Retailer CR  
New Application

Monday,  
August 11, 2014

ABRA Hearing Room,  
400 South  
Reeves Municipal Center  
2000 14th Street, N.W.  
Washington, D.C. 20009

The above-entitled matter convened at  
10:04 a.m., before the District of Columbia  
Alcoholic Beverage Regulation Administration

Board.

BEFORE:

LA VERNE FLETCHER, Board Mediator

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P R O C E E D I N G S

[10:04 a.m.]

MS. FLETCHER: Would the parties in the matter of Lunchbox please come forward. The parties in the matter of Lunchbox. This is Case No. 14-PRO-00058, Four Kicks, LLC trading as Lunchbox, 5535 Wisconsin Avenue, N.W. This is License No. ABRA-095410. This is a Retailer CR, New Application.

The protest issues are adverse impact on peace, order, and quiet. My name is La Verne Fletcher. I'm conducting the roll call hearing as the Board's agent, pursuant to D.C. Official Code 1601.2.

Introductions, beginning with the Applicant.

MS. STAPLES: Hi. My name is Hilda Staples. I represent Four Kicks, LLC, trading as Lunchbox.

MS. FLETCHER: Ms. Staples, would you spell your name for the record, please.

MS. STAPLES: H-i-l-d-a. S-t-a-p-l-e-

1 s.

2 MS. FLETCHER: Thank you very much.  
3 And will you put your contact information on that  
4 sheet. Thank you very much. And present on  
5 behalf of the Group of 23?

6 MR. BONHAM: Yes. My names is James  
7 Bonham.

8 MS. FLETCHER: And Mr. Bonham, would  
9 you spell your name for the record, please.

10 MR. BONHAM: Yes. J-a-m-e-s. Last  
11 name Bonham. B-o-n-h-a-m.

12 MS. FLETCHER: And Mr. Bonham, are  
13 there any other individuals present from your  
14 group today?

15 MR. BONHAM: No. There are not.

16 MS. FLETCHER: That's fine. The Group  
17 of 23 does have standing as a Protestant. The  
18 Group of 23 designated you as its representative,  
19 so it was only necessary for you to be present  
20 today.

21 At the upcoming status hearing, four  
22 other individuals from your group will need to

1 appear. So today your group is granted  
2 conditional standing. If the additional four  
3 appear at the status hearing, the Board will  
4 grant full standing to the group, and we'll  
5 proceed with scheduling dates, and \*orders ...

6 So the Group of 23 has standing as a  
7 Protestant and is -- conditional standing as a  
8 Protestant and is the only Protestant in this  
9 matter.

10 We need to set a date for a status  
11 hearing, a protest hearing, and a mediation.

12 I'll give you the dates for the  
13 status and protest hearing first.

14 There's a status hearing scheduled  
15 before the Board for September 10. September 10  
16 at 9:30 a.m. is the date of the status hearing.

17 The protest hearing is set for  
18 October the 1st, 2014.

19 MR. BONHAM: October 12th, you said?

20 MS. FLETCHER: For number one.

21 October 1st.

22 MR. WHELAN: Oh. October 1st. Sorry.

1 Thank you.

2 MS. FLETCHER: October 1st at 1:30  
3 p.m.

4 We need to set a date for mediation  
5 to occur prior to September 10. I'll give you  
6 some dates that are available. Mr. Bonham, did  
7 you write your email address on that sheet?

8 MR. BONHAM: Yes.

9 MS. FLETCHER: Okay. Thank you.

10 The next available date for mediation  
11 is Tuesday, August the 26th. That's Tuesday,  
12 August 26, at 9:00, 10:00, or 11:00. If that's  
13 good for you, that's when we'll do it, on that  
14 day. Is that a good day for you?

15 MR. BONHAM: \*... on the 26th. I'm  
16 sorry.

17 MS. FLETCHER: Okay. No problem. What  
18 about August 27. That's Wednesday. Would that  
19 work?

20 MR. BONHAM: I'm pretty much tied --  
21 can we do it the week after that?

22 MS. FLETCHER: We can.

1 MR. BONHAM: First week of September.

2 MS. FLETCHER: What about Wednesday,  
3 September 3rd?

4 MR. BONHAM: That would work for me.

5 MS. FLETCHER: Would that work for  
6 you, Ms. Staples?

7 MS. STAPLES: Yes.

8 MS. FLETCHER: Would you prefer 9:00,  
9 10:00, or 11:00?

10 MS. STAPLES: 11:00.

11 MS. FLETCHER: Mr. Bonham, is 11:00  
12 good for you?

13 MR. BONHAM: That would be okay.

14 MS. FLETCHER: So mediation is set  
15 for Wednesday, September 3rd, at 11:00.

16 The mediation will take place here.  
17 When you come, just check in with the  
18 receptionist.

19 MS. STAPLES: Can I interject?

20 MS. FLETCHER: Yes.

21 MS. STAPLES: We met with our  
22 advisory council, and we received a letter from

1 Matthew Furman, our chairperson for ANC 3E, and  
2 his letter stated that we did meet, and at this  
3 point they do not oppose Lunchbox's application,  
4 and they authorize -- so the letter goes on, that  
5 they do not oppose it, and that we have met, and  
6 satisfied what they had been asking for.

7 MS. FLETCHER: Yes. So that's related  
8 to ANC 3E.

9 MS. STAPLES: Okay.

10 MS. FLETCHER: Yes. They submitted a  
11 letter saying that they are not opposed to your  
12 application. That's the letter you're referring  
13 to?

14 MS. STAPLES: Yes.

15 MS. FLETCHER: They submitted a  
16 letter saying that they're not opposed. So that's  
17 in the record.

18 We've got a Group of 23 that is  
19 opposed at this stage, but it's in our record  
20 that ANC 3E is not opposed.

21 MS. STAPLES: So what does that mean?  
22 It's another ANC?

1 MS. FLETCHER: No. That means that  
2 Mr. Bonham represents a Group of 23 individuals.  
3 He does not represent the ANC. They are a Group  
4 of 23 individuals that filed the complaint, and  
5 Mr. Bonham is representing that Group of 23.

6 MS. STAPLES: So I'm sorry. I thought  
7 they went through the ANC and that was the  
8 representative. We had not had a chance to meet  
9 with 23 individuals outside of the ANC.

10 MS. FLETCHER: Yes. What happened is  
11 the ANC 3E chose to not file a protest, but the  
12 Group of 23 represented by Mr. Bonham decided to  
13 file a protest, and so the Group of 23 is the  
14 only Protestant in this matter. Now the Group of  
15 23 are not a part of the ANC.

16 MS. STAPLES: So on their own but  
17 they did --

18 MS. FLETCHER: Yes, on their own,  
19 they filed a protest. On their own.

20 MS. STAPLES: Okay. Well, we had  
21 meetings with the ANC 3E, and we thought that  
22 they represented everyone in that community.

1 MS. FLETCHER: No. No. They do  
2 represent the entire community but any  
3 individuals in the community still have a right  
4 to file a protest of its own.

5 MS. STAPLES: Okay. And they did not  
6 come to the meetings we had --

7 MS. FLETCHER: They're not required  
8 to. They are not required to. They're separate  
9 from the ANC. Separate. Completely. They live in  
10 the Northrop Grumman.

11 MS. STAPLES: Okay.

12 MS. FLETCHER: But any individual  
13 group of five or more can file a protest.

14 MS. STAPLES: Okay. And we tried to  
15 meet with everyone who had concerns, prior to  
16 this, to make sure we met their concerns.

17 MS. FLETCHER: Well, you'll get to do  
18 that in mediation with this Group of 23. That's  
19 the purpose of the mediation, to meet with this  
20 group to discuss any concerns that you didn't  
21 have a chance to discuss, apparently, before now.

22 Or you can meet before mediation. You

1 can get together.

2 MS. STAPLES: Okay. Yes. I mean,  
3 that's what we were trying to do, and we thought  
4 we met that requirement when we met -- but  
5 they're coming on their own, so --

6 MS. FLETCHER: Yes, when you met with  
7 the ANC, that's separate from the group. So i can  
8 see, from the record, that you did meet with the  
9 ANC.

10 MS. STAPLES: Yes, and we thought  
11 they were representing everyone.

12 MS. FLETCHER: Yes, the ANC  
13 represents the ANC, and they are elected  
14 officials to represent the entire area, but still  
15 --

16 MS. STAPLES: And how do we get  
17 contact -- in contact with you, because we  
18 thought that Matthew and Tom Quinn were  
19 representing you as well.

20 MR. BONHAM: No. They don't represent  
21 us.

22 MS. STAPLES: Okay.

1 MS. FLETCHER: So what you can do  
2 beyond today, if you would like to, you can  
3 exchange information while you're here, if you  
4 would like to, and if you want to meet before the  
5 mediation, you can. It's not ANC 3E, though. It's  
6 the Group of 23 only. ANC 3E is not a part of  
7 this protest.

8 MS. STAPLES: Okay. Because when we  
9 went to that meeting, and everyone voiced their  
10 concerns, and we said we would do whatever we  
11 can, and --

12 MR. BONHAM: Right. I was at that  
13 meeting.

14 MS. STAPLES: Okay. But -- and Tom  
15 Quinn said he would be rep -- we'd be represented  
16 by Tom.

17 MS. FLETCHER: And so Ms. Staples,  
18 for the purpose of roll call, you can -- I'm  
19 going to -- I've already made the ruling that the  
20 Group of 23 is a Protestant. If you all want to  
21 talk about it after roll call, feel free to do  
22 that. But Ms. Staples, at the mediation you'll

1 have an opportunity to have that conversation  
2 with Mr. Bonham.

3 MS. STAPLES: Okay.

4 MS. FLETCHER: Or as I said, you can  
5 do it before then, if you like. If you can  
6 resolve the matter before mediation, we'll cancel  
7 the mediation, and if you reach a settlement  
8 agreement and the Board approves it, then we'll  
9 cancel the protest hearing as well.

10 MS. STAPLES: Right. They did not, at  
11 all, reach out to me, to tell me that they  
12 requested another meeting. So that's why I'm  
13 confused about -- Tom Quinn and our ANC chair did  
14 reach out, and they did not, so --

15 MS. FLETCHER: It's not too late.  
16 It's not too late. If you want, you can --

17 MS. STAPLES: Okay.

18 MS. FLETCHER: -- do it before  
19 mediation. If not, we'll do it at mediation, and  
20 Ms. Staples, my card is on the table, if you have  
21 any questions at all.

22 MS. STAPLES: Okay. So 9-03 is the

1 mediation, here, at 11:00 o'clock?

2 MS. FLETCHER: Yes. When you arrive,  
3 just check in with the receptionist. Any other  
4 questions, just give me a call. Okay. Thank you.

5 MR. BONHAM: Thank you.

6 MS. FLETCHER: The roll call hearing  
7 is concluded.

8 (Whereupon, at 10:15 a.m., the roll  
9 call hearing was concluded)

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<b>A</b>	6:11,13 8:2,5,12 10:20 11:12 12:2 13:5	<b>District</b> 1:1,16	<b>Grumman</b> 9:10	<b>mediation</b> 4:11 5:4 5:10 6:14,16 9:18 9:19,22 11:5,22 12:6,7,19,19 13:1
a.m 1:16 2:2 4:16 13:8		<b>E</b>	<b>H</b>	<b>Mediator</b> 1:21
<b>above-entitled</b> 1:16	<b>C</b>	E 2:1,1	<b>H-i-l-d-a</b> 2:22	<b>meet</b> 7:2 8:8 9:15 9:19,22 10:8 11:4
<b>ABRA</b> 1:13	C 2:1	<b>elected</b> 10:13	<b>happened</b> 8:10	<b>meeting</b> 11:9,13 12:12
<b>ABRA-095410</b> 1:9 2:8	<b>call</b> 1:7 2:12 11:18 11:21 13:4,6,9	<b>email</b> 5:7	<b>hearing</b> 1:7,13 2:12 3:21 4:3,11,11,13 4:14,16,17 12:9 13:6,9	<b>meetings</b> 8:21 9:6
<b>additional</b> 4:2	<b>cancel</b> 12:6,9	<b>entire</b> 9:2 10:14	<b>Hi</b> 2:17	<b>met</b> 6:21 7:5 9:16 10:4,4,6
<b>address</b> 5:7	<b>card</b> 12:20	<b>exchange</b> 11:3	<b>Hilda</b> 2:17	<b>Monday</b> 1:11
<b>Administration</b> 1:3 1:17	<b>Case</b> 2:5	<b>F</b>	<b>I</b>	<b>Municipal</b> 1:14
<b>adverse</b> 2:10	<b>Center</b> 1:14	<b>feel</b> 11:21	<b>impact</b> 2:10	<b>N</b>
<b>advisory</b> 6:22	<b>chair</b> 12:13	<b>file</b> 8:11,13 9:4,13	<b>individual</b> 9:12	N 2:1
<b>agent</b> 2:13	<b>chairperson</b> 7:1	<b>filed</b> 8:4,19	<b>individuals</b> 3:13,22 8:2,4,9 9:3	<b>N.W</b> 1:8,14 2:7
<b>agreement</b> 12:8	<b>chance</b> 8:8 9:21	<b>fine</b> 3:16	<b>interject</b> 6:19	<b>name</b> 2:11,17,21 3:9,11
<b>Alcoholic</b> 1:3,17	<b>check</b> 6:17 13:3	<b>first</b> 4:13 6:1	<b>Introductions</b> 2:15	<b>names</b> 3:6
<b>ANC</b> 7:1,8,20,22 8:3,7,9,11,15,21 9:9 10:7,9,12,13 11:5,6 12:13	<b>chose</b> 8:11	<b>five</b> 9:13	<b>issues</b> 2:10	<b>necessary</b> 3:19
<b>apparently</b> 9:21	<b>Code</b> 2:13	<b>Fletcher</b> 1:21 2:3 2:12,20 3:2,8,12 3:16 4:20 5:2,9,17 5:22 6:2,5,8,11,14 6:20 7:7,10,15 8:1 8:10,18 9:1,7,12 9:17 10:6,12 11:1 11:17 12:4,15,18 13:2,6	<b>J</b>	<b>need</b> 3:22 4:10 5:4
<b>appear</b> 4:1,3	<b>Columbia</b> 1:1,16	<b>forward</b> 2:4	<b>J-a-m-e-s</b> 3:10	<b>New</b> 1:10 2:9
<b>Applicant</b> 2:16	<b>come</b> 2:4 6:17 9:6	<b>four</b> 1:7 2:6,18 3:21 4:2	<b>James</b> 3:6	<b>Northrop</b> 9:10
<b>application</b> 1:10 2:9 7:3,12	<b>coming</b> 10:5	<b>free</b> 11:21	<b>K</b>	<b>number</b> 4:20
<b>approves</b> 12:8	<b>community</b> 8:22 9:2,3	<b>full</b> 4:4	<b>Kicks</b> 1:7 2:6,18	<b>O</b>
<b>area</b> 10:14	<b>complaint</b> 8:4	<b>Furman</b> 7:1	<b>L</b>	<b>O</b> 2:1
<b>arrive</b> 13:2	<b>Completely</b> 9:9	<b>G</b>	<b>La</b> 1:21 2:11	<b>o'clock</b> 13:1
<b>asking</b> 7:6	<b>concerns</b> 9:15,16 9:20 11:10	<b>give</b> 4:12 5:5 13:4	<b>late</b> 12:15,16	<b>occur</b> 5:5
<b>August</b> 1:12 5:11 5:12,18	<b>concluded</b> 13:7,9	<b>goes</b> 7:4	<b>letter</b> 6:22 7:2,4,11 7:12,16	<b>October</b> 4:18,19,21 4:22 5:2
<b>authorize</b> 7:4	<b>conditional</b> 4:2,7	<b>going</b> 11:19	<b>License</b> 1:9 2:8	<b>Official</b> 2:13
<b>available</b> 5:6,10	<b>conducting</b> 2:12	<b>good</b> 5:13,14 6:12	<b>live</b> 9:9	<b>officials</b> 10:14
<b>Avenue</b> 1:8 2:7	<b>confused</b> 12:13	<b>GOVERNMENT</b> 1:1	<b>LLC</b> 1:7 2:6,18	<b>Oh</b> 4:22
<b>B</b>	<b>contact</b> 3:3 10:17 10:17	<b>grant</b> 4:4	<b>Lunchbox</b> 1:7 2:4,5 2:7,19	<b>okay</b> 5:9,17 6:13 7:9 8:20 9:5,11,14 10:2,22 11:8,14 12:3,17,22 13:4
<b>B-o-n-h-a-m</b> 3:11	<b>convened</b> 1:16	<b>granted</b> 4:1	<b>Lunchbox's</b> 7:3	<b>opportunity</b> 12:1
<b>beginning</b> 2:15	<b>conversation</b> 12:1	<b>group</b> 3:5,14,16,18 3:22 4:1,4,6 7:18 8:2,3,5,12,13,14 9:13,18,20 10:7 11:6,20	<b>M</b>	<b>oppose</b> 7:3,5
<b>behalf</b> 3:5	<b>council</b> 6:22	<b>G</b>	<b>matter</b> 1:6,16 2:4,5 4:9 8:14 12:6	<b>opposed</b> 7:11,16,19 7:20
<b>Beverage</b> 1:3,17	<b>CR</b> 1:9 2:8	<b>G</b> 2:1	<b>Matthew</b> 7:1 10:18	<b>order</b> 2:11
<b>beyond</b> 11:2	<b>D</b>	<b>GOVERNMENT</b> 1:1	<b>mean</b> 7:21 10:2	<b>orders</b> 4:5
<b>Board</b> 1:3,18,21 4:3,15 12:8	D 2:1	<b>GOVERNMENT</b> 1:1	<b>means</b> 8:1	<b>outside</b> 8:9
<b>Board's</b> 2:13	<b>D.C</b> 1:15 2:13	<b>grant</b> 4:4		
<b>Bonham</b> 3:6,7,8,10 3:11,12,15 4:19 5:6,8,15,20 6:1,4	<b>date</b> 4:10,16 5:4,10	<b>granted</b> 4:1		
	<b>dates</b> 4:5,12 5:6	<b>group</b> 3:5,14,16,18 3:22 4:1,4,6 7:18 8:2,3,5,12,13,14 9:13,18,20 10:7 11:6,20		
	<b>day</b> 5:14,14			
	<b>decided</b> 8:12			
	<b>designated</b> 3:18			
	<b>discuss</b> 9:20,21			

<b>P</b>	<b>representative</b> 3:18 8:8 <b>represented</b> 8:12 8:22 11:15 <b>representing</b> 8:5 10:11,19 <b>represents</b> 8:2 10:13 <b>requested</b> 12:12 <b>required</b> 9:7,8 <b>requirement</b> 10:4 <b>resolve</b> 12:6 <b>Retailer</b> 1:9 2:8 <b>right</b> 9:3 11:12 12:10 <b>roll</b> 1:7 2:12 11:18 11:21 13:6,8 <b>Room</b> 1:13 <b>ruling</b> 11:19	<b>stated</b> 7:2 <b>status</b> 3:21 4:3,10 4:13,14,16 <b>Street</b> 1:14 <b>submitted</b> 7:10,15 <b>sure</b> 9:16	<b>X</b>	<b>7</b>	
<b>P</b> 2:1 <b>p.m</b> 5:3 <b>part</b> 8:15 11:6 <b>parties</b> 2:3,5 <b>peace</b> 2:11 <b>place</b> 6:16 <b>please</b> 2:4,21 3:9 <b>point</b> 7:3 <b>prefer</b> 6:8 <b>present</b> 3:4,13,19 <b>pretty</b> 5:20 <b>prior</b> 5:5 9:15 <b>problem</b> 5:17 <b>proceed</b> 4:5 <b>protest</b> 2:10 4:11 4:13,17 8:11,13 8:19 9:4,13 11:7 12:9 <b>Protestant</b> 3:17 4:7 4:8,8 8:14 11:20 <b>purpose</b> 9:19 11:18 <b>pursuant</b> 2:13 <b>put</b> 3:3	<b>S</b>	<b>Tom</b> 10:18 11:14 11:16 12:13 <b>trading</b> 2:6,18 <b>tried</b> 9:14 <b>trying</b> 10:3 <b>Tuesday</b> 5:11,11	<b>Y</b>	<b>8</b>	
<b>Q</b>	<b>s</b> 2:1 3:1 <b>S-t-a-p-l-e</b> 2:22 <b>satisfied</b> 7:6 <b>saying</b> 7:11,16 <b>scheduled</b> 4:14 <b>scheduling</b> 4:5 <b>see</b> 10:8 <b>separate</b> 9:8,9 10:7 <b>September</b> 4:15,15 5:5 6:1,3,15 <b>set</b> 4:10,17 5:4 6:14 <b>settlement</b> 12:7 <b>sheet</b> 3:4 5:7 <b>sorry</b> 4:22 5:16 8:6 <b>South</b> 1:13 <b>spell</b> 2:21 3:9 <b>stage</b> 7:19 <b>standing</b> 3:17 4:2,4 4:6,7 <b>Staples</b> 2:17,18,20 2:22 6:6,7,10,19 6:21 7:9,14,21 8:6 8:16,20 9:5,11,14 10:2,10,16,22 11:8,14,17,22 12:3,10,17,20,22	<b>T</b>	<b>today</b> 3:14,20 4:1 11:2 <b>Tom</b> 10:18 11:14 11:16 12:13 <b>trading</b> 2:6,18 <b>tried</b> 9:14 <b>trying</b> 10:3 <b>Tuesday</b> 5:11,11	<b>Z</b>	<b>9</b>
<b>questions</b> 12:21 13:4 <b>quiet</b> 2:11 <b>Quinn</b> 10:18 11:15 12:13	<b>U</b>	<b>upcoming</b> 3:21	<b>0</b>	<b>9-03</b> 12:22 <b>9:00</b> 5:12 6:8 <b>9:30</b> 4:16	
<b>R</b>	<b>V</b>	<b>Verne</b> 1:21 2:11 <b>voiced</b> 11:9	<b>1</b>		
<b>R</b> 2:1 <b>reach</b> 12:7,11,14 <b>received</b> 6:22 <b>receptionist</b> 6:18 13:3 <b>record</b> 2:21 3:9 7:17,19 10:8 <b>Reeves</b> 1:14 <b>referring</b> 7:12 <b>Regulation</b> 1:3,17 <b>related</b> 7:7 <b>rep</b> 11:15 <b>represent</b> 2:18 8:3 9:2 10:14,20	<b>W</b>	<b>want</b> 11:4,20 12:16 <b>Washington</b> 1:15 <b>we'll</b> 4:4 5:13 12:6 12:8,19 <b>We've</b> 7:18 <b>Wednesday</b> 5:18 6:2,15 <b>week</b> 5:21 6:1 <b>went</b> 8:7 11:9 <b>WHELAN</b> 4:22 <b>Wisconsin</b> 1:8 2:7 <b>work</b> 5:19 6:4,5 <b>write</b> 5:7	<b>1:30</b> 5:2 <b>10</b> 4:15,15 5:5 <b>10:00</b> 5:12 6:9 <b>10:04</b> 1:16 2:2 <b>10:15</b> 13:8 <b>11</b> 1:12 <b>11:00</b> 5:12 6:9,10 6:11,15 13:1 <b>12th</b> 4:19 <b>14-PRO-00058</b> 2:6 <b>14th</b> 1:14 <b>1601.2</b> 2:14 <b>1st</b> 4:18,21,22 5:2		
	<b>U</b>	<b>upcoming</b> 3:21	<b>2</b>		
	<b>V</b>	<b>Verne</b> 1:21 2:11 <b>voiced</b> 11:9	<b>2000</b> 1:14 <b>20009</b> 1:15 <b>2014</b> 1:12 4:18 <b>23</b> 3:5,17,18 4:6 7:18 8:2,4,5,9,12 8:13,15 9:18 11:6 11:20 <b>26</b> 5:12 <b>26th</b> 5:11,15 <b>27</b> 5:18		
	<b>W</b>	<b>want</b> 11:4,20 12:16 <b>Washington</b> 1:15 <b>we'll</b> 4:4 5:13 12:6 12:8,19 <b>We've</b> 7:18 <b>Wednesday</b> 5:18 6:2,15 <b>week</b> 5:21 6:1 <b>went</b> 8:7 11:9 <b>WHELAN</b> 4:22 <b>Wisconsin</b> 1:8 2:7 <b>work</b> 5:19 6:4,5 <b>write</b> 5:7	<b>3</b>		
	<b>X</b>		<b>3E</b> 7:1,8,20 8:11,21 11:5,6 <b>3rd</b> 6:3,15		
	<b>Y</b>		<b>4</b>		
	<b>Z</b>		<b>400</b> 1:13		
	<b>0</b>		<b>5</b>		
	<b>1</b>		<b>5335</b> 1:8 <b>5535</b> 2:7		
	<b>2</b>		<b>6</b>		