

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Justin's Cafe, LLC  
t/a Justin's Cafe  
1025 1st Street, SE  
Retailer CR - ANC-6D  
License No. 83690  
Case #14-AUD-00043

Show Cause  
Hearing

(Failed to File Quarterly  
Statements-4th Quarter 2013)

February 18, 2015

The Alcoholic Beverage Control Board  
met in the Alcoholic Beverage Control Hearing  
Room, Reeves Building, 2000 14th Street, N.W.,  
Suite 400S, Washington, D.C. 20009, Chairperson  
Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG  
MONICA CLARK, ABRA Compliance Analyst

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Opening Statement by Government. . . . . 4  
 Closing Statement by Government. . . . . 12

WITNESS:

Monica Clark . . . . . 6

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

2 1:49 p.m.

3 CHAIRPERSON MILLER: Okay. We are  
4 back on the record for our afternoon hearings.  
5 The first case on the afternoon agenda is Case  
6 No. 14-AUD-00043, Justin's Cafe located at 10:25  
7 1st Street, S.E., License No. 83690, in ANC-6D.

8 Would the parties introduce themselves  
9 for the record, please?

10 MS. GEPHARDT: Yes, good afternoon.  
11 This is Chrissy Gephardt on behalf of the Office  
12 of the Attorney General.

13 CHAIRPERSON MILLER: Okay. Is anybody  
14 here from Justin's Cafe? Not seeing anyone, Ms.  
15 Gephardt, have you had any communication with, I  
16 guess it is, Mr. Ross?

17 MS. GEPHARDT: No, not today.

18 CHAIRPERSON MILLER: Okay. So he  
19 hasn't called you to let you know he is running  
20 late?

21 MS. GEPHARDT: No.

22 CHAIRPERSON MILLER: And I have no

1 indication that he has called our office as well.

2 My notes show that notice was served  
3 on November 22, 2014 and Show Cause Hearing was  
4 originally scheduled for February 4, 2015 and the  
5 respondent requested a continuance and it was  
6 rescheduled for today.

7 So okay and it was scheduled on my  
8 calendar for 1:30 on the calendar on the  
9 Administrative Agenda. I mean on the calendar of  
10 the afternoon of the agenda.

11 So it's 1:51 and we haven't heard from  
12 him, so are you prepared to go forward ex parte?

13 MS. GEPHARDT: Yes, I am prepared.

14 CHAIRPERSON MILLER: Your witness?

15 MS. GEPHARDT: Yes. I don't know if--

16 CHAIRPERSON MILLER: All right. We  
17 will wait a minute. You can try to find out  
18 where she is.

19 MS. GEPHARDT: Do you want me to just  
20 buzz her or --

21 CHAIRPERSON MILLER: Yes.

22 MS. GEPHARDT: There she is.

1                   CHAIRPERSON MILLER: Okay. All right.  
2 We are ready when you are.

3                   MS. GEPHARDT: Okay. Briefly, this is  
4 a quarterly statement case for failure to file  
5 with the Board the quarterly statement for the 4th  
6 quarter of 2013 by February 1, 2014.

7                   You will hear from Monica Clark,  
8 ABRA's Compliance Analyst regarding the  
9 licensee's 4th quarter statement for 2013. She  
10 will state that as of February 1, 2014, the 4th  
11 quarter statement had not been filed and as of  
12 today, it still has not been filed.

13                   Right now, I would like to call Ms.  
14 Monica Clark to the stand.

15                   CHAIRPERSON MILLER: Good afternoon.

16                   MS. CLARK: Good afternoon.

17 Whereupon,

18                   MONICA CLARK  
19 was called as a witness by Counsel for the  
20 Government, and having been first duly sworn,  
21 assumed the witness stand and was examined and  
22 testified as follows:

1 MS. CLARK: I do.

2 CHAIRPERSON MILLER: Okay.

3 DIRECT EXAMINATION

4 MS. GEPHARDT: Good afternoon, Ms.  
5 Clark. Can you please state your name and spell  
6 it for the record?

7 MS. CLARK: My name is Monica Clark,  
8 M-O-N-I-C-A C-L-A-R-K.

9 MS. GEPHARDT: And where do you work?

10 MS. CLARK: At the Alcoholic Beverage  
11 Regulation Administration.

12 MS. GEPHARDT: And what is your title?

13 MS. CLARK: Compliance Analyst.

14 MS. GEPHARDT: Okay. And how long  
15 have you been a Compliance Analyst for ABRA, for  
16 the Alcoholic Beverage Regulation Administration?

17 MS. CLARK: Just short of three years.

18 MS. GEPHARDT: Okay. And what are  
19 your primary responsibilities as a Compliance  
20 Analyst?

21 MS. CLARK: I receive, review and  
22 record quarterly statements received from

1 licensees.

2 MS. GEPHARDT: Okay. So are you  
3 familiar with a licensee by the name of Justin's  
4 Cafe?

5 MS. CLARK: Yes, I am.

6 MS. GEPHARDT: I'm going to draw your  
7 attention to the quarterly statement filing  
8 period for the 4th quarter of 2013. What date are  
9 those filings due?

10 MS. CLARK: They are due by February  
11 the 1st of the following year.

12 MS. GEPHARDT: Okay. And so that date  
13 would be the?

14 MS. CLARK: February 1, 2014.

15 MS. GEPHARDT: Okay. Is there a grace  
16 period?

17 MS. CLARK: We do not have a grace  
18 period.

19 MS. GEPHARDT: Okay. Do you know if  
20 Justin's Cafe filed their 2013 4th quarter  
21 statement by February 1, 2014?

22 MS. CLARK: That statement has not

1       been filed.

2                   MS. GEPHARDT:   And how do you know  
3       that?

4                   MS. CLARK:   Well, I -- from checking  
5       the records received at ABRA, going through the  
6       mail, through on-line sources and through faxes  
7       and I have not received anything through any of  
8       those sources.

9                   MS. GEPHARDT:   The sources you just  
10       mentioned, are those the ways in which licensees  
11       can submit quarterly statements?

12                   MS. CLARK:   Yes.

13                   MS. GEPHARDT:   You mentioned about a  
14       fax, by email.   Is that correct?

15                   MS. CLARK:   (No audible answer.)

16                   MS. GEPHARDT:   Can you mention them in  
17       order again?

18                   MS. CLARK:   Sure.   The could either  
19       come through regular mail.   They can be faxed or  
20       they can come as an attachment to an email or  
21       they can be submitted on-line, through our on-  
22       line submission systems.

1 MS. GEPHARDT: And what is the on-line  
2 submission system called?

3 MS. CLARK: It is called Quickbase.  
4 And it is found on the ABRA website.

5 MS. GEPHARDT: Do you know if this  
6 licensee in particular has submitted other  
7 quarterly filings through the Quickbase system?

8 MS. CLARK: Yes, generally that's how  
9 this particular licensee submits their  
10 statements.

11 MS. GEPHARDT: And so it's your  
12 testimony today that there was no quarterly  
13 statement received by any of those methods for  
14 the 4th quarter of 2013 for this licensee?

15 MS. CLARK: Correct.

16 MS. GEPHARDT: Okay. All right.  
17 Thank you very much for your testimony.

18 MS. CLARK: Okay.

19 CHAIRPERSON MILLER: Any questions by  
20 Board Members? No. Oh, yes, Mr. Short?

21 MEMBER SHORT: Hi, Ms. Clark. How are  
22 you this afternoon?

1 MS. CLARK: Fine, Mr. Short. How are  
2 you?

3 MEMBER SHORT: Great. How familiar  
4 are you with this licensee in this business?

5 MS. CLARK: Very familiar. I have had  
6 several dealings with this particular licensee  
7 since I have been with ABRA.

8 MEMBER SHORT: Okay. Well, I'm  
9 looking at his history. It looks like 13 charges  
10 going back to July of 2012.

11 MS. CLARK: That sounds about  
12 accurate.

13 MEMBER SHORT: So for the record, when  
14 licensees do not pay or do proper filings, the  
15 city doesn't get what it is supposed to be  
16 getting because -- for the sale of alcohol they  
17 are selling, correct?

18 MS. CLARK: Well, actually, if they  
19 don't file their quarterly statements, we are  
20 unable to determine whether or not they are  
21 meeting -- they are in compliance with the sale  
22 of food and alcohol for that establishment.

1 MEMBER SHORT: Okay. So that's also  
2 the testimony that you bring on this new year?

3 MS. CLARK: Yes.

4 MEMBER SHORT: Have you seen any as  
5 egregious as this one, by the meaning?

6 MS. CLARK: Very few that are quite  
7 this bad.

8 MEMBER SHORT: Okay. Thank you very  
9 much for your testimony. Thank you, Madam Chair.

10 CHAIRPERSON MILLER: Okay. Other  
11 questions? Okay. Thank you.

12 MS. CLARK: Thank you.

13 CHAIRPERSON MILLER: Unless there are  
14 questions on Board questions?

15 MS. GEPHARDT: No.

16 CHAIRPERSON MILLER: Okay.

17 (Whereupon, witness was excused.)

18 MS. GEPHARDT: All right. Just in  
19 conclusion, you have heard through the testimony  
20 of Ms. Clark that this licensee's quarterly  
21 report for the 4th quarter of 2013 was not  
22 received. Not only was it not received by

1 February 1, 2014, but it has never been received.

2 And based on this evidence, the  
3 Government requests that the Board fine the  
4 licensee \$4,000 for this violation. This  
5 licensee has a long history of not filing  
6 quarterly statements and, therefore, the fine is  
7 justified. Thank you.

8 CHAIRPERSON MILLER: Okay. Thank you  
9 very much.

10 Okay. I'm going to take a roll call  
11 vote for the Board's deliberation of this case in  
12 closed session.

13 As Chairperson of the Alcoholic  
14 Beverage Control Board for the District of  
15 Columbia and in accordance with Section 405 of  
16 the Open Meetings Amendment Act of 2010, I move  
17 that the ABC Board hold a closed meeting for the  
18 purpose of seeking legal advice from our counsel  
19 on Case No. 14-AUD-00043, Justin's Cafe, per  
20 Section 405(b)(4) of the Open Meetings Amendment  
21 Act of 2010, and deliberating upon this case for  
22 the reasons cited in Section 405(b)(13) of the

1 Open Meetings Amendment Act of 2010.

2 Is there a second?

3 MEMBER RODRIGUEZ: Second.

4 CHAIRPERSON MILLER: Mr. Rodriguez  
5 seconded the motion. I'll now take a roll call  
6 vote on the motion before us now that it has been  
7 seconded.

8 Mr. Brooks?

9 MEMBER BROOKS: I agree.

10 CHAIRPERSON MILLER: Mr. Alberti?

11 MEMBER ALBERTI: I agree.

12 CHAIRPERSON MILLER: Mr. Rodriguez?

13 MEMBER RODRIGUEZ: I agree.

14 CHAIRPERSON MILLER: Ms. Miller  
15 agrees.

16 Mr. Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: Mr. Short?

19 MEMBER SHORT: I agree.

20 CHAIRPERSON MILLER: It appears that  
21 the motion has passed by a 6-0-0 vote.

22 I hereby give notice that the ABC

1 Board will hold this aforementioned closed  
2 meeting in the ABC Board conference room  
3 pursuant to the Open Meetings Amendment Act of  
4 2010 and we will issue a written decision within  
5 90 days.

6 Thank you.

7 MS. GEPHARDT: Thank you.

8 MEMBER ALBERTI: Thank you.

9 (Whereupon, the Show Cause Hearing in  
10 the above-entitled matter was concluded at 2:00  
11 p.m.)  
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<p style="text-align: center;"><b>A</b></p> <p><b>\$4,000</b> 12:4  <b>ABC</b> 12:17 13:22 14:2  <b>above-entitled</b> 14:10  <b>ABRA</b> 1:21 6:15 8:5 9:4 10:7  <b>ABRA's</b> 5:8  <b>accurate</b> 10:12  <b>Act</b> 12:16,21 13:1 14:3  <b>Administration</b> 6:11,16  <b>Administrative</b> 4:9  <b>advice</b> 12:18  <b>aforementioned</b> 14:1  <b>afternoon</b> 3:4,5,10 4:10 5:15,16 6:4 9:22  <b>agenda</b> 3:5 4:9,10  <b>agree</b> 13:9,11,13,17,19  <b>agrees</b> 13:15  <b>Alberti</b> 1:17 13:10,11 14:8  <b>alcohol</b> 10:16,22  <b>Alcoholic</b> 1:2,12,13 6:10,16 12:13  <b>Amendment</b> 12:16,20 13:1 14:3  <b>Analyst</b> 1:21 5:8 6:13 6:15,20  <b>ANC-6D</b> 1:7 3:7  <b>answer</b> 8:15  <b>anybody</b> 3:13  <b>appears</b> 13:20  <b>assumed</b> 5:21  <b>attachment</b> 8:20  <b>attention</b> 7:7  <b>Attorney</b> 3:12  <b>audible</b> 8:15</p>	<p><b>Cafe</b> 1:6,6 3:6,14 7:4,20 12:19  <b>calendar</b> 4:8,8,9  <b>call</b> 5:13 12:10 13:5  <b>called</b> 3:19 4:1 5:19 9:2 9:3  <b>case</b> 1:8 3:5,5 5:4 12:11 12:19,21  <b>Cause</b> 1:6 4:3 14:9  <b>Chair</b> 11:9  <b>Chairperson</b> 1:14,16 3:3,13,18,22 4:14,16 4:21 5:1,15 6:2 9:19 11:10,13,16 12:8,13 13:4,10,12,14,18,20  <b>charges</b> 10:9  <b>checking</b> 8:4  <b>Chrissy</b> 1:21 3:11  <b>cited</b> 12:22  <b>city</b> 10:15  <b>Clark</b> 1:21 2:5 5:7,14,16 5:18 6:1,5,7,7,10,13 6:17,21 7:5,10,14,17 7:22 8:4,12,15,18 9:3 9:8,15,18,21 10:1,5 10:11,18 11:3,6,12,20  <b>closed</b> 12:12,17 14:1  <b>Closing</b> 2:3  <b>Columbia</b> 1:1 12:15  <b>come</b> 8:19,20  <b>communication</b> 3:15  <b>compliance</b> 1:21 5:8 6:13,15,19 10:21  <b>concluded</b> 14:10  <b>conclusion</b> 11:19  <b>conference</b> 14:2  <b>continuance</b> 4:5  <b>Control</b> 1:2,12,13 12:14  <b>correct</b> 8:14 9:15 10:17  <b>counsel</b> 5:19 12:18  <b>CR</b> 1:7</p>	<p style="text-align: center;"><b>E</b></p> <p><b>egregious</b> 11:5  <b>either</b> 8:18  <b>email</b> 8:14,20  <b>establishment</b> 10:22  <b>evidence</b> 12:2  <b>ex</b> 4:12  <b>EXAMINATION</b> 6:3  <b>examined</b> 5:21  <b>excused</b> 11:17</p> <p style="text-align: center;"><b>F</b></p> <p><b>Failed</b> 1:9  <b>failure</b> 5:4  <b>familiar</b> 7:3 10:3,5  <b>fax</b> 8:14  <b>faxed</b> 8:19  <b>faxes</b> 8:6  <b>February</b> 1:11 4:4 5:6 5:10 7:10,14,21 12:1  <b>file</b> 1:9 5:4 10:19  <b>filed</b> 5:11,12 7:20 8:1  <b>filing</b> 7:7 12:5  <b>filings</b> 7:9 9:7 10:14  <b>find</b> 4:17  <b>fine</b> 10:1 12:3,6  <b>first</b> 3:5 5:20  <b>following</b> 7:11  <b>follows</b> 5:22  <b>food</b> 10:22  <b>forward</b> 4:12  <b>found</b> 9:4</p>	<p><b>Hearing</b> 1:7,13 4:3 14:9  <b>hearings</b> 3:4  <b>HECTOR</b> 1:18  <b>Hi</b> 9:21  <b>history</b> 10:9 12:5  <b>hold</b> 12:17 14:1</p>
<p style="text-align: center;"><b>B</b></p> <p><b>back</b> 3:4 10:10  <b>bad</b> 11:7  <b>based</b> 12:2  <b>behalf</b> 3:11  <b>Beverage</b> 1:2,12,13 6:10,16 12:14  <b>Board</b> 1:2,12 5:5 9:20 11:14 12:3,14,17 14:1 14:2  <b>Board's</b> 12:11  <b>Briefly</b> 5:3  <b>bring</b> 11:2  <b>Brooks</b> 1:17 13:8,9  <b>Building</b> 1:13  <b>business</b> 10:4  <b>buzz</b> 4:20</p>	<p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:14  <b>date</b> 7:8,12  <b>days</b> 14:5  <b>dealings</b> 10:6  <b>decision</b> 14:4  <b>deliberating</b> 12:21  <b>deliberation</b> 12:11  <b>determine</b> 10:20  <b>DIRECT</b> 6:3  <b>District</b> 1:1 12:14  <b>DONALD</b> 1:17  <b>draw</b> 7:6  <b>due</b> 7:9,10  <b>duly</b> 5:20</p>	<p style="text-align: center;"><b>G</b></p> <p><b>General</b> 3:12  <b>generally</b> 9:8  <b>Gephardt</b> 1:21 3:10,11 3:15,17,21 4:13,15,19 4:22 5:3 6:4,9,12,14 6:18 7:2,6,12,15,19 8:2,9,13,16 9:1,5,11 9:16 11:15,18 14:7  <b>getting</b> 10:16  <b>give</b> 13:22  <b>go</b> 4:12  <b>going</b> 7:6 8:5 10:10 12:10  <b>good</b> 3:10 5:15,16 6:4  <b>Government</b> 2:2,3 5:20 12:3  <b>grace</b> 7:15,17  <b>Great</b> 10:3  <b>guess</b> 3:16</p>	<p style="text-align: center;"><b>I</b></p> <p><b>indication</b> 4:1  <b>introduce</b> 3:8  <b>issue</b> 14:4</p>
<p style="text-align: center;"><b>C</b></p> <p><b>C-L-A-R-K</b> 6:8  <b>C-O-N-T-E-N-T-S</b> 2:1</p>		<p style="text-align: center;"><b>H</b></p> <p><b>hear</b> 5:7  <b>heard</b> 4:11 11:19</p>	<p style="text-align: center;"><b>J</b></p> <p><b>JAMES</b> 1:19  <b>July</b> 10:10  <b>justified</b> 12:7  <b>Justin's</b> 1:6,6 3:6,14 7:3,20 12:19</p>
			<p style="text-align: center;"><b>K</b></p> <p><b>know</b> 3:19 4:15 7:19 8:2 9:5</p>
			<p style="text-align: center;"><b>L</b></p> <p><b>late</b> 3:20  <b>legal</b> 12:18  <b>License</b> 1:8 3:7  <b>licensee</b> 7:3 9:6,9,14 10:4,6 12:4,5  <b>licensee's</b> 5:9 11:20  <b>licensees</b> 7:1 8:10 10:14  <b>line</b> 8:22  <b>LLC</b> 1:6  <b>located</b> 3:6  <b>long</b> 6:14 12:5  <b>looking</b> 10:9  <b>looks</b> 10:9</p>
			<p style="text-align: center;"><b>M</b></p> <p><b>M-O-N-I-C-A</b> 6:8  <b>Madam</b> 11:9  <b>mail</b> 8:6,19  <b>matter</b> 1:5 14:10  <b>mean</b> 4:9  <b>meaning</b> 11:5  <b>meeting</b> 1:3 10:21 12:17 14:2  <b>Meetings</b> 12:16,20 13:1 14:3  <b>Member</b> 1:17,17,18,18 1:19 9:21 10:3,8,13 11:1,4,8 13:3,9,11,13 13:17,19 14:8  <b>Members</b> 9:20  <b>mention</b> 8:16  <b>mentioned</b> 8:10,13  <b>met</b> 1:13</p>

**methods** 9:13  
**MIKE** 1:18  
**Miller** 1:14,16 3:3,13,18  
 3:22 4:14,16,21 5:1  
 5:15 6:2 9:19 11:10  
 11:13,16 12:8 13:4,10  
 13:12,14,14,18,20  
**minute** 4:17  
**Monica** 1:21 2:5 5:7,14  
 5:18 6:7  
**motion** 13:5,6,21  
**move** 12:16

**N**

**N.W** 1:13  
**name** 6:5,7 7:3  
**never** 12:1  
**new** 11:2  
**NICK** 1:17  
**notes** 4:2  
**notice** 4:2 13:22  
**November** 4:3

**O**

**O-F** 2:1  
**OAG** 1:21  
**office** 3:11 4:1  
**Oh** 9:20  
**okay** 3:3,13,18 4:7 5:1,3  
 6:2,14,18 7:2,12,15  
 7:19 9:16,18 10:8  
 11:1,8,10,11,16 12:8  
 12:10  
**on-line** 8:6,21 9:1  
**Open** 12:16,20 13:1  
 14:3  
**Opening** 2:2  
**order** 8:17  
**originally** 4:4

**P**

**P-R-O-C-E-E-D-I-N-G-S**  
 3:1  
**p.m** 3:2 14:11  
**parte** 4:12  
**particular** 9:6,9 10:6  
**parties** 3:8  
**passed** 13:21  
**pay** 10:14  
**period** 7:8,16,18  
**please** 3:9 6:5  
**prepared** 4:12,13  
**PRESENT** 1:15,20  
**presiding** 1:14  
**primary** 6:19  
**proper** 10:14  
**purpose** 12:18  
**pursuant** 14:3

**Q**

**quarter** 1:10 5:6,9,11  
 7:8,20 9:14 11:21  
**quarterly** 1:9 5:4,5 6:22  
 7:7 8:11 9:7,12 10:19  
 11:20 12:6  
**questions** 9:19 11:11  
 11:14,14  
**Quickbase** 9:3,7  
**quite** 11:6

**R**

**ready** 5:2  
**reasons** 12:22  
**receive** 6:21  
**received** 6:22 8:5,7  
 9:13 11:22,22 12:1  
**record** 3:4,9 6:6,22  
 10:13  
**records** 8:5  
**Reeves** 1:13  
**regarding** 5:8  
**regular** 8:19  
**Regulation** 6:11,16  
**report** 11:21  
**requested** 4:5  
**requests** 12:3  
**rescheduled** 4:6  
**respondent** 4:5  
**responsibilities** 6:19  
**Retailer** 1:7  
**review** 6:21  
**right** 4:16 5:1,13 9:16  
 11:18  
**Rodriguez** 1:18 13:3,4  
 13:12,13  
**roll** 12:10 13:5  
**room** 1:13 14:2  
**Ross** 3:16  
**running** 3:19  
**Ruthanne** 1:14,16

**S**

**S.E** 3:7  
**sale** 10:16,21  
**scheduled** 4:4,7  
**SE** 1:7  
**second** 13:2,3  
**seconded** 13:5,7  
**Section** 12:15,20,22  
**seeing** 3:14  
**seeking** 12:18  
**seen** 11:4  
**selling** 10:17  
**served** 4:2  
**session** 12:12  
**short** 1:19 6:17 9:20,21  
 10:1,3,8,13 11:1,4,8

13:18,19

**show** 1:6 4:2,3 14:9  
**Silverstein** 1:18 13:16  
 13:17  
**sounds** 10:11  
**sources** 8:6,8,9  
**spell** 6:5  
**stand** 5:14,21  
**state** 5:10 6:5  
**statement** 2:2,3 5:4,5,9  
 5:11 7:7,21,22 9:13  
**statements** 6:22 8:11  
 9:10 10:19 12:6  
**Statements-4th** 1:10  
**Street** 1:7,13 3:7  
**submission** 8:22 9:2  
**submit** 8:11  
**submits** 9:9  
**submitted** 8:21 9:6  
**Suite** 1:14  
**supposed** 10:15  
**Sure** 8:18  
**sworn** 5:20  
**system** 9:2,7  
**systems** 8:22

**T**

**T-A-B-L-E** 2:1  
**t/a** 1:6  
**take** 12:10 13:5  
**testified** 5:22  
**testimony** 9:12,17 11:2  
 11:9,19  
**Thank** 9:17 11:8,9,11  
 11:12 12:7,8 14:6,7,8  
**three** 6:17  
**title** 6:12  
**today** 3:17 4:6 5:12  
 9:12  
**try** 4:17

**U**

**unable** 10:20

**V**

**violation** 12:4  
**vote** 12:11 13:6,21

**W**

**wait** 4:17  
**want** 4:19  
**Washington** 1:14  
**ways** 8:10  
**website** 9:4  
**witness** 2:4 4:14 5:19  
 5:21 11:17  
**work** 6:9  
**written** 14:4

**X****Y**

**year** 7:11 11:2  
**years** 6:17

**Z****0****1**

1 5:6,10 7:14,21 12:1  
**1:30** 4:8  
**1:49** 3:2  
**1:51** 4:11  
**10:25** 3:6  
**1025** 1:7  
**12** 2:3  
**13** 10:9  
**14-AUD-00043** 1:8 3:6  
 12:19  
**14th** 1:13  
**18** 1:11  
**1st** 1:7 3:7 7:11

**2**

**2:00** 14:10  
**2000** 1:13  
**20009** 1:14  
**2010** 12:16,21 13:1 14:4  
**2012** 10:10  
**2013** 1:10 5:6,9 7:8,20  
 9:14 11:21  
**2014** 4:3 5:6,10 7:14,21  
 12:1  
**2015** 1:11 4:4  
**22** 4:3

**3****4**

4 2:2 4:4  
**400S** 1:14  
**405** 12:15  
**405(b)(13)** 12:22  
**405(b)(4)** 12:20  
**4th** 5:5,9,10 7:8,20 9:14  
 11:21

**5****6**

6 2:5  
**6-0-0** 13:21

**7**

8
83690 1:8 3:7
9