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ABRA - Edward's Bar & Grill 11-07-2012

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1 PRESENT

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3 RUTHANNE MILLER, Chairperson

4 NICK ALBERTI, Member

5 DONALD BROOKS, Member

6 HERMAN JONES, Member

7 CALVIN NOPHLIN, Member

8 MIKE SILVERSTEIN, Member

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

2 2:32 p.m.

3 CHAIRPERSON MILLER: Okay. We're back on the  
4 -- back here for afternoon hearings. But I'm going to  
5 introduce the Board again. We have a full Board right  
6 now. We have Mr. Brooks on my far right, Mr. Alberti.  
7 I'm Ruthanne Miller. I'm the chair. And Mr.  
8 Silverstein on my left and Mr. Jones on my far left.  
9 Okay. So our -- we have two cases scheduled for this  
10 afternoon.

11 The first one should be relatively quick.  
12 That is a fact finding hearing and that is the case of  
13 -- wait a minute -- Edwards Bar & Grill. Would the  
14 parties please come forward in that case? It's License  
15 No. 1341. It involves a license in safekeeping. Okay.  
16 And this is just a fact finding hearing. There's no  
17 testimony, evidence in the record. We're just going to  
18 discuss a few issues with you and then there may be  
19 action at another time.

20 So if you will introduce yourself for the  
21 record and sign in on the piece of paper that's on the  
22 table?

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1 MR. GRANDIS: Thank you.

2 CHAIRPERSON MILLER: Okay. Great.

3 MR. GRANDIS: Good afternoon. My name is Ed  
4 Grandis. I'm an attorney in DC and I have the pleasure  
5 today to represent Mr. Edwards, who is representing the  
6 Edward's Bar & Grill. It's a CN with an adult  
7 entertainment endorsement. And I first want to say I  
8 am sorry you all had a short break.

9 CHAIRPERSON MILLER: Oh, sorry we kept  
10 everybody waiting. So

11 MR. GRANDIS: Don't worry about it. Well, we  
12 understand the denigration you all have to go through.  
13 So we appreciate you starting back up. So it's a  
14 pleasure to be here. And should I just make a  
15 representation of where we are with the license at this  
16 point?

17 CHAIRPERSON MILLER: The -- okay. I  
18 understand you have a license in safekeeping. And then  
19 you have a request to us, correct, to extend the time?

20 MR. GRANDIS: Yes, yes.

21 CHAIRPERSON MILLER: All right. And if you  
22 want to explain the reasoning for your request or why

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1 it's been in safekeeping this amount of time that will  
2 -- okay.

3 MR. GRANDIS: Again, we appreciate the  
4 opportunity to be here. To give you all some  
5 background on where the family has been with this  
6 particular license, the situation a couple years ago  
7 was that there was some not -- there was some lack of  
8 clarity as to whether the fees had been paid timely.  
9 And that was a time when Mr. Edwards approached me to  
10 represent him with the ABC staff, to deal with that  
11 issue.

12 And it turned out that payments had been done  
13 timely. It's just because they were yearly payments,  
14 they had not been allocated in the -- in the structure  
15 that Mr. Edwards thought he had been paying it. And  
16 when we worked it out, they acknowledged that they --  
17 it had been paid timely. For the last couple years,  
18 Mr. Edwards individually had been approached by some  
19 individuals to see if he would agree to a transfer of a  
20 license.

21 He's not an attorney. He's not a realtor.  
22 He felt that the people who came to him, one, they were

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1 not serious in their offers in the context of what they  
2 were -- what they felt that -- the fee that they were  
3 willing to do with the transfer and, two, he wasn't  
4 comfortable with whether they could really run a CN  
5 establishment.

6           So as I said, he did approach my firm when he  
7 was having some discussions regarding payments. And he  
8 explained to me the situation of the estate. And he  
9 asked me for advice on how to move the license. What  
10 we then did is I went and looked at the statute, the  
11 current regs. This is about a year ago or so. And as  
12 you all probably know, there are some restrictions  
13 regarding CN licenses with adult entertainment.

14           And there are some, let's say, difference of  
15 opinion by some people about exactly where these  
16 licenses can go. I then approached staff again and had  
17 some dialogue with Mr. Jonathan Berman, who I believe  
18 is one of the attorneys that advises ABRA. And he  
19 provided me an opinion that was in 2011 that this Board  
20 had done on something similar as to a licensee that was  
21 in safekeeping that was trying to find a safe location.

22           And once again, looking at the language of

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1 the Order, it was very restrictive, as we know. Then,  
2 as you all may know, there was emergency legislation  
3 that dealt specifically with Ward 5 that was, I think,  
4 in the last year, that even further restricted licenses  
5 in that particular ward. This license is in Ward 5.

6           Now, we then retained a commercial realtor  
7 last winter. And we worked out what's called an  
8 exclusive relationship with that realtor because we  
9 were trying to encourage, you know, some real serious  
10 work on his part. And he did come back with a couple  
11 people who were interested. But they did not want to  
12 take the risk, they said, to go before the Board with  
13 the transfer based on what they were hearing about,  
14 one, the emergency legislation and, two, there's a  
15 Graham bill that's sort of comprehensive on making  
16 changes.

17           And there has been discussion that maybe some  
18 of this -- there has been discussion that adult  
19 entertainment may be addressed in that legislation  
20 that's being considered right now. So from winter  
21 until about the end of July he worked as best he could  
22 on this matter. He came back to me with some emails in

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1 July. I went to my client and I said, "Based on the  
2 atmosphere with" -- this is now the fall -- "That  
3 Graham has this vehicle moving, maybe we should maybe  
4 step back and wait until December."

5 Because as we know, if the legislation  
6 doesn't pass by December, it all dies. It doesn't  
7 continue next year.

8 CHAIRPERSON MILLER: Well, is there -- is  
9 there something in the legislation that you know of  
10 that would affect the transfers?

11 MR. GRANDIS: Well, we understand there may  
12 be some discussion about Ward 5. It's not in the draft  
13 bill. But talking to Graham's office, that there was  
14 discussion about whether or not the moratorium would  
15 continue in Ward 5. That's what I was told.

16 CHAIRPERSON MILLER: Okay. So you -- but you  
17 haven't seen the bill and you're not aware of what's  
18 specific --

19 MR. GRANDIS: I've seen the current -- I've  
20 seen the current bill.

21 CHAIRPERSON MILLER: Oh, okay.

22 MR. GRANDIS: And there's not --

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1 CHAIRPERSON MILLER: Yeah.

2 MR. GRANDIS: And there's nothing --

3 CHAIRPERSON MILLER: Okay. That's what I was  
4 wondering.

5 MR. GRANDIS: No, no.

6 CHAIRPERSON MILLER: I don't remember it.

7 MR. GRANDIS: In the current bill there's  
8 not. But from what I understand, there's dialogue  
9 among the council members about other facets of the  
10 ABC, one of them being the Ward 5 --

11 CHAIRPERSON MILLER: Okay.

12 MR. GRANDIS: -- prohibition or moratorium.

13 CHAIRPERSON MILLER: Okay.

14 MR. GRANDIS: That's what I've been led to  
15 believe. So I advised him back in August that we  
16 should just wait until the end of the year. Because he  
17 went ahead and paid the third year payment that was due  
18 by September 1. And he made that payment timely. And  
19 I said, "We should just request to continue in  
20 safekeeping through the term of this license," which  
21 would be next fall.

22 And hopefully that will have some better

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1 guidance from the legislation, if there's any changes.

2 If not, his license is in Ward 5. Under the

3 moratorium, the license in Ward 5 can be transferred --

4 CHAIRPERSON MILLER: Uh-huh.

5 MR. GRANDIS: -- within Ward 5.

6 CHAIRPERSON MILLER: Uh-huh.

7 MR. GRANDIS: We've tried to impress -- we've  
8 tried to impress the realtor with the language that  
9 currently is there but he said the people who come to  
10 him who he thought had experience in running adult  
11 entertainment endorsements just were uncomfortable  
12 about the certainty of whether the ABC Board would  
13 actually approve it.

14 CHAIRPERSON MILLER: So is it your  
15 representation that if nothing were to change in the  
16 legislation, you would have two perspective bidders on  
17 the license or people who are interested?

18 MR. GRANDIS: Well, we -- in my view, we  
19 would have certainty that nothing's changing.

20 CHAIRPERSON MILLER: Right.

21 MR. GRANDIS: That this license is located in  
22 Ward 5. So the prohibition against Ward 5 transfers

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1 does not apply to this license. That's our -- but  
2 that's our view, not your view.

3 CHAIRPERSON MILLER: Okay.

4 MR. GRANDIS: Okay. That's not your view.

5 CHAIRPERSON MILLER: But I'm just wondering -  
6 -

7 MR. GRANDIS: If we don't have uncertainty,  
8 we would be able to go ahead and hopefully get a deal.

9 CHAIRPERSON MILLER: And how long would that  
10 take to be --

11 MR. GRANDIS: Before the end -- before the  
12 end of the cycle. Before the end -- which would be  
13 next fall.

14 CHAIRPERSON MILLER: Okay. So the -- what?  
15 Do you want to say something?

16 MR. SILVERSTEIN: No, I was just --

17 CHAIRPERSON MILLER: Okay. We just want to  
18 get a -- we just want to get a grasp on the timing and  
19 your process. So --

20 MR. GRANDIS: Yeah, our request is that -- he  
21 made the third year payment.

22 CHAIRPERSON MILLER: Right.

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1 MR. GRANDIS: The third year payment is, I  
2 think, good through August. At that time, there's a  
3 renewal for all CN licenses in the city. And that --  
4 we would hope this is resolved by then.

5 CHAIRPERSON MILLER: By August?

6 MR. GRANDIS: By September.

7 CHAIRPERSON MILLER: Uh-huh. Okay.

8 MR. GRANDIS: By next September -- this --  
9 you know, this coming -- when the --

10 CHAIRPERSON MILLER: Right.

11 MR. GRANDIS: -- when the license period is  
12 up.

13 CHAIRPERSON MILLER: Okay. Do others have  
14 questions? Yeah?

15 MR. ALBERTI: Mr. -- I think --

16 CHAIRPERSON MILLER: Oh, Mr. Jones?

17 MR. JONES: So just from a curiosity  
18 standpoint, you mentioned the word, "hope." And I know  
19 we all have an appreciation for that given some of our  
20 recent circumstances. But I'm just trying to get a  
21 better feel for how that hope manifests itself into an  
22 implementation plan given a schedule of September being

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1 when you're going to have this done.

2 So what stakes have to happen, while  
3 milestones would you have to reach in order to achieve  
4 this hoped-for goal that you stated?

5 MR. GRANDIS: It's my analysis that either  
6 the law is going to change by December or it's not  
7 going to change because the bill dies. And one of the  
8 problems we've had in working with the realtor -- but  
9 the realtor but the people he's been talking with is  
10 what they call the uncertainty of whether or not the  
11 transfer would be approved by the --

12 MR. JONES: Not to interrupt -- so I get that  
13 part. You did a good job of explaining that initially.  
14 I'm trying to figure out if -- so there's a path.

15 MR. GRANDIS: Yes.

16 MR. JONES: You give me a why. Assuming X  
17 happens, you have a decision tree, you go down this  
18 path.

19 MR. GRANDIS: Yes.

20 MR. JONES: What happens in that scenario?  
21 The other path, what happens in that scenario that gets  
22 me to a conclusion by September?

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1 MR. GRANDIS: Yes.

2 MR. JONES: Walk me down that path.

3 MR. GRANDIS: We'll go back to the same  
4 realtor because we believe he worked hard -- we believe  
5 he did identify people; they had come to him -- and let  
6 him know that there's now certainty of what the rules  
7 are and it's really up to the ABC Board whether or not  
8 a transfer would be granted. This is truly your  
9 prerogative. You all have control on whether there's a  
10 transfer or not. But we believe that by having the  
11 knowledge that the law's not --

12 MR. JONES: But -- so assuming nothing  
13 changes --

14 MR. GRANDIS: Nothing changes --

15 MR. JONES: Right. Assuming nothing changes,  
16 what's the course of action that would be taken?

17 MR. GRANDIS: We go back to the realtor  
18 because he said he had identified several people who  
19 had interest in the license. And he would go back to  
20 those people saying they should --- they should do --  
21 they should do the transfer request with the Board.

22 MR. JONES: Okay. And then you're saying all

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1 of their concerns that you noted as those things that  
2 are preventing them from doing that now would have been  
3 alleviated by there being no action or no changes in  
4 the landscape based on this bill that you're referring  
5 to?

6 MR. GRANDIS: Yes, exactly.

7 MR. JONES: Okay. And then what's the  
8 process once -- because you identified people that are  
9 interested. But as you noted earlier, your client had  
10 people that were interested but weren't serious. How  
11 serious are these individuals that have been identified  
12 who have expressed an interest? Are we -- are we back  
13 to where we started from to begin with?

14 MR. GRANDIS: No. The difference is that we  
15 are dealing with a commercial realtor who deals with  
16 business licenses and business leases in the city. And  
17 so the people he's dealing with are people he considers  
18 credible, either in the context of being able to  
19 satisfy ABC requirements of being able to have a  
20 license of this -- of this nature and, two, having the  
21 economic ability to perform.

22 It's -- they're very different people than

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1 who were approaching Mr. Edwards. These are coming  
2 through the commercial realtor.

3 MR. JONES: Okay. Thank you. Thank you,  
4 Madam Chair.

5 CHAIRPERSON MILLER: Okay. Mr. Alberti.

6 MR. ALBERTI: Just real quick, I'll just take  
7 a step back. So just for the record this license has  
8 been in safekeeping from -- since 2003; is that  
9 correct?

10 MR. GRANDIS: Two -- my client believes 2006.  
11 There may have been -- okay. He -- my client got  
12 involved after the death of his father through the  
13 estate. So he's aware of 2006. The father was ill for  
14 a few years so there may have been some lack of --

15 MR. ALBERTI: So he didn't have knowledge of  
16 what -- so you don't have knowledge of whether your  
17 father was operating the establishment before 2006?

18 MR. EDWARDS: There was a period when he was  
19 not operating.

20 MR. ALBERTI: Okay. You're just not sure  
21 what the time --

22 MR. EDWARDS: Yeah, he was in pretty bad

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1 health at that point.

2 MR. ALBERTI: Now, are there any glitches  
3 with the estate? You mentioned the estate.

4 MR. GRANDIS: No.

5 MR. ALBERTI: That's all --

6 MR. GRANDIS: This is --

7 MR. ALBERTI: -- settled where there's  
8 nothing holding up there; is that correct?

9 MR. GRANDIS: There's nothing precluding the  
10 transfer of the license --

11 MR. ALBERTI: Okay.

12 MR. GRANDIS: -- from the estate.

13 MR. ALBERTI: So I'm back to where Mr. Jones  
14 was because from what I understand, your description of  
15 the potential legislation -- rumored legislation is  
16 that it would make things less restrictive in Ward 5,  
17 thereby, making these licenses more attractive to  
18 buyers in -- who might want to operate in Ward 5.  
19 Okay.

20 So I guess I'll re-ask Mr. Jones's question  
21 but I'll phrase just slightly different. In the worst  
22 case scenarios, nothing changes because if something

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1 changes, it becomes more attractive. So let's talk  
2 about worst case scenario. How confident are you that  
3 you have -- you can identify people to purchase this  
4 license?

5 MR. GRANDIS: Once the commercial realtor  
6 came back to me -- we never had a meeting with a person  
7 because the commercial realtor was doing the  
8 representation. He came back to me and he said that he  
9 had several people who have experience with adult  
10 entertainment who have interest in this but they're  
11 concerned about the limitations in Ward 5.

12 I pointed out to the commercial realtor the  
13 language of the current situation allows a transfer  
14 within Ward 5.

15 MR. ALBERTI: Uh-huh.

16 MR. GRANDIS: They came back and said, "Well,  
17 there's legislation being done. That was an emergency  
18 piece of legislation," they say. I'm not saying this  
19 is right but they said that, being emergency, they  
20 believe that in this comprehensive bill, there may be  
21 some adjustments to adult entertainment. And it's all  
22 speculation but speculation, unfortunately, is what

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1 business people don't like.

2           And we're not being able to get them to take  
3 the next step until they feel they have some certainty.  
4 I believe under the current structure, being the type  
5 of zoning this license is in, there are other areas  
6 outside of Ward 5 where this license can go.

7           MR. ALBERTI: Well, let me ask you a pointed  
8 question.

9           MR. GRANDIS: Yes.

10          MR. ALBERTI: Is there any reluctance on your  
11 client's part? Mr. Edwards, is there any reluctance on  
12 your part why -- to strike a deal with one of these  
13 potential people? Is there -- is there any conditions  
14 that they're not meeting that you have?

15          MR. EDWARDS: No.

16          MR. GRANDIS: No.

17          MR. ALBERTI: Okay.

18          MR. GRANDIS: I can answer that. No. There  
19 -- they did not come back to us with provisions. We've  
20 had the frustration because we've tried to explain to  
21 them that under the current law and under that current  
22 ruling of 2011, we believe the Board would look at this

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1 in a serious way. Once again, we can't speak for the  
2 Board. I mean, that's --

3 CHAIRPERSON MILLER: Oh, okay. Let me --

4 MR. GRANDIS: -- not fair.

5 CHAIRPERSON MILLER: -- let me just interrupt  
6 here because we have another case coming at --

7 MR. GRANDIS: Yes, yes.

8 CHAIRPERSON MILLER: -- 3:00. And I want to  
9 take them on time --

10 MR. GRANDIS: Yes.

11 CHAIRPERSON MILLER: -- because they are  
12 waiting a long time too.

13 MR. GRANDIS: Yes.

14 CHAIRPERSON MILLER: And their time is  
15 pressed. And this is a pretty finite issue. So I'm  
16 going to just -- Mr. Silverstein, do you have a -- Mr.  
17 Jones may have some quick questions and then maybe we  
18 can --

19 MR. SILVERSTEIN: Real quick.

20 CHAIRPERSON MILLER: -- zero in.

21 MR. SILVERSTEIN: This has been in  
22 safekeeping since 2003?

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1 MR. GRANDIS: That's what Mr. Alberti said.

2 MR. SILVERSTEIN: Down on our records there  
3 are --

4 MR. GRANDIS: It's my --

5 MR. SILVERSTEIN: -- twenty of these licenses  
6 in the city and it's the cap on them. So there's  
7 something (inaudible) we're trying to keep things  
8 (inaudible) moving along because you don't own the  
9 license, in fact. It's a privilege. Is there any  
10 problem with you coming back to us in six months with  
11 some definite plan?

12 MR. GRANDIS: Well, what I'd offer --

13 MR. SILVERSTEIN: Because we're trying  
14 (inaudible) with a six-month period for safekeeping.  
15 That's the period that all these licenses are getting  
16 with renewals now.

17 MR. GRANDIS: Mr. Silverstein, that would  
18 work for us. We would -- I -- as I said, come  
19 December, I'm going back to this realtor. Either that  
20 there's changes or no changes, they go back to these  
21 same people if they're still interested and let's move  
22 forward. I -- as I said, he pay -- made the third year

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1 payment in September. That goes through August. That  
2 someone fits your six-month scenario. We're not trying  
3 to sit on it or hoard it.

4 We're trying really to be able to create an  
5 atmosphere where whoever does go through the transfer  
6 feels they have somewhat of a good --

7 MR. SILVERSTEIN: Uh-huh.

8 MR. GRANDIS: -- possibility of getting it  
9 transferred. That's what we're trying to establish.

10 CHAIRPERSON MILLER: Okay. Mr. Jones?

11 MR. JONES: In response to the Board Member  
12 Alberti's question, you said that there are no terms  
13 that you'd be opposed to.

14 MR. GRANDIS: I don't -- I don't think that  
15 was the question.

16 MR. JONES: I'm sorry. What was your  
17 question?

18 MR. GRANDIS: That we -- we've not been  
19 offered any terms we've rejected.

20 MR. ALBERTI: That's what his answer was. I  
21 said, "Was there any reluctance on their part for" --

22 MR. JONES: Any reluctance on --

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1 MR. ALBERTI: Are there any criteria that you

2 --

3 MR. JONES: Reluctance to what?

4 MR. ALBERTI: Were there -- were there any  
5 criteria from the individuals interested that they were  
6 reluctant to accept?

7 MR. JONES: Okay.

8 MR. ALBERTI: Including cost.

9 MR. JONES: Right. So you're saying -- you  
10 answered that in the affirmative?

11 MR. GRANDIS: Saying that we --

12 MR. JONES: That there are none?

13 MR. GRANDIS: We have not been offered  
14 anything we've rejected. We have --

15 MR. JONES: Got you. So have you been  
16 offered anything?

17 MR. GRANDIS: No.

18 MR. JONES: No. So there's nothing for them  
19 to reject based on what I'm hearing from your response.  
20 You haven't been offered -- there's no contract?  
21 There's no letter of intent? There's no cost that's  
22 been discussed? So you don't know the veracity of

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1 their desire to own this license?

2 MR. GRANDIS: I could -- I could say that the  
3 realtor has come back to us saying what they have  
4 offered.

5 MR. JONES: Okay. So the realtor after that  
6 --

7 MR. GRANDIS: We have rejected it. We never  
8 got a letter of intent. We never got a contract.

9 MR. JONES: The realtor has gotten a verbal -  
10 - some type of dollar amount figure or something --

11 MR. GRANDIS: He claims --

12 MR. JONES: -- that he presented you with?

13 MR. GRANDIS: Well, at least he claims from  
14 more than two people.

15 MR. JONES: Has he gotten that that he's  
16 presented to you? Has he presented to you a dollar  
17 amount?

18 MR. GRANDIS: In verbal. In verbal.

19 MR. JONES: He has?

20 MR. GRANDIS: Yes.

21 MR. JONES: Okay. Thank you. Thank you,  
22 Madam Chair.

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1 CHAIRPERSON MILLER: Okay. Anything else?

2 MR. ALBERTI: Can I just say -- just say one  
3 thing before we wrap this up?

4 CHAIRPERSON MILLER: Yeah.

5 MR. ALBERTI: And it's my opinion. We're  
6 probably going to have you back in six months. That's  
7 what I expect it's going to be the decision here. But  
8 personally, if I don't hear something constructive, I  
9 don't see this -- I don't see past September allowing  
10 this license to exist. Either you -- either you come  
11 in September and have it almost done -- completely done  
12 next September or my vote's going to be to cancel the  
13 license.

14 Because you've had it since 2006. You've had  
15 control since 2006 and it's now six years later.

16 CHAIRPERSON MILLER: Okay. So our Statute  
17 25-791 is a safekeeping statute, which you probably  
18 looked at. And it does speak in terms of review by the  
19 Board in six months. And I think what you've probably  
20 been hearing the Board say is, you know, in six months  
21 we hope to see something -- hope -- we should see  
22 something concrete like, you know, either, you know, a

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1 proposal, you know, conditions, whatever with somebody  
2 else.

3           What's really going to happen? It doesn't  
4 mean that it has all been done in six months but a  
5 real, you know, plan, something really solid. Because  
6 I think you are risk -- also is what Mr. Alberti is  
7 saying is you can't go forever keeping a valuable  
8 license in safekeeping. So I think the statute does  
9 contemplate the six-month period. It sounds like  
10 you've already started. You'll know more once whatever  
11 legislation you're concerned about gets resolved.

12           So our -- I think our legal counsel will  
13 contact you. Maybe you can leave a -- this is Mr.  
14 Berman right here. I don't know if you've met him.  
15 But -- and that's Ms. Walker. Maybe they can get a  
16 card from you and they'll contact you about a date.  
17 And you can come back at that point and tell us, you  
18 know, you've made all this progress and, you know, here  
19 we go. All right?

20           MR. GRANDIS: Yeah.

21           CHAIRPERSON MILLER: All right. Good. All  
22 right. Then that completes our fact finding. Thank

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1 you very much. If you have other questions in-between,  
2 you can also ask our legal counsel.

3 MR. GRANDIS: Thank you.

4 CHAIRPERSON MILLER: Okay.

5 MR. GRANDIS: I want to thank you all for  
6 your time.

7 CHAIRPERSON MILLER: Thank you. Good luck.

8 MR. ALBERTI: Thank you.

9 MR. ALBERTI: If you would, sign that piece  
10 of paper there.

11 (WHEREUPON, at 2:53 p.m., the hearing was  
12 concluded.)

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CERTIFICATE OF REPORTER

I, ERICK MCNAIR, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing pages was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

ERICK MCNAIR  
Court Reporter

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

\_\_\_\_\_  
Date

\_\_\_\_\_  
MIRANDA PENNACHI  
Transcriptionist

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