

DISTRICT OF COLUMBIA

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ALCOHOLIC BEVERAGE CONTROL BOARD

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ROLL CALL HEARING

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IN THE MATTER OF: :

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2101 Venture, LLC :

t/a Club Illusion :

2101 New York Avenue, NE :

License #ABRA-088682 :

Retailer CN - New Application:

Case #12-PRO-00054 :

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MONDAY, June 11, 2012

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The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, 2000 14th Street, N.W., Suite 400S Washington, D.C., Ms. La Verne Fletcher, Agent, presiding.

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

10:05 a.m.

AGENT FLETCHER: Would the parties in the matter of Club Illusion please come forward? The parties in the matter of Club Illusion. The Protestants will be on this side. You can stay where you're seated right now. But if you're going to come to the table, this is the table for the Protestants. You will have an opportunity to come up and read your name into the record. And you may be seated. Thank you, very much.

This is Case Number 12-PRO-00054, 2101 Venture, LLC, trading as Club Illusion 2101 New York Avenue, NE, License Number ABRA-088682. This a Retailer Class CN, New Application. The protest issues are adverse impact on parking, traffic, and pedestrian safety, over-concentration, peace, order, and quiet, real property values, residential parking, and vehicular and pedestrian safety.

My name is La Verne Fletcher, and

1 I will be conducting the Roll Call Hearing as  
2 the Board's Agent pursuant to D.C. Official  
3 Code 1601.2.

4 Introductions, beginning with the  
5 Applicant, please?

6 MR. MPRAS: Emanuel Mpras, on  
7 behalf of the Applicant, 2101 Venture, LLC.

8 AGENT FLETCHER: Thank you, Mr.  
9 Mpras, and could you spell your name for the  
10 court reporter, please?

11 MR. MPRAS: First name  
12 E-M-A-N-U-E-L, last name M-P-R-A-S.

13 AGENT FLETCHER: And Mr. Mpras,  
14 for the record, the owner is not present. Is  
15 there any particular reason? Or is the owner  
16 present?

17 MR. MPRAS: The owner should be  
18 present. He knows to be present and is  
19 supposed to meet me here.

20 AGENT FLETCHER: Okay. Thank you.

21 MR. MPRAS: So I'm going to call  
22 her anyway.

1                   AGENT FLETCHER:  If he comes up,  
2                   we will introduce him at that time.  Thank  
3                   you.  For the Protestants, I'm going to begin  
4                   with asking the representative for ANC-5B to  
5                   identify himself.

6                   MR. BENNETT:  Yes, ma'am.  My name  
7                   is Vaughn Bennett.  I'm the ANC representative  
8                   for 5B and the Vice Chair of ANC-5B.

9                   AGENT FLETCHER:  And Mr. Bennett,  
10                  would you spell your name for the record  
11                  please?

12                  MR. BENNETT:  It's spelled V as is  
13                  Victor, A-U-G-H-N B-E-N-N-E-T-T.

14                  AGENT FLETCHER:  Thank you, very  
15                  much.

16                  MR. BENNETT:  You're welcome.

17                  AGENT FLETCHER:  And is anyone  
18                  else present on behalf of ANC-5B?

19                  MR. BENNETT:  No.

20                  AGENT FLETCHER:  Are you the only  
21                  person present?

22                  MR. BENNETT:  Yes, ma'am.

1                   AGENT FLETCHER: Okay. Thank you.  
2                   And you are the designated representative for  
3                   ANC-5B?

4                   MR. BENNETT: Yes, ma'am.

5                   AGENT FLETCHER: We received  
6                   notice of that in the records.

7                   MR. BENNETT: Yes, ma'am. Yes,  
8                   ma'am.

9                   AGENT FLETCHER: And who is  
10                  present on behalf of the group of  
11                  approximately 79?

12                  MR. PADOU: Good morning, Ms.  
13                  Fletcher.

14                  AGENT FLETCHER: Good morning.

15                  MR. PADOU: Don Padou, P-A-D-O-U.

16                  AGENT FLETCHER: Thank you, Mr.  
17                  Padou. Anyone else present on behalf of the  
18                  group of 79? Would that be just you, this  
19                  morning, Mr. Padou?

20                  MR. PADOU: Yes. There's -- as  
21                  you can see, quite a few.

22                  AGENT FLETCHER: Yes. Okay. Well

1       then, would everyone here that's a member of  
2       the group of 79, being represented by Mr.  
3       Padou, please come forward and stand behind  
4       the table so that you can read your name,  
5       state your name, and spell it for the court  
6       reporter, please? You can just come up and  
7       line up right behind the table here. The  
8       microphone is --

9                   MR. PADOU: This is your chance.  
10       Hollywood is waiting.

11                   MS. ANDERSON: Me?

12                   AGENT FLETCHER: Yes.

13                   MS. ANDERSON: My name is Vassie  
14       Anderson.

15                   AGENT FLETCHER: What's the first  
16       name? You have to speak into the microphone.  
17       It's right here on the table.

18                   MR. PADOU: You all can sit down  
19       for just a minute.

20                   AGENT FLETCHER: Yes.

21                   MR. PADOU: Okay.

22                   AGENT FLETCHER: Thank you.

1 MS. ANDERSON: Okay. My name is  
2 Vassie Anderson. That's V-A-S-S-I-E  
3 A-N-D-E-R-S-O-N.

4 AGENT FLETCHER: And is that  
5 Vassie with a V as in Victor?

6 MS. ANDERSON: V as in Victor.

7 AGENT FLETCHER: Thank you, very  
8 much.

9 MS. ANDERSON: Yes.

10 AGENT FLETCHER: And your name,  
11 ma'am?

12 MS. ROBINSON: Dorothy,  
13 D-O-R-O-T-H-Y Robinson, R-O-B-I-N-S-O-N.

14 AGENT FLETCHER: Thank you.

15 MR. RUSSELL: Willie L. Russell,  
16 W-I-L-L-I-E L. R-U-S-S-E-L-L.

17 AGENT FLETCHER: Thank you, very  
18 much. And the next three can come forward.  
19 Okay.

20 MR. McCARDELL: Cole McCardell,  
21 first name C-O-L-E, last name  
22 M-C-C-A-R-D-E-L-L.

1 AGENT FLETCHER: Thank you.

2 MS. BARBEE: Anne Barbee,

3 A-N-N-E B-A-R-B-E-E.

4 AGENT FLETCHER: Can you say the  
5 last name again and spell the last name one  
6 more time?

7 MS. BARBEE: B-A-R-B-E-E.

8 AGENT FLETCHER: E-E? Okay.

9 Thank you.

10 MS. BARBEE: Yes.

11 MS. McCANNON: Frances,

12 F-R-A-N-C-E-S M-C-C-A-N-N-O-N.

13 AGENT FLETCHER: Thank you.

14 MR. GORHAM: My name is -- my  
15 first name is Lellon, L-E-L-L-O-N.

16 AGENT FLETCHER: I'm sorry, what's  
17 the first name again? L-U?

18 MR. GORHAM: No, L-E-L-L-O-N.

19 AGENT FLETCHER: L-E-L-L-O-N?

20 MR. GORHAM: Yes.

21 AGENT FLETCHER: Okay.

22 MR. GORHAM: Middle initial C.

1 Last name is Gorham, G-O-R-H-A-M.

2 AGENT FLETCHER: Thank you.

3 MS. GREENE: Cynthia C-Y-N-T-H-I-A  
4 Greene, G-R-E-E-N-E.

5 AGENT FLETCHER: Thank you, very  
6 much.

7 MS. BANKS: Mildred Banks,  
8 B-A-N-K-S.

9 AGENT FLETCHER: The first name,  
10 please?

11 MS. BANKS: Mildred,  
12 M-I-L-D-R-E-D.

13 AGENT FLETCHER: Did Banks have an  
14 S on the end?

15 MS. BANKS: Yes, ma'am.

16 AGENT FLETCHER: Thank you. Your  
17 name, ma'am?

18 MS. BANKS: Tammy, T-A-M-M-Y, last  
19 name is Banks, B-A-N-K-S.

20 AGENT FLETCHER: And Ms. Banks,  
21 did you say T-A-M-M as in man, or N as in  
22 Nancy? T-A-N?

1 MS. BANKS: M.

2 AGENT FLETCHER: M as in man?

3 MS. BANKS: Yes.

4 AGENT FLETCHER: Thank you. And  
5 each of the individuals that just -- are you  
6 going to read your name into the record?

7 MR. PADOU: Yes, I am.

8 AGENT FLETCHER: Oh, I mean, are  
9 you with this 79 being represented by Mr.  
10 Padou? Are there any other members from that  
11 group?

12 MR. BANNON: We're with Mr. Padou.  
13 Yes. We're the group of 79.

14 AGENT FLETCHER: Okay. Oh. Okay.  
15 Thank you.

16 MR. BANNON: Yes, ma'am. Dale  
17 Bannon, D-A-L-E B-A-N-N-O-N, representing the  
18 Salvation Army.

19 AGENT FLETCHER: Okay. Right now,  
20 I'm just looking for the group being  
21 represented by Mr. Padou.

22 MR. BANNON: Yes. We have joined

1 his protest, but we're with the organization,  
2 as well.

3 AGENT FLETCHER: Okay. Well, I'm  
4 going to -- okay. But all of the individuals  
5 that signed your protest letter, Mr. Padou,  
6 are the individuals that read their names into  
7 the record.

8 MR. PADOU: Mr. Bannon signed the  
9 protest petition on behalf of the Salvation  
10 Army. The Salvation Army is part of the  
11 protest group.

12 AGENT FLETCHER: Thank you, very  
13 much.

14 MR. PADOU: Sure.

15 MR. BANNON: That's what I wanted  
16 to clarify. Thank you, ma'am.

17 AGENT FLETCHER: Thank you. And  
18 Mr. Bannon, can you stay seated at the table?  
19 I have a question for you, actually, in a  
20 moment.

21 MR. BANNON: Yes, ma'am.

22 AGENT FLETCHER: The individuals

1 that just came forward and read your names  
2 into the record, did you each sign the protest  
3 letter? Did you each sign the protest letter?

4 ALL: Yes.

5 AGENT FLETCHER: Okay. Thank you.  
6 Okay. Okay. Mr. Padou, the -- okay. ANC-5B?

7 MR. BENNETT: Yes, ma'am.

8 AGENT FLETCHER: And Mr. Padou,  
9 you may take your seats again.

10 MR. BENNETT: Thank you.

11 MR. PADOU: Thank you.

12 AGENT FLETCHER: Thank you. Mr.  
13 Bannon, I have a question for you.

14 MR. BANNON: Yes, ma'am.

15 AGENT FLETCHER: I notice that you  
16 did sign the protest letter -- let me get the  
17 letter. One second, please.

18 MR. PADOU: I think I might be  
19 able to anticipate your question, Ms.  
20 Fletcher. Mr. Bannon is the Executive  
21 Director of the Salvation Army.

22 MR. BANNON: So our -- our

1 corporate address is Pennsylvania Avenue.  
2 However, we represent the Harbor Lights  
3 Center, which is located on New York Avenue.  
4 So we have joined this protest with the  
5 neighbors because our facility -- our  
6 substance abuse facility is at New York  
7 Avenue. And that was written in my protest  
8 letter.

9 AGENT FLETCHER: Yes. You have  
10 what -- yes. My question is -- yes, I am  
11 aware of what you just said, as well. I just  
12 have a question that's separate from that  
13 issue.

14 MR. BANNON: Oh, yes ma'am.

15 AGENT FLETCHER: You actually  
16 signed the protest letter along with the group  
17 of 79 being represented by Mr. Padou. And you  
18 signed that letter as the Executive Director  
19 of the Salvation Army.

20 MR. BANNON: That's correct.

21 AGENT FLETCHER: And you signed on  
22 as a protestant. And my question to you is,

1 in signing the protest letter of the group of  
2 79, being represented by Mr. Padou, if you  
3 were signing that protest letter as an  
4 individual or on behalf of the Salvation Army?

5 MR. BANNON: On behalf of the  
6 Salvation Army.

7 AGENT FLETCHER: Well, let me just  
8 say this. For this particular protest, and  
9 this is only related to the group of 79,  
10 because the Salvation Army did file a separate  
11 protest of its own. I don't know if you are  
12 aware of that or not. But the Salvation Army  
13 did file a protest. So I'm going to make a  
14 comment about that in a moment.

15 MR. BANNON: Okay.

16 AGENT FLETCHER: The comment that  
17 I'm making now is only related to the protest  
18 where Mr. Padou and Vaughn Bennett are  
19 representing a group of 79. This is the  
20 protest that I'm referring to, right now.  
21 Just that one and not the protest filed by the  
22 Salvation Army.

1 MR. BANNON: Okay. That's fine.

2 AGENT FLETCHER: Okay. But that  
3 is important for me to make that distinction.

4 MR. BANNON: Yes, ma'am.

5 AGENT FLETCHER: With regard to  
6 the group of individuals, the group of 79  
7 filing the protest, you would have to be  
8 filing as an individual. That protest was  
9 filed by a group of individuals.

10 MR. BANNON: Okay. I see.

11 AGENT FLETCHER: And not by the  
12 Salvation Army. And so you did sign the  
13 protest letter. And that's fine. I just have  
14 to determine whether or not, in your own  
15 right, you would have the ability to actually  
16 be a protestant. And what could make that  
17 possible is if you live in close proximity to  
18 2101 New York Avenue, NE. And that way, you  
19 could file your protest as an individual, the  
20 same as the other individuals who signed the  
21 protest letter because they live in the area.  
22 And, in your capacity as the Executive

1 Director of the Salvation Army, you would not  
2 be a protestant, along with the group of 79.  
3 So that's what I'm trying to determine right  
4 now. If you personally live within the  
5 neighborhood, then you can be recognized as a  
6 member of that group of 79.

7 MR. BANNON: I do not personally  
8 live in that neighborhood, not do any of our  
9 staff, to my knowledge. Correct Robert?

10 AGENT FLETCHER: Okay. So do you  
11 mean, when you say none of your staff, do you  
12 mean related to the Salvation Army?

13 MR. BANNON: That's correct.

14 AGENT FLETCHER: Okay. So let me  
15 just deal with the group of 79, and I will --  
16 because the Salvation Army filed a protest on  
17 its own.

18 MR. BANNON: Its own protest.  
19 Okay.

20 AGENT FLETCHER: So I'm just going  
21 to deal now with the group of 79, being  
22 represented by Mr. Padou. That individual

1 group of protestants does have standing as a  
2 Protestant. There are at least five of those  
3 individuals present today, and so the group of  
4 -- I'm going to count the number of  
5 individuals that are present today from the  
6 group being represented by Mr. Padou and Mr.  
7 Vaughn Bennett. There are ten individuals  
8 present today from the group being represented  
9 by Mr. Padou and Mr. Bennett, who have  
10 standing as a Protestant. All individuals of  
11 that group of 79 that are not present today  
12 and who did not designate either Mr. Padou or  
13 Mr. Bennett or anyone else to represent them,  
14 are dismissed. So what we have is a group of  
15 ten, being represented by Mr. Padou and Mr.  
16 Bennett, that has standing to file a protest.

17 MR. PADOU: Ms. Fletcher.

18 AGENT FLETCHER: Yes?

19 MR. PADOU: The other members of  
20 the group all designated --

21 AGENT FLETCHER: Did they all  
22 designate you?

1 MR. PADOU: Well, me and Mr.  
2 Bennett.

3 AGENT FLETCHER: Thank you. Yes,  
4 they did. Yes, they did. Thank you, Mr.  
5 Padou.

6 MR. PADOU: Yes.

7 AGENT FLETCHER: The entire group.  
8 Thank you for that correction. The entire  
9 group did designate you both as their  
10 representatives. So, of the group that you  
11 are representing, Mr. Padou and Mr. Bennett,  
12 only Mr. Bannon is not considered a member of  
13 your protesting group. But we will deal with  
14 the Salvation Army separately.

15 MR. PADOU: You know, perhaps you  
16 want to delay this discussion until you talk  
17 about the Salvation Army. But I will just put  
18 on the record, I think that it's perfectly  
19 appropriate for the Salvation Army, as a  
20 corporate entity, to be a member of the  
21 protest group.

22 AGENT FLETCHER: Okay --

1 MR. PADOU: They meet the  
2 requirements. They are located and own  
3 property in D.C. They have common grounds of  
4 protest with the other members of the 79  
5 member group.

6 AGENT FLETCHER: Thank you for  
7 that, Mr. Padou. And I will deal with the  
8 Salvation Army separately. So the group of  
9 ten -- the group of 78, being represented by  
10 Mr. Padou, does have standing. I am going to  
11 deal with the Salvation Army separately. So  
12 ANC-5B does have standing as a Protestant as  
13 well.

14 MR. BENNETT: Yes, ma'am.

15 AGENT FLETCHER: And we have a  
16 group of 78 being represented by Mr. Padou  
17 that has standing as a Protestant. Is anyone  
18 present on behalf of the Arboretum  
19 Neighborhood Association?

20 MR. CHANDLER: Yes.

21 AGENT FLETCHER: Okay. Thank you.  
22 Arboretum is spelled A-R-B-O-R-E-T-U-M

1 Arboretum Association.

2 MR. CHANDLER: Arboretum  
3 Neighborhood Association.

4 AGENT FLETCHER: Neighborhood  
5 Association. And your name, sir?

6 MR. CHANDLER: Randall Chandler.

7 AGENT FLETCHER: And Mr. Chandler,  
8 would you please spell your name for the court  
9 reporter?

10 MR. CHANDLER: Yes. R-A-N-D-A-L-L  
11 C-H-A-N-D-L-E-R.

12 AGENT FLETCHER: Mr. Chandler, I  
13 have a question for you. I have your protest  
14 letter here.

15 MR. CHANDLER: Yes.

16 AGENT FLETCHER: But the version  
17 that I have is not signed. Do you have a  
18 signed protest letter?

19 MR. CHANDLER: Actually, I do. I  
20 had a transmission problem

21 AGENT FLETCHER: Okay.

22 MR. CHANDLER: Yes. Yes.

1 AGENT FLETCHER: Thank you.

2 MR. CHANDLER: Thank you, very  
3 much.

4 AGENT FLETCHER: Yes. I have just  
5 received a signed version of the protest filed  
6 by the Arboretum Neighborhood Association and  
7 the Association does have standing as a  
8 Protestant. The Association is incorporated  
9 in D.C. and is open to all members of the  
10 community.

11 MR. CHANDLER: Yes.

12 AGENT FLETCHER: Okay.

13 MR. CHANDLER: And we'd like to  
14 reach out to the Salvation Army joining us.

15 AGENT FLETCHER: They're coming  
16 up. Thank you. Is there anyone present on  
17 behalf of the Salvation Army? Is there anyone  
18 present on behalf of the Salvation Army?

19 MR. BANNON: Ma'am, we have three  
20 people here, representing the Salvation Army.  
21 Would you like us to give our names and  
22 titles?

1                   AGENT FLETCHER:  Yes.  Thank you.

2                   MR. BANNON:  Okay.  The first one  
3                   is Major Steve Morris.  Steve, you need to  
4                   state your name and spell it for her.

5                   MAJOR MORRIS:  Major Steve Morris,  
6                   S-T-E-V-E  M-O-R-R-I-S.

7                   AGENT FLETCHER:  Thank you.

8                   MAJOR MORRIS:  I'm the Area  
9                   Commander for the Salvation Army in Greater  
10                  Washington.

11                  AGENT FLETCHER:  Thank you.

12                  MR. BANNON:  Dale Bannon, D-A-L-E  
13                  B-A-N-N-O-N, Executive Director with the  
14                  Salvation Army.

15                  AGENT FLETCHER:  Thank you.

16                  MR. SMITH:  Yes.  Robert Smith,  
17                  Operations Director.  It's R-O-B-E-R-T  
18                  S-M-I-T-H.

19                  AGENT FLETCHER:  We did receive a  
20                  protest letter from the Salvation Army.  The  
21                  letter is dated June 8, which was this past  
22                  Friday.  We received -- which is when we

1 actually -- I should say that the letter was  
2 received by this office on June 8. The letter  
3 itself was dated June 4, 2012. The letter was  
4 received by ABRA, our agency, on June 8, which  
5 means that the protest was untimely filed.  
6 Because the deadline by which to file the  
7 protest in this matter was May 29, 2012. So  
8 any protest filed against this application  
9 would have needed to be filed by May 29.

10 MR. BANNON: With respect, ma'am,  
11 I have a letter from the Alcohol Beverage  
12 Regulation Administration, written to me, Dale  
13 Bannon, Executive Director of the Salvation  
14 Army, with these words: The protest that you  
15 filed, dated May 30, 2012. The protest that  
16 you filed in the above referenced matter has  
17 been timely filed. The Alcoholic Beverage  
18 Control Board has scheduled a Roll Call  
19 Hearing for June 11, 2012, at 10:00 a.m.

20 AGENT FLETCHER: Yes. That was  
21 with regard to your signature on the protest  
22 filed by Mr. Padou's group.

1                   MR. PADOU: Well now, Ms.  
2 Fletcher, their protest petition has just  
3 their signature on it. You've chosen not to  
4 consider it as part of the group of 79. If  
5 you're going to do that, then you have to  
6 consider that protest petition as their  
7 protest petition and as timely filed. And  
8 this letter that you received last Friday as  
9 a follow-up.

10                   AGENT FLETCHER: I actually don't  
11 have to do that, Mr. Padou.

12                   MR. PADOU: Well, we can take it  
13 to the Board.

14                   AGENT FLETCHER: But that's fine.  
15 You absolutely should do that.

16                   MR. PADOU: Absolutely.

17                   AGENT FLETCHER: If I make any  
18 decision today that you are not in agreement  
19 with, please -- your option is to file a  
20 petition with the ABC Board to seek  
21 reinstatement. I am present today as the  
22 Board's Agent. And I am conducting this

1 hearing on behalf of the ABC Board. But if  
2 any decision is made today that you would like  
3 to challenge or if I dismiss any protest today  
4 and you would like to seek reinstatement,  
5 please, that is what you should do. And Mr.  
6 Padou, I understand what you're saying.

7 MR. PADOU: Just so we understand  
8 the grounds --

9 AGENT FLETCHER: Yes. The grounds  
10 -- your protest, Mr. Padou, was submitted by  
11 a group of 79 individuals. 79 individuals  
12 filed a protest letter and there is a protest  
13 letter that is written by 79 individuals. Mr.  
14 Bannon is the 79th person. Mr. Bannon, as I  
15 mentioned earlier, in this -- with regard to  
16 the group of 79 individuals, you would need to  
17 be one of those individuals living in the  
18 neighborhood. That is a group of individuals.  
19 A group of individuals filed the protest.

20 MR. PADOU: So it's your position  
21 that, since the Salvation Army is not an  
22 individual --

1                   AGENT FLETCHER: That's right.

2                   MR. PADOU: It cannot be part of  
3 -- of the Protestants?

4                   AGENT FLETCHER: Of your protest.  
5 However, the Salvation Army did file a protest  
6 of its own.

7                   MR. PADOU: Okay.

8                   AGENT FLETCHER: They did file --

9                   MR. PADOU: And you're saying that  
10 protest was filed late?

11                   AGENT FLETCHER: Yes. The protest  
12 filed by the Salvation Army itself -- we did  
13 receive a protest filed by the Salvation Army.  
14 We did. And Mr. Bannon, if you were -- if you  
15 happened to be an individual living within  
16 close proximity to 2101 New York Avenue, and  
17 you just happen to work for the Salvation  
18 Army, but you also live in the neighborhood,  
19 you would be a member of that group of  
20 individuals. You would be a member of that  
21 group of individuals. I'm not recognizing you  
22 as a member of that group of individuals, even

1           though you signed their protest letter.

2                       MR. PADOU:   But Mr. Bannon signed  
3           that petition clearly not in his capacity as  
4           an individual.

5                       AGENT FLETCHER:   But he didn't --

6                       MR. PADOU:   He signed it as a  
7           spokesman for the Salvation Army.   The  
8           Salvation Army is a corporate entity.   It  
9           can't sign a paper.   It can only act through  
10          it's corporate officers.

11                      AGENT FLETCHER:   This letter was  
12          -- this is not a protest letter from the  
13          Salvation Army.   This was a protest letter  
14          from a group of individuals, not the Salvation  
15          Army.   We did receive a protest letter from  
16          the Salvation Army, which I have in my  
17          possession.   So we do have a protest filed by  
18          the Salvation Army.   But your signature on  
19          this letter, I'm not accepting that as a  
20          protest filed by the Salvation Army.

21                      MR. BANNON:   Okay.   I just wanted  
22          to make sure we have the issues correct.

1 Thank you.

2 AGENT FLETCHER: Yes. Absolutely.

3 And --

4 MR. BANNON: So the letter you are  
5 referencing that is from the Salvation Army,  
6 as our own protest --

7 AGENT FLETCHER: Yes.

8 MR. BANNON: Those -- all those  
9 letters were sent at the same time. So what  
10 I'm disputing is -- and it's difficult for me  
11 to understand how it was received in the ABC  
12 Board's office on June 8.

13 AGENT FLETCHER: Well, it was  
14 dated June 4.

15 MR. BANNON: When we filed --

16 AGENT FLETCHER: The letter that  
17 I'm looking at that I have in front of me --

18 MR. BANNON: Can you tell me who  
19 signed that letter? Can you tell me who  
20 signed that letter, ma'am?

21 AGENT FLETCHER: Yes, I can. The  
22 letter was signed by Major Steve Morris. That

1 letter is dated June 4 -- it's dated June 4.  
2 Unfortunately, the date of the letter is  
3 beyond the protest deadline, as well. In  
4 order for the protest to be timely, it would  
5 have needed to be filed by May 29. And so it  
6 was dated June 4. We received it on June 8.  
7 You may not have received a letter from us  
8 yet, but we have sent a letter to you, Major  
9 Morris, letting you know -- the letter is  
10 actually dated today -- to let you know that  
11 the protest was filed untimely. So you  
12 probably don't have it yet. But you will be  
13 getting it.

14 MAJOR MORRIS: Sure. Okay.

15 AGENT FLETCHER: And even with  
16 that, you can always petition the ABC Board  
17 for reinstatement. I don't know why it was  
18 untimely. Maybe there is some reason. I  
19 don't know. The Board will take any request  
20 for reinstatement into consideration.

21 MAJOR MORRIS: Okay.

22 AGENT FLETCHER: So please feel

1 free to do that. Yes, Major?

2 MAJOR MORRIS: Is the timeliness  
3 of our protest, relative to us being a part of  
4 the 79? Would we have a different time line  
5 as a corporation?

6 AGENT FLETCHER: If -- if -- well  
7 no, it stays the same. The deadline by which  
8 to file a protest never changes. It doesn't  
9 matter who files the protest. It just has to  
10 be filed by the petition deadline.

11 MAJOR MORRIS: Okay.

12 AGENT FLETCHER: And like I said,  
13 Mr. Bannon, the individuals -- the group of  
14 individuals being represented by Mr. Bennett  
15 and Mr. Padou, if you just happened to live in  
16 the neighborhood, you could have, you would be  
17 a member of that group of individuals.

18 MR. BANNON: Yes. I would just  
19 leave with this. We both represent the  
20 organization. So --

21 AGENT FLETCHER: Who both?

22 MR. BANNON: Major Morris and Dale

1 Bannon.

2 AGENT FLETCHER: Yes.

3 MR. BANNON: And so what we will  
4 appeal to the Board with is that the signature  
5 of Dale Bannon, Executive Director, that was  
6 filed in a timely manner does meet --

7 AGENT FLETCHER: Yes.

8 MR. BANNON: -- does meet the  
9 qualifications of a corporate protest.

10 AGENT FLETCHER: And that is  
11 exactly what you should do.

12 MR. BANNON: Okay.

13 AGENT FLETCHER: You can petition  
14 the ABC Board. I understand what you're  
15 saying.

16 MR. BANNON: Sure.

17 AGENT FLETCHER: For the purpose  
18 of Roll Call, I have to make a decision --

19 MR. BANNON: I understand.

20 AGENT FLETCHER: -- in accordance  
21 with what I am permitted to so.

22 MAJOR MORRIS: Yes, ma'am.

1 Understood.

2 MR. BANNON: Okay.

3 AGENT FLETCHER: And I understand  
4 what you're saying. Your position would be  
5 that your signature on the protest letter of  
6 the group of individuals was to -- your  
7 intention was, at that time, to file a protest  
8 on behalf of the Salvation Army.

9 MR. BANNON: Yes.

10 AGENT FLETCHER: Okay. And you --  
11 and do that. And sent that to the Board.  
12 They will take a look at it and maybe  
13 reinstate the protest.

14 MR. BANNON: Okay. Thank you so  
15 much.

16 AGENT FLETCHER: It's just that,  
17 for the purpose of Roll Call, this is the  
18 decision that I have to make.

19 MR. BANNON: That's okay. Thank  
20 you.

21 MAJOR MORRIS: Thanks very much.

22 AGENT FLETCHER: Yes. And you can

1 stay right there. I'm almost done. Well, you  
2 can leave if you'd like. But I'm just saying,  
3 you can stay.

4 MR. BANNON: All right. Thank you  
5 ma'am.

6 AGENT FLETCHER: Okay. Is anyone  
7 present on behalf of the Schaeffers? Is  
8 anyone present on behalf of the Schaeffers?  
9 Thank you. And your name, sir?

10 MR. COLLINS: Good morning. My  
11 name is Christopher Collins,  
12 C-H-R-I-S-T-O-P-H-E-R C-O-L-L-I-N-S.

13 AGENT FLETCHER: Thank you. Now,  
14 Mr. Collins, I will spell Schaeffers for the  
15 record. That's S-C-H-A-E-F-F-E-R-S. Mr.  
16 Collins is present on behalf of the  
17 Schaeffers.

18 MR. COLLINS: Yes.

19 AGENT FLETCHER: Mr. Collins, you  
20 filed a protest on behalf of the Schaeffers,  
21 claiming that the Schaeffers are abutting  
22 property owners.

1 MR. COLLINS: They are. They own  
2 the property directly to the west and south.

3 AGENT FLETCHER: Yes.

4 MR. COLLINS: They are across a  
5 public alley.

6 AGENT FLETCHER: Yes.

7 MR. COLLINS: And there are nine  
8 individual entities which comprise the  
9 Schaeffer ownership -- nine different property  
10 owners.

11 AGENT FLETCHER: I'm going to,  
12 just for the record, read the first sentence  
13 of the protest letter into the record. This  
14 is the letter -- the protest letter, Mr.  
15 Collins, that we received. And this is just  
16 to make the record clear. The first sentence  
17 says the protest of the above referenced  
18 license application is filed on behalf of the  
19 owners of the abutting 14.5 acre property in  
20 the same square, directly to the west and  
21 south of the proposed night club location.

22 My first determination, just based

1 on that sentence, Mr. Collins, would be that  
2 the properties do not abut. In terms of an  
3 abutting property owner with regard to a  
4 protest filed here, an abutting property owner  
5 has to share a common wall. And the -- your  
6 clients are in the process of developing a  
7 shopping center. Am I correct about that?

8 MR. COLLINS: That's correct.

9 AGENT FLETCHER: They're in the  
10 process of developing a shopping center, which  
11 does not -- it doesn't presently exist. And  
12 so there are no walls abutting 2101 New York  
13 Avenue at this point.

14 MR. COLLINS: Could you point me  
15 to the law or regulation that talks about a  
16 wall?

17 AGENT FLETCHER: What I can do is  
18 I will have our legal division to send you --  
19 I'll give you my -- my e-mail address is on a  
20 card right there on the table. You could have  
21 that. The ABC Board -- it is a practice of  
22 the ABC Board that their definition of an

1 abutting property owner is that the owner  
2 share a common wall.

3 MR. COLLINS: And that is in the  
4 law or the regulation?

5 AGENT FLETCHER: That is a  
6 practice. That is the Board's definition of  
7 an abutting property owner.

8 MR. COLLINS: So, for the public,  
9 there's not public notice of that definition?

10 AGENT FLETCHER: What is your  
11 definition of an abutting property?

12 MR. COLLINS: Well, I believe  
13 that, when you are separated by a public  
14 alley, that you are an abutting property  
15 owner.

16 AGENT FLETCHER: Yes. We don't  
17 consider that to be abutting. But you can  
18 make a case for that. And what I'm going to  
19 do, I'm going to have to dismiss this protest  
20 filed by the Schaeffers. And I will give you  
21 some additional information with regard to  
22 why.

1 MR. COLLINS: Well, can I -- can I  
2 also point out that there are nine separate  
3 property owners that comprise the Schaeffer  
4 ownership?

5 AGENT FLETCHER: I'm going to get  
6 to that. You noted those in Exhibit A. In  
7 Exhibit A of your protest letter, you have a  
8 list of all of the property owners.

9 MR. COLLINS: That's right. Nine  
10 separate ownerships.

11 AGENT FLETCHER: Exactly. And the  
12 protest letter does not claim that either one  
13 of those properties are abutting 2101 New York  
14 Avenue, or are either one of those abutting?

15 MR. COLLINS: Right. I'm not --  
16 my next point, which is that there are nine  
17 owners -- there are more than five owners.

18 AGENT FLETCHER: Yes.

19 MR. COLLINS: There are nine  
20 separate ownerships.

21 AGENT FLETCHER: Yes. And do  
22 either of those properties abut 2101 New York

1 Avenue.

2 MR. COLLINS: No. But I don't  
3 believe any of the 79 that you allowed to be  
4 parties abut the property.

5 AGENT FLETCHER: But they're not  
6 claiming to be abutting. They're claiming to  
7 live in the neighborhood.

8 MR. COLLINS: Oh.

9 AGENT FLETCHER: They're not --  
10 none of them are abutting property owners.  
11 None of them have made that claim.

12 MR. COLLINS: I'm sorry. I don't  
13 want to get tied up in semantics. But -- but  
14 we have two independent bases for how these  
15 adjacent property owners have standing. One  
16 is that they are, in my view, abutting. And  
17 secondly, there are more than five owners that  
18 share a common -- common points to be raised  
19 at this Board.

20 AGENT FLETCHER: The individual --  
21 in your Exhibit A, you give a list of all of  
22 the individual properties. Those individuals

1 did not file a protest.

2 MR. COLLINS: All right.

3 AGENT FLETCHER: If they had filed  
4 a protest, and they live in the area, if they  
5 had filed the protest as individuals, they  
6 could be considered Protestants.

7 MR. COLLINS: Okay.

8 AGENT FLETCHER: In Exhibit A, you  
9 listed properties.

10 MR. COLLINS: And owners.

11 AGENT FLETCHER: But you didn't --  
12 you filed your protest on behalf of --

13 MR. COLLINS: If you look at  
14 Exhibit A, you will see all the individual  
15 properties, and then you will see all the  
16 names of the nine separate owners.

17 AGENT FLETCHER: Where are the  
18 names of the nine separate owners?

19 MR. COLLINS: They are on page two  
20 of Exhibit A. And I will read them into the  
21 record. 1826 Bladensburg Road, LLC, 1830  
22 Bladensburg Road, LLC, 1900 Bladensburg Road,

1 LP, 1908 Bladensburg Road, LLC, 1910  
2 Bladensburg Road, General Partnership, 1940  
3 Montana Avenue, LP, Liberty Cab, LP, 33 New  
4 York Avenue, LLC.

5 AGENT FLETCHER: Yes. Yes.

6 MR. COLLINS: And 1943 New York  
7 Avenue, LP.

8 AGENT FLETCHER: And are those  
9 individuals that presently reside in those  
10 properties?

11 MR. COLLINS: No. They are owners  
12 of property.

13 AGENT FLETCHER: Okay. Thank you.  
14 And do the properties abut 2101 New York  
15 Avenue, NW?

16 MR. COLLINS: Well I -- the answer  
17 to that question is no. But I believe that  
18 you are mixing two different standings into  
19 one question.

20 AGENT FLETCHER: Yes? Okay. And  
21 how am I mixing the --

22 MR. COLLINS: There are two

1 different bases of participation; one is that  
2 they abut.

3 AGENT FLETCHER: Yes?

4 MR. COLLINS: And the second is  
5 that there is a group of more than five that  
6 share a common interest.

7 AGENT FLETCHER: Okay. Again --  
8 do you have any other comments you would like  
9 to make, Mr. Collins?

10 MR. COLLINS: I'm sorry. I missed  
11 your question.

12 AGENT FLETCHER: I said do you  
13 have any other comments you would like to make  
14 regarding anything that I've said so far?

15 MR. COLLINS: Well, under Section  
16 25-601 of DC Code, for standing --

17 AGENT FLETCHER: Yes?

18 MR. COLLINS: An abutting property  
19 owner has standing.

20 AGENT FLETCHER: Yes.

21 MR. COLLINS: A group of no fewer  
22 than five residents or property owners of the

1 District sharing common grounds for their  
2 protest --

3 AGENT FLETCHER: Yes?

4 MR. COLLINS: -- has standing.

5 And if you determine that we are not abutting,  
6 then we certainly are a group of no fewer than  
7 five property owners.

8 AGENT FLETCHER: Just a second.

9 Mr. Mpras, did you have any comments while I  
10 am --

11 MR. MPRAS: Yes, I do. As far as  
12 I'm concerned, the protest should fail simply  
13 because one, they are not abutting, as the  
14 common definition used by ABRA and the Board.  
15 And two, the entities -- the property owners  
16 are entities listed, not individuals.

17 AGENT FLETCHER: Yes.

18 MR. MPRAS: So an entity cannot be  
19 a part of an individual group of five or more  
20 people.

21 AGENT FLETCHER: Yes. Thank you.

22 MR. COLLINS: Ms. Fletcher, could

1 you point to a portion of the law or  
2 regulations that requires a property owner to  
3 be an individual?

4 AGENT FLETCHER: That -- I'm not  
5 aware that there is any provision in the law  
6 that says exactly that.

7 MR. COLLINS: Okay.

8 AGENT FLETCHER: But that can be  
9 an issue, obviously, that you can raise at  
10 some point beyond today. But there is no --  
11 I'm not aware of any provision in the law that  
12 states exactly that.

13 MR. COLLINS: Okay. I would hope  
14 that the decision here is not intended to  
15 disenfranchise property owners, simply because  
16 they are not an individual.

17 MR. MPRAS: Ms. Fletcher, the  
18 letter only states that it's for the  
19 Schaeffers. It doesn't state that anyone else  
20 is being represented. And we've yet to see  
21 anything with the designating -- the  
22 Schaeffers have designated a representative in

1 this matter, specifically, for the purpose of  
2 protest.

3 MR. COLLINS: Ms. Fletcher, I have  
4 here letters from -- signed by the Schaeffers  
5 -- Mr. Schaeffer, as well as a letter signed  
6 by Mr. Volco, on behalf of the ground lessees  
7 of the property, who are also mentioned in  
8 the letter. And the lessees are WB NY Avenue,  
9 LLC.

10 AGENT FLETCHER: Mr. Mpras, would  
11 you like to take a look at this letter?

12 MR. MPRAS: Yes, ma'am. Thank  
13 you.

14 MR. PADOU: Ms. Fletcher?

15 AGENT FLETCHER: Yes?

16 MR. PADOU: A number of the  
17 members of my group are here off from work.

18 AGENT FLETCHER: Oh, yes.

19 MR. PADOU: I think we're probably  
20 through with their time.

21 AGENT FLETCHER: Yes.

22 MR. PADOU: May we dismiss them so

1 they can get back to their lives?

2 AGENT FLETCHER: Yes. Yes, we are  
3 through with them.

4 MR. PADOU: Thank you, everybody  
5 for coming. It's really a huge help.

6 (Whereupon, an off the record  
7 conversation is taking place with undisclosed  
8 parties.)

9 MR. PADOU: And you don't have to  
10 leave. If you find this really interesting.

11 AGENT FLETCHER: Okay. So the  
12 protest filed by the Schaeffers, just to deal  
13 with the issue of whether or not they abut,  
14 they are not abutting property owners, with  
15 respect to the definition that the ABC Board  
16 gives to abutting property owners, Mr.  
17 Collins. But let me continue to look at this  
18 case. But the Schaeffers are not abutting  
19 property owners.

20 And so, Mr. Collins, can you state  
21 again for the record, why you believe that the  
22 -- the owners of the properties are LLCs, and

1 why you believe that they should be considered  
2 property owners, with respect to 25.601?

3 MR. COLLINS: Sure. The simple  
4 fact is that they are property owners.

5 AGENT FLETCHER: Yes.

6 MR. COLLINS: They own the  
7 property.

8 AGENT FLETCHER: Yes?

9 MR. COLLINS: In a -- not in an  
10 individual capacity, but in a limited  
11 partnership, limited liability corporation  
12 capacity.

13 AGENT FLETCHER: Yes.

14 MR. COLLINS: They're nine  
15 separate properties -- nine separate  
16 ownerships. Together, they own about 15  
17 individual properties in this 14 and a half  
18 acre parcel that's right next door. Under 25-  
19 601, there's a distinction -- clear  
20 distinction made under sub-section 2 --

21 AGENT FLETCHER: Yes?

22 MR. COLLINS: -- between residents

1 and property owners. You don't have to be a  
2 resident to be a property owner, because it  
3 says residents or property owners.

4 AGENT FLETCHER: Yes.

5 MR. COLLINS: And they are  
6 property owners.

7 MR. MPRAS: Ms. Fletcher, if I  
8 may?

9 AGENT FLETCHER: Yes.

10 MR. PADOU: The only protest filed  
11 was based on the property abutting. Nothing  
12 else was mentioned. And it's untimely to  
13 bring it up now.

14 AGENT FLETCHER: Yes.

15 MR. COLLINS: The -- the document  
16 speaks for itself. There are nine property  
17 owners there. It talks about the -- on behalf  
18 of the owners of the abutting 14.5 acre  
19 property. And there are nine of them. And  
20 there were nine of them when we filed. And  
21 they were listed in the letter that we filed  
22 timely.

1                   AGENT FLETCHER:  Yes, under  
2                   Exhibit A.  Right.  And so, Mr. Collins, the  
3                   addresses in Exhibit A are located in  
4                   proximity -- located in the neighborhood of  
5                   the --

6                   MR. COLLINS:  They're in the same  
7                   block or square, 4268.

8                   AGENT FLETCHER:  Okay.  Of 2101  
9                   New York --

10                  MR. COLLINS:  I have a plat which  
11                  I could introduce into --

12                  AGENT FLETCHER:  I have it.  I'm  
13                  just making notes for the record.  I have it.

14                  MR. COLLINS:  Oh, sure.  Did I  
15                  hand it to you?

16                  AGENT FLETCHER:  Yes.  I have it.

17                  MR. COLLINS:  Okay.

18                  AGENT FLETCHER:  Yes.  They're  
19                  located within the same square?

20                  MR. COLLINS:  Yes, they are.  And  
21                  they're as close as the distance of the public  
22                  alley away.

1                   AGENT FLETCHER: Just one other  
2 question, Mr. Collins. Do you, by any chance,  
3 know whether or not the properties owned by  
4 the Schaeffers -- whether or not those  
5 properties are located in a mixed use zone,  
6 residential zone, or what?

7                   MR. COLLINS: They're not in a  
8 residential zone. They're in a mixed use  
9 zone.

10                  AGENT FLETCHER: They're in a  
11 mixed use zone?

12                  MR. COLLINS: Yes.

13                  AGENT FLETCHER: Mr. Collins, I'm  
14 going to rule today that those five property  
15 owners do have standing as protestants,  
16 although your protest letter does refer to  
17 them as abutting property owners, you did  
18 include Exhibit A, which does list the five  
19 property owners that you also represent. Mr.  
20 Mpras, you obviously have the right to  
21 petition the ABC Board in opposition to that  
22 finding. I'm going to rule that the group --

1 those five property owners that you represent  
2 do have standing.

3 MR. COLLINS: Great.

4 AGENT FLETCHER: As property  
5 owners, as you mentioned, 25-601 mentioned  
6 five residents or property owners. It does  
7 not state that the property owners have to be  
8 residents, just property owners.

9 MR. COLLINS: Thank you.

10 MR. MPRAS: One point, on that  
11 though, ma'am.

12 AGENT FLETCHER: Yes.

13 MR. MPRAS: The letters of  
14 representation for these property owners.

15 AGENT FLETCHER: Yes.

16 MR. MPRAS: They're not -- I'd  
17 like to see them, please. That they've  
18 designated Mr. Collins as their agent.

19 MR. COLLINS: Chris Collins.

20 MR. MPRAS: Mr. Collins as their  
21 agent.

22 AGENT FLETCHER: Yes. Mr. Mpras,

1 did you receive a copy of the protest letter  
2 filed by Mr. Collins on behalf of the  
3 Schaeffers? I don't know if the Staff can  
4 find it.

5 MR. MPRAS: For some reason, I  
6 have the letter.

7 AGENT FLETCHER: Yes.

8 MR. MPRAS: The letter in its  
9 entirety, but not the attachment. That was  
10 not forwarded to me.

11 AGENT FLETCHER: Oh, okay. Then I  
12 will have Sara Fashbaugh -- that's S-A-R-A  
13 Fashbaugh, F-A-S-H-B-A-U-G-H, I will have Sara  
14 Fashbaugh to provide you with the complete  
15 document. But, for the purpose of Roll Call  
16 today, I recognize Mr. Collins as the  
17 designated representative on behalf of those  
18 five property owners.

19 MR. COLLINS: Just five, or all  
20 nine?

21 AGENT FLETCHER: All nine, I'm  
22 sorry. I'm thinking five because of 25-601,

1       which states at least five must file a  
2       protest.

3                   MR. COLLINS:   Okay.   Thank you.

4                   AGENT FLETCHER:   Is there anyone  
5       else I did not call?   I believe that's  
6       everyone.   So let me just summarize for the  
7       record who the Protestants are in this matter.  
8       ANC-5B has standing as a Protestant.   The  
9       group of 78, represented by Mr. Don Padou and  
10      Vaughn Bennett have standing as a Protestant.  
11      The Arboretum Neighborhood Association has  
12      standing as a Protestant.   The Salvation Army  
13      was dismissed because the protest was filed  
14      untimely, with the understanding that the  
15      Salvation Army will petition the ABC Board to  
16      seek reinstatement of the protest.   The  
17      protest filed by the Schaeffers is granted  
18      standing as a Protestant as property owners.

19                   And one thing I wanted to mention  
20      for the record, in a couple of the protests,  
21      there was reference made to the mathematics  
22      Science Technology Charter School at 1920

1 Bladensburg Road NE. There was reference made  
2 to the fact that that school -- it is believed  
3 that that school is located within 400 feet of  
4 2101 New York Avenue, NE, which is the  
5 proposed location for the establishment. That  
6 issue is an issue that you should raise  
7 separately with the ABC Board, as a separate  
8 matter, outside of Roll Call. So, for the  
9 purpose of the Roll Call Hearing, I did not  
10 make any ruling on that issue. Petition the  
11 ABC Board separately with regard to the fact  
12 that that school is located -- you believe  
13 that school is located within 400 feet of that  
14 location. And you may ask the Board for a  
15 ruling on whether or not the application can  
16 go forward because of that. Just do it  
17 separately.

18 MR. COLLINS: Will do.

19 AGENT FLETCHER: And then, if you  
20 do that, the Board will rule on that  
21 separately and make a decision with regard to  
22 whether or not the application can go forward

1 in light of the fact that the school is  
2 located within 400 feet of the establishment.

3 And, for the Salvation Army, just  
4 -- this is just for the record. In your  
5 protest letter, you mentioned that -- can you  
6 hear me back there?

7 MR. BANNON: Yes, ma'am.

8 AGENT FLETCHER: In your protest  
9 letter, you mentioned the Harbor Lights  
10 Center, which is located at 2100 New York  
11 Avenue, NE. I just wanted to tell you that  
12 that address does not abut 2101 New York  
13 Avenue, NE. And I'm mentioning that for a  
14 reason. In your protest, you filed as the  
15 Salvation Army. And that's fine. If 2100 New  
16 York Avenue, NE abutted 2101 New York Avenue,  
17 NE, which would be the location of Club  
18 Illusion, that you would also have the ability  
19 to file that protest as an abutting property  
20 owner, if the Salvation Army owned that  
21 property. So I just wanted you to know that.  
22 When I saw that one of your concerns was that

1       it was in close proximity to the Harbor Lights  
2       Center, I checked to see if the properties  
3       were abutting. Because if they were and you  
4       owned it, that would be a basis upon which you  
5       could have filed a protest. But those  
6       properties do not abut. That's just FYI.

7                   MR. BANNON: Thank you.

8                   MR. PADOU: Ms. Fletcher.

9                   AGENT FLETCHER: Yes?

10                  MR. PADOU: We're aware that the  
11       Harbor Lights doesn't abut. We don't contend  
12       that it does. That's why the Salvation Army  
13       joined the group of now 78 protestants.

14                  AGENT FLETCHER: Yes.

15                  MR. PADOU: They joined it as a  
16       property owner, as are the other members of  
17       that group.

18                  AGENT FLETCHER: And when the  
19       Salvation Army seeks reinstatement, you can  
20       include that in your petition.

21                  MR. PADOU: Yes.

22                  AGENT FLETCHER: We're almost done

1 here. Just one second. And Mr. Bennett -- is  
2 Mr. Bennett still here? That's okay. I was  
3 just going to check to see if he gave me his  
4 e-mail address.

5 MR. COLLINS: The ANC, he just  
6 stepped out for a minute.

7 AGENT FLETCHER: Oh. Okay.  
8 That's okay. I'll get it later. Thank you.  
9 Mr. Collins, I have your e-mail address  
10 because I e-mailed you. I'm just trying to  
11 make sure I have everybody's e-mail address,  
12 so that I can reach everybody, if necessary.

13 Okay. Well, the next thing we  
14 need to do is set a date for mediation, the  
15 Status Hearing and a Protest Hearing before  
16 the ABC Board, if this matter cannot be  
17 resolved in mediation. And I will give you  
18 the date for the Status Hearing and the  
19 Protest Hearing first. The date for the  
20 Status Hearing before the ABC Board is  
21 scheduled for August 15, 2012.

22 MR. COLLINS: Sure. August 15?

1                   AGENT FLETCHER: Yes. That's on a  
2                   Wednesday, August 15, 2012, at 9:30 a.m.

3                   MR. COLLINS: What's the time  
4                   again?

5                   AGENT FLETCHER: 9:30 a.m. And I  
6                   should tell you, for the individual group of  
7                   78, because there were enough of you present  
8                   today to establish you as a group of  
9                   individual protestants, you do not need to  
10                  appear for the Status Hearing, unless you want  
11                  to. We only need to see Mr. Padou or Mr.  
12                  Bennett, as your designated representatives.

13                  And, just so that you know what  
14                  happens at a Status Hearing, the designated  
15                  representative will only report to the ABC  
16                  Board, the outcome of the mediation. That's  
17                  all that will happen at the Status Hearing.  
18                  So there won't be any decisions made. It will  
19                  take about three or four minutes, once the  
20                  case is called, unless there are any  
21                  preliminary issues that the Board needs to  
22                  deal with. But it will take just a few

1 minutes to say what happened during mediation.  
2 So you can come for that if you want. But  
3 that's all that happens. I just wanted you to  
4 know.

5 The Protest Hearing is set for  
6 October 10, 2012 -- October 10, 2012, at 1:30  
7 p.m. The Protest Hearing is set for October  
8 10, at 1:30 p.m.

9 And we need to set a date for the  
10 mediation to occur prior to the August 15,  
11 2012 Status Hearing. I will give you some  
12 dates that are available for mediation. We're  
13 into July. I may have a couple of dates in  
14 June. Let's see. Actually, June 28 and June  
15 29 are available. That's a Thursday or a  
16 Friday, if you want to have the mediation in  
17 June. And that could be at 9:00, 10:00,  
18 11:00, or 1:00 on June 28 or 29.

19 MR. COLLINS: Ma'am, I -- I have a  
20 public space hearing on the 28th at 9:30 in  
21 the morning. And then, on the 29th, I'm out  
22 of town.

1 MR. PADOU: June 29th, I have two  
2 court appearances.

3 MR. MPRAS: Ms. Fletcher do we  
4 have everything -- or do we have anything  
5 available later in the day on the 28th?

6 AGENT FLETCHER: Yes. We could do  
7 1:00 p.m. on the 20th.

8 MR. COLLINS: That may be too  
9 soon. Because I don't know where we are on  
10 the agenda for public space. And they take  
11 certain things at certain times. And we're  
12 not -- the first is consent calendar and valet  
13 parking. And we're not that. So we may be  
14 toward the end of that agenda.

15 AGENT FLETCHER: Well we -- let's  
16 see, the earliest date in July --

17 MR. COLLINS: The following week?

18 AGENT FLETCHER: The following  
19 week, we could do Tuesday at 9:00 or 10:00.

20 MR. COLLINS: Tuesday?

21 AGENT FLETCHER: The July 3rd.

22 MR. COLLINS: That would not work

1 for me.

2 AGENT FLETCHER: Is that too  
3 early? Okay. Then we can do Tuesday, July  
4 10, at 1:00 p.m. I can keep going.

5 MR. COLLINS: That day works for  
6 me.

7 AGENT FLETCHER: That works?

8 MR. COLLINS: I'm clear.

9 AGENT FLETCHER: Does it work for  
10 you, Mr. Mpras?

11 MR. MPRAS: Ms. Fletcher, I'm  
12 going to have to press you towards the end of  
13 July because I will be out of town at that  
14 time.

15 AGENT FLETCHER: Okay. For the  
16 end of July --

17 MR. MPRAS: Or even the first week  
18 of August.

19 AGENT FLETCHER: Okay. Let's see  
20 now.

21 MR. MPRAS: Maybe Thursday, August  
22 2nd, if anybody's calendar is free.

1                   AGENT FLETCHER: Is that Thursday  
2                   -- Thursday, August 2nd is available.

3                   MR. MPRAS: Is that good for  
4                   anybody?

5                   MR. COLLINS: I am free August  
6                   2nd.

7                   MR. MPRAS: Okay.

8                   AGENT FLETCHER: Is that good?

9                   MR. BENNETT: I'm going to be out  
10                  of town. My son's competition will be in  
11                  Texas.

12                  AGENT FLETCHER: So Mr. Vaughn,  
13                  let me ask you something. Mr. Vaughn --

14                  MR. BENNETT: I'm sorry. My name  
15                  is Vaughn Bennett. And I would not be able to  
16                  attend that. My son, he has a national  
17                  competition at the AAU in Texas.

18                  AGENT FLETCHER: Mr. Bennett, let  
19                  me ask you something. There were two  
20                  individuals designated to represent the ANC?

21                  MR. BENNETT: Right.

22                  AGENT FLETCHER: Do you know if

1 Jaqueline Manning would be available? Or  
2 would you --

3 MR. BENNETT: Well, she might.  
4 She may. But she has actually written to Ms.  
5 Fashbaugh and received correspondence back and  
6 notified her that she was letting me be the  
7 representative.

8 AGENT FLETCHER: Yes. We just  
9 have you both. I mean, I just wanted to make  
10 sure. Because sometimes --

11 MR. BENNETT: Let me -- I'll --  
12 I'll ask her.

13 AGENT FLETCHER: Okay. For us, it  
14 doesn't matter. It could be you or Ms.  
15 Manning. I just wanted to mention that since  
16 you won't be available. I thought maybe she  
17 might. But whatever you would prefer. It's  
18 up to the ANC. When do you return?

19 MR. BENNETT: Oh, the next week  
20 would be perfect for me. I don't know if  
21 that's going to work for everybody else.

22 MR. MPRAS: Yes. That's fine.

1                   AGENT FLETCHER: Well, the  
2 following week -- for the following week, the  
3 9th and the 10th are available. That's  
4 Thursday and Friday.

5                   MR. BENNETT: The 9th is fine.

6                   AGENT FLETCHER: the 9th is good  
7 for you, Mr. Collins and Mr. Padou?

8                   MR. COLLINS: Yes.

9                   MR. PADOU: Yes.

10                  AGENT FLETCHER: Do you prefer  
11 9:00, 10:00, 11:00 or 1:00?

12                  MR. BENNETT: 11:00 for me.

13                  AGENT FLETCHER: 11:00? 11:00 is  
14 good.

15                  MR. MPRAS: It's good. I love in  
16 Virginia, so it's fine.

17                  MR. BENNETT: Okay. I understand.

18                  AGENT FLETCHER: Did you say 1:00  
19 Mr. Mpras?

20                  MR. MPRAS: 11:00?

21                  MR. PADOU: No. No. No. The  
22 9th. I'm sorry. The 9th at 11:00.

1 AGENT FLETCHER: The 9th at 11:00?

2 MR. PADOU: Yes.

3 AGENT FLETCHER: I just have a  
4 statement I'd like to make for the purpose of  
5 the mediation. For the purpose of the  
6 mediation, we would prefer for the designated  
7 representatives to come. But if you filed a  
8 protest and the individuals that are  
9 representing you want you to be present, then  
10 you may. It's okay for you to come. I just  
11 wanted to let you know that it's not necessary  
12 for you to come. But you can come. Once  
13 you've designated a representative, we will  
14 accept that that person is present on your  
15 behalf. But please feel free to come if you  
16 like.

17 You state your name for the record  
18 and -- you state your name first, sir. Are  
19 you going to say something?

20 MR. CHANDLER: Okay. Yes.

21 AGENT FLETCHER: Just state your  
22 name.

1 MR. CHANDLER: Randall Chandler.

2 AGENT FLETCHER: Yes.

3 MR. CHANDLER: Arboretum

4 Neighborhood Association.

5 AGENT FLETCHER: Yes.

6 MR. CHANDLER: And I --

7 AGENT FLETCHER: Oh, Mr. Chandler,

8 you left the table. I forgot you were here.

9 Go ahead.

10 MR. CHANDLER: That's all right.

11 I still remember you, Ms. Fletcher. You

12 addressed to -- I'm not sure --

13 AGENT FLETCHER: Mr. Collins?

14 MR. CHANDLER: Mr. Collins, that

15 he had to submit a separate letter in

16 reference to the school?

17 AGENT FLETCHER: Yes. Well, I --

18 MR. CHANDLER: Was that only to

19 him?

20 AGENT FLETCHER: No. That's

21 related to anybody that mentioned the school.

22 Your letter --

1 MR. CHANDLER: Mentioned the  
2 school.

3 AGENT FLETCHER: Mentioned the  
4 school.

5 MR. CHANDLER: Okay.

6 AGENT FLETCHER: The only point I  
7 was making is that the issue with regard to  
8 the distance of a school is separate from Roll  
9 Call. I'm just saying to send a letter a  
10 letter to the ABC Board to raise that issue.

11 MR. CHANDLER: But that's included  
12 in my letter.

13 AGENT FLETCHER: Yes. But this --  
14 the letter you submitted was to file a protest

15 MR. CHANDLER: Okay.

16 AGENT FLETCHER: And, in your  
17 protest letter, you included the distance  
18 between the school and the establishment. All  
19 I'm saying is you may still raise that issue,  
20 but just send a separate letter to the ABC  
21 Board, raising that issue. And that letter  
22 will go on the Board's agenda for review.

1 MR. CHANDLER: Okay. Now, for  
2 clarification, the letter that I've sent  
3 previously gives me standing for the Hearing  
4 going forward?

5 AGENT FLETCHER: Yes. And Mr.  
6 Chandler, are you available for mediation  
7 on --

8 MR. CHANDLER: Yes. The date was  
9 fine. If it was August 9th at 11:00 a.m.

10 AGENT FLETCHER: At 11:00 a.m.?

11 MR. CHANDLER: Yes. Okay. So  
12 what I want to clarify is my letter and  
13 everything else I included in my letter is  
14 good going forward. I don't need to write a  
15 separate letter to be part of the protest?

16 AGENT FLETCHER: That's right.

17 MR. CHANDLER: But only if I'm  
18 including the school in -- since I've included  
19 the school in my letter, or want to make that  
20 an issue?

21 AGENT FLETCHER: Yes. You want --

22 MR. CHANDLER: I need to write a

1 separate letter in reference to that.

2 AGENT FLETCHER: Well, you can --  
3 yes, just -- yes. That -- only the Board can  
4 rule with regard to the distance of a school.

5 MR. CHANDLER: Okay.

6 AGENT FLETCHER: So, for the  
7 purpose of Roll Call, that's not a ruling that  
8 I'm going to make today.

9 MR. CHANDLER: Okay.

10 AGENT FLETCHER: If you have an  
11 issue with regard to whether or not the school  
12 is located within 400 feet of the  
13 establishment -- Club Illusion, raise that as  
14 a separate issue with a letter to the ABC  
15 Board saying just that.

16 MR. CHANDLER: Before when?

17 AGENT FLETCHER: Pardon?

18 MR. CHANDLER: Before when?

19 AGENT FLETCHER: Whenever you  
20 want. That's up to you. There is no deadline  
21 for that.

22 MR. CHANDLER: Okay.

1                   AGENT FLETCHER:  There was a  
2                   deadline by which to file a protest.  But you  
3                   can raise that issue with the ABC Board at any  
4                   time.  I assume you would do it at this stage.

5                   MR. CHANDLER:  To keep that as an  
6                   issue?

7                   AGENT FLETCHER:  Yes.  If you want  
8                   the ABC Board to rule on that.

9                   MR. CHANDLER:  Okay.  That's all.  
10                  I just wanted clarification.

11                  AGENT FLETCHER:  Yes.  If you want  
12                  the Board to make a ruling on that issue, just  
13                  send a letter to the ABC Board and ask them to  
14                  make a ruling on just that issue.

15                  MR. CHANDLER:  Okay.  Ma'am, what  
16                  happens after I send the letter?  Is there a  
17                  separate hearing in regards to that?

18                  AGENT FLETCHER:  Yes.  There is no  
19                  hearing.  What happens when you send in the  
20                  letter, the Board -- the full Board is here on  
21                  Wednesdays.  When you send the letter in to  
22                  the ABC Board, they make a ruling in an

1 executive meeting. It's not on a dias. It's  
2 a meeting. It's not a public hearing. So  
3 that letter would go on the Board's agenda for  
4 review.

5 MR. CHANDLER: Okay.

6 AGENT FLETCHER: And they will  
7 read the letter and they will vote on it. And  
8 then someone from the Office of Adjudication  
9 or the Office of the General Counsel will  
10 contact you and let you know what the Board's  
11 decision was. Now, at that time, the Board  
12 could decide they want to schedule a hearing,  
13 just to hear -- it depends on what you claim.  
14 They could decide they wanted to schedule a  
15 hearing if they thought they needed additional  
16 information regarding that issue. They could  
17 schedule a fact-finding hearing and invite  
18 everybody to come back for a fact finding  
19 hearing if they wanted additional information.

20 MR. CHANDLER: All right. Okay.

21 MR. PADOU: Ms. Fletcher, have you  
22 determined if the school is or is not within

1 400 feet of the proposed establishment?

2 AGENT FLETCHER: Well, actually  
3 Mr. Padou, someone did request -- I mean, you  
4 may know this. I am the person that generates  
5 maps in the DC geographic information system  
6 on behalf of the Board.

7 MR. PADOU: Right.

8 AGENT FLETCHER: And someone did  
9 request a measurement with regard to the  
10 distance of the school.

11 MR. PADOU: And what was that  
12 measurement?

13 AGENT FLETCHER: I don't have that  
14 with me, actually. I --

15 MR. CHANDLER: I requested it.

16 AGENT FLETCHER: So did you get a  
17 response from me?

18 MR. CHANDLER: Yes. And it is --  
19 and I have the map with me.

20 AGENT FLETCHER: Yes?

21 MR. CHANDLER: It is within 400  
22 feet.

1                   AGENT FLETCHER: Okay. So you can  
2 raise that issue with the Board. You could  
3 let the Board know that La Verne Fletcher  
4 provided -- that is the map that I would  
5 provide the ABC Board if they were to request  
6 one.

7                   MR. PADOU: Just to put it on the  
8 record, Ms. Fletcher, isn't it true that it's  
9 ABRA's standard operating procedure that they  
10 are to measure the distance to any close  
11 schools before a placard is even hung?

12                   AGENT FLETCHER: I don't know. I  
13 received the request. I don't know at what  
14 point the licensing division makes the  
15 request. But I receive all requests for  
16 measurements on behalf of the Board. I just  
17 don't know time frames for other divisions or  
18 the public. I just generate the maps upon  
19 request.

20                   MR. PADOU: Okay. Well, for the  
21 record, it is ABRA's SOP to do that, and to  
22 not let an application go forward if it is

1 within 400 feet of a school.

2 AGENT FLETCHER: Thank you. And  
3 that's a licensing issue, Mr. Chandler. If  
4 you don't know that Mr. Padou is referring to  
5 the licensing application process. Once an  
6 application is filed, he's saying that the  
7 Board would, according to our SOP, make a  
8 ruling at that time, with regard to whether or  
9 not the application should go forward in the  
10 first place. But I work in the office of --

11 MR. PADOU: So you didn't get a  
12 request from the licensing division, only from  
13 Mr. Chandler?

14 AGENT FLETCHER: I'm sorry?

15 MR. PADOU: You didn't get a  
16 request from the licensing division to measure  
17 for school, only from Mr. Chandler?

18 AGENT FLETCHER: I don't recall,  
19 quite frankly. I don't recall at this moment.  
20 I get a lot of map requests.

21 MR. PADOU: Okay.

22 AGENT FLETCHER: I don't recall.

1 I just remember that somebody had requested a  
2 map. And now I know it was you. That's Mr.  
3 Chandler.

4 MR. PADOU: Okay.

5 AGENT FLETCHER: And you may know,  
6 from my card, that I also serve as the Board's  
7 mediator. And so I will see you --

8 MR. PADOU: Yes. You're basically  
9 chief cook and bottle washer, as far as I can  
10 tell.

11 AGENT FLETCHER: Exactly.

12 MR. CHANDLER: Excuse me. I also  
13 included the Salvation Army in my letter.

14 AGENT FLETCHER: You did.

15 MR. CHANDLER: Just as a point,  
16 would that require a separate letter? Or just  
17 they should address that themselves?

18 AGENT FLETCHER: Are you asking if  
19 you could file a protest on behalf of the  
20 Salvation Army or if they would be included as  
21 Protestants because you mentioned them in your  
22 letter?

1 MR. CHANDLER: Whichever would  
2 bring them in.

3 AGENT FLETCHER: Because they were  
4 mentioned in your protest letter?

5 MR. CHANDLER: Yes Because it is  
6 a concern that that's there and the -- those  
7 two things are, you know, don't match up.

8 AGENT FLETCHER: Well, the  
9 Salvation Army has a protest of its own.  
10 They're going to seek reinstatement for their  
11 own purposes. So they're covered. But no.  
12 You -- the Salvation Army would not be granted  
13 standing because you included them in your  
14 protest letter. They would have to file a  
15 protest of their own, which they did.

16 MR. CHANDLER: May I ask one other  
17 question?

18 AGENT FLETCHER: Yes.

19 MR. CHANDLER: Could they become a  
20 part of our association?

21 AGENT FLETCHER: What could happen  
22 if this matter is not resolved in mediation

1 and the case goes forward for a Protest  
2 Hearing, the Salvation Army could be a  
3 witness.

4 MR. CHANDLER: Okay.

5 AGENT FLETCHER: Someone from the  
6 Salvation Army could be a witness during the  
7 Protest Hearing.

8 MR. CHANDLER: Okay.

9 AGENT FLETCHER: Anything else?

10 MR. PADOU: Did the owner ever  
11 show up?

12 AGENT FLETCHER: The owner did not  
13 show up.

14 MR. PADOU: I move to dismiss the  
15 application.

16 MR. MPRAS: I received a message  
17 from the owner that he apologizes for not  
18 showing up, but he had taken ill. And --

19 AGENT FLETCHER: Yes. We will  
20 allow Mr. Mpras or any other designated  
21 representative to show up for Roll Call on  
22 behalf of the person they're representing,

1 even if the person is not present. However,  
2 at the upcoming Status Hearing, the owner  
3 would need to be present. But, for the  
4 purpose of Roll Call, we will accept the  
5 presence of the designated representative  
6 only.

7 MR. PADOU: Ms. Fletcher, I just  
8 -- just for the record, it's 11:15 a.m. This  
9 hearing started at 10:00.

10 AGENT FLETCHER: Yes.

11 MR. PADOU: So we're an hour and  
12 15 minutes in.

13 AGENT FLETCHER: Yes.

14 MR. PADOU: The owner has not  
15 shown up. And even given what you just said,  
16 you and I both know that it's been the Board's  
17 practice to dismiss any group of Protestants  
18 who don't show up in person. It's just basic  
19 equal protection and due process to apply the  
20 same rules to an applicant. If the applicant  
21 doesn't show up in person, they should be  
22 dismissed.

1 MR. MPRAS: Well, ma'am, all the  
2 protestants aren't here --

3 AGENT FLETCHER: We don't dismiss  
4 protestants who are represented by a  
5 designated representative, who don't show up.

6 MR. PADOU: Well, Ms. Fletcher,  
7 you do. You've dismissed me several times on  
8 that very basis.

9 AGENT FLETCHER: Yes. Because you  
10 -- yes. No. If a designated representative  
11 is present, we will not dismiss the protest.  
12 If none of the -- Mr. Padou, if you were the  
13 only person here today, not any of the other  
14 members from your group, your group would have  
15 been granted standing and four more  
16 individuals from your group would have been  
17 required to show up for the Status Hearing.  
18 But I would not have dismissed your protest if  
19 only you were present today, and those  
20 individuals had designated you as their  
21 representative. Just so that you know.

22 MR. PADOU: Okay. Well, Ms.

1 Fletcher, that has not been the practice of  
2 the Board in the past.

3 AGENT FLETCHER: I'm not aware of  
4 that practice. I'm not aware of any other  
5 practice.

6 MR. PADOU: I think we went all  
7 the way up to the Court of Appeals on this  
8 issue.

9 AGENT FLETCHER: I wasn't a part  
10 of that. I don't know.

11 MR. PADOU: I know you weren't. I  
12 know you weren't. But I'm just making my  
13 record

14 AGENT FLETCHER: Thank you.

15 MR. PADOU: Because this is  
16 obviously going to be something that needs to  
17 be adjudicated.

18 AGENT FLETCHER: Okay. All right.  
19 Thank you, very much.

20 MR. PADOU: Are you suggesting  
21 then, or saying that the owner of the club has  
22 got a letter designating -- is it Mr. Mpras,

1 I'm sorry --

2 MR. MPRAS: Yes.

3 MR. PADOU: Mr. Mpras, as it's  
4 designated representative?

5 AGENT FLETCHER: We -- I will  
6 accept Mr. Mpras's representation that he's  
7 representing Club Illusion today. At this  
8 very moment, I do not have a letter from Mr.  
9 Mpras, from Club Illusion --

10 MR. MPRAS: Oh, I can hand that to  
11 you right now.

12 AGENT FLETCHER: I was going to  
13 say I don't have one in my possession at this  
14 time, but we would have allowed Mr. Mpras to  
15 provide that letter. Thank you.

16 MR. PADOU: Do you have a copy, by  
17 any chance?

18 AGENT FLETCHER: I will get a copy  
19 for you.

20 MR. PADOU: Okay.

21 AGENT FLETCHER: Do you have an  
22 extra copy, Mr. Mpras?

1 MR. MPRAS: I'm sorry?

2 AGENT FLETCHER: Do you have an  
3 extra copy?

4 MR. MPRAS: I don't.

5 AGENT FLETCHER: I will get one  
6 for you, Mr. Padou.

7 MR. PADOU: Okay.

8 AGENT FLETCHER: Before you leave.

9 MR. MPRAS: I would give it to you  
10 if I did.

11 MR. PADOU: All right.

12 MR. CHANDLER: And I would like  
13 one also, please.

14 AGENT FLETCHER: Okay.

15 MR. MPRAS: If you want to give me  
16 your e-mail addresses, I will e-mail it to  
17 you.

18 MR. PADOU: Yes. I'll give you my  
19 card.

20 MR. MPRAS: Okay. No problem.

21 MR. CHANDLER: I do have a work  
22 phone on that. I'm sorry, Mr. Padou, I'm in

1 your way.

2 MR. PADOU: No. You're fine.

3 MR. MPRAS: Thank you very much.

4 MR. CHANDLER: Well, I do have one  
5 more question. Are those dates coming out --  
6 are you going to send those dates to all of  
7 the Protestants?

8 AGENT FLETCHER: Yes. You will  
9 get notice from Sara Fashbaugh, the same  
10 person that you received your initial notice  
11 form. You will receive a notice -- a written  
12 notice of the dates. We just provide you with  
13 the dates, at this point, as well.

14 MR. CHANDLER: Okay. Thank you.

15 AGENT FLETCHER: And for the  
16 Salvation Army, this is one last thing. You  
17 will receive an order dismissing the protest.  
18 And once you receive that order, you'll have  
19 ten days to seek reinstatement. The order  
20 tells you that. Though it's a very short  
21 order, just telling you that the protest was  
22 dismissed and the reason. And, from that

1 point, you have ten days to seek reinstatement  
2 of the protest.

3 MR. BANNON: Thank you.

4 AGENT FLETCHER: Okay. Any other  
5 questions? Okay. Well thank you for coming.

6 MR. PADOU: Thank you, Ms.  
7 Fletcher.

8 MR. MPRAS: Thank you.

9 AGENT FLETCHER: See you soon.

10 (Whereupon, the Roll Call Hearing  
11 was concluded at 11:20 a.m.)

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<b>basis</b> 55:4 78:8	77:16	73:13,17 74:3,12	50:18,19,19,20	80:22 81:3
<b>beginning</b> 3:4	<b>bottle</b> 74:9	74:15 75:1,5,16	51:2,16,19 52:3	<b>corporate</b> 13:1
<b>behalf</b> 3:7 4:18	<b>bring</b> 47:13 75:2	75:19 76:4,8	53:18 56:5,9,22	18:20 27:8,10
5:10,17 11:9 14:4	<b>B-A-N-K-S</b> 9:8,19	81:12,21 82:4,14	57:3 58:19 59:8	31:9
14:5 19:18 21:17	<b>B-A-N-N-O-N</b>	<b>changes</b> 30:8	59:17,20,22 60:5	<b>corporation</b> 30:5
21:18 25:1 32:8	10:17 22:13	<b>Charter</b> 52:22	60:8 61:5 63:7,8	46:11
33:7,8,16,20	<b>B-A-R-B-E-E</b> 8:3,7	<b>check</b> 56:3	65:13,14	<b>correct</b> 13:20 16:9
34:18 39:12 44:6	<b>B-E-N-N-E-T-T</b>	<b>checked</b> 55:2	<b>COLUMBIA</b> 1:1	16:13 27:22 35:7
47:17 51:2,17	4:13	<b>chief</b> 74:9	<b>come</b> 2:4,8,10 6:3,6	35:8
64:15 71:6 72:16	<b>C</b>	<b>chosen</b> 24:3	7:18 58:2 64:7,10	<b>correction</b> 18:8
74:19 76:22	<b>C</b> 8:22	<b>Chris</b> 50:19	64:12,12,15 70:18	<b>correspondence</b>
<b>believe</b> 36:12 38:3	<b>Cab</b> 40:3	<b>Christopher</b> 33:11	<b>comes</b> 4:1	62:5
40:17 45:21 46:1	<b>calendar</b> 59:12	<b>claim</b> 37:12 38:11	<b>coming</b> 21:15 45:5	<b>Counsel</b> 70:9
52:5 53:12	60:22	70:13	82:5 83:5	<b>count</b> 17:4
<b>believed</b> 53:2	<b>call</b> 1:5 3:1,21	<b>claiming</b> 33:21	<b>Commander</b> 22:9	<b>couple</b> 52:20 58:13
<b>Bennett</b> 4:6,7,9,12	23:18 31:18 32:17	38:6,6	<b>comment</b> 14:14,16	<b>court</b> 3:10 6:5 20:8
4:16,19,22 5:4,7	51:15 52:5 53:8,9	<b>clarification</b> 67:2	<b>comments</b> 41:8,13	59:2 79:7
12:7,10 14:18	66:9 68:7 76:21	69:10	42:9	<b>covered</b> 75:11
17:7,9,13,16 18:2	77:4 83:10	<b>clarify</b> 11:16 67:12	<b>common</b> 19:3 35:5	<b>Cynthia</b> 9:3
18:11 19:14 30:14	<b>called</b> 57:20	<b>Class</b> 2:16	36:2 38:18,18	<b>C-H-A-N-D-L-E-R</b>
52:10 56:1,2	<b>capacity</b> 15:22 27:3	<b>clear</b> 34:16 46:19	41:6 42:1,14	20:11
57:12 61:9,14,15	46:10,12	60:8	<b>community</b> 21:10	<b>C-H-R-I-S-T-O-...</b>
61:18,21 62:3,11	<b>card</b> 35:20 74:6	<b>clearly</b> 27:3	<b>competition</b> 61:10	33:12
62:19 63:5,12,17	81:19	<b>clients</b> 35:6	61:17	<b>C-O-L-E</b> 7:21
<b>Beverage</b> 1:3,18,19	<b>case</b> 1:13 2:13	<b>close</b> 15:17 26:16	<b>complete</b> 51:14	<b>C-O-L-L-I-N-S</b>
23:11,17	36:18 45:18 57:20	48:21 55:1 72:10	<b>comprise</b> 34:8 37:3	33:12
<b>beyond</b> 29:3 43:10	76:1	<b>club</b> 1:10 2:4,5,14	<b>concern</b> 75:6	<b>C-Y-N-T-H-I-A</b>
<b>Bladensburg</b> 39:21	<b>center</b> 13:3 35:7,10	34:21 54:17 68:13	<b>concerned</b> 42:12	9:3
39:22,22 40:1,2	54:10 55:2	79:21 80:7,9	<b>concerns</b> 54:22	
53:1	<b>certain</b> 59:11,11	<b>CN</b> 1:12 2:16	<b>concluded</b> 83:11	<b>D</b>
<b>block</b> 48:7	<b>certainly</b> 42:6	<b>Code</b> 3:3 41:16	<b>conducting</b> 3:1	<b>Dale</b> 10:16 22:12
<b>Board</b> 1:3,19 23:18	<b>Chair</b> 4:8	<b>Cole</b> 7:20	24:22	23:12 30:22 31:5
24:13,20 25:1	<b>challenge</b> 25:3	<b>Collins</b> 33:10,11,14	<b>consent</b> 59:12	<b>date</b> 29:2 56:14,18
29:16,19 31:4,14	<b>chance</b> 6:9 49:2	33:16,18,19 34:1	<b>consider</b> 24:4,6	56:19 58:9 59:16
32:11 35:21,22	80:17	34:4,7,15 35:1,8	36:17	67:8
38:19 42:14 45:15	<b>Chandler</b> 19:20	35:14 36:3,8,12	<b>consideration</b>	<b>dated</b> 22:21 23:3
49:21 52:15 53:7	20:2,6,6,7,10,12	37:1,9,15,19 38:2	29:20	23:15 28:14 29:1
53:11,14,20 56:16	20:15,19,22 21:2	38:8,12 39:2,7,10	<b>considered</b> 18:12	29:1,6,10
56:20 57:16,21	21:11,13 64:20	39:13,19 40:6,11	39:6 46:1	<b>dates</b> 58:12,13 82:5
66:10,21 68:3,15	65:1,1,3,6,7,10,14	40:16,22 41:4,9	<b>contact</b> 70:10	82:6,12,13
69:3,8,12,13,20	65:18 66:1,5,11	41:10,15,18,21	<b>contend</b> 55:11	<b>day</b> 59:5 60:5
69:20,22 70:11	66:15 67:1,6,8,11	42:4,22 43:7,13	<b>continue</b> 45:17	<b>days</b> 82:19 83:1
71:6 72:2,3,5,16	67:17,22 68:5,9	44:3 45:17,20	<b>Control</b> 1:3,18,19	<b>DC</b> 41:16 71:5
73:7 79:2	68:16,18,22 69:5	46:3,6,9,14,22	23:18	<b>deadline</b> 23:6 29:3
<b>Board's</b> 3:2 24:22	69:9,15 70:5,20	47:5,15 48:2,6,10	<b>conversation</b> 45:7	30:7,10 68:20
28:12 36:6 66:22	71:15,18,21 73:3	48:14,17,20 49:2	<b>cook</b> 74:9	69:2
70:3,10 74:6		49:7,12,13 50:3,9	<b>copy</b> 51:1 80:16,18	<b>deal</b> 16:15,21 18:13

19:7,11 45:12 57:22 <b>decide</b> 70:12,14 <b>decision</b> 24:18 25:2 31:18 32:18 43:14 53:21 70:11 <b>decisions</b> 57:18 <b>definition</b> 35:22 36:6,9,11 42:14 45:15 <b>delay</b> 18:16 <b>depends</b> 70:13 <b>designate</b> 17:12,22 18:9 <b>designated</b> 5:2 17:20 43:22 50:18 51:17 57:12,14 61:20 64:6,13 76:20 77:5 78:5 78:10,20 80:4 <b>designating</b> 43:21 79:22 <b>determination</b> 34:22 <b>determine</b> 15:14 16:3 42:5 <b>determined</b> 70:22 <b>developing</b> 35:6,10 <b>dias</b> 70:1 <b>different</b> 30:4 34:9 40:18 41:1 <b>difficult</b> 28:10 <b>directly</b> 34:2,20 <b>Director</b> 12:21 13:18 16:1 22:13 22:17 23:13 31:5 <b>discussion</b> 18:16 <b>disenfranchise</b> 43:15 <b>dismiss</b> 25:3 36:19 44:22 76:14 77:17 78:3,11 <b>dismissed</b> 17:14 52:13 77:22 78:7 78:18 82:22 <b>dismissing</b> 82:17 <b>disputing</b> 28:10	<b>distance</b> 48:21 66:8 66:17 68:4 71:10 72:10 <b>distinction</b> 15:3 46:19,20 <b>District</b> 1:1 42:1 <b>division</b> 35:18 72:14 73:12,16 <b>divisions</b> 72:17 <b>document</b> 47:15 51:15 <b>Don</b> 5:15 52:9 <b>door</b> 46:18 <b>Dorothy</b> 7:12 <b>due</b> 77:19 <b>D-A-L-E</b> 10:17 22:12 <b>D-O-R-O-T-H-Y</b> 7:13 <b>D.C</b> 1:21 3:2 19:3 21:9 <hr/> <b>E</b> <hr/> <b>earlier</b> 25:15 <b>earliest</b> 59:16 <b>early</b> 60:3 <b>either</b> 17:12 37:12 37:14,22 <b>Emanuel</b> 3:6 <b>entire</b> 18:7,8 <b>entirety</b> 51:9 <b>entities</b> 34:8 42:15 42:16 <b>entity</b> 18:20 27:8 42:18 <b>equal</b> 77:19 <b>establish</b> 57:8 <b>establishment</b> 53:5 54:2 66:18 68:13 71:1 <b>everybody</b> 45:4 56:12 62:21 70:18 <b>everybody's</b> 56:11 <b>exactly</b> 31:11 37:11 43:6,12 74:11 <b>Excuse</b> 74:12 <b>executive</b> 12:20	13:18 15:22 22:13 23:13 31:5 70:1 <b>Exhibit</b> 37:6,7 38:21 39:8,14,20 48:2,3 49:18 <b>exist</b> 35:11 <b>extra</b> 80:22 81:3 <b>E-E</b> 8:8 <b>e-mail</b> 35:19 56:4,9 56:11 81:16,16 <b>e-mailed</b> 56:10 <b>E-M-A-N-U-E-L</b> 3:12 <hr/> <b>F</b> <hr/> <b>facility</b> 13:5,6 <b>fact</b> 46:4 53:2,11 54:1 70:18 <b>fact-finding</b> 70:17 <b>fail</b> 42:12 <b>far</b> 41:14 42:11 74:9 <b>Fashbaugh</b> 51:12 51:13,14 62:5 82:9 <b>feel</b> 29:22 64:15 <b>feet</b> 53:3,13 54:2 68:12 71:1,22 73:1 <b>fewer</b> 41:21 42:6 <b>file</b> 14:10,13 15:19 17:16 23:6 24:19 26:5,8 30:8 32:7 39:1 52:1 54:19 66:14 69:2 74:19 75:14 <b>filed</b> 14:21 15:9 16:16 21:5 23:5,8 23:9,15,16,17,22 24:7 25:12,19 26:10,12,13 27:17 27:20 28:15 29:5 29:11 30:10 31:6 33:20 34:18 35:4 36:20 39:3,5,12 45:12 47:10,20,21 51:2 52:13,17	54:14 55:5 64:7 73:6 <b>files</b> 30:9 <b>filing</b> 15:7,8 <b>find</b> 45:10 51:4 <b>finding</b> 49:22 70:18 <b>fine</b> 15:1,13 24:14 54:15 62:22 63:5 63:16 67:9 82:2 <b>first</b> 3:11 6:15 7:21 8:15,17 9:9 22:2 34:12,16,22 56:19 59:12 60:17 64:18 73:10 <b>five</b> 17:2 37:17 38:17 41:5,22 42:7,19 49:14,18 50:1,6 51:18,19 51:22 52:1 <b>Fletcher</b> 1:22 2:3 2:22 3:8,13,20 4:1 4:9,14,17,20 5:1,5 5:9,13,14,16,22 6:12,15,20,22 7:4 7:7,10,14,17 8:1,4 8:8,13,16,19,21 9:2,5,9,13,16,20 10:2,4,8,14,19 11:3,12,17,22 12:5,8,12,15,20 13:9,15,21 14:7 14:16 15:2,5,11 16:10,14,20 17:17 17:18,21 18:3,7 18:22 19:6,15,21 20:4,7,12,16,21 21:1,4,12,15 22:1 22:7,11,15,19 23:20 24:2,10,14 24:17 25:9 26:1,4 26:8,11 27:5,11 28:2,7,13,16,21 29:15,22 30:6,12 30:21 31:2,7,10 31:13,17,20 32:3 32:10,16,22 33:6 33:13,19 34:3,6	34:11 35:9,17 36:5,10,16 37:5 37:11,18,21 38:5 38:9,20 39:3,8,11 39:17 40:5,8,13 40:20 41:3,7,12 41:17,20 42:3,8 42:17,21,22 43:4 43:8,17 44:3,10 44:14,15,18,21 45:2,11 46:5,8,13 46:21 47:4,7,9,14 48:1,8,12,16,18 49:1,10,13 50:4 50:12,15,22 51:7 51:11,21 52:4 53:19 54:8 55:8,9 55:14,18,22 56:7 57:1,5 59:3,6,15 59:18,21 60:2,7,9 60:11,15,19 61:1 61:8,12,18,22 62:8,13 63:1,6,10 63:13,18 64:1,3 64:21 65:2,5,7,11 65:13,17,20 66:3 66:6,13,16 67:5 67:10,16,21 68:2 68:6,10,17,19 69:1,7,11,18 70:6 70:21 71:2,8,13 71:16,20 72:1,3,8 72:12 73:2,14,18 73:22 74:5,11,14 74:18 75:3,8,18 75:21 76:5,9,12 76:19 77:7,10,13 78:3,6,9 79:1,3,9 79:14,18 80:5,12 80:18,21 81:2,5,8 81:14 82:8,15 83:4,7,9 <b>following</b> 59:17,18 63:2,2 <b>follow-up</b> 24:9 <b>forgot</b> 65:8 <b>form</b> 82:11
--	--	---	---	---

**forward** 2:5 6:3  
7:18 12:1 53:16  
53:22 67:4,14  
72:22 73:9 76:1  
**forwarded** 51:10  
**four** 57:19 78:15  
**frames** 72:17  
**Frances** 8:11  
**frankly** 73:19  
**free** 30:1 60:22  
61:5 64:15  
**Friday** 22:22 24:8  
58:16 63:4  
**front** 28:17  
**full** 69:20  
**FYI** 55:6  
**F-A-S-H-B-A-U-...**  
51:13  
**F-R-A-N-C-E-S**  
8:12

**G**

**General** 40:2 70:9  
**generate** 72:18  
**generates** 71:4  
**geographic** 71:5  
**getting** 29:13  
**give** 21:21 35:19  
36:20 38:21 56:17  
58:11 81:9,15,18  
**given** 77:15  
**gives** 45:16 67:3  
**go** 53:16,22 65:9  
66:22 70:3 72:22  
73:9  
**goes** 76:1  
**going** 2:8 3:21 4:3  
10:6 11:4 14:13  
16:20 17:4 19:10  
24:5 34:11 36:18  
36:19 37:5 49:14  
49:22 56:3 60:4  
60:12 61:9 62:21  
64:19 67:4,14  
68:8 75:10 79:16  
80:12 82:6  
**good** 5:12,14 33:10

61:3,8 63:6,14,15  
67:14  
**Gorham** 8:14,18,20  
8:22 9:1  
**granted** 52:17  
75:12 78:15  
**Great** 50:3  
**Greater** 22:9  
**Greene** 9:3,4  
**ground** 44:6  
**grounds** 19:3 25:8  
25:9 42:1  
**group** 5:10,18 6:2  
10:11,13,20 11:11  
13:16 14:1,9,19  
15:6,6,9 16:2,6,15  
16:21 17:1,3,6,8  
17:11,14,20 18:7  
18:9,10,13,21  
19:5,8,9,16 23:22  
24:4 25:11,16,18  
25:19 26:19,21,22  
27:14 30:13,17  
32:6 41:5,21 42:6  
42:19 44:17 49:22  
52:9 55:13,17  
57:6,8 77:17  
78:14,14,16  
**G-O-R-H-A-M** 9:1  
**G-R-E-E-N-E** 9:4

**H**

**half** 46:17  
**hand** 48:15 80:10  
**happen** 26:17  
57:17 75:21  
**happened** 26:15  
30:15 58:1  
**happens** 57:14 58:3  
69:16,19  
**Harbor** 13:2 54:9  
55:1,11  
**hear** 54:6 70:13  
**hearing** 1:5,20 3:1  
23:19 25:1 53:9  
56:15,15,18,19,20  
57:10,14,17 58:5

58:7,11,20 67:3  
69:17,19 70:2,12  
70:15,17,19 76:2  
76:7 77:2,9 78:17  
83:10  
**help** 45:5  
**Hollywood** 6:10  
**hope** 43:13  
**hour** 77:11  
**huge** 45:5  
**hung** 72:11

**I**

**identify** 4:5  
**ill** 76:18  
**Illusion** 1:10 2:4,6  
2:14 54:18 68:13  
80:7,9  
**impact** 2:18  
**important** 15:3  
**include** 49:18  
55:20  
**included** 66:11,17  
67:13,18 74:13,20  
75:13  
**including** 67:18  
**incorporated** 21:8  
**independent** 38:14  
**individual** 14:4  
15:8,19 16:22  
25:22 26:15 27:4  
34:8 38:20,22  
39:14 42:19 43:3  
43:16 46:10,17  
57:6,9  
**individuals** 10:5  
11:4,6,22 15:6,9  
15:20 17:3,5,7,10  
25:11,11,13,16,17  
25:18,19 26:20,21  
26:22 27:14 30:13  
30:14,17 32:6  
38:22 39:5 40:9  
42:16 61:20 64:8  
78:16,20  
**information** 36:21  
70:16,19 71:5

**initial** 8:22 82:10  
**intended** 43:14  
**intention** 32:7  
**interest** 41:6  
**interesting** 45:10  
**introduce** 4:2  
48:11  
**Introductions** 3:4  
**invite** 70:17  
**issue** 13:13 43:9  
45:13 53:6,6,10  
66:7,10,19,21  
67:20 68:11,14  
69:3,6,12,14  
70:16 72:2 73:3  
79:8  
**issues** 2:17 27:22  
57:21

**J**

**Jaqueline** 62:1  
**joined** 10:22 13:4  
55:13,15  
**joining** 21:14  
**July** 58:13 59:16,21  
60:3,13,16  
**June** 1:15 22:21  
23:2,3,4,19 28:12  
28:14 29:1,1,6,6  
58:14,14,14,17,18  
59:1

**K**

**keep** 60:4 69:5  
**know** 14:11 18:15  
29:9,10,17,19  
49:3 51:3 54:21  
57:13 58:4 59:9  
61:22 62:20 64:11  
70:10 71:4 72:3  
72:12,13,17 73:4  
74:2,5 75:7 77:16  
78:21 79:10,11,12  
**knowledge** 16:9  
**knows** 3:18

**L**

**L** 7:15,16

**La** 1:21 2:22 72:3  
**late** 26:10  
**law** 35:15 36:4 43:1  
43:5,11  
**leave** 30:19 33:2  
45:10 81:8  
**left** 65:8  
**legal** 35:18  
**Lellon** 8:15  
**lessees** 44:6,8  
**letter** 11:5 12:3,3  
12:16,17 13:8,16  
13:18 14:1,3  
15:13,21 20:14,18  
22:20,21 23:1,2,3  
23:11 24:8 25:12  
25:13 27:1,11,12  
27:13,15,19 28:4  
28:16,19,20,22  
29:1,2,7,8,9 32:5  
34:13,14,14 37:7  
37:12 43:18 44:5  
44:8,11 47:21  
49:16 51:1,6,8  
54:5,9 65:15,22  
66:9,10,12,14,17  
66:20,21 67:2,12  
67:13,15,19 68:1  
68:14 69:13,16,20  
69:21 70:3,7  
74:13,16,22 75:4  
75:14 79:22 80:8  
80:15  
**letters** 28:9 44:4  
50:13  
**letting** 29:9 62:6  
**let's** 58:14 59:15  
60:19  
**liability** 46:11  
**Liberty** 40:3  
**license** 1:12 2:15  
34:18  
**licensing** 72:14  
73:3,5,12,16  
**light** 54:1  
**Lights** 13:2 54:9  
55:1,11

**limited** 46:10,11  
**line** 6:7 30:4  
**list** 37:8 38:21  
 49:18  
**listed** 39:9 42:16  
 47:21  
**live** 15:17,21 16:4,8  
 26:18 30:15 38:7  
 39:4  
**lives** 45:1  
**living** 25:17 26:15  
**LLC** 1:10 2:14 3:7  
 39:21,22 40:1,4  
 44:9  
**LLCs** 45:22  
**located** 13:3 19:2  
 48:3,4,19 49:5  
 53:3,12,13 54:2  
 54:10 68:12  
**location** 34:21 53:5  
 53:14 54:17  
**look** 32:12 39:13  
 44:11 45:17  
**looking** 10:20  
 28:17  
**lot** 73:20  
**love** 63:15  
**LP** 40:1,3,3,7  
**L-E-L-L-O-N** 8:15  
 8:18,19  
**L-U** 8:17

---

**M**


---

**M** 10:1,2  
**Major** 22:3,5,5,8  
 28:22 29:8,14,21  
 30:1,2,11,22  
 31:22 32:21  
**making** 14:17  
 48:13 66:7 79:12  
**man** 9:21 10:2  
**manner** 31:6  
**Manning** 62:1,15  
**map** 71:19 72:4  
 73:20 74:2  
**maps** 71:5 72:18  
**match** 75:7

**mathematics** 52:21  
**matter** 1:9 2:4,5  
 23:7,16 30:9 44:1  
 52:7 53:8 56:16  
 62:14 75:22  
**ma'am** 4:6,22 5:4,7  
 5:8 7:11 9:15,17  
 10:16 11:16,21  
 12:7,14 13:14  
 15:4 19:14 21:19  
 23:10 28:20 31:22  
 33:5 44:12 50:11  
 54:7 58:19 69:15  
 78:1  
**McCANNON** 8:11  
**McCARDELL**  
 7:20,20  
**mean** 10:8 16:11,12  
 62:9 71:3  
**means** 23:5  
**measure** 72:10  
 73:16  
**measurement** 71:9  
 71:12  
**measurements**  
 72:16  
**mediation** 56:14,17  
 57:16 58:1,10,12  
 58:16 64:5,6 67:6  
 75:22  
**mediator** 74:7  
**meet** 3:19 19:1 31:6  
 31:8  
**meeting** 70:1,2  
**member** 6:1 16:6  
 18:12,20 19:5  
 26:19,20,22 30:17  
**members** 10:10  
 17:19 19:4 21:9  
 44:17 55:16 78:14  
**mention** 52:19  
 62:15  
**mentioned** 25:15  
 44:7 47:12 50:5,5  
 54:5,9 65:21 66:1  
 66:3 74:21 75:4  
**mentioning** 54:13

**message** 76:16  
**met** 1:19  
**microphone** 6:8,16  
**Middle** 8:22  
**Mildred** 9:7,11  
**minute** 6:19 56:6  
**minutes** 57:19 58:1  
 77:12  
**missed** 41:10  
**mixed** 49:5,8,11  
**mixing** 40:18,21  
**moment** 11:20  
 14:14 73:19 80:8  
**MONDAY** 1:15  
**Montana** 40:3  
**morning** 5:12,14  
 5:19 33:10 58:21  
**Morris** 22:3,5,5,8  
 28:22 29:9,14,21  
 30:2,11,22 31:22  
 32:21  
**move** 76:14  
**Mpras** 3:6,6,9,11  
 3:13,17,21 42:9  
 42:11,18 43:17  
 44:10,12 47:7  
 49:20 50:10,13,16  
 50:20,22 51:5,8  
 59:3 60:10,11,17  
 60:21 61:3,7  
 62:22 63:15,19,20  
 76:16,20 78:1  
 79:22 80:2,3,9,10  
 80:14,22 81:1,4,9  
 81:15,20 82:3  
 83:8  
**Mpras's** 80:6  
**M-C-C-A-N-N-O...**  
 8:12  
**M-C-C-A-R-D-E...**  
 7:22  
**M-I-L-D-R-E-D**  
 9:12  
**M-O-R-R-I-S** 22:6  
**M-P-R-A-S** 3:12

---

**N**


---

**N** 9:21  
**name** 2:11,22 3:9  
 3:11,12 4:6,10 6:4  
 6:5,13,16 7:1,10  
 7:21,21 8:5,5,14  
 8:15,17 9:1,9,17  
 9:19 10:6 20:5,8  
 22:4 33:9,11  
 61:14 64:17,18,22  
**names** 11:6 12:1  
 21:21 39:16,18  
**Nancy** 9:22  
**national** 61:16  
**NE** 1:11 2:15 15:18  
 53:1,4 54:11,13  
 54:16,17  
**necessary** 56:12  
 64:11  
**need** 22:3 25:16  
 56:14 57:9,11  
 58:9 67:14,22  
 77:3  
**needed** 23:9 29:5  
 70:15  
**needs** 57:21 79:16  
**neighborhood** 16:5  
 16:8 19:19 20:3,4  
 21:6 25:18 26:18  
 30:16 38:7 48:4  
 52:11 65:4  
**neighbors** 13:5  
**never** 30:8  
**New** 1:11,12 2:15  
 2:16 13:3,6 15:18  
 26:16 35:12 37:13  
 37:22 40:3,6,14  
 48:9 53:4 54:10  
 54:12,15,16  
**night** 34:21  
**nine** 34:7,9 37:2,9  
 37:16,19 39:16,18  
 46:14,15 47:16,19  
 47:20 51:20,21  
**noted** 37:6  
**notes** 48:13  
**notice** 5:6 12:15  
 36:9 82:9,10,11

82:12  
**notified** 62:6  
**number** 2:13,15  
 17:4 44:16  
**NW** 40:15  
**NY** 44:8  
**N.W** 1:20

---

**O**

---

**obviously** 43:9  
 49:20 79:16  
**occur** 58:10  
**October** 58:6,6,7  
**office** 23:2 28:12  
 70:8,9 73:10  
**officers** 27:10  
**Official** 3:2  
**Oh** 10:8,14 13:14  
 38:8 44:18 48:14  
 51:11 56:7 62:19  
 65:7 80:10  
**okay** 3:20 5:1,22  
 6:21 7:1,19 8:8,21  
 10:14,14,19 11:3  
 11:4 12:5,6,6,6  
 14:15 15:1,2,10  
 16:10,14,19 18:22  
 19:21 20:21 21:12  
 22:2 26:7 27:21  
 29:14,21 30:11  
 31:12 32:2,10,14  
 32:19 33:6 39:7  
 40:13,20 41:7  
 43:7,13 45:11  
 48:8,17 51:11  
 52:3 56:2,7,8,13  
 60:3,15,19 61:7  
 62:13 63:17 64:10  
 64:20 66:5,15  
 67:1,11 68:5,9,22  
 69:9,15 70:5,20  
 72:1,20 73:21  
 74:4 76:4,8 78:22  
 79:18 80:20 81:7  
 81:14,20 82:14  
 83:4,5  
**once** 57:19 64:12

73:5 82:18	17:9,12,15,17,19	82:10	<b>problem</b> 20:20	45:12 47:10 49:16
<b>open</b> 21:9	18:1,5,6,11,15	<b>personally</b> 16:4,7	81:20	51:1 52:2,13,16
<b>operating</b> 72:9	19:1,7,10,16 24:1	<b>petition</b> 11:9 24:2,6	<b>procedure</b> 72:9	52:17 54:5,8,14
<b>Operations</b> 22:17	24:11,12,16 25:6	24:7,20 27:3	<b>process</b> 35:6,10	54:19 55:5 56:15
<b>opportunity</b> 2:10	25:7,10,20 26:2,7	29:16 30:10 31:13	73:5 77:19	56:19 58:5,7 64:8
<b>opposition</b> 49:21	26:9 27:2,6 30:15	49:21 52:15 53:10	<b>properties</b> 35:2	66:14,17 67:15
<b>option</b> 24:19	44:14,16,19,22	55:20	37:13,22 38:22	69:2 74:19 75:4,9
<b>order</b> 2:19 29:4	45:4,9 47:10 52:9	<b>phone</b> 81:22	39:9,15 40:10,14	75:14,15 76:1,7
82:17,18,19,21	55:8,10,15,21	<b>placard</b> 72:11	45:22 46:15,17	78:11,18 82:17,21
<b>organization</b> 11:1	57:11 59:1 63:7,9	<b>place</b> 45:7 73:10	49:3,5 55:2,6	83:2
30:20	63:21 64:2 70:21	<b>plat</b> 48:10	<b>property</b> 2:20 19:3	<b>protestant</b> 13:22
<b>outcome</b> 57:16	71:3,7,11 72:7,20	<b>please</b> 2:4 3:5,10	33:22 34:2,9,19	15:16 16:2 17:2
<b>outside</b> 53:8	73:4,11,15,21	4:11 6:3,6 9:10	35:3,4 36:1,7,11	17:10 19:12,17
<b>over-concentrati...</b>	74:4,8 76:10,14	12:17 20:8 24:19	36:14 37:3,8 38:4	21:8 52:8,10,12
2:19	77:7,11,14 78:6	25:5 29:22 50:17	38:10,15 40:12	52:18
<b>owned</b> 49:3 54:20	78:12,22 79:6,11	64:15 81:13	41:18,22 42:7,15	<b>protestants</b> 2:6,9
55:4	79:15,20 80:3,16	<b>point</b> 35:13,14 37:2	43:2,15 44:7	4:3 17:1 26:3
<b>owner</b> 3:14,15,17	80:20 81:6,7,11	37:16 43:1,10	45:14,16,19 46:2	39:6 49:15 52:7
35:3,4 36:1,1,7,15	81:18,22 82:2	50:10 66:6 72:14	46:4,7 47:1,2,3,6	55:13 57:9 74:21
41:19 43:2 47:2	83:6	74:15 82:13 83:1	47:11,16,19 49:14	77:17 78:2,4 82:7
54:20 55:16 76:10	<b>Padou's</b> 23:22	<b>points</b> 38:18	49:17,19 50:1,4,6	<b>protesting</b> 18:13
76:12,17 77:2,14	<b>page</b> 39:19	<b>portion</b> 43:1	50:7,8,14 51:18	<b>protests</b> 52:20
79:21	<b>paper</b> 27:9	<b>position</b> 25:20 32:4	52:18 54:19,21	<b>provide</b> 51:14 72:5
<b>owners</b> 33:22 34:10	<b>parcel</b> 46:18	<b>possession</b> 27:17	55:16	80:15 82:12
34:19 37:3,8,17	<b>Pardon</b> 68:17	80:13	<b>proposed</b> 34:21	<b>provided</b> 72:4
37:17 38:10,15,17	<b>parking</b> 2:18,21	<b>possible</b> 15:17	53:5 71:1	<b>provision</b> 43:5,11
39:10,16,18 40:11	59:13	<b>practice</b> 35:21 36:6	<b>protection</b> 77:19	<b>proximity</b> 15:17
41:22 42:7,15	<b>part</b> 11:10 24:4	77:17 79:1,4,5	<b>protest</b> 2:17 11:1,5	26:16 48:4 55:1
43:15 45:14,16,19	26:2 30:3 42:19	<b>prefer</b> 62:17 63:10	11:9,11 12:2,3,16	<b>public</b> 34:5 36:8,9
45:22 46:2,4 47:1	67:15 75:20 79:9	64:6	13:4,7,16 14:1,3,8	36:13 48:21 58:20
47:3,6,17,18	<b>participation</b> 41:1	<b>preliminary</b> 57:21	14:11,13,17,20,21	59:10 70:2 72:18
49:15,17,19 50:1	<b>particular</b> 3:15	<b>presence</b> 77:5	15:7,8,13,19,21	<b>purpose</b> 31:17
50:5,6,7,8,14	14:8	<b>present</b> 3:14,16,18	16:16,18 17:16	32:17 44:1 51:15
51:18 52:18	<b>parties</b> 2:3,5 38:4	3:18 4:18,21 5:10	18:21 19:4 20:13	53:9 64:4,5 68:7
<b>ownership</b> 34:9	45:8	5:17 17:3,5,8,11	20:18 21:5 22:20	77:4
37:4	<b>partnership</b> 40:2	19:18 21:16,18	23:5,7,8,14,15,21	<b>purposes</b> 75:11
<b>ownerships</b> 37:10	46:11	24:21 33:7,8,16	24:2,6,7 25:3,10	<b>pursuant</b> 3:2
37:20 46:16	<b>peace</b> 2:19	57:7 64:9,14 77:1	25:12,12,19 26:4	<b>put</b> 18:17 72:7
	<b>pedestrian</b> 2:18,21	77:3 78:11,19	26:5,10,11,13	<b>P-A-D-O-U</b> 5:15
	<b>Pennsylvania</b> 13:1	<b>presently</b> 35:11	27:1,12,13,15,17	<b>P-R-O-C-E-E-D-...</b>
	<b>people</b> 21:20 42:20	40:9	27:20 28:6 29:3,4	2:1
	<b>perfect</b> 62:20	<b>presiding</b> 1:22	29:11 30:3,8,9	<b>p.m</b> 58:7,8 59:7
	<b>perfectly</b> 18:18	<b>press</b> 60:12	31:9 32:5,7,13	60:4
	<b>permitted</b> 31:21	<b>previously</b> 67:3	33:20 34:13,14,17	
	<b>person</b> 4:21 25:14	<b>prior</b> 58:10	35:4 36:19 37:7	<b>Q</b>
	64:14 71:4 76:22	<b>probably</b> 29:12	37:12 39:1,4,5,12	<b>qualifications</b> 31:9
	77:1,18,21 78:13	44:19	42:2,12 44:2	<b>question</b> 11:19

12:13,19 13:10,12  
13:22 20:13 40:17  
40:19 41:11 49:2  
75:17 82:5  
**questions** 83:5  
**quiet** 2:20  
**quite** 5:21 73:19

---

**R**

---

**raise** 43:9 53:6  
66:10,19 68:13  
69:3 72:2  
**raised** 38:18  
**raising** 66:21  
**Randall** 20:6 65:1  
**reach** 21:14 56:12  
**read** 2:11 6:4 10:6  
11:6 12:1 34:12  
39:20 70:7  
**real** 2:20  
**really** 45:5,10  
**reason** 3:15 29:18  
51:5 54:14 82:22  
**recall** 73:18,19,22  
**receive** 22:19 26:13  
27:15 51:1 72:15  
82:11,17,18  
**received** 5:5 21:5  
22:22 23:2,4 24:8  
28:11 29:6,7  
34:15 62:5 72:13  
76:16 82:10  
**recognize** 51:16  
**recognized** 16:5  
**recognizing** 26:21  
**record** 2:11 3:14  
4:10 10:6 11:7  
12:2 18:18 33:15  
34:12,13,16 39:21  
45:6,21 48:13  
52:7,20 54:4  
64:17 72:8,21  
77:8 79:13  
**records** 5:6  
**refer** 49:16  
**reference** 52:21  
53:1 65:16 68:1

**referenced** 23:16  
34:17  
**referencing** 28:5  
**referring** 14:20  
73:4  
**regard** 15:5 23:21  
25:15 35:3 36:21  
53:11,21 66:7  
68:4,11 71:9 73:8  
**regarding** 41:14  
70:16  
**regards** 69:17  
**regulation** 23:12  
35:15 36:4  
**regulations** 43:2  
**reinstate** 32:13  
**reinstatement**  
24:21 25:4 29:17  
29:20 52:16 55:19  
75:10 82:19 83:1  
**related** 14:9,17  
16:12 65:21  
**relative** 30:3  
**remember** 65:11  
74:1  
**report** 57:15  
**reporter** 3:10 6:6  
20:9  
**represent** 13:2  
17:13 30:19 49:19  
50:1 61:20  
**representation**  
50:14 80:6  
**representative** 4:4  
4:7 5:2 43:22  
51:17 57:15 62:7  
64:13 76:21 77:5  
78:5,10,21 80:4  
**representatives**  
18:10 57:12 64:7  
**represented** 6:2  
10:9,21 13:17  
14:2 16:22 17:6,8  
17:15 19:9,16  
30:14 43:20 52:9  
78:4  
**representing** 10:17

14:19 18:11 21:20  
64:9 76:22 80:7  
**request** 29:19 71:3  
71:9 72:5,13,15  
72:19 73:12,16  
**requested** 71:15  
74:1  
**requests** 72:15  
73:20  
**require** 74:16  
**required** 78:17  
**requirements** 19:2  
**requires** 43:2  
**reside** 40:9  
**resident** 47:2  
**residential** 2:20  
49:6,8  
**residents** 41:22  
46:22 47:3 50:6,8  
**resolved** 56:17  
75:22  
**respect** 23:10 45:15  
46:2  
**response** 71:17  
**Retailer** 1:12 2:16  
**return** 62:18  
**review** 66:22 70:4  
**right** 2:7 6:7,17  
10:19 14:20 15:15  
16:3 26:1 33:1,4  
35:20 37:9,15  
39:2 46:18 48:2  
49:20 61:21 65:10  
67:16 70:20 71:7  
79:18 80:11 81:11  
**Road** 39:21,22,22  
40:1,2 53:1  
**Robert** 16:9 22:16  
**Robinson** 7:12,13  
**Roll** 1:5 3:1 23:18  
31:18 32:17 51:15  
53:8,9 66:8 68:7  
76:21 77:4 83:10  
**Room** 1:20  
**rule** 49:14,22 53:20  
68:4 69:8  
**rules** 77:20

**ruling** 53:10,15  
68:7 69:12,14,22  
73:8  
**Russell** 7:15,15  
**R-A-N-D-A-L-L**  
20:10  
**R-O-B-E-R-T**  
22:17  
**R-O-B-I-N-S-O-N**  
7:13  
**R-U-S-S-E-L-L**  
7:16

---

**S**

---

**S** 9:14  
**safety** 2:19,21  
**Salvation** 10:18  
11:9,10 12:21  
13:19 14:4,6,10  
14:12,22 15:12  
16:1,12,16 18:14  
18:17,19 19:8,11  
21:14,17,18,20  
22:9,14,20 23:13  
25:21 26:5,12,13  
26:17 27:7,8,13  
27:14,16,18,20  
28:5 32:8 52:12  
52:15 54:3,15,20  
55:12,19 74:13,20  
75:9,12 76:2,6  
82:16  
**Sara** 51:12,13 82:9  
**saw** 54:22  
**saying** 25:6 26:9  
31:15 32:4 33:2  
66:9,19 68:15  
73:6 79:21  
**says** 34:17 43:6  
47:3  
**Schaeffer** 34:9 37:3  
44:5  
**Schaeffers** 33:7,8  
33:14,17,20,21  
36:20 43:19,22  
44:4 45:12,18  
49:4 51:3 52:17  
**schedule** 70:12,14  
70:17  
**scheduled** 23:18  
56:21  
**school** 52:22 53:2,3  
53:12,13 54:1  
65:16,21 66:2,4,8  
66:18 67:18,19  
68:4,11 70:22  
71:10 73:1,17  
**schools** 72:11  
**Science** 52:22  
**seated** 2:7,12 11:18  
**seats** 12:9  
**second** 12:17 41:4  
42:8 56:1  
**secondly** 38:17  
**Section** 41:15  
**see** 5:21 15:10  
39:14,15 43:20  
50:17 55:2 56:3  
57:11 58:14 59:16  
60:19 74:7 83:9  
**seek** 24:20 25:4  
52:16 75:10 82:19  
83:1  
**seeks** 55:19  
**semantics** 38:13  
**send** 35:18 66:9,20  
69:13,16,19,21  
82:6  
**sent** 28:9 29:8  
32:11 67:2  
**sentence** 34:12,16  
35:1  
**separate** 13:12  
14:10 37:2,10,20  
39:16,18 46:15,15  
53:7 65:15 66:8  
66:20 67:15 68:1  
68:14 69:17 74:16  
**separated** 36:13  
**separately** 18:14  
19:8,11 53:7,11  
53:17,21  
**serve** 74:6  
**set** 56:14 58:5,7,9

**share** 35:5 36:2  
 38:18 41:6  
**sharing** 42:1  
**shopping** 35:7,10  
**short** 82:20  
**show** 76:11,13,21  
 77:18,21 78:5,17  
**showing** 76:18  
**shown** 77:15  
**side** 2:7  
**sign** 12:2,3,16  
 15:12 27:9  
**signature** 23:21  
 24:3 27:18 31:4  
 32:5  
**signed** 11:5,8 13:16  
 13:18,21 15:20  
 20:17,18 21:5  
 27:1,2,6 28:19,20  
 28:22 44:4,5  
**signing** 14:1,3  
**simple** 46:3  
**simply** 42:12 43:15  
**sir** 20:5 33:9 64:18  
**sit** 6:18  
**Smith** 22:16,16  
**somebody** 74:1  
**son** 61:16  
**son's** 61:10  
**soon** 59:9 83:9  
**SOP** 72:21 73:7  
**sorry** 8:16 38:12  
 41:10 51:22 61:14  
 63:22 73:14 80:1  
 81:1,22  
**south** 34:2,21  
**space** 58:20 59:10  
**speak** 6:16  
**speaks** 47:16  
**specifically** 44:1  
**spell** 3:9 4:10 6:5  
 8:5 20:8 22:4  
 33:14  
**spelled** 4:12 19:22  
**spokesman** 27:7  
**square** 34:20 48:7  
 48:19

**staff** 16:9,11 51:3  
**stage** 69:4  
**stand** 6:3  
**standard** 72:9  
**standing** 17:1,10  
 17:16 19:10,12,17  
 21:7 38:15 41:16  
 41:19 42:4 49:15  
 50:2 52:8,10,12  
 52:18 67:3 75:13  
 78:15  
**standings** 40:18  
**started** 77:9  
**state** 6:5 22:4 43:19  
 45:20 50:7 64:17  
 64:18,21  
**statement** 64:4  
**states** 43:12,18  
 52:1  
**Status** 56:15,18,20  
 57:10,14,17 58:11  
 77:2 78:17  
**stay** 2:7 11:18 33:1  
 33:3  
**stays** 30:7  
**stepped** 56:6  
**Steve** 22:3,3,5  
 28:22  
**Street** 1:20  
**submit** 65:15  
**submitted** 25:10  
 66:14  
**substance** 13:6  
**sub-section** 46:20  
**suggesting** 79:20  
**Suite** 1:20  
**summarize** 52:6  
**supposed** 3:19  
**sure** 11:14 27:22  
 29:14 31:16 46:3  
 48:14 56:11,22  
 62:10 65:12  
**system** 71:5  
**S-A-R-A** 51:12  
**S-C-H-A-E-F-F-...**  
 33:15  
**S-M-I-T-H** 22:18

**S-T-E-V-E** 22:6

---

**T**

---

**table** 2:9,9 6:4,7,17  
 11:18 35:20 65:8  
**take** 12:9 24:12  
 29:19 32:12 44:11  
 57:19,22 59:10  
**taken** 76:18  
**talk** 18:16  
**talks** 35:15 47:17  
**Tammy** 9:18  
**Technology** 52:22  
**tell** 28:18,19 54:11  
 57:6 74:10  
**telling** 82:21  
**tells** 82:20  
**ten** 17:7,15 19:9  
 82:19 83:1  
**terms** 35:2  
**Texas** 61:11,17  
**thank** 2:12 3:8,20  
 4:2,14 5:1,16 6:22  
 7:7,14,17 8:1,9,13  
 9:2,5,16 10:4,15  
 11:12,16,17 12:5  
 12:10,11,12 18:3  
 18:4,8 19:6,21  
 21:1,2,16 22:1,7  
 22:11,15 28:1  
 32:14,19 33:4,9  
 33:13 40:13 42:21  
 44:12 45:4 50:9  
 52:3 55:7 56:8  
 73:2 79:14,19  
 80:15 82:3,14  
 83:3,5,6,8  
**Thanks** 32:21  
**thing** 52:19 56:13  
 82:16  
**things** 59:11 75:7  
**think** 12:18 18:18  
 44:19 79:6  
**thinking** 51:22  
**thought** 62:16  
 70:15  
**three** 7:18 21:19

57:19  
**Thursday** 58:15  
 60:21 61:1,2 63:4  
**tiered** 38:13  
**time** 4:2 8:6 28:9  
 30:4 32:7 44:20  
 57:3 60:14 69:4  
 70:11 72:17 73:8  
 80:14  
**timeliness** 30:2  
**timely** 23:17 24:7  
 29:4 31:6 47:22  
**times** 59:11 78:7  
**titles** 21:22  
**today** 17:3,5,8,11  
 24:18,21 25:2,3  
 29:10 43:10 49:14  
 51:16 57:8 68:8  
 78:13,19 80:7  
**town** 58:22 60:13  
 61:10  
**trading** 2:14  
**traffic** 2:18  
**transmission** 20:20  
**true** 72:8  
**trying** 16:3 56:10  
**Tuesday** 59:19,20  
 60:3  
**two** 38:14 39:19  
 40:18,22 42:15  
 59:1 61:19 75:7  
**T-A-M-M** 9:21  
**T-A-M-M-Y** 9:18  
**T-A-N** 9:22  
**t/a** 1:10

---

**U**

---

**understand** 25:6,7  
 28:11 31:14,19  
 32:3 63:17  
**understanding**  
 52:14  
**Understood** 32:1  
**undisclosed** 45:7  
**Unfortunately** 29:2  
**untimely** 23:5  
 29:11,18 47:12

52:14  
**upcoming** 77:2  
**use** 49:5,8,11

---

**V**

---

**V** 4:12 7:5,6  
**valet** 59:12  
**values** 2:20  
**Vassie** 6:13 7:2,5  
**Vaughn** 4:7 14:18  
 17:7 52:10 61:12  
 61:13,15  
**vehicular** 2:21  
**Venture** 1:10 2:14  
 3:7  
**Verne** 1:21 2:22  
 72:3  
**version** 20:16 21:5  
**Vice** 4:8  
**Victor** 4:13 7:5,6  
**view** 38:16  
**Virginia** 63:16  
**Volco** 44:6  
**vote** 70:7  
**V-A-S-S-I-E** 7:2

---

**W**

---

**waiting** 6:10  
**wall** 35:5,16 36:2  
**walls** 35:12  
**want** 18:16 38:13  
 57:10 58:2,16  
 64:9 67:12,19,21  
 68:20 69:7,11  
 70:12 81:15  
**wanted** 11:15 27:21  
 52:19 54:11,21  
 58:3 62:9,15  
 64:11 69:10 70:14  
 70:19  
**washer** 74:9  
**Washington** 1:21  
 22:10  
**wasn't** 79:9  
**way** 15:18 79:7  
 82:1  
**WB** 44:8  
**Wednesday** 57:2

**Wednesdays** 69:21  
**week** 59:17,19  
60:17 62:19 63:2  
63:2  
**welcome** 4:16  
**went** 79:6  
**weren't** 79:11,12  
**west** 34:2,20  
**we're** 10:12,13 11:1  
44:19 55:10,22  
58:12 59:11,13  
77:11  
**we've** 43:20  
**Whichever** 75:1  
**Willie** 7:15  
**witness** 76:3,6  
**words** 23:14  
**work** 26:17 44:17  
59:22 60:9 62:21  
73:10 81:21  
**works** 60:5,7  
**write** 67:14,22  
**written** 13:7 23:12  
25:13 62:4 82:11  
**W-I-L-L-I-E** 7:16

---

**Y**


---

**York** 1:11 2:15  
13:3,6 15:18  
26:16 35:12 37:13  
37:22 40:4,6,14  
48:9 53:4 54:10  
54:12,16,16

---

**Z**


---

**zone** 49:5,6,8,9,11

---

**P**


---

**p** 1:8,13

---

**#**


---

**#12-PRO-00054**

1:13

---

**1**


---

**1:00** 58:18 59:7  
60:4 63:11,18  
**1:30** 58:6,8

**10** 58:6,6,8 60:4  
**10th** 63:3  
**10:00** 23:19 58:17  
59:19 63:11 77:9  
**10:05** 2:2  
**11** 1:15 23:19  
**11:00** 58:18 63:11  
63:12,13,13,20,22  
64:1 67:9,10  
**11:15** 77:8  
**11:20** 83:11  
**12-PRO-00054**  
2:13  
**14** 46:17  
**14th** 1:20  
**14.5** 34:19 47:18  
**15** 46:16 56:21,22  
57:2 58:10 77:12  
**1601.2** 3:3  
**1826** 39:21  
**1830** 39:21  
**1900** 39:22  
**1908** 40:1  
**1910** 40:1  
**1920** 52:22  
**1940** 40:2  
**1943** 40:6

---

**2**


---

**2** 46:20  
**2nd** 60:22 61:2,6  
**20th** 59:7  
**2000** 1:20  
**2012** 1:15 23:3,7,15  
23:19 56:21 57:2  
58:6,6,11  
**2100** 54:10,15  
**2101** 1:10,11 2:14  
2:15 3:7 15:18  
26:16 35:12 37:13  
37:22 40:14 48:8  
53:4 54:12,16  
**25** 46:18  
**25-601** 41:16 50:5  
51:22  
**25.601** 46:2  
**28** 58:14,18

**28th** 58:20 59:5  
**29** 23:7,9 29:5  
58:15,18  
**29th** 58:21 59:1

---

**3**


---

**3rd** 59:21  
**30** 23:15  
**33** 40:3

---

**4**


---

**4** 23:3 28:14 29:1,1  
29:6  
**400** 53:3,13 54:2  
68:12 71:1,21  
73:1  
**400S** 1:21  
**4268** 48:7

---

**5**


---

**5B** 4:8

---

**6**


---

**601** 46:19

---

**7**


---

**78** 19:9,16 52:9  
55:13 57:7  
**79** 5:11,18 6:2 10:9  
10:13 13:17 14:2  
14:9,19 15:6 16:2  
16:6,15,21 17:11  
19:4 24:4 25:11  
25:11,13,16 30:4  
38:3  
**79th** 25:14

---

**8**


---

**8** 22:21 23:2,4  
28:12 29:6

---

**9**


---

**9th** 63:3,5,6,22,22  
64:1 67:9  
**9:00** 58:17 59:19  
63:11  
**9:30** 57:2,5 58:20